YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

to be held on Wednesday 7 August 2019 at 6.30pm in Meeting Rooms 1 & 2 at the Richmond Town Hall

Rostered Councillor membership

Councillor Danae Bosler
Councillor Misha Coleman
Councillor Daniel Nguyen

I. ATTENDANCE
Michelle King (Senior Planner)
Vicky Grillakis (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

Printed on 100% recycled paper

"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	PLN18/0990 - 419 Fitzroy Street, Fitzroy - Full demolition and the use and development of the land for a residential hotel.	5	44
1.2	PLN18/0644 - 4A/1 Bik Lane, Fitzroy North - Development of the land for the construction of three additional storeys to an existing two storey building (5 storeys in total), containing 4 dwellings and a reduction in the car parking requirement	138	166
1.3	PLN17/0517 - Farm Road, Alphington - Buildings and works to an existing outdoor recreational facility (golf course) and vegetation removal including removal of putting green and first tee box, construction of an underground buggy storage area (with elevated tee box and associated pathways, alterations to clubhouse facade and construction of a first floor terrace and construction of fencing) and vegetation removal	232	247
1.4	PLN11/0429.04 - 35-41 Argyle Street, Fitzroy - Section 72 Amendment (plans) to increase the approved size of the fourth floor balcony by extending it further south into common property and to extend the size of the roof garden and construct a pergola and services, all for Unit 6 dwelling	267	284
1.5	PLN18/0584 - Langridge Ward - 79-89 Wellington Street, Collingwood - Use and development of the land for a multi-storey building containing a residential hotel and office and a reduction in car parking and visitor bicycle facilities	318	368

1.1 PLN18/0990 - 419 Fitzroy Street, Fitzroy - Full demolition and the use and development of the land for a residential hotel.

Executive Summary

Purpose

1. This report provides an assessment of the full demolition and use and development of the land for a residential hotel at No. 419 Fitzroy Street, Fitzroy.

Key Planning Considerations

2. Key planning considerations include:
   (a) Built form, urban design and heritage (Clauses 15.01, 15.03, 21.05-1, 21.05-4, 22.02);
   (b) Land Use (Clauses 13.07, 17, 21.04, 22.05, 32.04-14);
   (c) Internal amenity (Clause 22.17);
   (d) Off-site amenity impacts (Clauses 13.05-1S,13.07, 22.05); and
   (e) Car and bicycle parking (Clauses 18.02, 21.06, 52.06, 52.34).

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Policy and strategic support;
   (b) Land use;
   (c) Built form and heritage;
   (d) On-site amenity (ESD);
   (e) Off-site amenity;
   (f) Car parking, vehicle access, traffic, loading & waste;
   (g) Bicycle provision; and
   (h) Objector concerns.

Submissions Received

4. A total of 68 objections were received to the application, these can be summarised as
   (a) Lack of on-site car parking (including drop-off/pick-up provisions);
   (b) Insufficient on-site loading provisions;
   (c) Increased traffic and pedestrian congestion, including impacts on the proposed pedestrian-friendly Rose Street precinct;
   (d) Excessive height/overdevelopment of the site/lack of setbacks;
   (e) Lack of integration with the neighbourhood character and heritage precinct;
   (f) Hotel use within a residential area is inappropriate;
   (g) Objection to the removal of one street tree;
   (h) Objection to the removal of an existing mural;
   (i) Potential off-site amenity impacts (loss of daylight, overlooking, noise, waste collection, drainage, equitable development etc.);
   (j) Impact upon property values in the neighbourhood;
   (k) Loss of views; and
   (l) Impacts during construction.

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 removal of all external seating within the Rose Street and Fitzroy Street frontages at ground level;

(b) The alterations to internal access and doorways as outlined in the Sketch Plans submitted to Council on 18 July 2019;

(c) The bicycle entrance door on the Rose Street façade to be visually permeable; and

(d) Both street trees adjacent to the Rose Street frontage to be retained.

CONTACT OFFICER: **Lara Fiscalini**
TITLE: **Senior Statutory Planner**
TEL: **9205 5372**

1.1 PLN18/0990 - 419 Fitzroy Street, Fitzroy - Full demolition and the use and development of the land for a residential hotel.

Trim Record Number: D19/113083
Responsible Officer: Senior Coordinator Statutory Planning

Proposal:	Full demolition and the use and development of the land for a residential hotel
Existing use:	Warehouse / Food and Drinks Premises/Dance studio
Applicant:	Deal Corporation (Rose Street) Pty Ltd.
Zoning / Overlays:	Mixed Use Zone (MUZ) Heritage Overlay (Schedule 344) Environmental Audit Overlay (EAO)
Date of Application:	21 December 2018
Application Number:	PLN18/0990

Planning History

1. The subject site has the following planning history:

   (a) Planning Permit PL08/0315 was issued by Council on 7 July 2008 for *change of use from Warehouse to Restricted Recreation Facility and display of business identification signage.*

   (b) Planning Permit PLN12/0147 was issued by Council on 6 September 2012 for *the use of the site as a food and drinks premises (café), reduction in associated car parking requirements, buildings and works and the construction and display of advertising signage (including partial demolition).*
      (i) An application to amend Planning Permit PLN12/0147 was refused by Council on 2 May 2013. The amendment sought to allow for the sale and consumption of liquor (restaurant and café licence), an increase in patron numbers from 70 to 99 and an increase in the operating hours of the café.
      (ii) Council's decision was reviewed by the Victorian Civil and Administrative Tribunal (VCAT), with VCAT upholding Council's refusal to grant an amended permit on 8 January 2014.

Background

2. The application was lodged on 21 December 2018, with further information received on 15 and 27 February 2019. The application was subsequently advertised, with 68 objections received.

3. Whilst this process was occurring, Council sought and received advice from external urban design and acoustic consultants, as well as internal Council departments including Engineering Services, Traffic, Urban Design (public realm), Heritage, Strategic Transport, City Works, Open Spaces and Environmental Sustainable Development.

4. On 22 February 2019, Council was informed that the Applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with VCAT. Six objectors have joined as parties to the review. A compulsory conference is scheduled for 20 August 2019, while the hearing is set down for 28 October 2019 over two days.

5. On 18 July 2019, the Applicant submitted a set of 'sketch plans' to Council. These plans were in response to concerns raised by Council's Strategic Transport Unit with regards to the number of internal doors (6) located between the employee entrance and the employee bicycle parking area within the basement. The sketch plans outlined how these doors could be reduced, and will be referenced later within this report.

The Proposal

6. The proposal is for the use and construction of a seven-storey residential hotel. In summary;

Use

(a) 127 hotel rooms – 24 hour/7 day use. Five different types of hotel rooms will be provided, each with varying floor areas and one with external balconies;
(b) Ancillary dining room/kitchen at ground level and roof terrace;
(c) 10 basement car parking spaces;
(d) 26 bicycle spaces (13 employee/13 visitor). These spaces will be located within the basement and at ground level.

Development

Demolition

(e) Demolition of all built form on the subject land, with one crossover removed and one modified, a tree on-site and a street tree on the Rose Street footpath to be removed and all concrete car-parking surfaces removed.

Basement

(f) A basement level will be accessed via Fitzroy Street, with the following features;
    (i) 10 car parking spaces;
    (ii) 16 bicycle spaces (13 employee/3 visitor);
    (iii) End-of-trip (EoT) facilities for employees, including showers/change room;
    (iv) 2 x 10,000L rainwater tanks;
    (v) Offices, storage, services, comms room, switch room and lift lobby.

Ground floor

(g) The ground level will be largely constructed to all four boundaries, with minor setbacks for seating and entrances from Fitzroy Street and Rose Street, and an open courtyard (4.5m x 15.8m) along the western boundary;
(h) The north-east floor area will contain an open-plan lobby, dining room and hotel kitchen, with indoor and outdoor seating;
(i) Pedestrian entrances will be provided from both street frontages, with a bicycle entrance from Rose Street and the basement entrance from Fitzroy Street. An employee entry will be available to the rear laneway;
(j) 10 visitor bicycle parking spaces will be available in the north-west corner, with 5 hotel rooms at this level extending along the courtyard interface;
(k) A loading bay will be provided from Fitzroy Street, directly adjacent to the basement entrance. An existing vehicle crossover will be extended to a total width of 10.37m;
(l) The remaining ground floor will contain lift core, facilities, storage rooms, waste room and services.

Levels 1 & 2

(m) These levels will extend along the northern (Rose Street) boundary and the majority of the eastern (Fitzroy Street) boundary, with a 3m setback from the south-east corner;
(n) Balconies will abut part of the eastern interface;
(o) The southern wall will be set back 3m and 7.15m from the southern boundary, with two sections of wall abutting the western boundary;
(p) The remaining western elevation will be set back 4.5m above the ground floor courtyard;

(q) A total of 28 hotel rooms will be located at each level, surrounding a central lift and services core.

Levels 3 & 4

(r) These levels will be set back 3m from the northern and eastern boundaries, 6.74m and 10.8m from the southern boundary and 4.5m from the western boundary;
(s) A total of 18 hotel rooms will be located at each level, surrounding a central lift and services core.

Levels 5 & 6

(t) These levels will be set back 3m from the northern and eastern boundaries, 11.16m and 15.3m from the southern boundary and 4.5m from the western boundary;
(u) A total of 15 hotel rooms will be located at this level, surrounding a central lift and services core to the north, east and west.

Roof Terrace

(v) A roof top terrace, as well as services and storage, are located to the northern part of the site, with setbacks of 4m and 4.5m respectively from the north and east, 8.07m from the west and varied setbacks of 14.11m, 16.5m and 18.25m from the south;
(w) A lightweight pergola (uncovered) will sit above the roof terrace, which will also be surrounded by lightweight balustrades (1.1m in height);
(x) A 12kW array of solar panels will be located along the western side of the roof.

General

(y) The main built form (to level 6) will be 23.5m in height, with the roof terrace extending 3m higher (26.5m) and the lift overrun an additional 1.9m (total height of 28.45m).

Materials and finishes

(z) The predominant wall material will be a mixture of solid and perforated weathered steel, in vertical alignments. The colours and degrees of perforation of the steel will vary between panels;
(aa) Weathered and galvanised steel will be used for balcony and roof terrace balustrades, and plant screening;
(bb) A slatted steel gate will provide entry to the bicycle parking from Rose Street.

7. An image of the proposed development from the south-east corner is provided in Figure 1.



Figure 1: View from corner of Rose and Fitzroy Streets

Existing Conditions

Subject Site

8. The subject site is located on the south-west corner of Rose and Fitzroy Streets in Fitzroy. The site has a frontage of 35.51m to Fitzroy Street and a frontage of 29.66m to Rose Street, with an overall site area of 1,093sqm. The western boundary is 39.6m in length, with an irregular southern boundary wrapping around a small site in the south-east corner. The south-west corner of the subject land abuts a narrow laneway along its southern boundary for a length of 8.1m. The layout of the site is demonstrated in Figure 2.

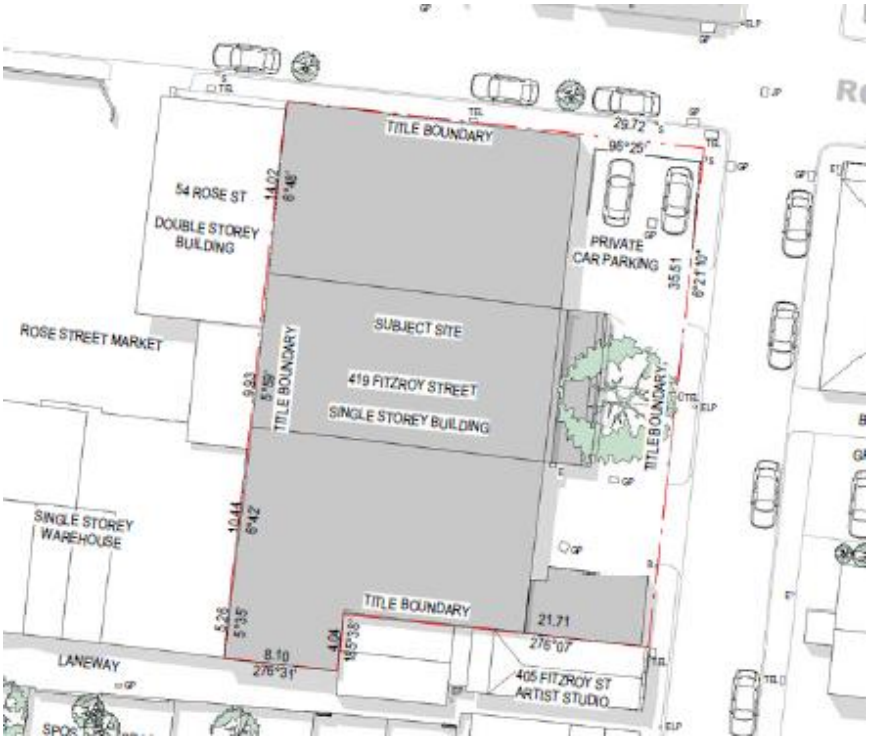


Figure 2: title boundaries of subject site

9. The site is developed with a single-storey warehouse building which is split into three tenancies:
   (a) A dance studio, located in the northernmost tenancy abutting Rose Street;
   (b) A restricted recreation facility (gym) located in the central tenancy; and
   (c) A food and drinks premises (café) located at the southernmost tenancy.

10. A view of the site from Fitzroy Street is provided in Figure 3.

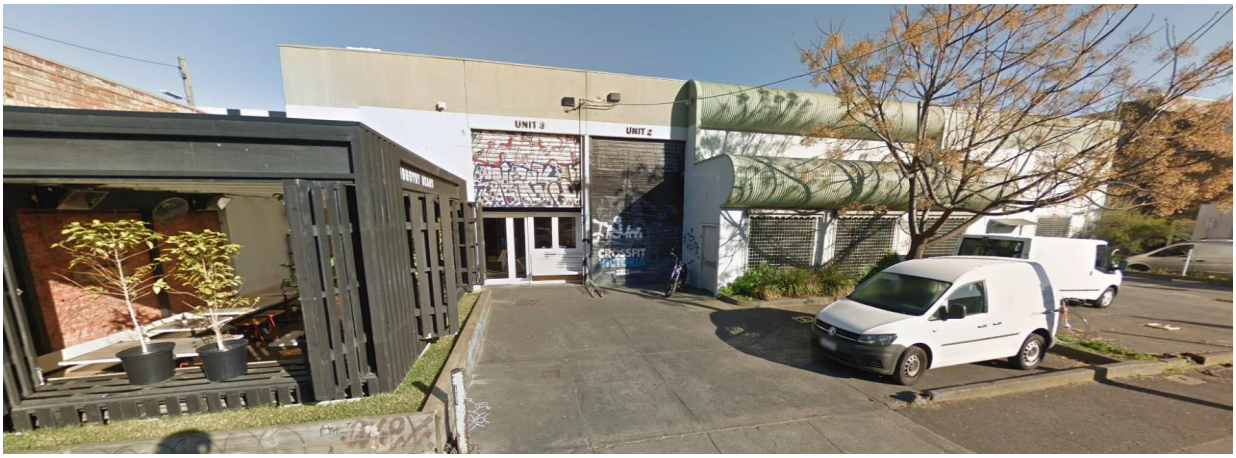


Figure 3: view from Fitzroy Street

11. The warehouse building is constructed flush to the Rose Street boundary, and the western and southern boundaries. The building is generally set back 8.5m from Fitzroy Street, with seven at-grade car parking spaces located within this setback. A single-storey timber addition that forms part of the café extends to Fitzroy Street at the southern end of the site. Two vehicle crossovers service the car parking area along Fitzroy Street.

12. The presentation of the warehouse building to Rose Street is a painted concrete wall. The presentation to Fitzroy Street includes the aforementioned car parking area, roller doors and pedestrian doors. A view of the site from Rose Street is provided in Figure 4.



Figure 4: subject site from Rose Street

Surrounding Land

13. The land surrounding the subject site is predominantly within the Mixed Use Zone (MUZ), as depicted in Figure 5. This zone contains a mixture of former industrial land with some remnant warehouses and factories, as well as contemporary residential developments (with heights generally ranging from 3 to 7 storeys) and older housing stock, typically of the Victorian-era and single-storey in scale. The emerging character of the surrounding area is increasingly diverse.

14. The site is located approximately 90m to the west of the Brunswick Street Major Activity Centre (MAC), which is zoned Commercial 1 (C1Z) and comprises a diverse range of retail, hospitality and arts-based offerings and has a strong night time economy with many licensed premises including bars, nightclubs and restaurants.

15. The nearest residentially zoned land (other than the MUZ) is approximately 50m to the north-west, within the Neighbourhood Residential Zone (NRZ). This land contains predominantly single to double-storey Victorian-era dwellings.

16. Approximately 150m to the west of the subject site is a north-south linear strip of land along Nicholson Street zoned Commercial 2 (C2Z). This streetscape is largely defined by older, single and double-storey factory buildings which typically house restricted retail and office uses.

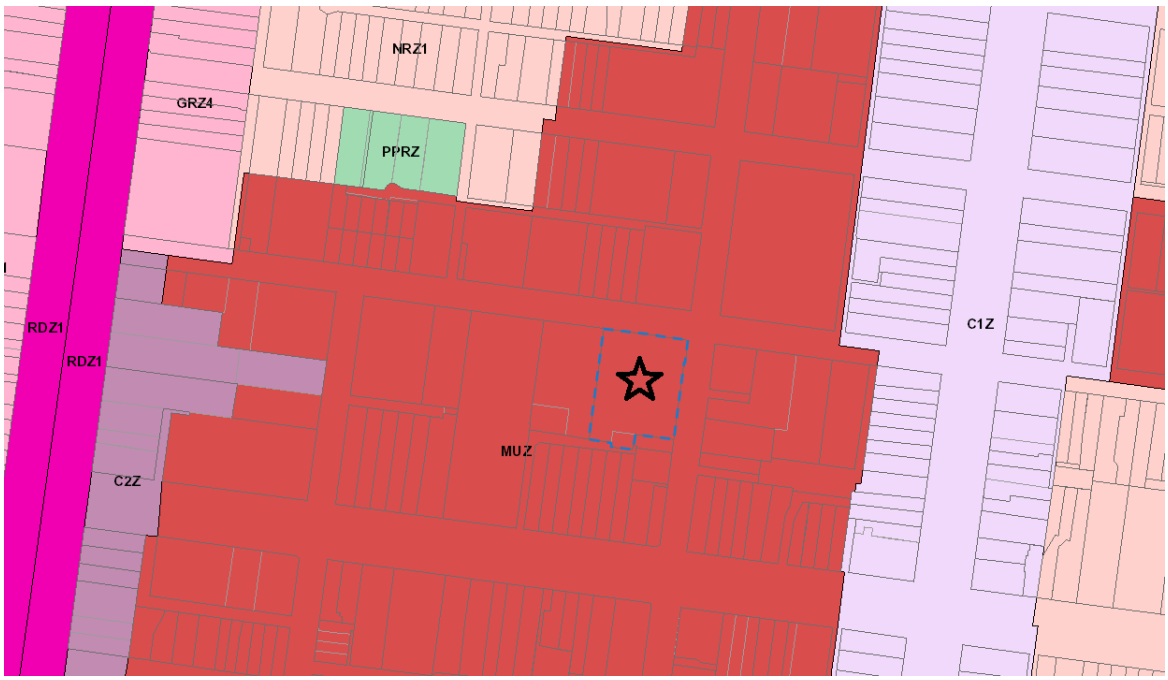


Figure 5: Surrounding zones

17. The site has excellent access to public transport opportunities, with tram services operating along Brunswick Street and Nicholson Street, and bus services along Alexandra Parade to the north and Johnston Street to the south. Bicycle infrastructure is prevalent within the surrounding streets and the site is within 2km from the Melbourne CBD.

18. The site's more immediate interfaces are outlined below.

South

19. The subject site extends along the northern and western boundaries of No. 405 Fitzroy Street; a single-storey, Edwardian-era, red-brick building which currently houses an artist studio. This building occupies the entire site, with no windows addressing the subject site. A narrow laneway extends along the southern boundary of this land.

20. On the southern side of the laneway is No. 403 Fitzroy Street; a single-storey dwelling with an area of secluded private open space (SPOS) in the southwest corner of the lot. Further to the south is a row of single-storey dwellings (with some first-floor additions) addressing Kerr Street. Nos. 57 to 63 Kerr Street have direct interfaces with the subject land (albeit separated by a 3.4m wide laneway). All of these sites have areas of SPOS to the north.

West

21. The Rose Street Artist's Market is located at No. 54 Rose Street, with this site extending along the entire shared boundary with the subject land. This market operates under Planning Permit PL03/0224 as follows;
    (a) Maximum capacity of 40 market stalls;
    (b) Maximum of 250 patrons on site at any one time;
    (c) Operating hours limited to 9am to 5pm on Saturdays and Sundays.
    (d) A food and drinks premises (café) which is operated under the business name 'Young Bloods'. Planning Permit PL03/0224 allows for the sale and consumption of liquor, a maximum of 100 patrons and the following operating hours for the cafe:
        (i) Monday – Thursday 7am-5pm;
        (ii) Friday – Saturday 9am-10pm at ground-floor and 9am to 9pm at first-floor;
        (iii) Sunday 9am to 9pm.

22. Development on this site includes single-storey warehouse buildings towards the south of the site, a large open courtyard in the north-west corner and a double-storey building in the north-east corner (constructed flush to the common boundary with the subject site). The café is located in the double-storey building, with a roof area covered by translucent sheeting. A single-storey brick wall extends along the majority of the Rose Street frontage, with pedestrian entry available in the north-east corner.

23. Further to the west is No. 46 - 52 Rose Street; a substantial site that extends through to Kerr Street in the south. This site contains a six-storey mixed-use development above a retained heritage warehouse façade which presents to Rose Street. The façade and parapet provide the equivalent of a double-storey streetwall, with upper level setbacks in the order of 4m to 8m. The development is largely dedicated to apartments, with an office and cafe at ground level. The development is lower in scale as it presents to Kerr Street, with a maximum of four-storeys. An image of this development as it presents to Rose Street is provided in Figure 6.



Figure 6: No. 46-52 Rose Street

North

24. On the north-west corner of Fitzroy Street and Rose Street is No. 71-73 Rose Street; a triple-storey townhouse development with balconies fronting Fitzroy Street. Also to the north of the site is No. 63-69 Rose Street, a development containing a row of attached triple-storey townhouses with individual vehicle access at ground level and balconies above (addressing Rose Street). All of the dwellings along the northern side of Rose Street have minimal setbacks from the adjacent footpath.

25. The land at No. 61 Rose Street is currently under construction in accordance with Planning Permit PLN11/0576 for a six-storey apartment building, with an articulated, three-storey street wall and upper level street setbacks ranging from 3m to 7m.

26. Further to the north-west is a six-storey apartment building at No. 45 Rose Street. This building has an articulated, three-storey street wall and upper level street setbacks ranging from 4m to 5m. An image of this development is provided in Figure 7.

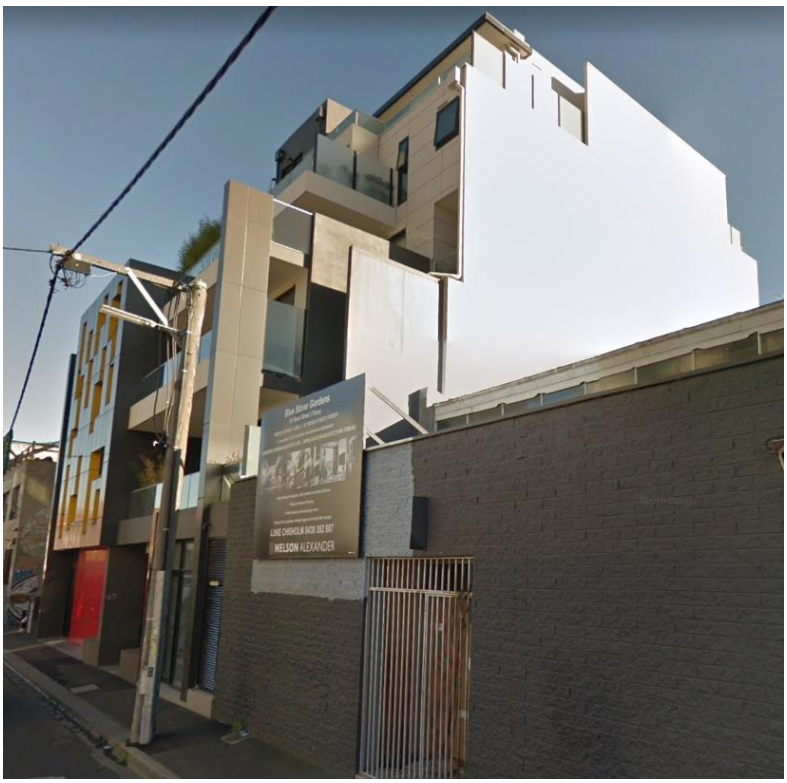


Figure 7: No. 45 Rose Street

East

27. Fitzroy Street, a 10m wide one-way street (running north to south), extends along the eastern boundary of the land. Further to the east, at No. 74 Rose Street, is a single-storey, Victorian-era building located on the south-east corner of Rose and Fitzroy Streets. This building operates as a café.

28. An at-grade car park is located to the south and east of this café, with access from Fitzroy Street and Rose Street.

29. Further to the south, and also opposite the subject land, is No. 406 Fitzroy Street, a former single-storey Church which has been converted to office use.

30. To the north-east of the site is a part single, part double-storey warehouse style building, at No. 75-87 Rose Street. The front section of this site is open-air, and operates as a market on weekends and a car park during the week. The market, approved under Planning Permit PLN14/0934 operates between 9am to 4pm (weekends only), with a maximum of 104 stalls.

Planning Scheme Provisions

Zoning

31. The subject site is located within the Mixed Use Zone (MUZ). The relevant purposes of the MUZ include;

    (a) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
    (b) *To encourage development that responds to the existing or preferred neighbourhood character of the area.*

32. A Residential Hotel is nested under ‘Residential Building’ and ‘Accommodation’ in clause 73.04-1 of the Yarra Planning Scheme (the Scheme).

33. Pursuant to clause 32.04-2 of the Scheme, Accommodation (other than Community care accommodation, Dependent person's unit, Dwelling, Residential aged care facility and Rooming house) is a 'Section 2 – permit required use' in the MUZ.

34. Pursuant to Clause 32.04-6 of the Scheme, a planning permit is required to construct a residential building and pursuant to clause 32.04-9 of the Scheme, a permit is required to construct a building or construct or carry out works for a use in section 2 of clause 32.04-2.

35. There is no maximum building height requirement in the schedule to the zone.

36. The areas of the development designated as the 'hotel lobby' and 'roof terrace' are considered to be 'ancillary' to the proposed hotel use, and are not standalone uses in their own right. Whilst the Scheme does not provide a formal definition of 'ancillary', it is defined in the Macquarie Dictionary as: *an accessory, subsidiary or helping thing or person.* In this instance, the dining room within the hotel lobby and the terrace at roof level are provided for the use of hotel guests, and are therefore an accessory to the overall hotel use. Further, the dining room is not separated from the lobby area and therefore seating within this space is likely to be used for both purposes (waiting area and food and drinks).

Overlays

37. The subject site is affected by Schedule 334 to the Heritage Overlay. The following provisions are applicable:

    (a) Pursuant to clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building and to construct or carry out works.

    (b) The site is not listed in *Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007. (rev. May 2018)* and is therefore considered to be 'non-contributory' to the heritage overlay.

38. The subject is affected by the Environmental Audit Overlay. The following provisions apply:

    (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 of buildings and works in association with a sensitive use commences, either:*
        (i) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
        (ii) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

39. As a Residential Hotel is considered to be a sensitive use, a note would be required to be added to any planning permit issued informing the applicant of these obligations.

Particular Provisions

Clause 52.06- Car parking

40. Pursuant to clause 52.06-2 of the Scheme, before a new use commences the number of car parking spaces required under Table 1 at Clause 52.06-5 must be provided to the satisfaction of the responsible authority.

41. Clause 52.06-6 notes that where a use of land is not specified in Table 1, car parking spaces must be provided to the satisfaction of the responsible authority. The use of the land as a

Residential Hotel is not specified in this table, therefore the provision of car parking is to the satisfaction of the responsible authority.
Clause 52.34 - Bicycle facilities

42. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage are provided on the land. The following table identifies the bicycle parking requirement under Clause 52.34-3 and the provision on site.

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Residential hotel	**127 rooms**	In developments of four or more storeys, 1 employee space to each 10 lodging rooms	13 employee spaces	13 employee spaces
		In developments of four or more storeys, 1 visitor space to each 10 lodging rooms	13 visitor spaces.	13 visitor spaces
		Bicycle Parking Spaces Total	26 employee/visitor spaces	26 employee/visitor spaces
Showers / Change rooms	**1 to the first 5 employee spaces and 1 to each additional 10 employee spaces**		2 showers / change rooms	2 showers / change rooms

43. The development complies with the number of on-site employee/visitor bicycle parking spaces required, along with the shower/change rooms required by the clause.

General Provisions

44. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework., 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 in further in this report.

Planning Policy Framework (PPF)

45. Relevant clauses are as follows:

Clause 11.01-1R (Settlement - Metropolitan Melbourne)

46. Relevant strategies include;
    (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 (Managing Growth)
Clause 11.02-1S (Supply of Urban Land)

47. The objective is:

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

Clause 11.03 (Planning for Places)
Clause 11.03-1R (Activity centres – Metropolitan Melbourne)

48. Relevant strategies are:
    (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they:*
        (i) *Are able to accommodate significant growth for a broad range of land uses.*
        (ii) *Are supported with appropriate infrastructure.*
        (iii) *Are hubs for public transport services.*
        (iv) *Offer good connectivity for a regional catchment.*
        (v) *Provide high levels of amenity.*

Clause 13.04-1S (Contaminated and potentially contaminated land)

49. The objective is to ensure that potentially contaminated land is suitable for its intended future use and that contaminated land is used safely.

Clause 13.05-1S (Noise abatement)

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

51. The strategy is:
    (a) *Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Clause 13.07 (Amenity and Safety)
Clause 13.07-1S (Land use compatibility)

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

Clause 15.01 (Built Environment and Heritage)

53. This clause outlines the following guidelines;
    (a) *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
    (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.*
    (c) *Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.*
    (d) *Planning should promote excellence in the built environment and create places that:*
        (i) Are enjoyable, engaging and comfortable to be in.
        (ii) Accommodate people of all abilities, ages and cultures.
        (iii) Contribute positively to local character and sense of place.
        (iv) Reflect the particular characteristics and cultural identity of the community.
        (v) Enhance the function, amenity and safety of the public realm.

Clause 15.01-1S (Urban design)

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

Clause 15.01-1R (Urban design - Metropolitan Melbourne)

55. The objective is:
    (a) *To create distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S (Building Design)

56. The objective is:
    (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm*.

57. The strategies of this clause are:
    (a) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
    (b) *Ensure development responds and contributes to the strategic and cultural context of its location.*
    (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
    (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
    (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
    (f) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
    (g) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*

Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)

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

Clause 15.01-5S (Neighbourhood character)

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

60. Strategies are:
    (a) *Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.*
    (b) *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
        (i) Pattern of local urban structure and subdivision.
        (ii) Underlying natural landscape character and significant vegetation.
        (iii) Heritage values and built form that reflect community identity.

Clause 15.02 (Sustainable Development)
Clause 15.02-1S (Energy and resource efficiency)

61. The objective is:

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

Clause 15.03 (Heritage)
Clause 15.03-1S (Heritage conservation)

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

63. Strategies include:
    (a) *Encourage appropriate development that respects places with identified heritage values.*
    (b) *Retain those elements that contribute to the importance of the heritage place.*
    (c) *Encourage the conservation and restoration of contributory elements of a heritage place.*
    (d) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
    (e) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 17 (Economic development)
Clause 17.02-1S (Business)

64. The objective is:
    (a) *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services.*

Clause 17.04 (Tourism)
Clause 17.04-1S (Facilitating tourism)

65. The objective is:
    (a) *To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.*

66. Relevant strategies are:
    (a) *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
    (b) *Encourage investment that meets demand and supports growth in tourism.*

Clause 18.02-1S – (Sustainable personal transport)

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

68. Relevant strategies are:
    (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
    (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
    (c) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
    (d) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

Clause 18.02-1R (Sustainable personal transport- Metropolitan Melbourne)

69. Strategies of this policy are:
    (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
    (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

Clause 18.02-2S (Public Transport)

70. The objective 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)

71. A relevant strategy of this clause is to:
    (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-4S (Car Parking)

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

73. A relevant strategy is:
    (a) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

74. The following LPPF provisions of the Scheme are relevant:

Clause 21.04 (Land Use)

75. Relevant objectives and strategies include;
    (a) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*
        (i) Strategy 3.2 Apply the Interface Uses policy at clause 22.05.
        (ii) Strategy 3.4 Discourage late night and 24 hour trading activities located near residential zones to minimize impacts on residential amenity.

Clause 21.04-2 (Activity Centres)

76. Relevant strategies include;
    (a) *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
    (b) *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
    (c) *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*

Clause 21.04-3 (Industry, office and commercial)

77. The objective of this clause is ‘to *increase the number and diversity of local employment opportunities.’*

Clause 21.05-1 (Heritage)

78. Relevant objectives and strategies include;
    (a) *Objective 14 To protect and enhance Yarra's heritage places:*
        (i) Strategy 14.3 Protect the heritage skyline of heritage precincts.
        (ii) Strategy 14.4 Protect the subdivision pattern within heritage places.
        (iii) Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.
        (iv) Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause 22.02

Clause 21.05-2 (Urban design)

79. The relevant objectives and strategies are:
    (a) *Objective 16 To reinforce the existing urban framework of Yarra;*
    (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
    (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern;*
    (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric;*
    (e) *Objective 21 To enhance the built form character of Yarra's activity centres;*
        (i) Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and
    (f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 (Public environment)

80. The relevant objective and strategies are:
    (a) *Objective 28 To a provide a public environment that encourages community interaction and activity:*
        (i) Strategy 28.1 Encourage universal access to all new public spaces and buildings
        (ii) Strategy 28.2 Ensure that buildings have a human scale at street level.
        (iii) Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.

Clause 21.06 (Transport)

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

Clause 21.06-1 (Walking and cycling)

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

    (a) *Objective 30 To provide safe and convenient bicycle environments:*
        (i) Strategy 30.2 Minimise vehicle crossovers on street frontages.

Clause 21.06-2 (Public transport)

    (b) *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)

(c) *Objective 32 To reduce the reliance on the private motor car.*

Clause 21.07-1 (Environmentally sustainable development)

83. The relevant objective of this clause is:
    (a) *Objective 34 To promote ecologically sustainable development:*
        (i) Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation;

Clause 21.08-7 Neighbourhoods (Fitzroy)

84. The following relevant commentary is offered at this clause:
    (a) *Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.*
    (b) *The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus.*

Local Policies

Clause 22.02 (Development Guidelines for sites subject to Heritage Overlay)

85. The relevant objectives of this clause are as follows
    (a) *To retain significant view lines to, and vistas of, heritage places.*
    (b) *To preserve the scale and pattern of streetscapes in heritage places.*
    (c) *To ensure that additions and new works to a heritage place respect the significance of the place.*

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

Clause 22.02-5.1 (Demolition)

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

Clause 22.02-5.7 (New Development, Alterations or Additions)
Clause 22.02-5.7.1 (General)

87. The relevant objectives of this clause are as follows
    (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
    (b) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
    (c) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
    (d) *Be visually recessive and not dominate the heritage place.*
    (e) *Be distinguishable from the original historic fabric.*
    (f) *Not remove, cover, damage or change original historic fabric.*
    (g) *Not obscure views of principle façades.*
    (h) *Consider the architectural integrity and context of the heritage place or contributory element.*

Clause 22.05 (Interface Uses Policy)

88. The relevant policy is:
    (a) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

Clause 22.07 (Development abutting laneways)

89. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal, with the relevant objectives as follows;
    (a) *To provide an environment which has a feeling of safety for users of the laneway.*
    (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
    (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development. To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

90. This policy applies to (as relevant) new buildings and contains the following objectives;
    (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).*
    (b) *Currently, these water quality performance objectives require:*
        (i) Suspended Solids - 80% retention of typical urban annual load
        (ii) Total Nitrogen - 45% retention of typical urban annual load
        (iii) Total Phosphorus - 45% retention of typical urban annual load
        (iv) Litter - 70% reduction of typical urban annual load
    (c) *To promote the use of water sensitive urban design, including stormwater re-use.*
    (d) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
    (e) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
    (f) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being.*

Clause 22.17 (Environmentally Sustainable Design)

91. 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

92. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act* 1987 (the Act) with 436 letters sent to surrounding owners and occupiers and two signs displayed on site. Council received 68 objections, the grounds of which are summarised as follows:

    (a) Lack of on-site car parking (including drop-off/pick-up provisions);
    (b) Insufficient on-site loading provisions;
    (c) Increased traffic and pedestrian congestion, including impacts on the proposed pedestrian-friendly Rose Street precinct;

(d) Excessive height/overdevelopment of the site/lack of setbacks;
(e) Lack of integration with the neighbourhood character and heritage precinct;
(f) Hotel use within a residential area is inappropriate;
(g) Objection to the removal of one street tree;
(h) Objection to the removal of an existing mural;
(i) Potential off-site amenity impacts (loss of daylight, overlooking, noise, waste collection, drainage, equitable development etc.);
(j) Impact upon property values in the neighbourhood;
(k) Loss of views; and
(l) Impacts during construction.

93. A consultation meeting was not held for this application, given that the Planning Officer received a number of aggressive and abusive phone calls. As such, it was determined at a Development Assessment Panel on 10 April 2019 that a consultation meeting would not be pursued.

Referrals

94. The referral comments are based on the decision plans (i.e. the advertised plans) as there have been no amendments to the application since the notice period was undertaken.

External Referrals

95. The application was referred to the following authority:
(a) Transport for Victoria

96. No objection to the application was received. The referral response has been included as an attachment to this report.

Internal Referrals

97. The application was referred to the following units within Council:
(a) Heritage;
(b) Urban Design (public realm works);
(c) Engineering Services;
(d) City Works;
(e) Strategic Transport;
(f) Open Spaces;
(g) Traffic;
(h) ESD.

98. The application was referred to the following external consultants:
(a) Urban Design (Hansen Partnership); and
(b) Acoustic (SLR Consultants).

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

OFFICER ASSESSMENT

100. The primary considerations for this application are as follows:
(a) Policy and strategic support;
(b) Land use;
(c) Built form and heritage;
(d) On-site amenity;
(e) Off-site amenity;
(f) Car parking, vehicle access, traffic, loading & waste;
(g) Bicycle provision; and

(h) Objector concerns.

Policy and Strategic Support

101. It is considered that the proposed development achieves the various land use and development objectives outlined in the Scheme and is in accordance with relevant State and local planning policies applicable to the redevelopment of sites within areas such as this.

The subject site is within proximity (approximately 90m) to the Brunswick Street MAC, which provides a wide range of retailing, services and food and drinks premises with good public transport links. This ensures that the site is well serviced by local infrastructure and commercial offerings.

102. The subject site is located within a MUZ which aims to create a dynamic range of residential and commercial uses which complement the mixed-use nature of the neighbourhood. The layout of the proposed use provides hotel rooms predominantly above ground level, with the operational spaces associated with the hotel (i.e. lobby, reception and dining areas) at ground floor. This will provide an active street frontage and allow good interaction between the public and private realms.

103. With regards to the proposed development of the site, State and local policies encourage the concentration of development in and around activity centres, with more intense development on sites well connected to public transport, thereby ensuring the efficient use of existing infrastructure. The site is well connected to public transport opportunities, with trams along Brunswick Street and Nicholson Street and bus services along Johnston Street and Alexandra Parade, encouraging the use of alternative modes of transport to and from the site and reducing reliance on motor vehicles, as encouraged by clauses 18.02 (Transport), 21.03 (Vision), 21.06-3 (The road system and parking) and 21.07 (Environmental sustainability).

104. However, policy support for more intensive development needs to be balanced with built form and heritage guidance at clauses 15.03, 21.05-1 and 21.05-2 of the Scheme. These policies call for development that responds to the surrounding context with regard to urban character and cultural heritage. More specifically, Council's local policy at Clause 22.02 seeks to maintain and conserve the significant historic character of the area.

105. As will be discussed in detail within this report, it is considered that the proposal achieves a good balance of State and local policy in relation to high quality developments and protection of heritage values.

Land Use

106. The proposed use of the land as a residential hotel is considered to be consistent with the purpose of the MUZ, which is to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality. A wide range of uses currently operate within vicinity of the site; this includes markets, cafes, offices and artist/dance studios, as well as dwellings. The proposed addition of a hotel to this mix is supported, and will further diversify the eclectic assortment of functions operating within the zone.

107. Clause 22.05 (Interface uses policy) of the Scheme applies to applications for use and development within the MUZ, and aims to manage conflict that may occur at the interface of these land uses, with particular regards to impacts upon dwellings and residential sites. Clause 22.05-1 states '*While the mix of land use creates a diverse and interesting inner city character, it also may create conflict at the interface between the land uses'* with the relevant policy at this clause noting that new non-residential use and development within the MUZ should be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.

108. Given the proposed use of the land as a hotel, the premises would be open and available to guests 24 hours a day, 7 days a week. As the ground floor dining room and roof-top terrace are considered to be 'ancillary' uses to the hotel and are designed to cater predominantly to hotel guests, no specific operating hours have been nominated for these areas. Technically this would allow these spaces to operate throughout the day and night, with no restrictions to the hours proposed within the application.

109. One of the main concerns raised in the objections to this application was noise, and in particular, the noise that may be generated from the roof terrace. Whilst not specifically stated in the application material, it does note that this terrace is to provide amenity to guests of the hotel, and on this basis it is assumed that only hotel guests will have access to this space. Whilst this restriction would reduce impacts generated within this space, a restriction to the hours in which this space can be accessed by the hotel guests would further manage any unreasonable noise impacts which may occur.

110. If Council was in a position to support the application, the implementation of a Hotel Management Plan could be required via a permit condition. This Management Plan would include hours of operation for the various shared areas of the hotel, and specify that the use of the roof terrace is restricted to guest use only. In this instance, it is considered reasonable for the terrace to be accessible to guests between 7am to 10pm each day. This ensures that residential amenity during the sensitive night-time period (10pm-7am) is protected and limits the number of people using the terrace at any one time.

111. Whilst it would be relatively easy to limit the use of the roof terrace to hotel guests only (through the provision of lift passes and security restrictions), it is more difficult to restrict the general public from accessing the ground floor dining room, particularly given its prominent corner location and activated frontage. The permit applicant has confirmed that the primary use of this space is to provide breakfast through to late night snacks for hotel guests, with the hotel operator (as opposed to an external café operator) to maintain management of this space. Nonetheless, it is acknowledged that restricting this space to hotel guests only would be difficult to enforce, especially with guests circulating through the adjacent lobby area.

112. The external appearance of this space and activation of the streetscape will be discussed in detail later within this report, however it is noted that a row of external seating is proposed along each street frontage. The location of this seating externalizes the use to a degree and would attract additional patronage from pedestrians in the area. It is considered that removing this seating would assist in internalizing the use and increase the emphasis on the dining area being directly associated with the hotel. The removal of this seating would also assist in managing noise impacts within the streetscape and to the adjacent residential uses. A condition could require the removal of all external seating, if a planning permit was issued.

113. A restriction to the operating hours to match those proposed for the roof terrace is considered reasonable; the 7am to 10pm hours would allow breakfast and late-night snacks to be served in this area, and would appropriately reduce noise impacts to the adjacent dwellings during the sensitive, night-time period.

114. All of these restrictions could be outlined within the Hotel Management Plan, which could have been required via a permit condition, had Council been in a position to support the proposal. To further reduce noise impacts to adjacent dwellings, the main entrance to the hotel has been located in the north-east corner which is close to the existing café, market, car park and other commercial uses. In addition, all of the proposed balconies at levels 1 & 2 are east-facing, ensuring there is no direct interface with sensitive, residential uses. Given the requirement of a Management Plan via conditions, in conjunction with the layout outlined above, Council considers that potential noise impacts from hotel guests can be appropriately controlled.

115. It is highlighted that the applicant has not applied for the sale and consumption of liquor within the premises. If this was to alter in the future, an amendment to any planning permit issued would have to be sought and considered separately at that time. It is also noted that the use of the site as a 'food and drink premises' would require a planning permit under the MUZ (given the floor area exceeds 150sqm). If this ancillary use sought to operate as a standalone café in the future, additional planning approval would be required.

116. Clause 22.05-6 also notes that *before deciding on an application for non-residential development, Council will consider as appropriate:*
    - *Whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties.*

117. Issues such as overlooking and overshadowing will be discussed later within this assessment. A separate loading bay is proposed within the Fitzroy Street frontage, with no direct residential interfaces, and a separate, internal waste storage room is provided. This ensures that rubbish would be adequately concealed within the building and any emissions would have an adequate dispersal distance from any dwellings.

118. If Council had been in a position to support the proposal, general conditions would have been included on any planning permit to ensure the amenity of the area is not unreasonably compromised due to the proposed use. These would include restrictions on noise, waste disposal, deliveries and emissions, including light spill. Subject to the above conditions, the use of the land as a hotel can be supported.

Built form and Heritage

119. The primary built form considerations for the proposed development are the decision guidelines at clause 32.04-6 (Mixed Use Zone) and policy 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). All of these provisions and guidelines support a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to adjoining buildings.

Context

120. As outlined earlier within this report, built form in the immediate area is mixed, with a strong emergence of contemporary, higher-scale development. Rose Street in particular has altered substantially over recent years due to the approval and construction of a number of six-storey developments. These developments are interspersed throughout a predominantly triple to four-storey streetscape. This is most clearly demonstrated in the built form context map provided at Figure 8.

121. Pockets of low-density, single-storey dwellings remain; however these are located largely to the south of the subject site, addressing Kerr Street or further to the west towards Nicholson Street. Whilst the 'individually significant' heritage classification attributed to the former Church building at No. 406 Fitzroy Street may limit the degree of change within this site, it is likely that a degree of development will occur within the site on the south-east corner of Rose and Fitzroy Streets, with the single-storey building at No. 74 Rose Street and the surrounding at-grade car park classified as 'non-contributory' to the heritage precinct. It is therefore clear that higher built form is the emerging characteristic within the immediate surrounds.

122. As outlined previously, there is no dispute that strategically the subject site is appropriately located for a higher-density development, being within proximity to a MAC and the C1Z, and with excellent access to cycling networks, public transport, services and facilities. Based on these attributes, it is a reasonable expectation that this site will experience intensification in use and development.



Figure 8: Built form heights within Rose Street

123. With regards to the surrounding heritage context, the site is located within the South Fitzroy Heritage Precinct, which covers the vast majority of Fitzroy. The immediate vicinity however does not have a highly intact heritage streetscape. The majority of nearby properties are either contemporary, multi-storey residential developments (on ex-industrial sites) or single-storey warehouses or car parks, the majority of which are listed as non-contributory to the heritage precinct.

124. In light of this context, the proposed development would not unduly affect the significance of the broader heritage place in accordance with clause 22.02 of the Scheme. Council's Heritage Advisor concurred with this, stating that '*the area has taken on a different somewhat bohemian/ edgy character as a result of more recent development…Therefore there is considerable scope for new built form provided that it is respectful and fits in with the immediate surrounds'.*

Demolition

125. Prior to ascertaining if the proposed development of the land is acceptable, consideration of the extent of demolition is required. These considerations are outlined at clause 22.02 and clause 43.01 of the Scheme. As outlined in Council's heritage advice, the factory building on the land appears to have been constructed c. 1960-70s, and is not listed in *Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007. (rev. May 2018).* On this basis, the built form within the site is assumed to be 'non-contributory' and as such, the full demolition of the existing buildings is supported by local heritage policy at clause 22.02-5.1.

Built form (height and massing)

Height

126. The development proposes a solid built-form height of six-storeys, with an open roof terrace forming a permeable upper-most level. The main built form (to level 6) will be 23.5m in height, with the roof pergola extending 3m higher (26.5m) and the lift overrun an additional 1.9m (total 28.45m). Views to the lift overrun will be appropriately limited due to its location within the centre of the building.

127. As demonstrated in Figure 8, the proposed height is similar to the emerging heights found in surrounding sites, with the increasing scale of these buildings subsequently resulting in the transformation of a historically low-rise context into a pocket of higher development.

128. External urban design advice was sought by Council from Hansen Partnership, who were largely supportive of the proposed height of the hotel. As outlined in this advice *'where recent mid-rise development along Rose Street are in the order of 6 storeys, the proposed scale does not represent a drastic departure from the common order'*, and '*a mid-rise response of 7 storey on this site is generally consistent and supportable from an urban design perspective'.*

129. The context of the site being on a corner and within an ex-industrial precinct where a number of larger sites are found influences this outcome. The Urban Design advice notes *'where amenity impacts to existing low rise residential can be contained within larger sites which are unconstrained by heritage (on site, or abutting sites) more can potentially be achieved than a typical response for sites in RGZ/GRZ'.* The limited degree of amenity impacts to residential sites will be discussed later within this report, however the lack of heritage fabric on or adjoining the site, along with the mixed character of the existing streetscape and the way in which the development responds to surrounding built form allows a higher scale to be supported.

130. The proposed height of the development is also supported by Council's Heritage Advisor, who states that '*the overall height of 26.54m is acceptable in this context, given the heights of surrounding buildings'* and that '*the proposed building will not be out-of-keeping in respect of height'.*

131. Based on this feedback and given the existing and emerging heights within the area as outlined, the building height is supportable subject to further consideration of off-site amenity impacts.

Massing

132. The development will provide a three-storey streetwall along the Rose Street and Fitzroy Street interfaces, with the permeable design and inclusion of small setbacks within the ground level frontages providing a good degree of articulation to the massing of these facades. The height of the streetwall is commensurate with the emerging built form character in the surrounding area (e.g. 3 storeys) and is considered to provide a human scale to the development, by focussing pedestrian sightlines to the lower levels. This outcome is supported.

133. The external urban design advice was similarly supportive of the streetwall dimensions, noting that the wall provides a *'street based response'* and that the street wall height (10.9m) is proportionate to the width of both Rose and Fitzroy Streets (approximately 10m wide). The height of the streetwall was further supported by heritage advice, which noted that '*most, if not all, buildings in the immediate surrounds are built to all boundaries, so a zero setback at the Ground to Level 2 is appropriate'.*

134. The upper levels (levels 3-6) will be set back 3m from both Rose and Fitzroy Streets above the streetwall. These setbacks are considered appropriate for the site, particularly given its corner location, which allows for a more robust presentation to the street. The consistent 3m

upper level setback approach allows for the development to avoid a 'wedding cake' typology as it presents to Rose and Fitzroy Streets. The urban design advice supported the upper levels setback of 3m to Fitzroy Street, based on the robust built form along this streetscape and the minimal public realm overshadowing generated by the setback. However, the advice recommended that the upper levels be setback an additional metre from the Rose Street boundary (4m), so as to match the upper level setbacks established by recent developments at No. 48-50 Rose Street and No. 45 Rose Street to the west. An increased setback for these levels is not supported by Council officers, based on the following;

(a) The subject site is different to most other sites in Rose Street, with a corner location allowing for a more robust presentation to the street. Similarly, the proposed upper level setback to Rose Street will help to anchor this corner setting. The subject site thus has a different context to other recent developments (which are located mid-block) and as such, should not be required to match their respective upper level setbacks.

(b) The street level activation and the three-storey streetwall will maintain interest at the lower levels of the development, drawing the eye of pedestrians to these levels and thereby minimising the visual impact of the upper levels.

(c) The proposed materials predominantly consist of weathered steel cladding. Above the street wall, the upper levels will feature perforations in the steel cladding that increase in permeability as the development rises. As a result, the upper levels would appear recessive to the street wall and allow for a more visually 'lightweight' finish. This design response is demonstrated in Figure 9.

135. Further to this, Council's heritage advice was supportive of the 3m setbacks at the upper levels from both streets, noting that the front and side setbacks at levels 3-6 will assist in reducing visual bulk on a corner site and will reduce visual encroachment in views towards the west along Rose Street. The 3m setbacks as proposed are therefore considered appropriate.

136. The proposed roof terrace will be setback further from both street interfaces (4m & 4.5m) thereby reducing visibility of this built form to an acceptable degree.

137. The development has responded well to the context of lower built form to the south, with generous setbacks provided to this interface. In particular, the rear setbacks are appropriately respectful of the abutting Victorian-era building at No. 405 Fitzroy Street. At levels 1-2, the southern wall will be set back 3m and 7.15m from the southern boundary, with these setbacks increasing to 6.74m and 10.8m at levels 3 & 4, and 11.16m and 15.3m at levels 5 & 6. The roof terrace and plant will have varied setbacks of 14.11m, 16.5m and 18.25m from the south.

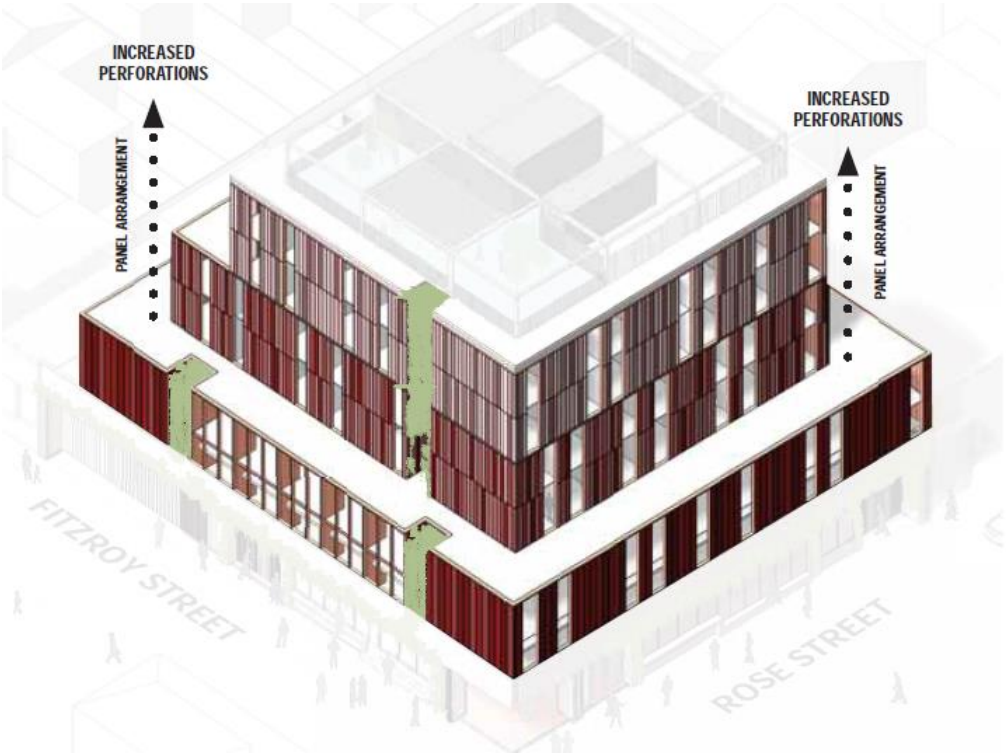


Figure 9: Proposed finishes with increased permeability at the upper levels

138. The urban design advice supports these setbacks, noting that the '*development has been suitably arranged in terms of its relationship with the rear laneway and common boundary to the south, as well as with rear yards of residential lots fronting Kerr Street'* and that '*care has been taken to ensure well-modulated elevations are achieved through variation in building setbacks'.*

139. The development partly abuts the western boundary, with a central section set back 4.5m from this interface above the ground floor courtyard. This design response, when combined with the various setbacks from the northern and southern boundaries, provides a good degree of articulation to the western wall. Whilst views to the upper-levels of the building will be available from the west, this will be behind the existing 6-storey building. The degree of visual interest provided to this elevation, along with the prevalence of high walls within the streetscape, result in an appropriate outcome. On this basis, the setbacks proposed for the development at all levels are supported.

Public Realm and pedestrian spaces

140. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. This outcome has been achieved at ground level, with a high degree of openings allowing good interaction between internal areas of the hotel and the adjacent street. Active uses are proposed at this level, with bi-fold doors and windows allowing direct interaction and casual surveillance between the hotel dining room/kitchen and the public realm. The bi-fold glazed doors at the corner of Rose and Fitzroy Streets have been set back 1.4m from both streets; this will allow adequate pedestrian movement within this prominent corner position.

141. As noted previously, rows of in-built, outdoor seating are proposed along both street frontages. This seating is set back 0.5m within the site. Whilst the activation of the street frontage is supported within the urban design comments, it was noted that the limited setback of the seats could result in interrupted pedestrian movement along both streets. An earlier recommendation has already addressed the issue of the seating, requiring this to be removed so as to internalise the use of the hotel. The removal of the seating will

subsequently address urban design concerns and ensure that the adjacent footpaths will be free from obstruction.

142. The permeability of the ground level facades is demonstrated in Figure 10.



Figure 10: Rose Street elevation (above) and Fitzroy Street (below)

143. As can be seen in Figure 10, an entrance gate to the bicycle parking area is provided at the western end of the Rose Street façade. Council's Internal Urban Design Unit recommended that this door be visually permeable, so as to allow clear views to the bicycle storage area within the streetscape. This is a minor change that could be addressed by way of condition, if Council was in a position to issue a planning permit.

144. The drawings indicate that a degree of landscaping will be incorporated into the street frontages and within the roof terrace, however no details of what is proposed or how this will be maintained is provided. Whilst landscaping is not a characteristic of the immediate streetscape, a degree of vegetation as proposed is supported. This would soften the built form response within the streetscape and provide a good degree of visual interest to the building façade. If Council was in a position to support the development, a Landscape Plan could be required via condition.

145. Vehicle and loading access has been provided to the southern periphery of the development within Fitzroy Street (away from the corner of Rose and Fitzroy Streets). This ensures that these services do not unduly impose on the pedestrian experience. In addition, all back-of-house services have been consolidated within the south-west corner of the building. This layout is supported by the external urban design advice, which noted that the '*consolidation of car parking, services and loading facility at the south-eastern corner off Fitzroy Street is logical and supportable. This 'back of house' facility currently occupies less than 50% of the Fitzroy Street frontage which is positive'.*

146. Comments provided from Council's Traffic Department indicate that a future 'shared zone' is proposed to be developed between the Rose Street Market and Brunswick Street, allowing a maximum vehicle speed of 10km/h, with this zone to incorporate a variety of road treatments and associated infrastructure to increase the amenity of the pedestrian experience within this area. Council's Traffic Department is generally supportive of the proposed ground floor interface along Rose Street, as all proposed activities are within the site's title boundaries and are unlikely to impact the proposed 'shared zone'.

147. However the application seeks to remove two, 2P car parking spaces along the Rose Street frontage, along with an existing street tree directly adjacent to these spaces. This is outlined in Section 6.2.3 of the Traffic Assessment, which states that a short-stay parking zone in this space will be made available for the drop-off and pick-up of hotel guests. Whilst the provision of such a zone is supported, the proposed location is not. Council's Traffic Department have confirmed that the two car parking spaces adjacent to the Rose Street frontage are likely to be fully removed as part of the 'shared zone' works, with Council's Open Space Team not supportive of the removal of any street trees along the Rose Street frontage.

148. An alternative solution recommended by the Traffic Department is the relocation of the 'short-stay' zone to Fitzroy Street, where car parking is currently restricted to '1P' and 'Permit Only' along its eastern side. Traffic Engineers noted that 2 spaces within this area could be converted to a short-stay zone during the day, with permit restrictions applying after 7pm. Further details regarding these arrangements would have to be undertaken via a separate process involving Council's Traffic Engineers. As the proposed short-term spaces are not included on any of the floor plans, there is no requirement to amend the application, although the retention of the street tree on the ground floor plan should be shown. If Council had been in a position to support the application, a condition requiring the retention of the street tree would be required, and in addition to this, to ensure that the two existing street trees on Rose Street are protected, a Tree Management Plan would be required as a condition of the permit.

149. Additional comments provided by Council's Urban Design Unit also recommended the following improvements to the public realm;
    (a) All pavements in the public realm surrounding the site are to be reinstated as asphalt footpath with the following details:
        (i) Rose Street footpath to be reinstated with dressed bluestone kerb and single pitcher bluestone channel;
        (ii) Fitzroy Street footpath to be reinstated with dressed bluestone and two-pitcher bluestone channel; and
    (b) All pavements within the boundaries of the subject site must use a different material to asphalt so as to distinguish public and private land.

150. These requirements are considered reasonable given the scale of the proposed development and the location of the subject site within a Heritage Overlay. However, the requirements cannot apply to the sections of the site required for the construction of vehicle crossovers. If Council had been in a position to support the development, these recommendations could be included by way of conditions.

151. Based on these changes, the proposed presentation of the hotel to the public realm is considered to be well designed, and will integrate positively with the future development of a shared pedestrian zone with Rose Street.

Architectural quality

152. Policy at clause 15.01-2S encourages high standards in architecture and urban design, whilst clause 22.02 encourages the design of new development to respect (amongst others) the pattern, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape, and to consider the architectural integrity and context of the heritage place.

153. As noted earlier, an increasing degree of modern, higher built form is visible within Rose Street, with these contemporary developments providing robust, symmetrical designs, straight lines and flat roof forms. The proposal responds well to these characteristics, with heritage advice noting that '*the generally blocky design will also be in-keeping with the immediate surrounds where there are generically similar buildings and with balconies, and blocky industrial buildings, or remnants thereof*'.

154. The development has incorporated weathered metal cladding as the dominant material. This is considered to be a contemporary material that respectfully references materials and finishes in the broader heritage precinct. The design has incorporated vertical-rectangular window formats that are reflective (but not in imitation of) the dominant pattern of fenestration in the heritage precinct. The proposed development also proposes a high solid-to-void ratio above ground floor which ensures that glazed elements do not unduly detract from the heritage precinct.

155. As outlined in paragraph 134(c) and demonstrated in Figure 9 of this report, the perforation of the cladding will increase in permeability as the development rises. As a result, the upper levels would appear recessive to the streetwall and allow for a more visually 'lightweight' finish. This also allows for a change in texture as the building height increases, and adds variety to the appearance of each elevation.

156. Whilst Council is largely supportive of the design and materials proposed, Council's Heritage Advisor raised concerns with the lack of detail provided for the colour and design of the metal cladding. Further details of the cladding, finishes and colours (including the degree of perforations proposed) were requested. Heritage advice recommended that other materials (in addition to or to replace the metal cladding) be considered; however Council officers do not agree with this. The proposed material and the varied textured responses provided result in a visually interesting design that responds to and respects the surrounding context. The introduction of additional materials would result in a 'busy' presentation, with the simple material proposed (when combined with the increasing transparency) allowing for the building to blend into the streetscape (Rose Street) which provides a variety of materials and finishes. However if Council had been in a position to support the application, a condition requesting further details of this cladding will be added.

Site Coverage

157. The majority of the land will be covered in built form, with the exception of the courtyard along the western boundary. The degree of built form coverage proposed is similar to that found on many sites within proximity to the land, with intensive development a characteristic of the surrounding neighbourhood. Further, the EAO affecting the site would likely require extensive capping to occur over the land due to potentially contaminated soil. These works would cover 100% of the site and reduce permeability accordingly. The degree of built form is considered acceptable based on the context of the land, which has been one of commercial/warehouse style buildings, and is not considered to result in a visually bulky or imposing building.

Laneway abuttal

158. The development will have a limited abuttal with a laneway along part of the site's southern boundary, for a length of 7.9m and height of 5m. Clause 22.07 of the Scheme aims to maintain the unique character of laneways and ensure that development abutting laneways respects the scale of surrounding built form. This laneway is restricted in length and characterised by single-storey industrial walls and rear fences. It is considered that the new wall, which replaces an existing concrete wall with similar dimensions, would not impact the laneway's character or deviate from the scale of existing built form along the lane.

159. The wall will be located at the end of the laneway, with only pedestrian access available within this interface. The pedestrian access will be further limited to hotel employees only, with all guest access provided from the main street frontages.

160. This laneway does not appear to be used for vehicle access to dwellings addressing Kerr Street, however even if vehicles do use this thoroughfare, the limited degree of pedestrian usage considered to be generated along the laneway is unlikely to result in unsafe

conditions. The pedestrian doorway is setback from the laneway, providing a safe, transitional space. This outcome is considered acceptable.

Light and Shade

161. Overshadowing to the public realm will be limited, with shadows only affecting Fitzroy Street in the afternoon hours (after 1pm). Whilst these shadows will extend to the eastern footpath of Fitzroy Street after this time, the narrow width of this street would make it difficult for the subject site to be developed to any reasonable degree without causing shadows to this footpath. Shadows beyond the footpath will fall upon the roof of the adjacent café and within the car park on the eastern side of Fitzroy Street. On balance, the limited duration of overshadowing affecting the eastern side of the streetscape is an acceptable outcome and will not result in unreasonable impacts to the public realm.

On-Site Amenity

162. Whilst residential hotels are not expected to provide the same level of internal amenity as permanent accommodation (i.e. a dwelling), a level of amenity commensurate with the expectations of temporary accommodation still needs to be considered. This was explored through the recent VCAT decision of nearby site at Nos. 42-44 Oxford Street, 61-63 Cambridge Street and 16 Langridge Street, Langridge and Cambridge Funding Development Pty Ltd v Yarra CC [2018] VCAT 703, which at paragraph 126 stated that:

    (a) *We accept there is limited guidance in the scheme as to the benchmarks that would demonstrate that a hotel room provides acceptable amenity. Clearly daylight, ventilation, safety and communal spaces are necessary starting points.*

163. The development is considered to achieve a good level of internal amenity through the provision of a suite of ESD features, which include ventilation to all rooms and corridors, a good degree of daylight to all rooms and the provision of outdoor space in the form of the roof terrace (and balconies for a number of rooms). Employee and guest bicycle parking is provided, along with generous EoT facilities within the basement for employees.

164. With particular regard to the internal comfort of the hotel rooms, Council's ESD advice recommended external shading devices be provided for all east, west and north elevations. However, given the short-term use of the hotel rooms, external design changes are not considered necessary, with the use of internal blinds or shading a more reasonable response. The Sustainable Management Plan (SMP) submitted with the application (prepared by JBA Consulting Engineers) states that double-glazing and thermal insulation would be required for the hotel rooms to achieve an acceptable level of NatHERS compliance; the use of double-glazing for all rooms is therefore considered to assist in controlling the thermal comfort of each room to an appropriate degree. To ensure that double-glazing is provided for all habitable rooms, a notation to all relevant plans could have been added as a permit condition if Council was in a position to support the application.

165. With regards to the wider ESD features proposed for the development, rainwater will be captured for irrigation use, a 12kW array of solar panels will be located on the roof and sustainable products will be used throughout the design. The proposed ESD features achieve a BESS score of 51%, with a score of 50% signifying 'best practice'. To further increase the development's energy efficiency, Council's ESD advice recommended a number of additions and alterations to the design. These include the following;
    (a) Infrastructure for electric vehicle charging provided within the basement;
    (b) Rainwater to be used for toilet flushing as well as irrigation;
    (c) Separate hard waste and recycling streams throughout;
    (d) A recycling target of 70% for building materials through construction; and

(e) Obtaining a commitment to a JV3 modelling report which demonstrates a 10% improvement over NCC 2016 standards.

166. If Council was in a position to support the application, these requirements could have been facilitated via permit conditions.

167. To further improve the internal amenity of the development, the external urban design advice recommended an increase in the size of the proposed courtyard at ground level, thereby resulting in the removal of hotel rooms at each level. The justification for this recommendation was that it would provide amenable views to the light well from internal corridors and increase natural daylight within these areas. This change is not considered necessary, given that internal corridors are transient spaces that do not warrant the same level of amenity as hotel rooms. Further, the ground floor hotel rooms will be provided with an appropriate level of daylight through the extensive proportion of glazing proposed, with each hotel room provided with an external window to allow direct daylight into these spaces. For these reasons, the recommendation for the light well extension is not considered necessary for internal amenity.

Room Layout

168. The proposed development seeks a mix of hotel room typologies, including five room 'types' which are described in the following table:

Room Type (no. proposed)	Dimensions	Balcony	Windows	Accessible
Type A (60)	6.1m x 2.94m (18sqm)	No	1 operable	No
Type B (47)	6.02m x 3.05m (18.3sqm)	No	1 operable	No
Type C (10)	9.4m x 3.05m (28.6sqm)	Yes	1 operable	No
Type D (4)	7.95m x 4.2m (33sqm)	No	2 operable	Yes
Type E (6)	6.02m x 4.2m (25sqm)	No	3 operable	Yes

169. As can be seen from the table, the majority of hotel rooms are provided with approximately 18sqm of floor area (i.e. room types A and B which make up 84% of rooms). Whilst small in size, room types A and B are considered to provide an appropriate internal amenity for guests given the following:
    (a) The typical floor plans show that circulation through the rooms will be possible with the placement of a king size bed (approximate dimensions 1.8m x 2m) in the room;
    (b) The development will provide additional areas for recreation including a roof terrace as well as dining and lobby areas at ground floor;
    (c) High floor-to-ceiling heights of 2.9m will be provided to all rooms (for the section of the room associated with the bed) which will create a sense of spaciousness for guests;
    (d) Areas have been designated for providing storage to all rooms;
    (e) Full height, operable windows will be provided to all rooms, thereby allowing access to natural daylight and ventilation;
    (f) The location of the subject site within proximity to the Brunswick Street MAC will allow visitors easy access to a wide variety of retail, hospitality and art-based offerings, which provide additional amenity; and
    (g) A total of 10 rooms (approximately 10%) will be universally accessible.

170. Based on these factors, the internal layout provided to each room is considered acceptable for a residential hotel.

Noise

171. The application included an acoustic report which outlines potential external noise impacts that may unreasonably affect the amenity of the hotel rooms. This report (prepared by Marshall Day Acoustics) identifies external noise sources such as traffic, hotel deliveries and

waste collection, mechanical equipment and patron noise from surrounding venues (including the Young Bloods Diner at the Rose Street Market). This report recommends the adoption of specific glazing and façade systems to ensure that external noise intrusion to the hotel rooms is adequately controlled.

172. The acoustic report was externally reviewed for Council by SLR Consultants (SLR). This review concluded that the development is likely to be minimally impacted by traffic noise and this aspect is generally appropriately addressed via the proposed measures. This also includes deliveries to and waste collection from the hotel.

173. Whilst SLR generally agreed with the noise sources identified in the report, it noted that noise testing was undertaken when the Young Bloods Diner was not operational, with potential noise impacts from this space based on '*theoretical prediction'* and not on actual operational noise levels. SLR also highlighted the site's proximity to Brunswick Street, and in particular, the location of a live-music venue approximately 80m to the east (Glamarama Bar). Whilst the distance of the venue does not trigger the requirement for an assessment against clause 53.06 (Live music and entertainment noise), SLR noted that an amendment to the Planning Permit for this venue (PL04/0185) was issued on 4 February 2019, with this amendment authorising the construction of a rooftop terrace. This terrace is authorised to operate until 1am, Friday and Saturday, and 10pm all other days, with a maximum of 150 patrons allowed in this space.

174. Although a distance of 80m is provided between the rooftop terrace and the subject site, SLR noted that the proposed development is taller than most buildings in the area and could be directly exposed to noise emissions from this venue. Based on this, further testing and consideration of this bar was recommended.

175. In summary, the following recommendations were provided by SLR to further ensure that the internal amenity of the hotel rooms were appropriately managed;
    (a) Further testing during actual operations of the Young Bloods Diner;
    (b) A formal assessment of music levels from the Young Bloods Diner should be undertaken and considered, and the building façade design should ensure that day/evening internal SEPP N-2 music noise limits are met within the development;
    (c) A formal assessment of patron and music levels from the Glamarama Bar should be undertaken and considered, and the building façade design should ensure that day/evening internal SEPP N-2 music noise limits are met within the development;
    (d) The acoustic report should be amended to assess the operation of the rooftop exhaust fan (or any other mechanical plant) associated with the Young Bloods Diner to formal SEPP N-1 targets at the proposed development. If an excess is determined, this needs to be addressed and should be the responsibility of the developer to do so given the encroachment would represent the nearest most affected residential use; and
    (e) The report should provide a clear recommendation for mechanical plant and equipment associated with the development, including the carpark entry door, to be reviewed by an acoustical consultant during the detailed design stage to ensure both SEPP N-1 and sleep disturbance targets are met. The carpark entry door should also include a specification to ensure it achieves both SEPP N-1 and sleep disturbance impacts to existing residents.

176. If Council was in a position to, these amendments to the Acoustic Report and any subsequent amendments to the building design could be required via conditions.

Off-Site Amenity

177. Clause 15.01-2S of the Scheme aims to provide building design that minimises the detrimental impact of development on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing of SPOS, loss of daylight to windows, visual bulk and overlooking of sensitive areas. The relevant policy framework for

amenity considerations is contained within clause 22.05 (Interface uses policy) of the Scheme, with potential noise and emission impacts already addressed within this report.

178. The adjacent sites to the east and west contain commercial uses, with the southern and northern sites being the most sensitive interfaces with regards to potential off-site amenity impacts. It is considered that the development has been appropriately designed to minimise amenity impacts to these nearby sensitive uses, as discussed below.

Overlooking

179. The closest habitable room windows and SPOS within proximity to the site are associated with the triple-storey dwellings on the northern side of Rose Street, and the row of dwellings addressing Kerr Street to the south. The development has been appropriately designed to limit impacts to these properties. All of the windows and areas of SPOS associated with these dwellings are more than 9m from any windows associated with the proposed hotel. Although not strictly applicable in this instance, the proposal would thus comply with the overlooking objective of Clause 55 (Standard B22), which specifies that new development should be designed to avoid direct views into habitable room windows and SPOS of dwellings within a radius of 9m.

180. The 3m setback of the upper levels of the hotel from Rose Street will further increase this distance from the triple-storey dwellings to the north, with all south-facing windows and balconies associated with these dwellings addressing Rose Street and thereby already interfacing with the public realm. Given the short-term nature of the proposed hotel rooms and the distance provided between these interfaces, this outcome is acceptable.

181. In addition, the only balconies provided within the development are east-facing; thereby addressing commercial uses along Fitzroy Street. This ensures no unreasonable overlooking to adjacent dwellings will occur from these external spaces, whilst affording a good degree of passive surveillance to the public realm.
Daylight to windows

182. As noted previously, the closest habitable room windows addressing the subject site are located within the dwellings on the northern side of Rose Street. A distance of at least 10m will separate the new built form from these windows (given the width of Rose Street). As these windows are south-facing, no direct solar access will be impacted by the proposed development, with the width of Rose Street ensuring that ample daylight will continue to access these dwellings. This outcome is acceptable.

Overshadowing

183. Although not strictly applicable in this instance, Standard B21 of Clause 55 notes;

    (a) *Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September;* and
    (b) *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*

184. In this instance, given the generous setbacks provided from the southern interface of the site, along with the width of the laneway separating the site from residential lots to the south, there will be no additional overshadowing of any areas of SPOS of Nos. 51 – 67 Kerr Street and No. 403 Fitzroy Street at the equinox.

185. The additional areas of overshadowing generated by the development between 9am to 12pm will fall either upon the roofs of adjacent commercial buildings or the laneway to the south-west, with a minor section of additional shadows cast within an external walkway associated with the residential development at No. 46-52 Rose Street. As none of these areas are associated with SPOS, this outcome is acceptable.

186. From approximately 11am onwards, shadows will fall upon the roof and a skylight associated with the artist studio directly to the south of the site. Whilst these shadows will restrict a degree of daylight to the studio (via the skylight), again this is not associated with a sensitive residential use, and alternative daylight sources are available to this building.

187. From 1pm onwards, shadows will fall upon the western footpath of Fitzroy Street, and will extend across the road reserve to cover the eastern footpath by 2pm. As outlined earlier within this report, the narrow width of this street would make it difficult for the subject site to be developed to any reasonable degree without causing shadows to this footpath. Shadows beyond the footpath will fall upon the roof of the adjacent café and within the car park on the eastern side of Fitzroy Street. On balance, the limited duration of overshadowing affecting the eastern side of the streetscape is an acceptable outcome and will not result in unreasonable impacts to the public realm.

Visual Bulk

188. A variety of measures, including setbacks and articulation, have been incorporated into the building to assist in limiting visual impacts from adjacent sites. Whilst direct views to the proposal will be available from the dwellings to the north; the separation provided by Rose Street and the upper levels setbacks from Rose Street will reduce the visual prominence of the new built form. Further, the 4.5m setback of levels 3-6 from the western boundary will provide a generous break between the sites, and ensure that this space will remain open in the future, even if the site to the west is developed to a similar height.

189. Generous setbacks have been provided from the site's southern boundary. These setbacks, in conjunction with the up to 3.4m wide laneway along the southern interface, will reduce visual impacts from the SPOS to an appropriate degree.

Wind Impacts

190. A Wind Assessment was not undertaken as part of the proposal. This is acceptable, as the proposed height of the development is only marginally higher than existing six-storey buildings along Rose Street. Wind impacts are of more concern when a proposed development is significantly higher than surrounding built form.

191. Further, the canopy above the hotel entrance will protect pedestrians and hotel guests from potential 'downwashing' of wind that could otherwise occur off the building façade, with the setbacks above the triple-storey streetwall also providing a degree of articulation that will combat wind impacts by removing sheer walls to both facades. Landscaping and balustrades surrounding the roof terrace will also alleviate unreasonable wind impacts within this space.

Equitable development

192. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development must be considered. In this instance, the site is separated from land to the east and north by roads, with a limited abuttal to the single-storey building to the south. The most likely land to be developed in any significant manner in the future that has direct abuttal with the subject site is associated with the Rose Street Market to the west.

193. The design has responded to this outcome by providing a 4.5m setback (internal courtyard) from the western boundary. This setback ensures that future development scenarios to the west will not be unduly impacted, with this setback maintaining daylight to the west-facing hotel rooms even if the site to the west is developed. As noted above, this setback will also ensure that a significant break in built form will be maintained between upper levels of development within the streetscape if the western site is developed in the future to a similar scale.

Car parking, vehicle access, traffic, loading & waste

Provision of Car parking

194. The proposed development would provide 10 on-site car parking spaces within the basement level. As previously outlined, there is no prescribed car parking rate provided at Table 1 to Clause 52.06 associated with the use of the site as a residential hotel, and as such, car parking must be provided to the satisfaction of the Responsible Authority.

195. Council's Engineering Services Unit outlined that the proposed residential hotel can be compared to the NSW Roads and Maritime Services' *Guide to Traffic Generating Developments*, which provides a car parking rate of 1 space per four bedrooms for residential hotels (0.25 spaces per one-bedroom lodging room). Applying this rate would result in a car parking demand of 32 car parking spaces for this application.

196. In addition, the Transport Impact Assessment provided with the application (prepared by GTA Consultants) included reference to a number of similarly sized approved hotel developments within inner-city Melbourne. These include hotels in South Yarra, South Melbourne, West Melbourne and the CBD. These hotels have car parking rates in the order of 0 to 0.3 spaces per room.

197. The proposed provision of 10 on-site spaces is considered appropriate given the following considerations:
    (a) On-street car parking in the surrounding area consists largely of 1 hour, 2 hour and permit restricted spaces. The lack of long-stay car parking in the surrounding area will significantly reduce car parking demand. Further, the permit-restricted spaces in the area will continue to protect car parking availability for existing, permit-holding residents.
    (b) The nature of the use generates transient visitors who would likely be attracted to the inner-city location and the retail, hospitality and art-based offerings within Fitzroy, Collingwood and Carlton which are all readily accessible on foot. Given the site's context, it is anticipated that visitors would be less inclined to arrive via private vehicle. Further, it is anticipated that the majority of visitors would stay for short periods of time and be from outside the area, which would make the use of taxis or private driver services more likely (for visitors who choose not to arrive via public transport).
    (c) The excellent access to public transport, including tram services on both Nicholson Street and Brunswick Street and bus services on Johnston Street and Alexandra Parade;
    (d) The provision of bicycle infrastructure in the surrounding area, including bicycle lanes incorporated into many streets. Further, the proposed bicycle parking facilities proposed will encourage staff associated with the use to arrive via bicycle.
    (e) The variation of car parking demand over time – the peak parking demand would be during the check in period for hotel guests. As hotel guests would arrive at different times for check-in, it is considered that the peak parking demand would be spread out across the afternoon and evening period (i.e. typical check in hours for hotels).

Vehicle Access

198. The application seeks to provide access to the basement car parking area via a single width access door and ramp. Whilst the Traffic Department recommended the installation of a warning system for the single-access ramp, Council's Engineering Services Unit did not raise issue with vehicle safety. It is noted that convex mirrors are proposed at the top and bottom of the ramp; these features, along with the limited number of on-site car parks, is considered to provide an acceptable outcome with regards to vehicle access and safety outcomes.

199. In general, Council Engineers were largely supportive of the proposed access arrangements, with minor changes and additional details required as follows;
    (a) The minimum headroom clearance measured perpendicular from the ramp to the underside of the ground floor slab to be dimensioned,
    (b) Clarification of how the tandem parking sets are to be managed with the operation of the proposed use;
    (c) A bollard to be inserted in the shared area associated with the accessible parking space, and
    (d) Ground clearance to be resubmitted to satisfy Council engineering requirements.

200. With regard to items (a), (b) and (c) above, these can be addressed by way of conditions, if Council was supportive of the application. With regard to item (d), this will be addressed through the subsequent requirement for a separate vehicle crossing permit from Council.

201. A number of additional recommendations were provided by Council Engineers; these relate to various infrastructure requirements immediately surrounding the site that should be undertaken to Council's satisfaction and at the Permit Holders cost, as follows;
    (a) The kerb and channel along the property's Rose Street and Fitzroy Street frontages must be reconstructed;
    (b) The footpath along the property's Rose Street and Fitzroy Street frontages must be reconstructed. The footpath must have a cross-fall of 1 in 33 or unless otherwise specified by Council;
    (c) All redundant vehicle crossings are to be demolished and reinstated with paving, kerb and channel;
    (d) The road profile of Fitzroy Street along the property's frontage must be profiled (grinded to a depth of 50 mm) and re-sheeted;
    (e) New pram crossings are to be constructed at the south-west and southeast radials of the Rose Street/Fitzroy Street intersection;
    (f) The existing grated side entry pits at the south west corner of the Rose Street/Fitzroy Street intersection must be reconstructed;
    (g) The existing One Way sign in Fitzroy Street, just south of Rose Street, must be reinstated to the satisfaction of Council's Traffic unit;
    (h) 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;
    (i) 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;
    (j) 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;
    (k) 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;
    (l) Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains; Basements that extend into the groundwater table must be waterproofed/tanked;

(m) 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;
(n) Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit; and
(o) 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.

202. If Council was in a position to support the application, a number of these would have been captured under general infrastructure, drainage and construction management conditions and/or notes that are usually placed on a permit of this type.

Traffic

203. The Traffic report provided a break-down of potential traffic generated by the site, with an anticipated 'modal hierarchy' based on the context of the use, the location of the site and similar case studies within inner-city Melbourne. This indicated that public transport and walking would be the most significant transport modes (40% and 35% respectively), with pick-up/drop off constituting 15% and cycling and private vehicles (as the driver) both 5%.

204. Given the number of hotel rooms proposed, this results in an expectation that approximately 70 sustainable trips and 20 vehicle trips could occur during the busiest hour. Given the limited number of vehicle trips, this outcome is considered acceptable and would not unduly impact traffic conditions in the surrounding street network.

Loading and unloading/Waste

205. A loading bay is proposed within the eastern façade, with dimensions of 3.5m x 6.5m and a height clearance of 3.5m. Council Engineers confirmed that the dimensions of the loading facility could comfortably accommodate a 6.4m long Small Rigid Vehicle, with swept path diagrams also confirming that a vehicle of this size could adequately access the space via Fitzroy Street. The layout of the loading facility will allow delivery vehicles to reverse into the loading bay from Fitzroy Street and exit in a forward direction. This outcome is acceptable.

206. Waste will be collected internally on-site, within the loading bay. The Waste Management Plan (WMP) specifies that a private contractor will collect waste from within the development. Hard waste and recyclables will be separated. The WMP also specifies that food organics will be sorted as a separate stream. A direct route is provided between the waste refuse room and loading bay. The storage and maintenance of the waste facilities, along with the collection of waste from the site, were all considered satisfactory by Council's Civil Works Unit. To ensure that waste is adequately managed, if a planning permit was issued, the WMP would be endorsed accordingly.

<u>Bicycle provision</u>

207. As outlined in the table at paragraph 42 of this report, the development meets the statutory requirements outlined in clause 52.34 with regards to the number of on-site employee and visitor bicycle parking spaces, along with the requirement for adequate EoT facilities for employees. Council's Strategic Transport Officer confirmed that the spaces all meet the Australian Standard (AS2890.3) for clearance and accessways, with the employee spaces contained within a secure room, directly adjacent to shower and change room facilities.

208. Whilst it was recommended that the visitor bicycle spaces be provided as 'horizontal, at-grade' spaces instead of 'hanging spaces'; it was noted that this could be difficult to achieve due to the site constraints. The advice also highlighted that the presence of nearby on-street visitor bicycle spaces provided this option within proximity to the site.

209. One concern raised in the advice was the number of doors located along the internal path to the employee bicycle spaces, with the closest access point to the basement parking from Fitzroy Street, and a total of 6 doors located between this ground floor doorway and the basement bicycle parking area. In response, the applicant provided sketch plans which demonstrate how the number of doors could be managed. These plans result in the potential removal of one door, with 3 of the doors to be altered to an automatic design. This would allow these doors to remain open, and only close automatically in the event of a fire. This outcome would facilitate access to the bicycle spaces and is supported by Council. If a planning permit was issued, the changes as outlined in these sketch plans could be required via permit conditions.

Objector concerns

210. *Lack of on-site car parking (including drop-off/pick-up provisions);*
    (a) The lack of on-site car parking has been discussed within the car parking assessment section at paragraphs 194 to 197 of this report, with the potential provision of a drop-off/pick-up zone discussed in paragraphs 146 to 148.

211. *Insufficient on-site loading provisions;*
    (a) *The on-site loading arrangements have been discussed in paragraphs 205 and 206 of this report.*

212. *Increased traffic and pedestrian congestion, including impacts on the proposed pedestrian-friendly Rose Street precinct;*
    (a) Traffic impacts have been discussed in paragraphs 203 & 204 of this report. Given the current high pedestrian levels along Rose Street, the addition of a hotel in this location is not expected to unduly impact upon existing conditions. Further, as discussed, the hotel will not impact upon the future development of a 'shared zone' along the Rose Street frontage subject to conditions.

213. *Excessive height/overdevelopment of the site/lack of setbacks;*
    (a) These elements have been discussed in paragraphs 126 to 139 of this report.

214. *Lack of integration with the neighbourhood character and heritage precinct;*
    (a) These elements have been discussed in paragraphs 120 to 124 of this report.
215. *Hotel use within a residential area is inappropriate;*
    (a) The use of the land as a hotel within this location has been discussed in paragraphs 106 to 118 of this report.

216. *Removal of one street tree is inappropriate;*
    (a) As outlined in paragraph 148 of this report, both of the street trees on the Rose Street footpath are required to be retained as per permit conditions. Further, a Tree Management Plan to protect these trees has been required via an additional condition.

217. *Removal of existing mural is inappropriate;*
    (a) There are no paint controls in the precinct to protect this mural. Therefore this is not a planning consideration.

218. *Potential off-site amenity impacts (loss of daylight, overlooking, noise, waste collection, drainage, equitable development etc.);*
    (a) Off-site amenity impacts have been discussed within paragraphs 177 to 193 of this report.

219. *Impact upon property values in the neighbourhood;*
    (a) This is not a planning consideration and cannot be addressed as part of this assessment.

220. *Loss of views;*
    (a) This is not a planning consideration and cannot be addressed as part of this assessment.

221. *Impacts during construction.*
    (a) Whilst this is not primarily a planning issue, it is noted that a Construction Management Plan will be required via any planning permit issued.

Conclusion

222. As outlined throughout this assessment, there is good policy support at both state and local levels for urban consolidation, coupled with the site strategic location including proximity to the Smith Street Major Activity Centre and excellent public transport accessibility; the site lends itself as an ideal development site for higher density.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in the position to, it would have issued a Notice of Decision to Grant a Planning Permit PLN18/0990 for full demolition and use and development of the land for a residential hotel at 419 Fitzroy Street, Fitzroy, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Woods Bagot (SK2201 (Revision C), SK2202 – SK2210 (Revision B), SK3200 – SK3203 (Revision B), SK3210 – 3211 (Revision B) SK4200 – 4201 (Revision B) but modified to show:

    (a) The removal of all external seating within the Rose Street and Fitzroy Street frontages at ground level;

    (b) The alterations to internal access and doorways as outlined in the Sketch Plans submitted to Council on 18 July 2019;
    (c) The bicycle entrance door on the Rose Street façade to be visually permeable;
    (d) Both street trees adjacent to the Rose Street frontage to be retained;
    (e) A notation confirming that double-glazing will be provided for all hotel room windows;
    (f) Additional details of the proposed wall cladding material, outlining the various degree of perforation for each type of finish;
    (g) The type of paving within the site's title boundaries to be of a different material to the footpath asphalt;
    (h) Engineering requirements as follows;
        (i) Dimension of the minimum headroom clearance measured perpendicular from the ramp to the underside of the ground floor slab;
        (ii) Clarification of how the tandem parking sets are to be managed;
        (iii) A bollard inserted in the shared area associated with the accessible parking space;
    (i) Any changes as a result of the amended Sustainable Management Plan required at Condition 4;
    (j) Any changes as a result of the amended Acoustic Report required at Condition 6; and
    (k) Any changes required by the Landscape Management Plan at Condition 9.

Hotel Management Plan

2. Before the use commences, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will form part of this permit. The Hotel Management Plan must include the following conditions;

    (a) The roof terrace to be accessible only to hotel guests during the hours of 7am to 10pm each day;
    (b) The ground floor dining room to be open only during the hours of 7am to 10pm each day.

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

Sustainability Management Plan

4. 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 JBA Consulting Engineers (Revision 4, dated 18 December 2018) but modified to include;

    (a) Infrastructure for electric vehicle charging provided within the basement;
    (b) Rainwater to be used for toilet flushing as well as irrigation;
    (c) Separate hard waste and recycling streams throughout;
    (d) A recycling target of 70% for building materials through construction; and
    (e) Obtaining a commitment to a JV3 modelling report which demonstrates a 10% improvement over NCC 2016 standards.

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

Acoustic Report

6. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Marshall Day Acoustics (dated 14 December 2018), but modified to include;

    (a) Testing of the Young Bloods Diner during operational hours, including a formal assessment of music levels from this venue, with the building façade design amended if necessary to ensure that day/evening internal SEPP N-2 music noise limits are met within the development;
    (b) A formal assessment of patron and music levels from the Glamarama Bar, with the building façade design amended if necessary to ensure that day/evening internal SEPP N-2 music noise limits are met within the development;
    (c) As assessment of the operation of the rooftop exhaust fan (or any other mechanical plant) associated with the Young Bloods Diner to formal SEPP N-1 targets at the proposed development; and
    (d) A clear recommendation for mechanical plant and equipment associated with the development, including the carpark entry door, to be reviewed by an acoustical consultant during the detailed design stage to ensure both SEPP N-1 and sleep

disturbance targets are met. The carpark entry door should also include a specification to ensure it achieves both SEPP N-1 and sleep disturbance impacts to existing residents.

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

8. Within 3 months of the commencement of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

Landscape Management Plan

9. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:

    (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
    (b) indicate the location of all areas to be covered by lawn or other surface materials; and
    (c) provide a specification of works to be undertaken prior to planting,
    to the satisfaction of the Responsible Authority.

10. Before the building 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.

Tree Management Plan

11. 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 street trees adjacent to the Rose Street frontage;
        (i) pre-construction;
        (ii) during construction; and
        (iii) post construction
    (b) the provision of any barriers;
    (c) any pruning necessary; and

(d) watering and maintenance regimes,
to the satisfaction of the Responsible Authority.

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

Waste Management Plan

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.

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

Infrastructure

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

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

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing within the Fitzroy Street frontage must be demolished and reinstated with dressed bluestone and two-pitcher bluestone channel;

(a) at the permit holder's cost; and
(b) 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, any damage to Council infrastructure resulting from the development must be reinstated, including the footpath along the property's Rose Street and Fitzroy Street frontages, with these footpaths to be reinstated with dressed bluestone kerb and single pitcher bluestone channel;

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

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, new pram crossings are to be constructed at the south-west and south-east radials of the Rose Street/Fitzroy Street intersection;

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

19. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way, with the existing 'One Way' sign in Fitzroy Street, just south of Rose Street, to be reinstated;

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

General

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

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

22. 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.

23. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

24. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

25. 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.

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

27. 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.

28. 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.

Construction Management Plan

29. 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.

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

31. 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.

Permit Expiry

32. 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 5095 to confirm.

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

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 5095 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.

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

No parking restriction signs 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 working within the development approved under this permit will not be permitted to obtain employee 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.

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.

CONTACT OFFICER: **Lara Fiscalini**
TITLE: **Senior Statutory Planner**
TEL: **9205 5372**

Attachments

1 PLN18/0990 - 419 Fitzroy Street, Fitzroy - Site Plan
2 PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans
3 PLN18/0990 - 419 Fitzroy Street Sketch Plans Bicycle access
4 PLN18/0990 - 419 Fitzroy Street Fitzroy - Engineering comments
5 PLN18/0990 - 419 Fitzroy Street Fitzroy - Acoustic Review SLR

6 PLN18/0990 - 419 Fitzroy Street, Fitzroy - UD comments
7 PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments
8 PLN18/0990 - 419 Fitzroy Street, Fitzroy - ESD additional advice
9 PLN18/0990 - 419 Fitzroy Street Fitzroy WMP comments
10 PLN18/0990 - 419 Fitzroy Street Fitzroy - TFV Referral Response
11 PLN18/0990 - 419 Fitzroy Street, Fitzroy - Heritage referral comments
12 PLN18/0990 - 419 Fitzroy Street, Fitzroy - Strategic Transport referral comments
13 PLN18/0990 - 419 Fitzroy Street, Fitzroy - Traffic referral comments on shared zone

Attachment 1 - PLN18/0990 - 419 Fitzroy Street, Fitzroy - Site Plan



Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



ROSE STREET HOTEL
419 FITZROY STREET

	Drawing Number	Sheet Name	Revision
SK	1100	Site Plan Existing	B
SK	1150	Site Plan Demolition Plan	B
SK	1200	Site Plan Proposed	A
SK	2201	Basement	C
SK	2202	Ground Level	B
SK	2203	Level 01 and 02	B
SK	2205	Level 03 and 04	B
SK	2207	Level 05 and 06	B
SK	2209	Roof Terrace	B
SK	2210	Roof	B
SK	3200	Fitzroy Street Elevation	B
SK	3201	Rose Street Elevation	B
SK	3202	South Elevation	B
SK	3203	West Elevation	B
SK	3210	General Section 01 - North to South	B
SK	3211	General Section 02 - East to West	B
SK	4200	Typical Room A,B,C	B
SK	4201	Typical Room D,E	B
SK	6300	Shadow Diagrams	A
SK	6301	Shadow Diagrams	A
SK	6302	Shadow Diagrams	A
SK	6303	Shadow Diagrams	A

WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Drawing List**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING
27/02/19	TOWN PLANNING - RFI

Project no. **130585**
Sheet no. **SK0000**
Scale
Revision **C**
Sheet size **A3**
Date **27/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client **Deal Corporation**

Project **419 Fitzroy Street**

Sheet title **Site Plan Existing**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

Project no. **130585**
Sheet no. **SK1100**

Scale **As indicated**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Site Plan Demolition Plan**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI

Project no. **130585**
Sheet no. **SK1150**

Scale **As indicated**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Site Plan Proposed**

Revision Schedule

Date	Description
14/12/18	TOWN PLANNING

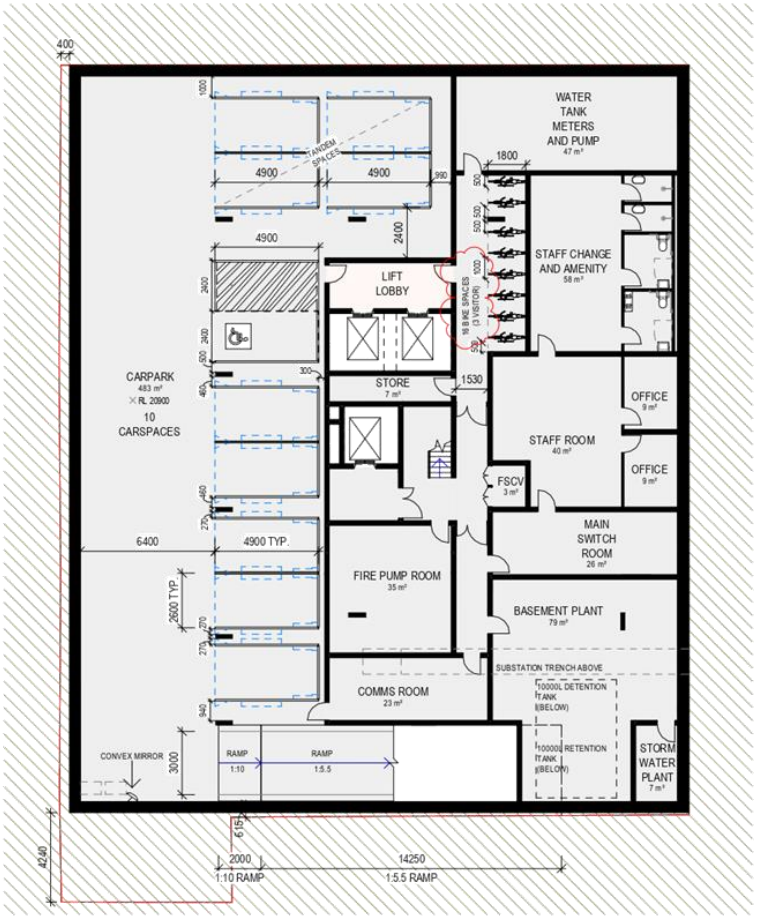
Project no. **130585**
Sheet no. **SK1200**

Scale **As indicated**
Revision **A**

Sheet size **A3**
Date **14/12/18**

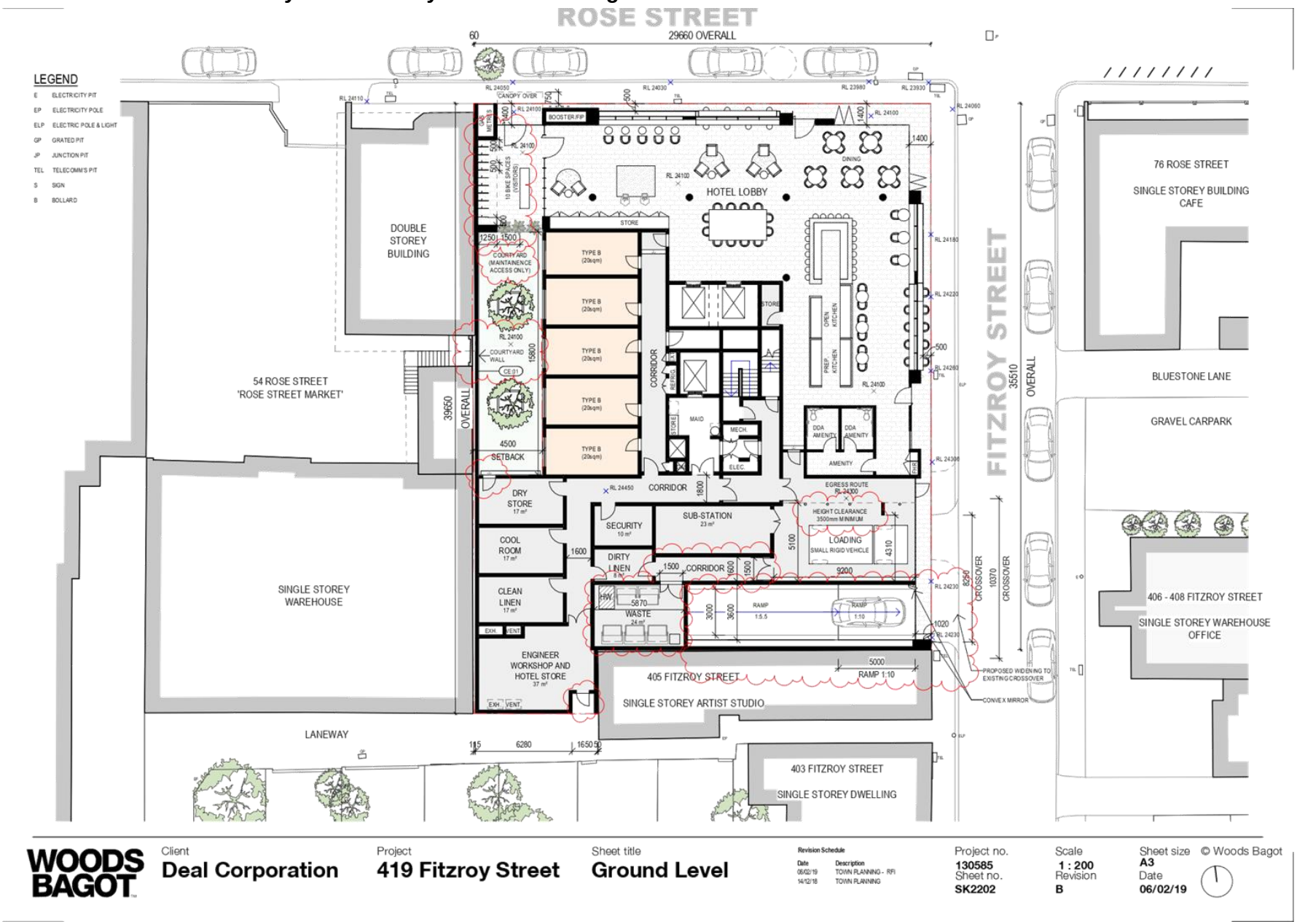
© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT	Client: Deal Corporation	Project: 419 Fitzroy Street	Sheet title: Basement	Revision Schedule: Date / Description — 05/02/19 TOWN PLANNING - RFI; 14/12/18 TOWN PLANNING; 27/02/19 TOWN PLANNING - RFI	Project no. 130585 Sheet no. SK2201	Scale 1 : 200 Revision C	Sheet size A3 Date 27/02/19	© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Ground Level**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

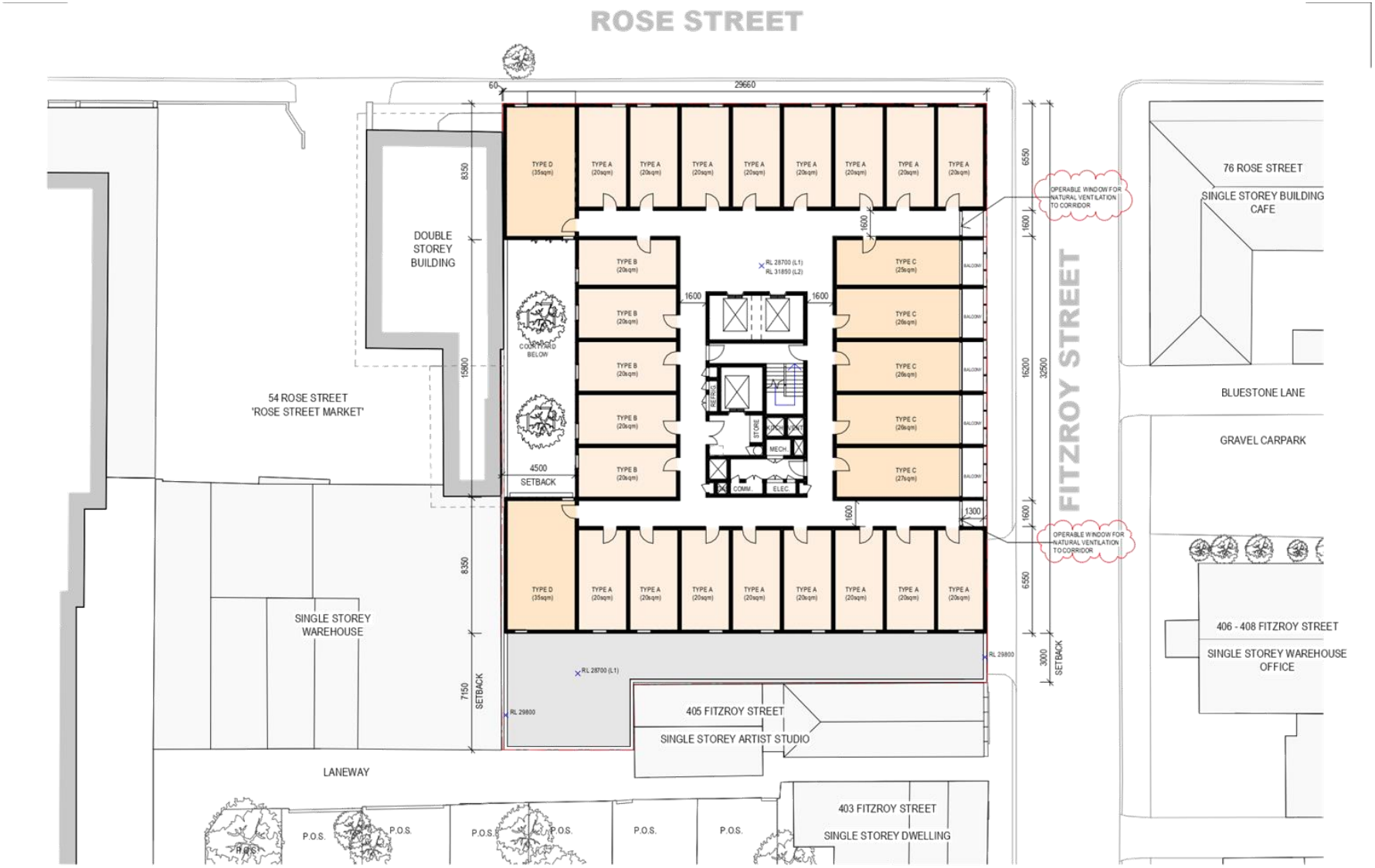
Project no. **130585**
Sheet no. **SK2202**

Scale **1 : 200**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Level 01 and 02**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

Project no. **130585**
Sheet no. **SK2203**

Scale **1 : 200**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Level 03 and 04**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

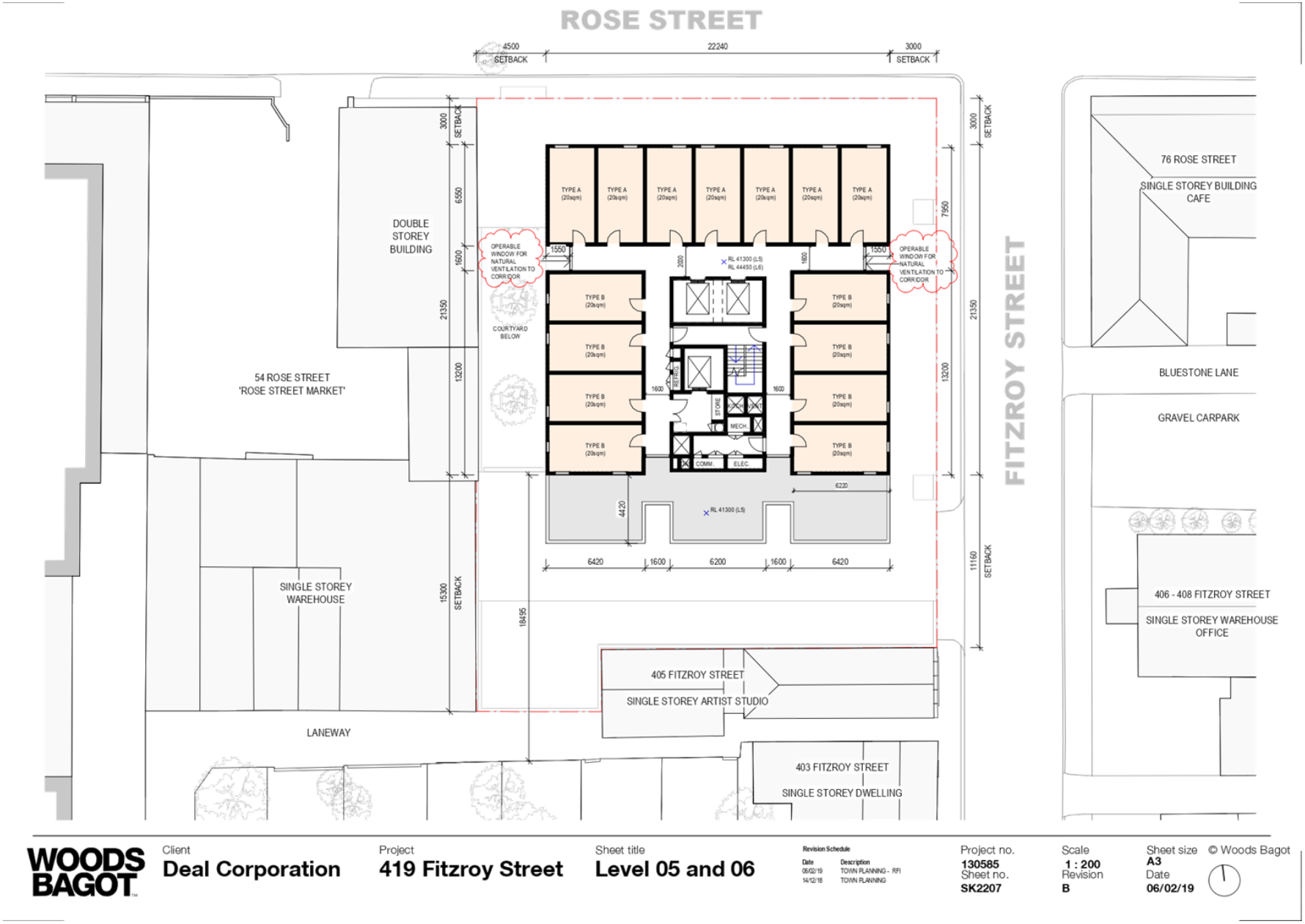
Project no. **130585**
Sheet no. **SK2205**

Scale **1 : 200**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Level 05 and 06**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

Project no. **130585**
Sheet no. **SK2207**

Scale **1 : 200**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Roof Terrace**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

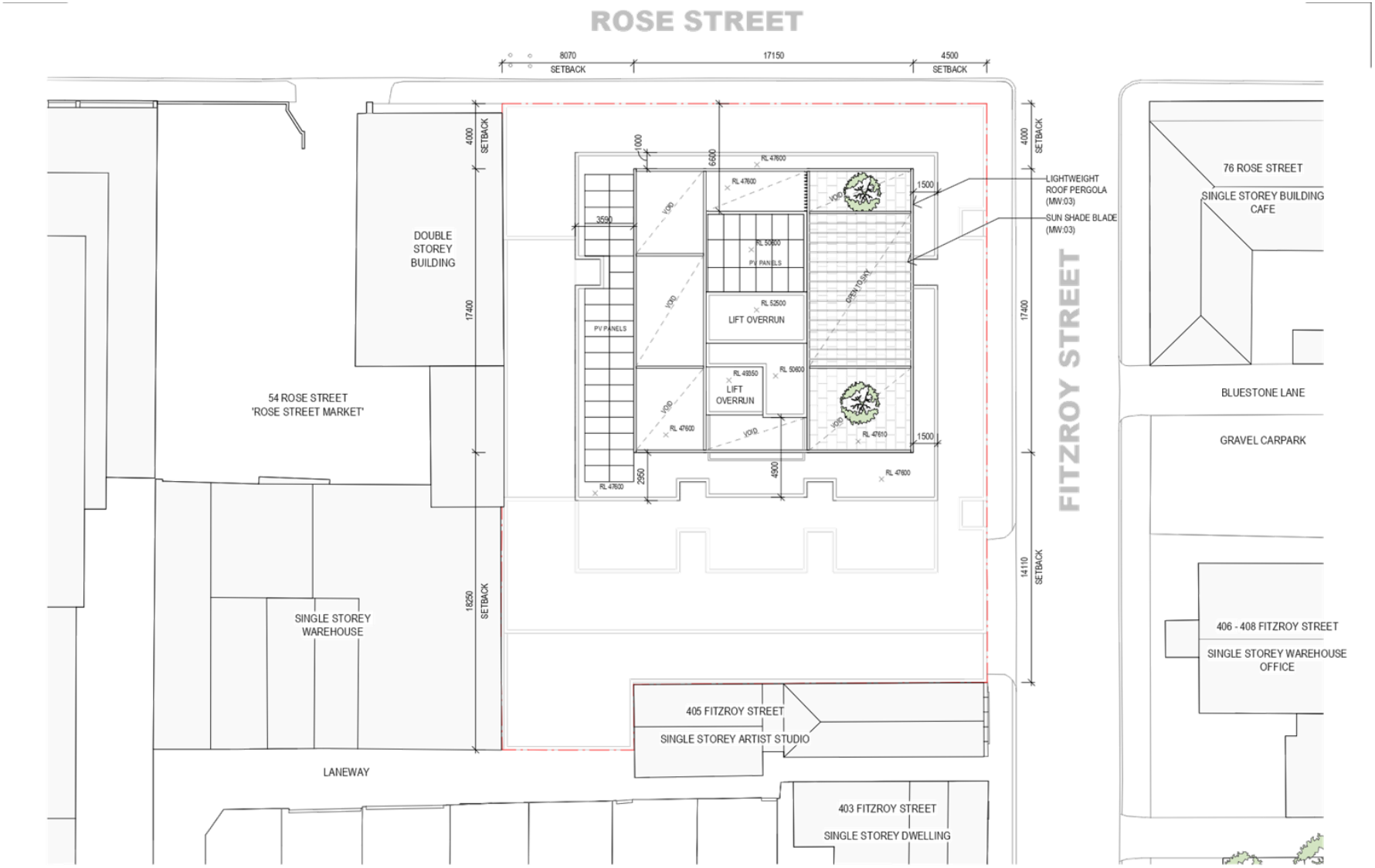
Project no. **130585**
Sheet no. **SK2209**

Scale **1 : 200**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Roof**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

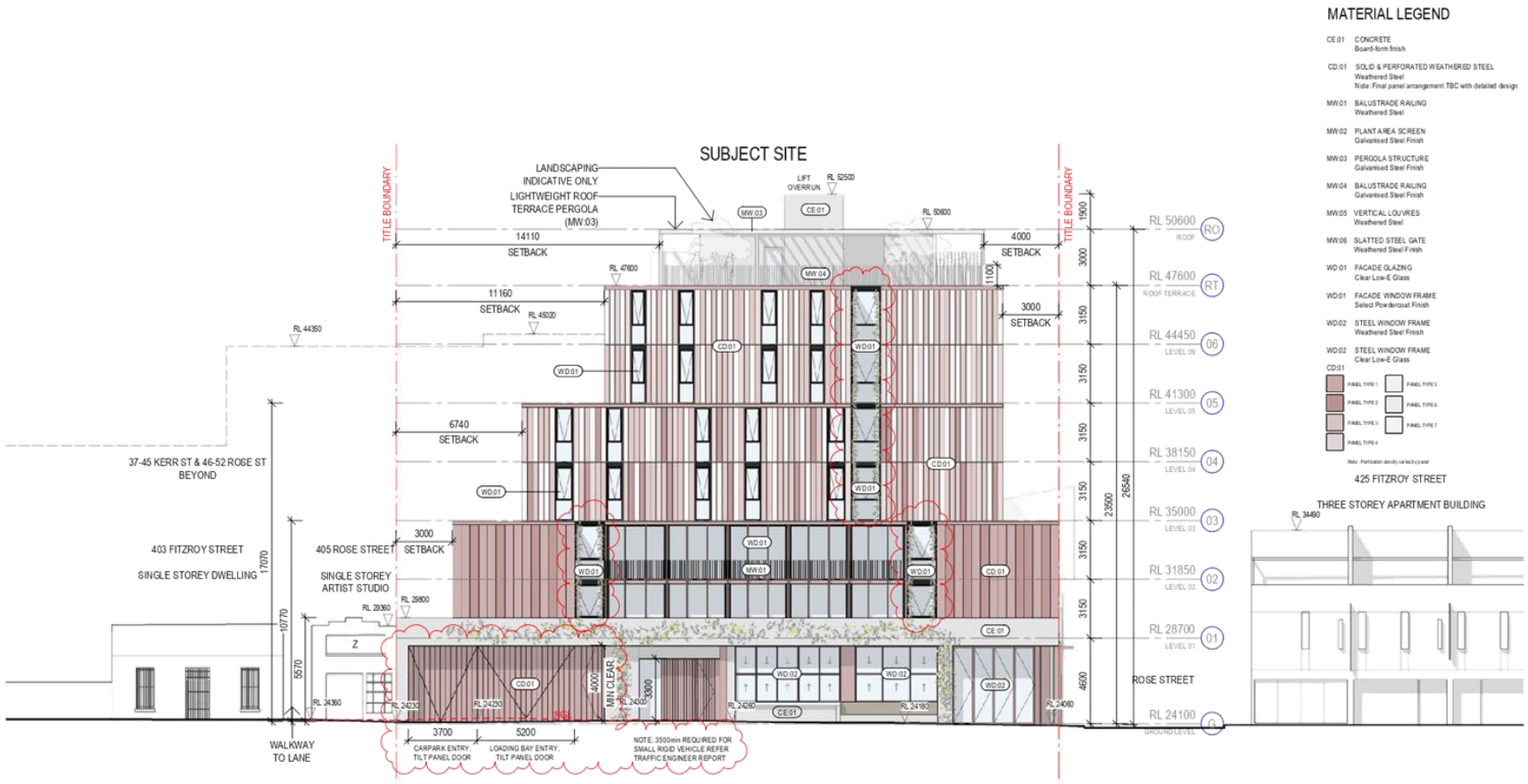
Project no. **130585**
Sheet no. **SK2210**

Scale **1 : 200**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Fitzroy Street Elevation**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

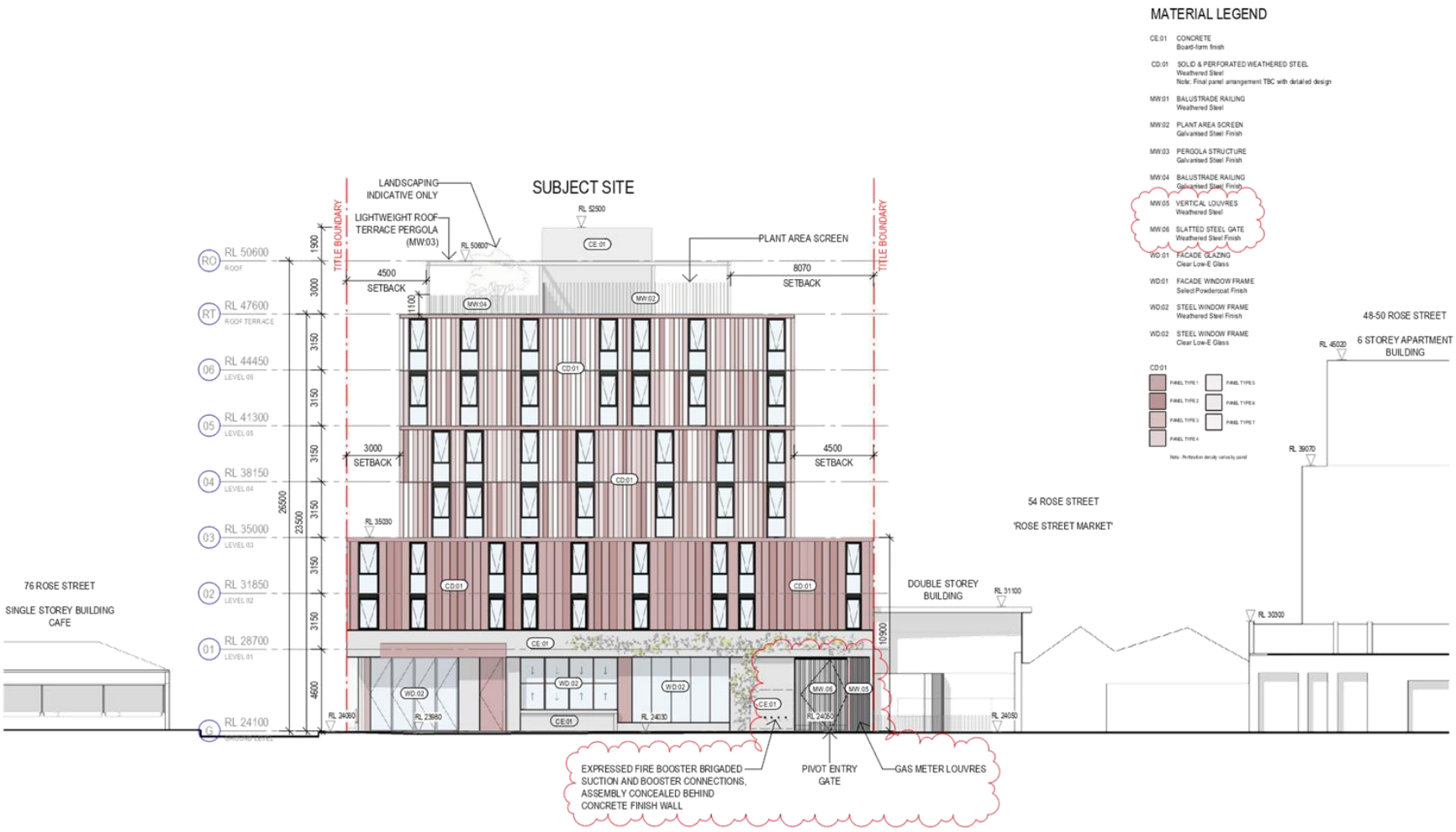
Project no. **130585**
Sheet no. **SK3200**

Scale **1 : 200**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Rose Street Elevation**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

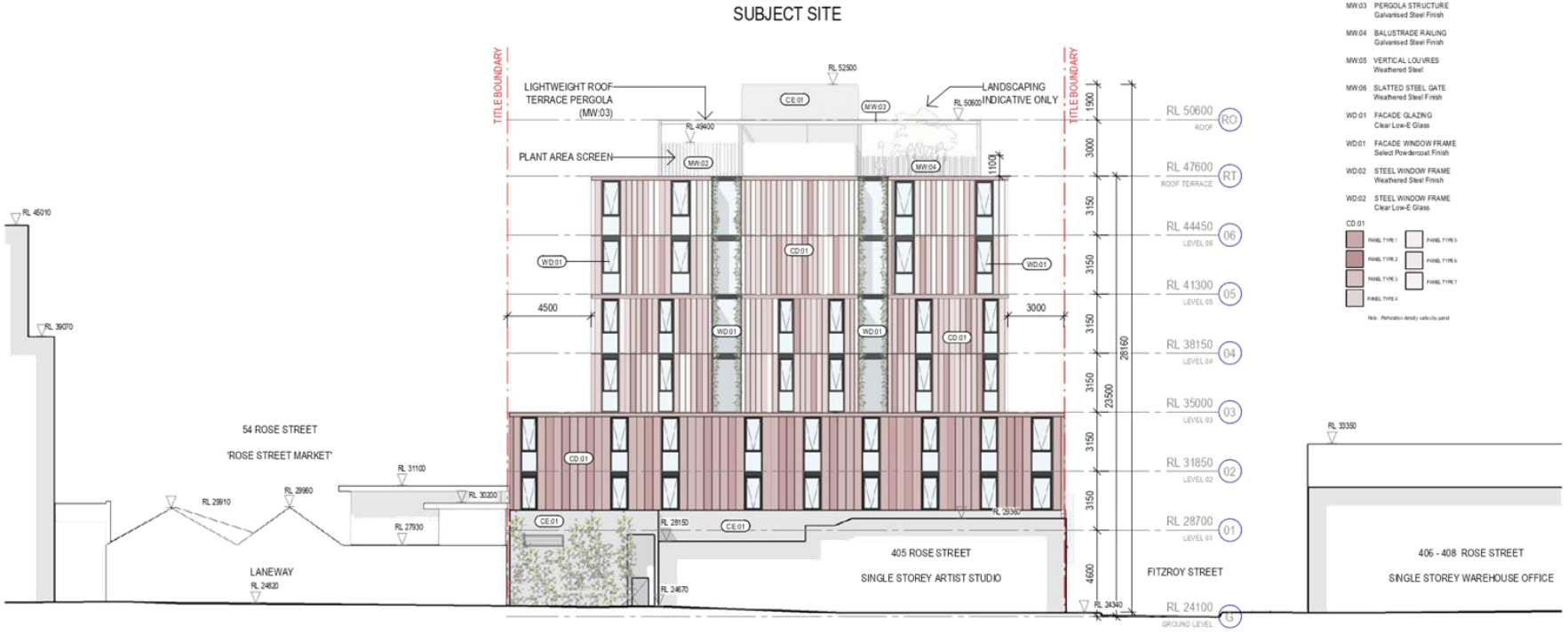
Project no. **130585**
Sheet no. **SK3201**

Scale **1 : 200**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **South Elevation**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

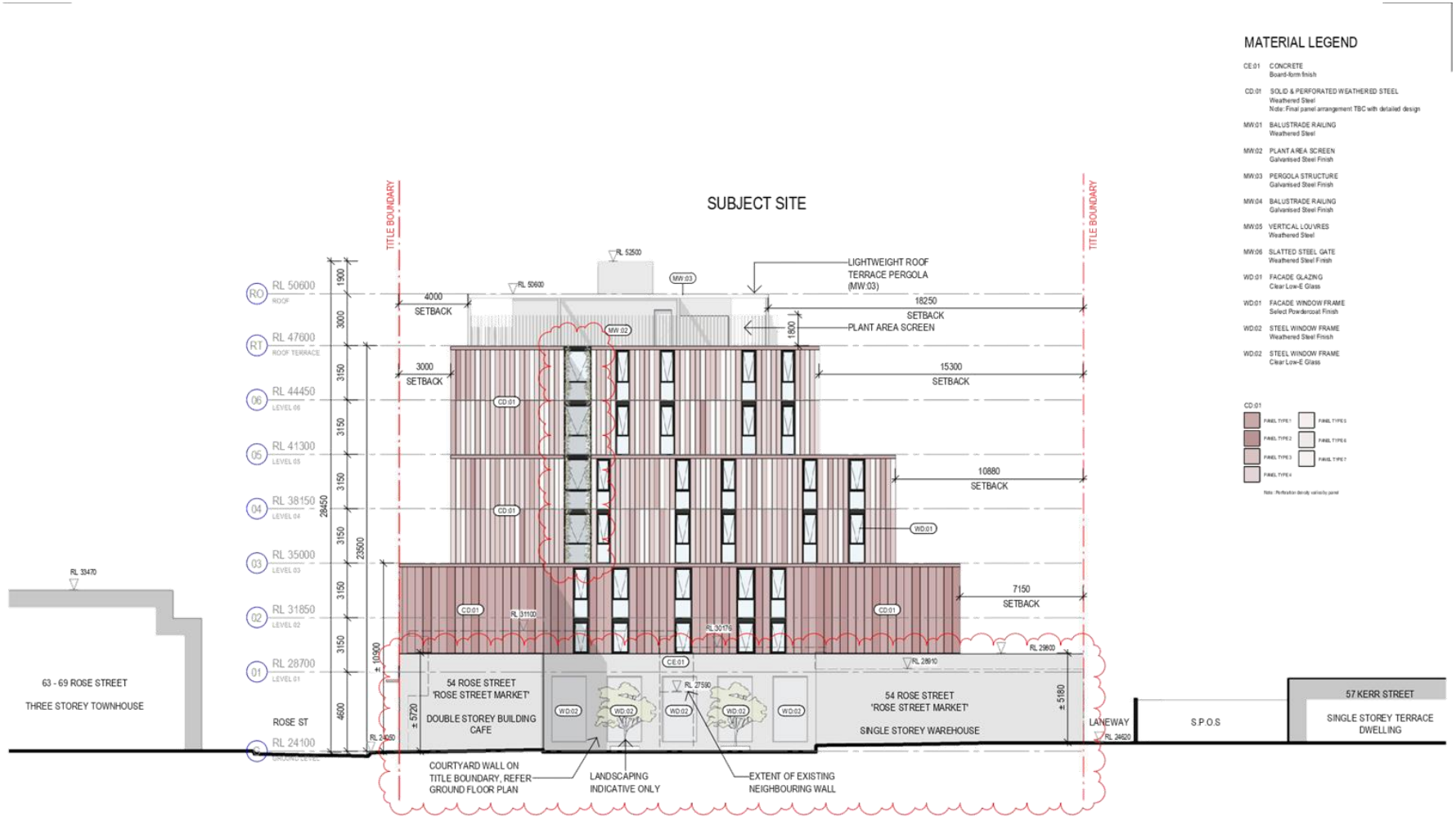
Project no. **130585**
Sheet no. **SK3202**

Scale **1 : 200**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **West Elevation**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

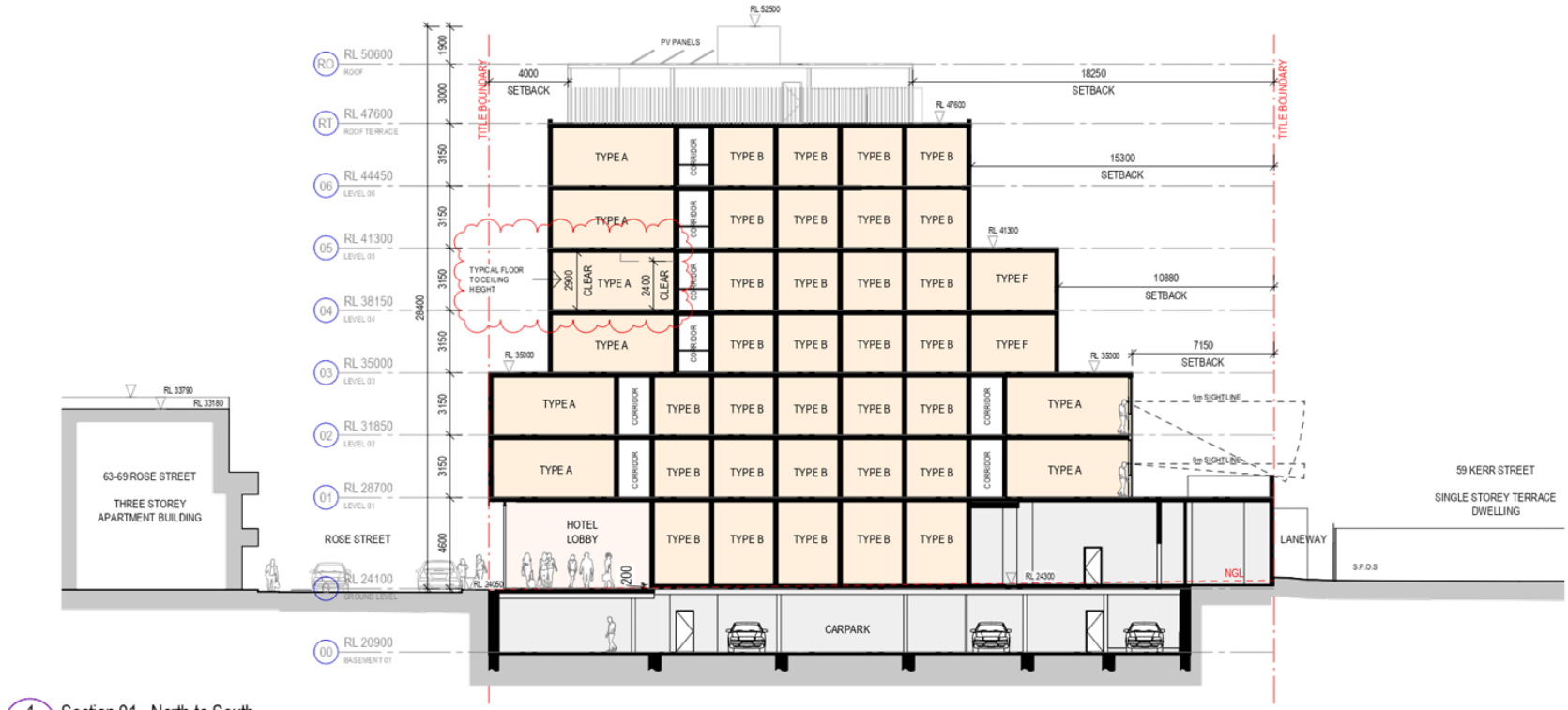
Project no. **130585**
Sheet no. **SK3203**

Scale **1 : 200**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



1 Section 01 - North to South

WOODS BAGOT

Client: Deal Corporation

Project: 419 Fitzroy Street

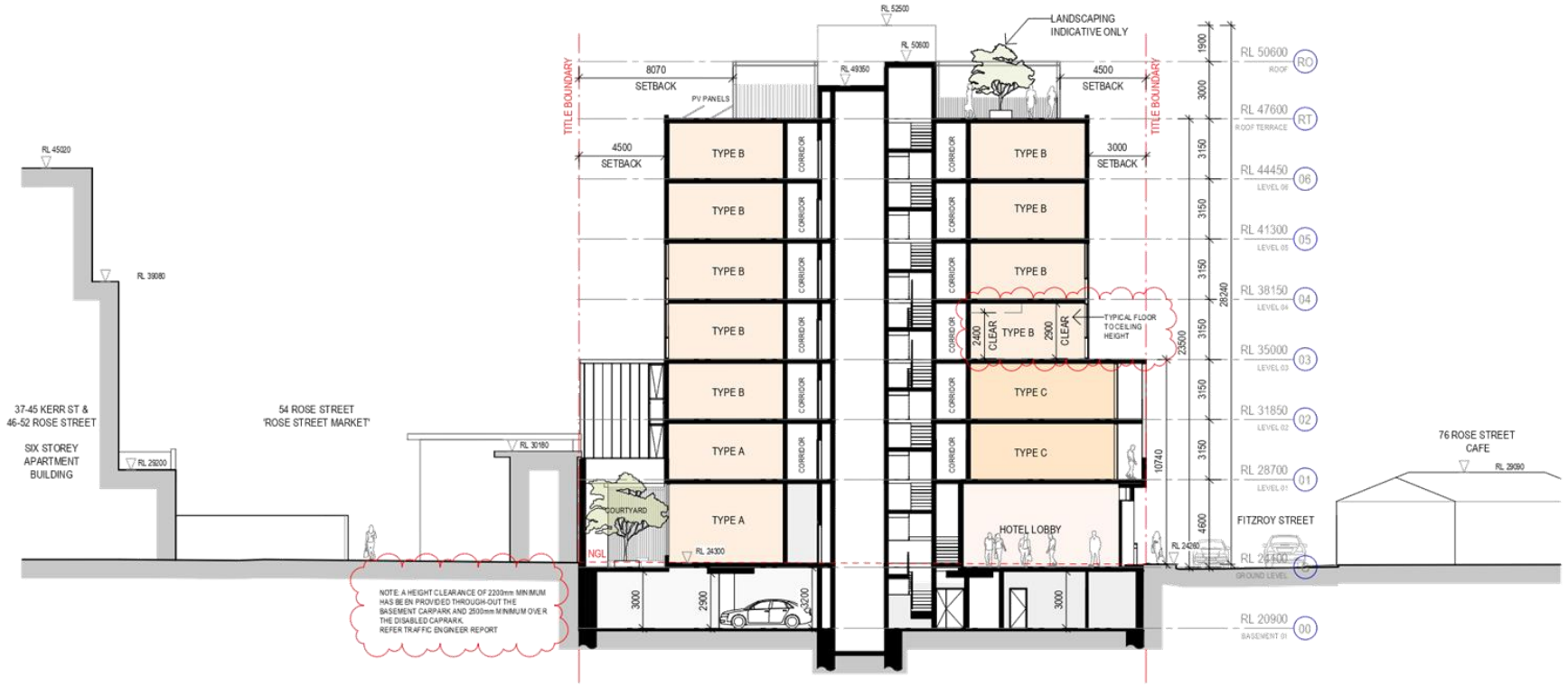
Sheet title: General Section 01 - North to South

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

Project no. 130585
Sheet no. SK3210
Scale 1 : 200
Revision B
Sheet size A3
Date 06/02/19
© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **General Section 02 - East to West**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

Project no. **130585**
Sheet no. **SK3211**

Scale **1 : 200**
Revision **B**

Sheet size **A3**
Date **06/02/19**

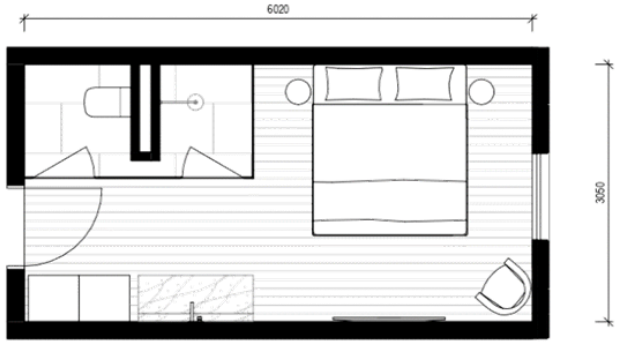
© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans

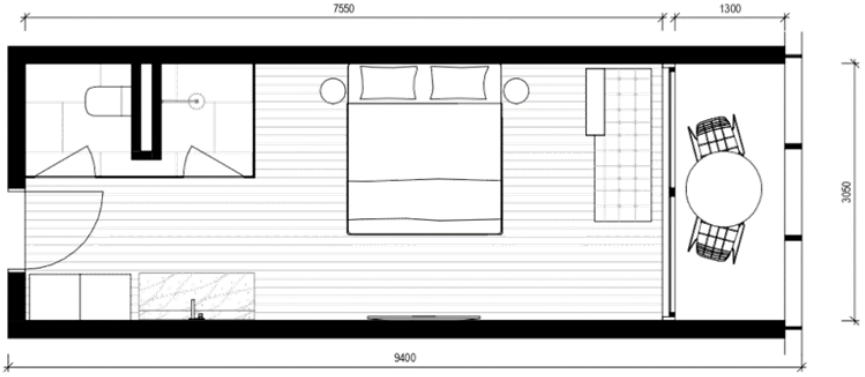
TYPE A
(20sqm)



TYPE B
(20sqm)



TYPE C
(26sqm)



WOODS BAGOT

Client: Deal Corporation

Project: 419 Fitzroy Street

Sheet title: Typical Room A,B,C

Revision Schedule

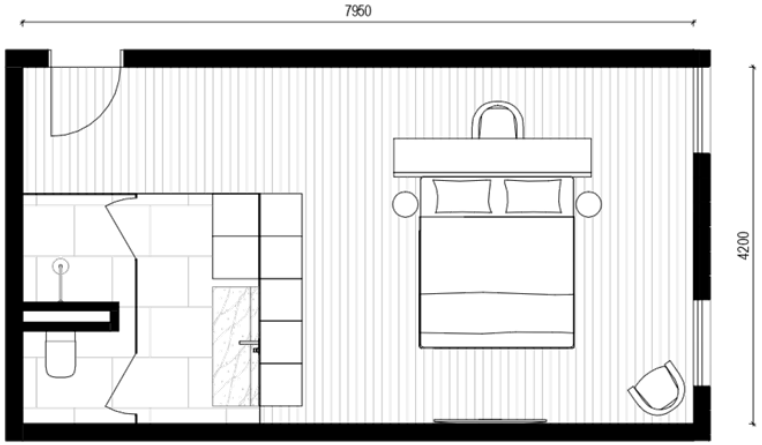
Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

Project no. 130585
Sheet no. SK4200
Scale 1 : 50
Revision B
Sheet size A3
Date 06/02/19

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans

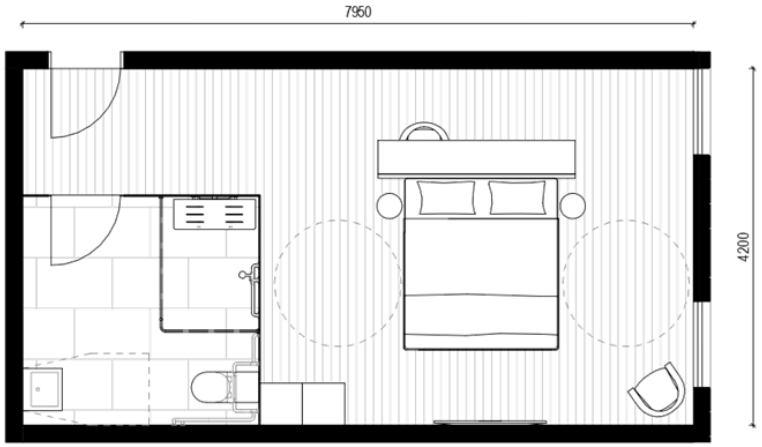
TYPE D
35sqm)



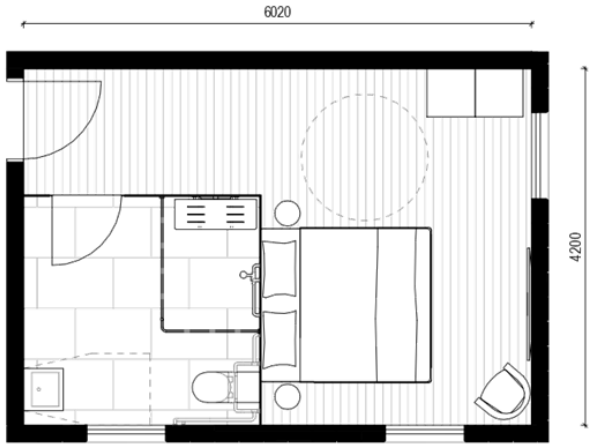
TYPE E
(27sqm)



TYPE D (UNIVERSAL ACCESSIBILITY)
(35sqm)



TYPE E (UNIVERSAL ACCESSIBILITY)
(27sqm)



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Typical Room D,E**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

Project no. **130585**
Sheet no. **SK4201**
Scale **1 : 50**
Revision **B**
Sheet size **A3**
Date **06/02/19**
© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



1 September 22 at 9.00am



2 September 22 at 10.00am

Extent of existing shadow
Extent of proposed new shadow
Additonal Shadow
Reduction in shadow

WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Shadow Diagrams**

Revision Schedule

Date	Description
14/12/18	TOWN PLANNING

Project no. **130585**
Sheet no. **SK6300**
Scale **1 : 500**
Revision **A**
Sheet size **A3**
Date **14/12/18**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



1 September 22 at 11.00am



2 September 22 at 12.00pm

Extent of existing shadow
Extent of proposed new shadow
Additonal Shadow
Reduction in shadow

WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Shadow Diagrams**

Revision Schedule

Date	Description
14/12/18	TOWN PLANNING

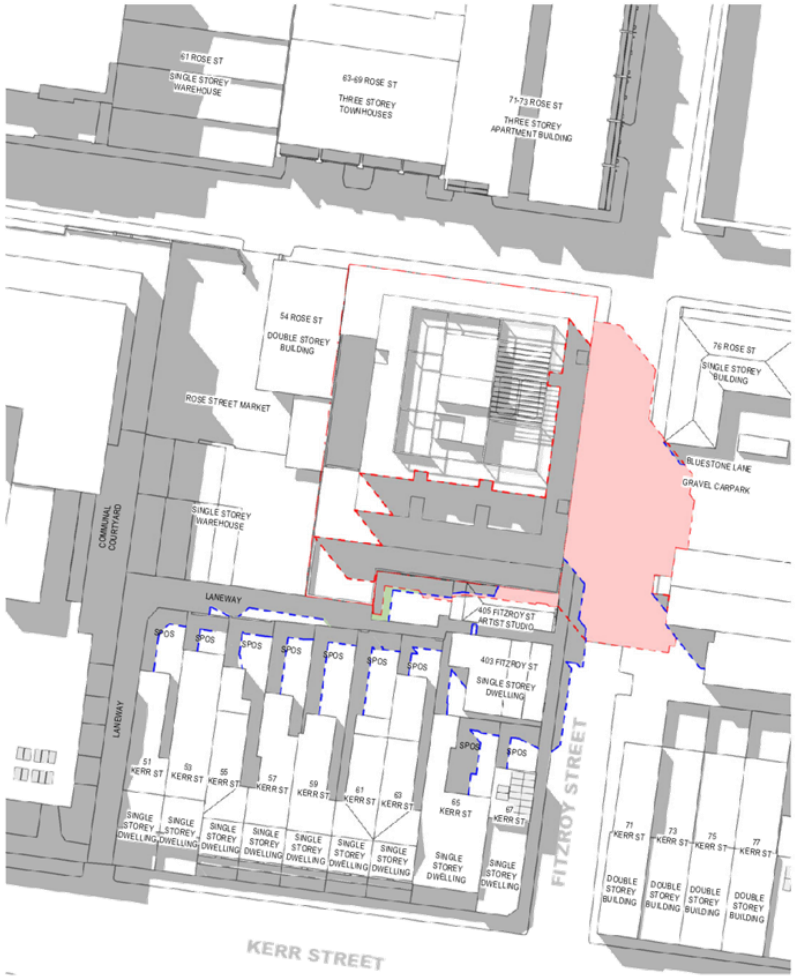
Project no. **130585**
Sheet no. **SK6301**
Scale **1 : 500**
Revision **A**
Sheet size **A3**
Date **14/12/18**

© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



1 September 22 at 1.00pm



2 September 22 at 2.00pm

Extent of existing shadow
Extent of proposed new shadow
Additonal Shadow
Reduction in shadow

WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Shadow Diagrams**

Revision Schedule

Date	Description
14/12/18	TOWN PLANNING

Project no. **130585**
Sheet no. **SK6302**
Scale **1 : 500**
Revision **A**
Sheet size **A3**
Date **14/12/18**
© Woods Bagot

Attachment 2 - PLN18/0990 - 419 Fitzroy Street Fitzroy - S52 Advertising Plans



1 September 22 at 3.00pm

Extent of existing shadow
Extent of proposed new shadow
Additonal Shadow
Reduction in shadow

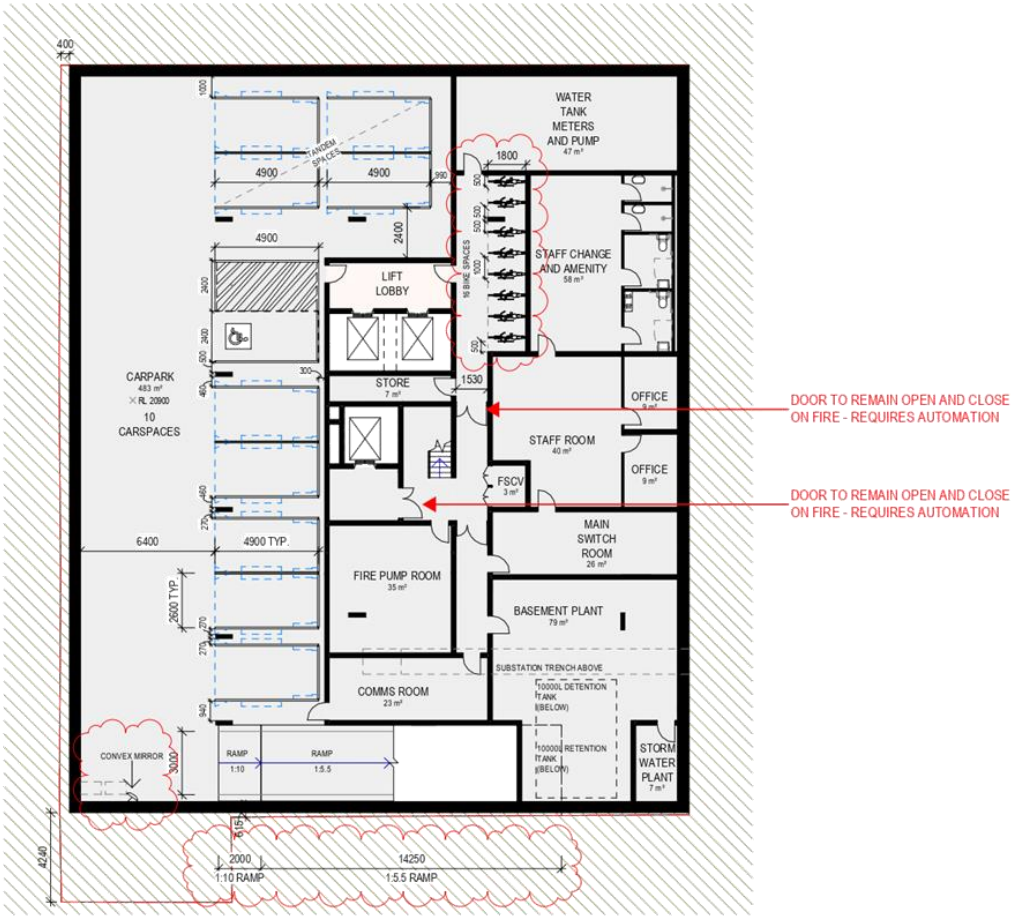
WOODS BAGOT

Client: **Deal Corporation**
Project: **419 Fitzroy Street**
Sheet title: **Shadow Diagrams**

Revision Schedule
Date 14/12/18 — Description TOWN PLANNING

Project no. **130585**
Sheet no. **SK6303**
Scale **1 : 500**
Revision **A**
Sheet size **A3**
Date **14/12/18**
© Woods Bagot

Attachment 3 - PLN18/0990 - 419 Fitzroy Street Sketch Plans Bicycle access



WOODS BAGOT

Client: Deal Corporation

Project: 419 Fitzroy Street

Sheet title: Basement

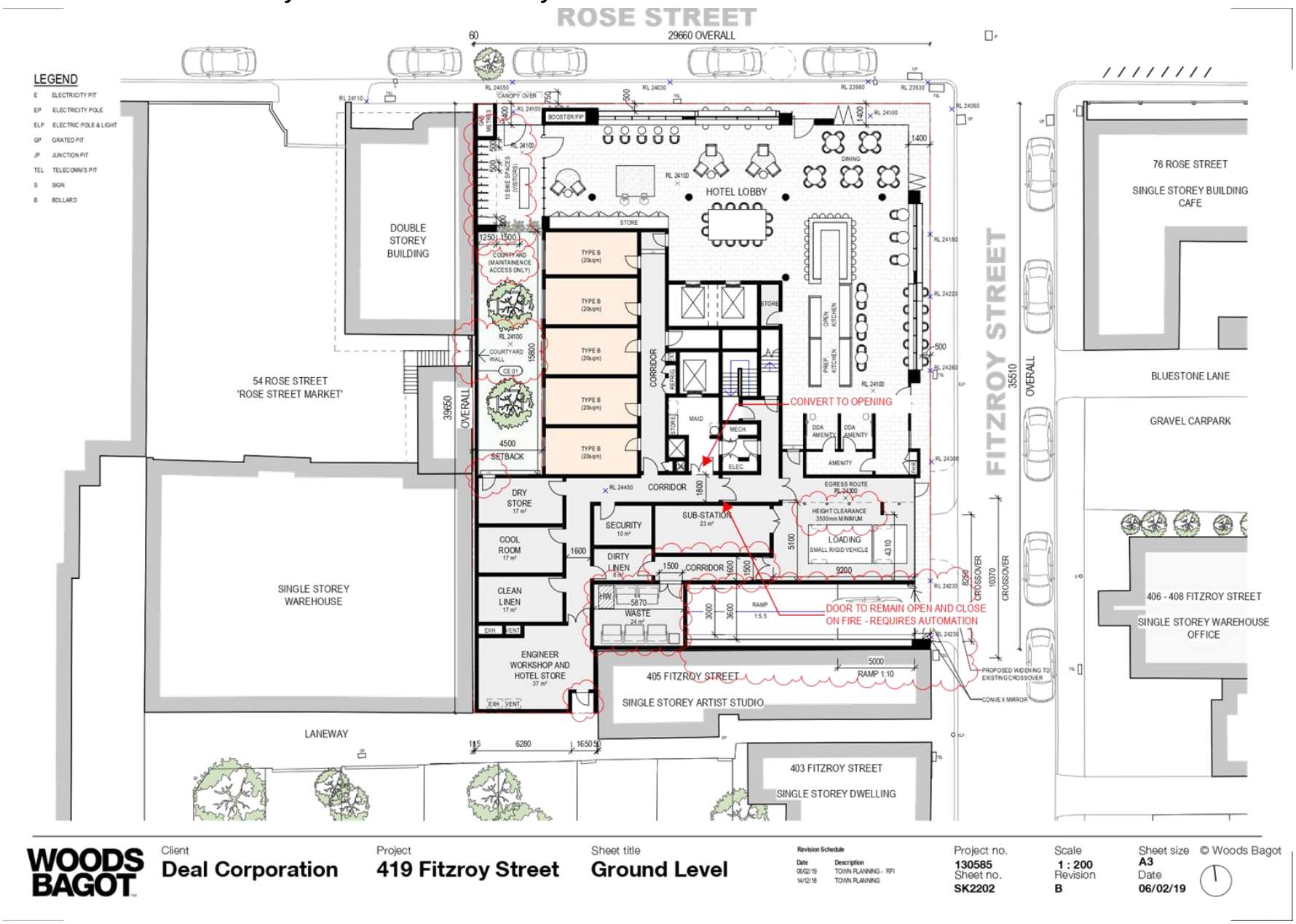
Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

Project no. 130585
Sheet no. SK2201
Scale 1 : 200
Revision B
Sheet size A3
Date 06/02/19

© Woods Bagot

Attachment 3 - PLN18/0990 - 419 Fitzroy Street Sketch Plans Bicycle access



WOODS BAGOT

Client: **Deal Corporation**

Project: **419 Fitzroy Street**

Sheet title: **Ground Level**

Revision Schedule

Date	Description
05/02/19	TOWN PLANNING - RFI
14/12/18	TOWN PLANNING

Project no. **130585**
Sheet no. **SK2202**

Scale **1 : 200**
Revision **B**

Sheet size **A3**
Date **06/02/19**

© Woods Bagot

Attachment 4 - PLN18/0990 - 419 Fitzroy Street Fitzroy - Engineering comments

MEMO

To:	**Chris Stathis**	
From:	**Mark Pisani**	
Date:	**1 May 2019**	
Subject:	**Application No:**	**PLN18/0990**
	Description:	**Hotel Development**
	Site Address:	**419 Fitzroy Street, Fitzroy**

I refer to the above Planning Application received on 12 March 2019 and the accompanying *Transport Impact Assessment* report prepared by GTA Consultants (issue E dated 27 February 2019) in relation to the proposed development at 419 Fitzroy Street, Fitzroy. Council's Civil Engineering unit provides the following information:

CAR PARKING PROVISION

Proposed Development

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Residential Hotel	127 rooms	Rate not specified in Clause 52.06-5	To the satisfaction of the Responsible Authority	10

* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

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 Residential Hotel Use*. Residential Hotels can be classified as tourist accommodation facilities. In terms of parking provision for this type of accommodation, the NSW Roads and Maritime Services' *Guide to Traffic Generating Developments* version 2.2 provides a parking rate of one off-street space per four bedrooms (0.25 spaces per one-room apartment). Applying a rate of 0.25 spaces per room would result in a car parking demand of 32 car parking spaces. The actual parking demand for the residential hotel would be off-set by the lack of available long-stay on-street parking, the proximity to public transport services and access to on-street car share pods.
- *Empirical Car Parking Demand for Residential Hotel Use*. The GTA report lists a number of empirical case studies of on-site parking rates for residential hotels in the inner Melbourne metropolitan area. Rates range from zero spaces to 0.3 spaces per room.

- *Availability of Public Transport in the Locality of the Land*. The site is within walking distance of tram services operating along Nicholson Street and Brunswick Street. The site also access to bus services operating along Johnston Street.
- *Convenience of Pedestrian and Cyclist Access*. The site is within walking distance of public transport nodes, essential facilities, shops and amenities. The on-road bicycle network is also easily accessible from the site.
- *Variation of Car Parking Demand over Time*. The peak parking demand would be expected to occur during guest check-in and check-out times.

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*. GTA Consultants have not provided a study of existing parking conditions surrounding the site. Parking in the Fitzroy area is predominately short-stay time restricted parking – unsuitable for guests staying at the development. The lack of available on-street long-stay parking would be a disincentive for hotel employees to commute to and from the site.
- *Relevant Local Policy or Incorporated Document*. The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.
- *Other Relevant Considerations*. It is assumed that guests staying at residential hotels or serviced apartments would stay for short durations and originate from outside the area, such as interstate. Use of alternative transport modes, taxis, private driver services and other transportation vehicles would influence the car parking demand of the hotel.

Adequacy of Car Parking
From a traffic engineering perspective, the provision of 10 on-site spaces is considered appropriate in the context of the development and the surrounding area. We expect that the most guests would not be arriving to the site in private motor vehicles and would be using other modes of transportation such as public transport, taxis, private driver services etc.

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

TRAFFIC GENERATION
The traffic generation for the site adopted by GTA Consultants is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential Hotel (127 rooms)	0.15 trips per room in each peak hour	Not provided	19	19

The volumes of traffic generated by this development are not unduly high and should not adversely impact the traffic operation of the surrounding road network.

Attachment 4 - PLN18/0990 - 419 Fitzroy Street Fitzroy - Engineering comments

DEVELOPMENT LAYOUT DESIGN

Woods Bagot Architects Drawing Nos. SK2201 Revision C dated 27 February 2019
SK2202, SK3200 and SK3211 dated 6 February 2019

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance	The development entrance has a width of 3.0 metres satisfies *Design standard 1- Accessways* of Clause 52.06-9.
Visibility	The development entrance does not contain any sight triangles. The provision of two convex mirrors is considered to be an acceptable to solution when visibility sight triangles cannot be practically provided.
Headroom Clearance	The development entrance has a headroom clearance of 4.0 metres. The minimum headroom clearance in the car park has been provided at 2.9 metres. However, no details of the minimum headroom clearance along the ramp has been provided.
Internal Ramped Accessways	The ramped accessway has a carriageway width of 3.0 metres with additional 300 mm wide kerbs on either side and satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Car Parking Modules	
At-grade Parking Spaces	The dimensions of the car parking spaces (2.6 metres by 4.9 metres) satisfy *Design standard 2: Car parking spaces*.
Tandem Parking Spaces	The lengths of the tandem parking sets are a minimum of 10.3 metres and satisfy *Design standard 2*. No details have been provided on the management of the tandem parking sets.
Accessible Parking Space	With the exception of the length (satisfies *Design standard 2*), the layout of the accessible parking space and shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009. A bollard has not been provided for the shared area.
Aisles	The 6.4 metre wide aisle satisfies *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* in Clause 52.06-9.
Blind Aisle Extension	A blind aisle extension of 1.0 metre has been provided at the end of the aisle.
Gradients	
Ramp Grade for First 5.0 metres inside Property	The ramp for the first 1.02 metres inside the building line is flat followed by a 5.0 metre length at a grade in 1 in 10. The ramp profile for the first 5.0 metres inside the property satisfies *Design standard 3: Gradients*.
Ramp Grades and Changes of Grade	The ramp grades and the changes of grade satisfy *Design standard 3*.

Attachment 4 - PLN18/0990 - 419 Fitzroy Street Fitzroy - Engineering comments

Item	Assessment
Other Items	
Loading Facility	The dimensions of the loading facility (4.31 metres by 9.2 metres) can comfortably accommodate a 6.4 metre long Small Rigid Vehicle.
Development Entrance – Vehicle Turning Movements	The swept path diagrams for a B99 design vehicle entering and exiting the site via Fitzroy Street are considered satisfactory. On-street parking on the east side of Fitzroy Street has been taken into account.
Loading Facility – Turning Movements for Small Rigid Vehicle	The swept path diagrams for a Small Rigid vehicle entering and exiting the site via Fitzroy Street are considered satisfactory.
Basement Car Park and Ramp – Vehicle Turning Movements	The turning movements of a B99 design vehicle from the ramp to the aisle and vice versa are considered satisfactory
Ground Clearance Check – Proposed Vehicle Crossing Fitzroy Street	GTA Consultants have undertaken a ground clearance check of the proposed vehicle crossing on Fitzroy Street. The channel and road pavement profile have not been accurately depicted. The 1 in 20 cross-fall along the footpath section of the crossing is too steep.

Design Items to be Addressed

Item	Details
Headroom Clearance above Ramp	The minimum headroom clearance measured perpendicular from the ramp to the underside of the ground floor slab is to be dimensioned.
Tandem Parking Spaces	How are the tandem parking sets to be managed with the operation of the residential hotel? This item needs to be clarified.
Accessible Parking Space	A bollard must be inserted in the shared area.
Ground Clearance Check – Proposed Vehicle Crossing Fitzroy Street	Ground clearance to be resubmitted to satisfy Council engineering requirements. Please see under 'Engineering Conditions'.

Attachment 4 - PLN18/0990 - 419 Fitzroy Street Fitzroy - Engineering comments

ENGINEERING CONDITIONS
Civil Works

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

- The kerb and channel along the property's Rose Street and Fitzroy Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpath along the property's Rose Street and Fitzroy Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 33 or unless otherwise specified by Council.
- All redundant vehicle crossings are to be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.
- The road profile of Fitzroy Street along the property's frontage must be profiled (grinded to a depth of 50 mm) and re-sheeted to Council's satisfaction and at the Permit Holder's cost.
- New pram crossings are to be constructed at the south-west and southeast radials of the Rose Street/Fitzroy Street intersection to Council's satisfaction and at the Permit Holder's cost.
- The existing grated side entry pits at the south west corner of the Rose Street/Fitzroy Street intersection must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The existing One Way sign in Fitzroy Street, just south of Rose Street, must be reinstated to the satisfaction of Council's Traffic unit.

Vehicle Crossing

Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be designed and constructed:

- In accordance with any requirements or conditions imposed by Council.
- Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- At the Permit Holder's cost; and
- To the satisfaction of Council.

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.

Discharge of Water from Development

- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- 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.

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.

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.
Redundant Pits and Services	Redundant pits/services to be removed and Council assets to be reinstated.
Clearances from Electrical Assets	Overhead power lines run along the west side of Fitzroy Street, close to the property boundary. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website: http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

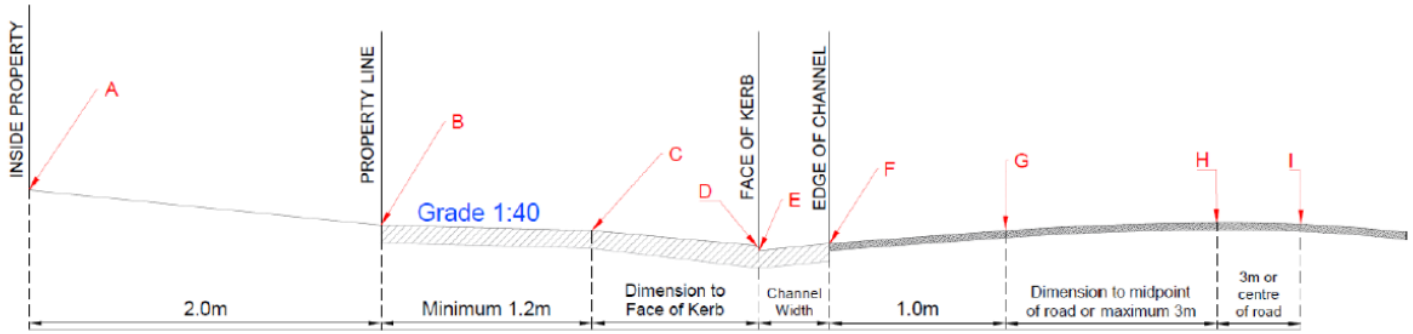
Attachment 4 - PLN18/0990 - 419 Fitzroy Street Fitzroy - Engineering comments

Vehicle Crossing – Cross Section

The designer is to submit a 1:20 scale cross section for each proposed vehicle crossing showing the following items:

A. Finished floor level 2.0 metres inside property
B. Property line surface level
C. Surface level at change in grade (if applicable)
D. Bullnose (max height 60mm) – must be clearly labelled
E. Surface level at the bottom of the kerb
F. Surface level at the edge of channel
G. Road level 1.0 meter from the edge of channel
H., I. Road levels

- Please note the cross section must be fully dimensioned. As shown in the sketch below.
- Please show both the existing and proposed surface.
- The maximum allowable cross-fall between points B and C is 1:40 (2.5%).
- A bullnose (max 60mm) is permitted at point D, however not compulsory.
- The levels shown must be exact reduced levels, to three decimal points. Interpolation of levels is not acceptable.
- The designer must demonstrate that an 85th or 99th percentile vehicle profile can traverse the design cross section as per the Australian/New Zealand Standard ground clearance template (AS/NZS 2890.1:2004).
- Significant level changes to the existing footpath level B to C will require additional level design either side of the proposed crossing.
- Please include any additional levels or changes in grade that are not shown in the diagram.



24 April 2019

640.10090.05890 419 Smith 20190424.docx

City of Yarra
PO Box 168
RICHMOND VIC 3121

Attention: Chris Stathis

Dear Chris

419 Fitzroy Street Fitzroy
Development Application Acoustic Review

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the proposed Hotel at 419 Fitzroy Street Fitzroy (Rose Street Hotel).

The provided acoustic report has been prepared by Marshall Day Acoustics with details as follows:

- Title: Rose Street Hotel – Town Planning Report
- Reference: Rp 001 20181145
- Date: 14/12/2018
- Prepared for: Deal Corporation
- Prepared by: Marshall Day Acoustics (MDA)

1 Background Information

(Sections 1 to 3 of the acoustic report)

The details of the proposed use and surrounding residential receivers are generally described in these sections. Key details include:

- The application is for the redevelopment of an existing warehouse into a 7 storey Hotel building at 419 Fitzroy Street (corner of Fitzroy and Rose Streets).
- The proposed development includes a roof terrace / communal space, basement, ground floor lobby and 6 levels of Hotel rooms.
- Apartment AC condenser units will likely be located on the roof of the building (split units) as will carpark and kitchen exhaust fan discharges.
- The report identifies the nearest residential uses to the north on the other side of Rose Street, the Rose Street markets and Young Bloods diner to the west, and the café / office uses to the east. The site is in a MUZ zone.

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

- It is noted that the report is a preliminary assessment report and that specific floor layouts, glazing areas and mechanical equipment that will be associated with the building are yet to be finalised. The report is intended to identify relevant acoustic criteria and recommendations to serve as a guide for the developer.

  SLR Comments: *The project general information and nearest receivers are generally identified.*

  We note that the development is particularly close to the Young Bloods diner.

  We also note that the site is generally well away from Brunswick Street. Glamorama bar (395 Brunswick Street) is an existing music venue that also includes a recent application for a large outdoor patron area and is located approximately 80 m north-east of the subject site. Even though the venue is a reasonable distance away from the development site, the proposed development is significantly taller than most buildings in the area (nearly all residential and commercial buildings in the direct vicinity appear to be no more than 3 storeys) and could be directly exposed to noise emissions from this venue.

2 Criteria and Noise Considerations

(Section 4 and 5 of the report)

The report provides a summary of applicable noise criteria relating to the site, and further comment in Section 5 in relation to potential sources that could impact or cause impact from the development. It is noted that there is minimal traffic noise impact to the site due to its proximity to low traffic-carrying roads.

Noise from domestic plant, centralised plant (servicing building and commercial tenancies) and waste collection and deliveries is identified as potential sources of impact.

> ***SLR Comments:*** *Appropriate provision of policies and guidelines provided. There is no comment in relation to impacts from the adjacent venue and market, but the venue is considered in further sections of the report.*

3 Noise Measurements

(Section 6 of the report)

This section of the report contains the results of both attended noise surveys and background monitoring.

Background surveys were conducted in Rose Street and Fitzroy Street, during the day and evening period. Noise logging data was also referred to that had previously been collected at 78-82 Rose Street in 2014.

Traffic noise measurements are also presented measured during mid-morning and mid-afternoon periods. The resulting traffic noise levels were 52-54 dBA, Leq.

> ***SLR Comments:*** *The set of attended and measurements and reference to the noise logging at a nearby site (approximately 45 m from the subject site) provides a good approach for quantifying background levels in the area, especially given they are identified as 'low' under SEPP N-1.*
>
> *The traffic noise levels impacting the site from the local roads are considered minimal. It is likely that noise levels could be higher at elevated positions of the development due to traffic from more distant roads such as Brunswick Street, but in any case, the site is sufficient distance away from all busy roads to not require any specific glazing treatment to address traffic noise.*

4 Project Noise Limits

(Section 7 of the report)

This section of the report presents noise limits and criteria for the development.

SEPP N-1 (mechanical plant and equipment) noise limits are determined based on the 'low' background levels identified at the site.

No SEPP N-2 limits are identified as the site will not have any music.

Patron noise targets are provided based on MDA in-house developed 'background +' based methodology. MDA also indicate that AS2107 based internal targets can be reverted to if external targets cannot be met for patron noise.

> ***SLR Comments:*** *The determined criteria appear appropriate for the various sources. We note that no music (SEPP N-2) criteria are provided, but understand that the Young Bloods diner can have some music emissions (Section 11.0 refers to both live music and recorded music). As such, it may have been useful to provide a SEPP N-2 based criterion.*
>
> *In relation to internal targets (where external targets cannot be met for patrons noise), reference to AS2107 is made in the report. This needs to be done with some care, as AS2107 provides ranges for internal design levels. The report does ultimately nominate the target in Section 11.3.2 of the report, being 35 dBA, Leq. As the Young Bloods diner is identified to only operate up to 9 pm, (i.e. not into the night), adoption of the 35 dBA Leq target is considered acceptable.*
>
> *For reference, our recommended targets in City of Yarra for internal patron noise are:*
>
> - *Not more than 30 dBA Leq in bedrooms (during the night)*
> - *Not more than 35 dBA Leq in living rooms*

5 Building Envelope Design and Noise Control Recommendations

(Sections 8 and 9 of the report)

This section of the report presents indicative building advice including:

- All glazing to be not less than 6.38 mm laminated glass or 4/12/6 or 6/12/6 double glazing generally to building, with the exception of those apartments overlooking the Young Bloods diner, where higher performance glazing has been nominated in Section 11.3.2 to achieve 35 dBA, Leq in the hotel rooms from patron noise.
- Roof and walls of the development to have acoustic ratings 10 dB better than any nominated glass.
- Provision of cement sheet screening (to height of condenser units) around apartment AC condenser area.
- Attenuators on carpark and kitchen exhaust fans.
- Carpark entry door – to be considered 'once noise levels from the door mechanism are available'.
- Loading dock – truck and van movements associated with collection of linen, dry cleaning deliveries of food and beverages, and rubbish collection.

SLR Comments: *The comments are generally acceptable but the report should make it clear that mechanical plant and equipment and the carpark door etc. will need to be formally reviewed (by an acoustical consultant) during the detailed design stage, to ensure this is undertaken.*

The report should also nominated sleep disturbance targets for the carpark entry door given it is in a quiet area and within 10 m from existing residents. A reverse specification (e.g. door to achieve not more than 65 dBA at 3 m Lmax) would provide further useful guidance.

6 Patron Noise Assessment

Section 11.3.2 of the acoustic report provides a predictive assessment of patron noise impacts and advice for façade treatments to achieve an internal design target of 35 dBA, Leq.

SLR Comments: *The general assessment targets and approach are considered reasonable for the patron noise assessment, however, we note that MDA have conducted their entire assessment of the diner outdoor patron area at the diner based on theoretical prediction.*

Given the venue is operational, it would have been preferable to obtain reference data from the venue. However we acknowledge that collecting data from the venue is not always practical (eg the venue may not be busy at the time a measurement is undertaken) so consideration of a theoretical model where the venue can be assessed at capacity does serve a useful approach.

A combination of both attended measurements and some theoretical modelling would have been the best approach.

7 Music Noise Assessment

Section 11.1 discusses potential music impacts from the Young Bloods diner to the development.

MDA refer to the permit for the use and identify that live music and recorded music (other than background music) are not permitted on the site.

MDA also indicate that the agent of change provisions do not formally apply and it is the responsibility of the venue to comply with SEPP N-2.

Given all of the above, MDA do not provide any formal assessment or building treatment to address music impact to the site.

SLR Comments:

- *As a rule, in the City of Yarra, the principle of 'agent of change' has been implemented and supported by Council as a means to protect existing uses, regardless of whether the formal planning provisions for live music venues are triggered. Applying the principle to all types of music venues (live, recorded etc.) is recommended when a development is likely to impose a higher level of compliance obligation than existing residents in the area. Given the proximity of the hotel to the outdoor / roof area of the Young Bloods diner, this development could be the most impacted and impose higher obligations on the venue than existing residential uses.*

- *A measurement of existing music levels would be required to determine whether music from the venue potentially exceeds SEPP N-2 criteria at the most exposed façade of the development. If the music levels exceed SEPP N-2 criteria, then some form of amelioration treatment should be provided to the building façade to achieve a reasonable internal amenity. An appropriate approach would be to implement the methodology of the live music agent of change provisions and design for SEPP N-2 internal design levels.*
- *As the venue only appears to operate during day/evening periods, an internal design level of 32 dBA Leq (i.e. the internal base limit) or 'background + 5 dBA' should be adopted if the hotel has a constant internal background level that warrants this approach. Note that there is a potential night period operational period on Sundays up till midday, and it should be established if the venue is likely to have music operations at this time; this would have more drastic implications in the façade design.*

  We recommend that the acoustic report adopt the above. We further note that the report already provides recommendations to achieve 35 dBA inside from patron voice noise, and it may be that the recommendations for glazing do not change given there are already some upgrades. However, the music noise assessment should be formally considered and included in the report.

8 Comment on other impacts - Glamorama

Council have raised the issue of Glamorama bar and potential impacts from that venue to this development. The Glamorama bar is approximately 80 m north-east of the subject development.

The formal agent of change provisions are not triggered as the venue is more than 50 m from the subject development. As noted above, this does not necessarily mean that the issue can be ignored.

There are however further aspects in relation to Glamorara bar being:

- The Bar has a reasonable distance buffer from the subject development and also has existing residents in closer proximity than the subject development. Refer to image below.



- The existing residential uses are 3 storey high, so potentially slightly less exposed to the subject 7 level development. However, it is unlikely that this development would be significantly more impacted by Glamorama than existing residents.
- The venue recently submitted an application for a new outdoor roof terrace and patron area. MDA were involved in that application and would have data and a 3D model that could be used to check the anticipated patron noise level (and likely music levels) to the upper floors of this development. An assessment could be undertaken on this basis. The building should be designed to ensure not more than 30 dBA internally (from worst case patron noise) during the night. Music may also need to be considered.

9 Comment on existing mechanical plant and equipment impacts

The report does not provide any comment on potential impacts from existing mechanical plant in the area. Review of aerial photographs identifies that the Young Bloods diner has a roof mounted exhaust fan approximately 6 m from the subject site boundary.

It needs to be determined if this plant and equipment (or any other plant associated with the diner) would comply with SEPP N-1 noise limits at the subject development. If it does not, then some form of amelioration measures (preferably negotiated treatment at the source) will be required. It may be possible to address the issue with façade treatments if only a marginal excess is determined.

10 Summary

A review of the acoustic report prepared for the proposed new development at 419 Fitzroy Street, Fitzroy is provided above. It is noted that the report is provided as a 'preliminary' report, which implies a more detailed report in future. The following provides the summary of our review:

- The development is likely minimally impacted by traffic noise and this aspect is generally appropriately addressed.
- Appropriate internal targets and provision of glazing design are adopted in the report to address potential impacts from patron noise from the Young Bloods diner. It would be preferable if the façade noise levels could be measured during actual operations of the diner to supplement the assessment.
- There is no formal assessment of music from the Young Bloods diner. Although the formal agent of change provisions for live music venues are not triggered, we recommend that the issue is considered and that the building façade design ensures day/evening internal SEPP N-2 music noise limits are met within the development. If sufficiently low music levels do occur at the diner, this may have negligible effect on the façade design already adopted to control patron noise.
- It is recommended that MDA check the potential impacts from the proposed (likely approved) use of the Glamorama bar rooftop outdoor area, and allow for appropriate façade design to control night period patron noise (and music if necessary).
- It is recommended that the report assesses the operation of the rooftop exhaust fan (or any other mechanical plant) associated with the Young Bloods diner to formal SEPP N-1 targets at the proposed development. If an excess is determined, this needs to be addressed and should be the responsibility of the developer to do so given the encroachment would represent the nearest most affected residential use.
- The report should provide a clear recommendation for mechanical plant and equipment associated with the development, including the carpark entry door, be reviewed by an acoustical consultant during the detailed design stage to ensure both SEPP N-1 and sleep disturbance targets are met. The carpark entry door should also include a specification to ensure it achieves both SEPP N-1 and sleep disturbance impacts to existing residents.

Regards,



Jim Antonopoulos
Principal – Acoustics

Checked/
Authorised by: DW

Attachment 6 - PLN18/0990 - 419 Fitzroy Street, Fitzroy - UD comments

hansen

Urban Design Memo

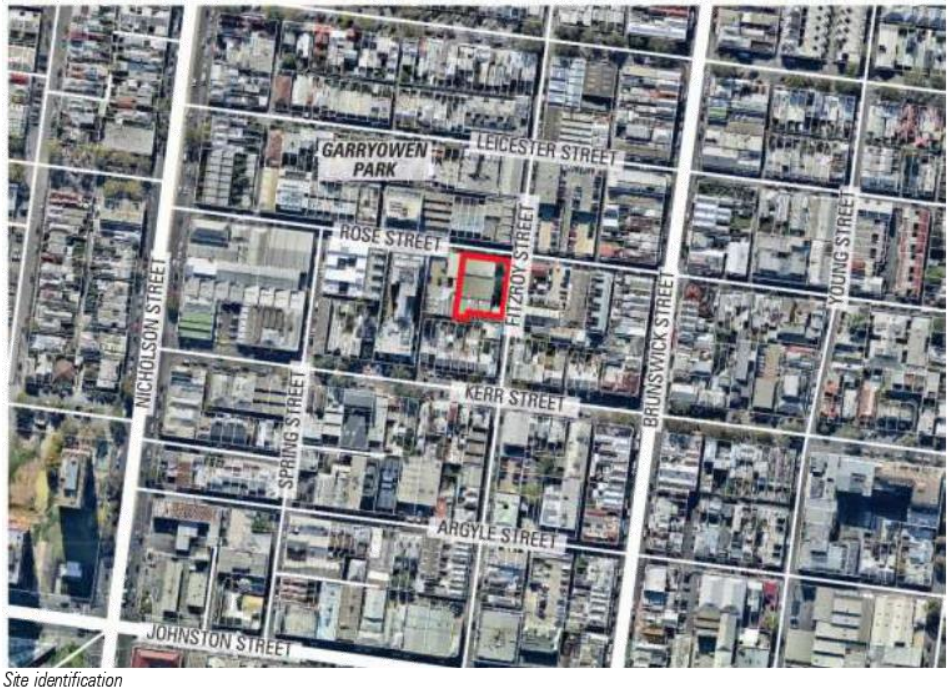
To:	Chris Stathis	Date:	13/05/2019
Company:	City of Yarra	From:	Hansen Urban Design Team
Re:	**419 Fitzroy Street, Fitzroy**		

Thank you for the opportunity to review the application package for the proposed 7 storey hotel development at **419 Fitzroy Street, Fitzroy**. We have reviewed the plans prepared by Woods Bagot Architects, dated 6 February 2019 and inspected the site and the surrounds.

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

Site and context

The subject site is a large parcel on the corner of Rose Street and Fitzroy Street in Fitzroy. The site has a frontage of 29.7m to Rose Street, 35.5m to Fitzroy Street, with a total site area of 1090m^2. A portion of the site to the rear adjoins a laneway. At present, the site is occupied by a single storey warehouse building. Vehicle access is gained via Fitzroy Street to the east. It is relatively flat and consists of a canopy tree within the carpark.



Site identification

The key site interface conditions are as follows:

- To the immediate **north** is Rose Street, a 10m wide local road with traffic in both directions. This section of Rose Street is subject to the Rose Street 'Feet First' Project, which is a proposed shared zone to improve pedestrian access on Rose Street. The final concept design is currently being reviewed by Council. Directly opposite is a 3 storey apartment building (71-73 Rose Street) and 3 storey townhouses (63-69 Rose Street).
- To the **east** is Fitzroy Street, a 10m wide local street with traffic in one direction (to the south). Opposite of the corner of Fitzroy Street and Rose Street is a café, known as 'Grace Café'. In front of the café is a number of bike parking spaces within the road reserve. A mixture of buildings are located along Rose Street to the east, consisting residential apartments, parking lots and industrial/ warehouse forms.
- To the **south** is 405 Fitzroy Street, a small factory/workshop which is a contributory building. A laneway also extends along the western portion of the site to the rear which connects to Kerr Street. Beyond is a row of single storey Victorian terrace houses. Private open space of these dwellings are located to the rear (closest to the subject site.
- To the **west** is a 2 storey building at 50 Rose Street which is occupied by the 'Rose Street Market'. Adjoining to the west is a 6 storey apartment building with a retained brick heritage façade at 46-52 Rose Street. There has been a number of recent approvals/developments along Rose Street that are beginning to shape the morphology of the street such as 45 and 61 Rose Street (6 storeys).

The surroundings are generally characterised by 1-3 storey warehouse forms, small scale traditional residential stock with the emergence of taller building forms up to 6-7 storeys. It is part of a mixed use area that is bound by the Brunswick Street Major Activity Centre (MAC) and Johnston Street Neighbourhood Activity Centre (NAC).

The site is strategically positioned and well serviced by local facilities and public transport being close to Route 11 tram along Brunswick Street and the shopping precincts of the Brunswick Street MAC and Johnston Street NAC.



View of subject site from corner of Rose/Fitzroy Street



View of subject site from Fitzroy Street



View of 3 storey apartment at 71-73 Rose Street



View of 405 Fitzroy Street to south



View of 46-52 Rose Street to west (6 storeys)

Planning Context

The subject site is located within a **Mixed Use Zone (MUZ).** In addition to implementing Planning Policies, the purpose of the MUZ is:

- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone*



Zoning extract

The subject site is also affected by the **Environmental Audit Overlay (EAO)** and **Heritage Overlay – Schedule 334 (HO334 – South Fitzroy Precinct).**

The following Planning Policies (and reference documents) are considered relevant:

- Clause 15 – Built Environment and Heritage;
- Clause 17 – Economic Development;
- Clause 21.03 – Vision;
- Clause 21.04 – Land Use;
- Clause 21.05 – Built Form;
- Clause 21.08 – Neighbourhoods;
- Clause 22.05 – Interface Uses Policy;
- Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay; and
- Clause 22.07 – Development Abutting Laneways.

Other relevant documents:

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

The Proposal

The proposed development comprises the construction of a hotel building, comprising a 7-storey form. Specifically, the proposal includes:

- Basement level car parking accommodating a total of 10 car parking spaces;
- Ground floor lobby to the north-eastern corner comprising a dining and kitchen area;
- A total of 127 single hotel rooms. There are 5 different variations of hotel rooms (Type A-E);
- Levels 1-2 are positioned along the Rose and Fitzroy Street boundaries with a 3m setback to the southern boundary and a 4.5m courtyard from the western boundary;
- Level 3-4 are positioned with a setback of 3m from the street and greater setbacks from the western and southern boundaries;
- Levels 5-6 sit above with greater setbacks from the southern boundary;
- Roof terrace above provides outdoor area for future occupants of the development;
- Pedestrian access is gained via Fitzroy and Rose Streets. A central lift core provides access to the levels above;
- Vehicle access to basement via a Fitzroy Street to the south of the site;
- 16 bicycle spaces are provided on the site, including 10 spaces (visitor) at the Rose Street frontage;
- An overall maximum building height of 23.5m (to top of parapet of level 6); and
- The 7 storey form is massed with 'base' with a stepped 4 storey 'top' and treated with variation of steel panelling material palette.



Proposed render from Rose Street facing to the south-west

Urban Design Assessment

Strategic Context and Development Scale

- The Yarra Planning Scheme seeks to maintain the City's urban character as *a 'low-rise urban form with pockets of higher development'*. Clause 21.05 – 2 states that low- rise building heights within the municipality predominantly vary between 1-2 storeys, with instances of 3-4 storey buildings. Pockets for higher development are Strategic Redevelopment Sites or within Activity Centres should generally be no more than 5-6 storeys, unless specific benefits can be achieved.
- The subject site sits outside the Brunswick Street, or Johnston Street Activity Centres and has not been specifically identified as a Strategic Redevelopment Site. However, a number of recent planning approvals on larger, or consolidated ex- industrial sites (including contemporary 8 storey at 300 Young Street) is beginning to transform this historically low-rise context into one of the pockets of higher development referred to in the MSS. The site sits within ex-industrial precinct (within MUZ) with a mix of smaller and larger allotments. Contemporary mid-rise apartments have been realised on ex-industrial sites along Rose Street and Fitzroy Street. Where amenity impact to existing low rise residential can be contained within larger sites which are unconstrained by heritage (on site, or abutting sites), 'more' can potentially be achieved than a typical response for sites in RGZ/GRZ. A mid-rise response of 7 storey on this site is generally consistent and supportable from urban design perspective. This is consistent with recent development approvals in MUZ pockets positioned to the rear of defined activity centre spines as demonstrated in diagram to the right.

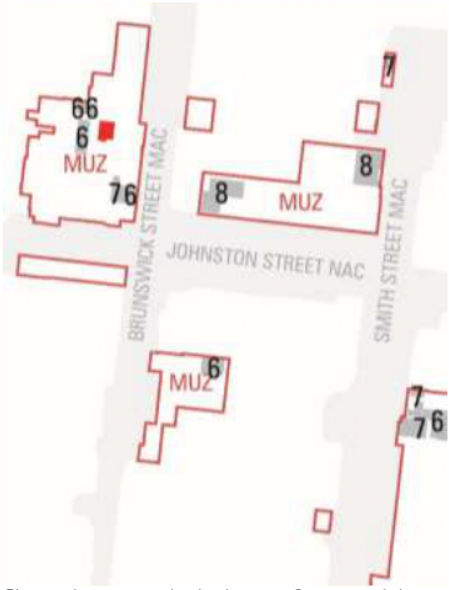


Diagram demonstrates the developments 6 storeys and above within the Mixed Use Zone

- In the absence of specific height controls for this site, a number of urban design tests are required to determine appropriate site- specific response for a fully supportable outcome. Firstly, the question of a 7-storey built form has to be considered in relation to its current and emerging morphological role in providing urban hierarchy and legibility to its host precinct. The subject site benefits from a corner location with an opportunity to hold the junction with a more prominent form. Where recent mid-rise development along Rose Street are in the order of 6 storeys, the proposed scale does not represent a drastic departure from the common order whilst still reinforcing the junction, contributing to the legibility of this precinct as demonstrated in diagram below.

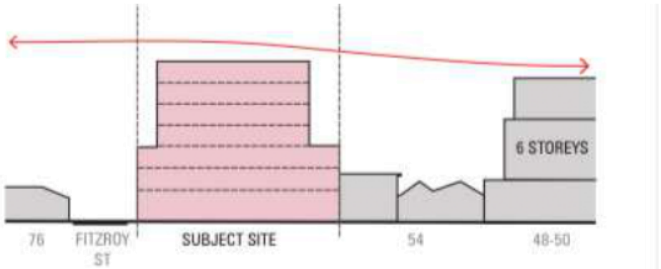


Diagram demonstrating marginal variation to the established building height 'datum' along Rose Street.

- Along Fitzroy Street, the potential to accommodate taller forms to the fine grain adjacencies is expected where renewal can be anticipated on ex-industrial sites. While the built form ultimately rises to a height of 7 storeys, it is notable through the inspections of elevations that the upper most reaches are setback 18.5m from the rear boundary. The proposal has devised a response to its role as a corner with a sense of transition to the existing and future development to the south, as shown below. We believe that the proposal is well justified in terms of its current and emerging urban morphological contexts.

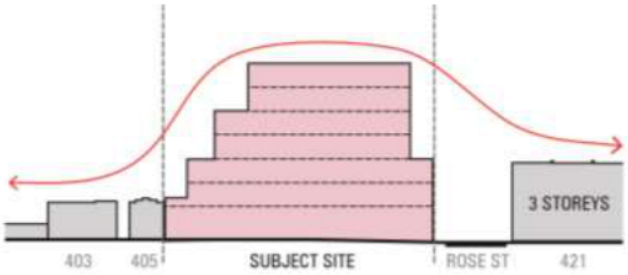


Diagram demonstrating the reasonable 'building line' of the proposal along Fitzroy Street (east)

- Secondly, the subject site is also affected by a Heritage Overlay (HO334) being located within the South Fitzroy Precinct. Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) provides design guidance for the development to protect and enhance the City's historic fabric. While we acknowledge that a response to this policy will be strongly informed by heritage considerations, the subject site sits within mixed character streetscapes and not influenced by significant/ contributory heritage forms on site, or on abutting sites. This influences the degree of built form change that could be anticipated in this part of the precinct.
- Lastly, when measured against its impact on the public realm, the proposed development scale does not result in unreasonable amenity impact on the public and private realm, particularly over shadows over the secluded private open space of existing residential properties to the south. The proposal demonstrates compliance with the relevant provisions in Clause 55 (Standard B21) which will allow sunlight to secluded private open space for at least 5 hours during the period of 9am-3pm (equinox). We support the extent of overshadowing from the proposed development. Further, being located on the south side of Rose Street, the proposal does not overshadow the public realm, which is a positive.

Siting and Layout

- We are generally supportive of the site planning strategy, including activity generating uses (dining, kitchen and lobby) occupying most of the Rose and Fitzroy Street frontages and 'back of house' facilities contained within the core of the building, or to the rear including a basement entry at the south eastern corner off Fitzroy Street. We note Council's initiative to upgrade Rose Street as a pedestrian oriented shared zone, where slowing down of vehicle traffic and prioritisation of pedestrian movement is encouraged. The proposed location of main building entry off Rose Street and services/ car access off Fitzroy Street is appropriate and will support the objective of Rose Street streetscape upgrade in the future.
- The ground floor comprises a 'broken up' glazing treatment which employs depth and tactility and provides casual surveillance onto the public realm. The loading, access and services are located away from the corner – the expressed fire booster also provides visual interest to the street.

- While we highly support the ground level setback at building entries and for outdoor seating/dining (up to 1.4m). However, where outdoor seating is proposed, we recommend a greater setback be provided to ensure they do not impede on pedestrian desire line and creating unwanted competition for space, or conflict where increased pedestrian footfall is encouraged. Where outdoor seating is proposed, a minimum 1m (or 0.5m increase from current setback) is preferred along Rose and Fitzroy Streets to support the proposed activity and ongoing uninterrupted pedestrian movement.



Diagram demonstrating recommended improvement to the ground level

- The general arrangement of the lift core and lightwell are positioned in logical locations. The light well to the west of the site provides for development equity opportunities should adjoining site be redeveloped in the future. View to this landscaped lightwell should be facilitated from internal corridors for amenity and additional source of natural light at ground level. Within the upper levels, views to the landscaped lightwell can contribute to sense of orientation.
- The bicycle storage facilities are located in a suitable position at ground level and basement. The provision for visitor bike storage close to the street frontage is positive, displaying a symbol of sustainable transport in an artful manner.
- Consolidation of car parking, services and loading facility at the south eastern corner off Fitzroy Street is logical and supportable. This 'back of house' facility currently occupies less than 50% of the Fitzroy Street frontage which is positive. Whilst we appreciate the application of similar material palette (referred to as CD01: solid/ perforated weather steel panel), we encourage the design team to explore innovative ways in which this back of house can be designed to consider visual interest at the ground level.

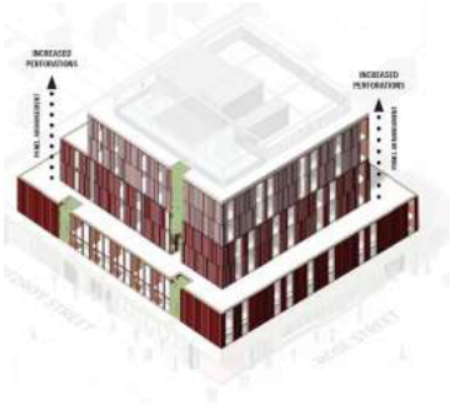
Massing Strategy and interface management

Rose Street and Fitzroy Street

- The site sits along Fitzroy and Rose Streets which is typified by low rise commercial/ light industrial forms built to the street edge. Recent mid-rise development has also continued to define the street edge by adopting 3-4 storey street wall and setback upper levels. The proposal has continued this 'street based' response to good effect by presenting 3 storey 'podium' to Rose and Fitzroy Streets. This is consistent with planning objectives within Yarra Planning Scheme (Clause 15).


Street wall definition along Rose Street is generally 3-4 storeys with setback upper levels.

- In its current arrangement, Fitzroy Street provides a continuous, north – south aligned pedestrian link between Victoria Parade and Alexandra Parade. Where Fitzroy Street intersects with Victoria and Johnston Streets, these junctions are defined by robust, contemporary forms (at 69 Victoria Street and 89 Johnston Street). This distinction assists in demarcating the approach to Johnston Street, one of key commercial streets in the City of Yarra. We feel a 3m setback along Fitzroy St is acceptable that it achors the Rose Street northern/ southern approaches, contributing to locating it as a special 'node', or destination. The 3m setback appears not to detrimentally affect amenity within the public realm with shadow impact limited to after 2pm on 22 September.



The proposed massing strategy comprising street wall (3 storey) response along Rose and Fitzroy Streets is appropriate

- Through a combination of low-rise street walls and setback upper levels, this part of Rose and Fitzroy Streets have managed to retain an intimate pedestrian streetscape profile and view to the sky. The proposed 3 storey street wall (10.9m) demonstrates a proportionate response to the narrow Rose/ Fitzroy streets profile (approximately 10m wide). Along these street frontages, upper levels are setback 3m behind the street walls, ensuring pedestrian experience at the street level is not overwhelmed by the rising form.
- The preferred upper level setback should emphasize the distinction between 'base' podium and 'top' upper levels – consistent with the massing objectives found in the Urban Context Report prepared by SJB (page 24). We recommend an upper level setback of up to 4m along Rose Street to match upper level setbacks established by recent developments at 48-50 Rose Street and 45 Rose Street. Whilst a 3m setback offer some level of distinction between the base and top, a 4m setback to Rose Street has an added benefit of continuing the setback 'datum' established by other contemporary development along this streetscape.

Southern interface

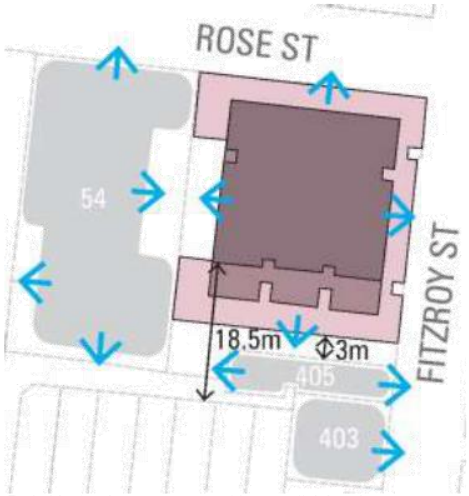
- The proposed development has been suitably arranged in terms of its relationship with the rear laneway and common boundary to the south, as well as with rear yards of residential lots fronting Kerr Street. We accept that the upper levels are visually exposed from further afield, particularly from the south. The proposed response of 'stepped' development profile with upper level setbacks of up to 16.5m from its common southern boundary is logical. Additional perspectives taken along Fitzroy Street and from within SPOS of 51 to 59 Kerr Street will be helpful to ascertain that the upper levels are well- managed in terms of its visual bulk impact.
- The attempt to manage its 'wedding cake' profile to the rear is also noteworthy. We acknowledge that care has been taken to ensure well-modulated elevations achieved through variation in building setbacks. The building's 'base' and 'top' is unified in its use of material without resulting in visual clutter and reliance on tokenistic embellishment. This is notable in terms of the successful use of materials, strong attention to division of form (both vertically and horizontally) through adopting 3-dimensional rebates which are further highlighted by inclusion of climbing plants. Additional information will be required to demonstrate how this positive landscape addition can be achieved.

- The composition and profile of the proposal as it presents to the public and private realms has been carefully considered in a holistic sense. The proposal is one that is made up of a series of parts which has been articulated to minimise the impact of scale through a simple 'base' and 'top' arrangement. The notion of a façade treatment that includes solid panelling at the 'base; and perforated panels at the 'top', transitioning to a more 'subservient' upper levels is positive. Whilst the architectural and approach to material palette is supportable, its legibility from further afield will require further testing. Additional information to demonstrate designation of solid and perforated panelling (and its variation) will be helpful.



Example: Metropol University College Copenhagen by Kant Architects

- While we accept that the upper levels will clearly be visible, the relationship between different parts fits together as a coherent whole that is important when viewed in the round. We would also encourage the design team to further explore opportunity for 3-dimensional projection, or variation on the elevation to further modulate the overall composition. The use of perforated panel can be used to achieve a 'pleated' effect with some opening provided with operable panels to minimise visual bulk as demonstrated by the relevant example provided.



Equitable development opportunities on adjoining sites

Interface Management / Equitable Development

- The proposal is well considered in terms of interface management and equitable development opportunities on nearby sites. The party wall arrangement with a central light court along the western boundary provides development equity on the adjoining site for a reciprocal response.
- To the south, the proposal adjoins a contributory single storey warehouse building at 405 Fitzroy Street. A single storey party wall abuts the boundary with upper levels setback at least 3m. While, a 3m separation distance does not achieve a minimum of 9m distance (4.5m on each site) to provide an outlook without privacy screening between buildings in future. It is likely that the future development of 405 Fitzroy Street will be orientated to face the west and east based on the long narrow dimensions of the site.

Conclusion

From our assessment of a 7-storey form, comprising 3 storey street wall and additional 4 storey upper levels to be a supportable urban design outcome on this site, noting there is limited off site impact and a well-considered architectural proposition. However, there are matters which we feel require further testing and minor refinement to achieve a fully supportable outcome. In summary, we recommend:

- Greater setback from the footpath where outdoor seating/ dining is proposed to minimise potential conflict with pedestrian movement along Rose Street and Fitzroy Street.
- Extension of the landscaped light well to improve amenity to common corridors and assist as visual guide for wayfinding purposes.
- Increased upper level setbacks along Rose Street (up to 4m) to match existing contemporary development within the streetscape.
- Further consideration for elevation treatment at ground and upper levels for visual interest.
- Clarification of proposed material palette and its application within the elevations.
- Additional perspectives and visual tests from the south along Fitzroy Street and within SPOS of 51-59 Kerr Street to ascertain the level of visual impact of upper level forms.
- Additional information to demonstrate how proposed landscaped rebate/ creeper planting can be achieved and maintained.

Should you have any further enquiries, please don't hesitate to contact Gerhana Waty, Associate Urban Design at 9664 9841.

Yours faithfully,

Urban design team

Hansen Partnership Pty Ltd

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments

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



Assessment Summary:

Planning Application No:	PLN18/0990		Date: 29/4/19
Subject Site:	419 Fitzroy Street, Fitzroy		
Responsible Planner:	Chris Stathis		
Project Description:	Full demolition and the use and development of the land for a seven-storey residential building (residential hotel).		
Site Area:	1150	Site Coverage:	100 %
Pre-application meetings:	-		
ESD Advisor:	Scott Willey		

Contents

ESD Review 3

1. Indoor Environment Quality (IEQ) 7

2. Energy Efficiency 9

3. Water Efficiency 11

4. Stormwater Management 12

5. Building Materials 13

6. Transport 14

7. Waste Management 16

8. Urban Ecology 17

9. Innovation 18

10. Construction and Building Management 19

Applicant Response Guidelines 20

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - 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 contains over 1000m^2 of Gross Floor Area.

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 Woods Bagot Architects, town planning set with RFI revisions
- ESD report – SMP prepared by JBA Consulting Engineers, Version 4, 18/12/18
- WSUD report – prepared by Mordue Engineering, 19/2/18

As the application is a large application, the SMP is required to address the 10 key sustainable building categories noted below:

- indoor environment quality
- energy efficiency
- water efficiency
- stormwater management
- building materials
- transport
- waste management
- urban ecology
- innovation
- construction & building management

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments

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



ESD Review

Review

The architectural and the Sustainable Design Assessment (SDA) for the above project were reviewed against the WSUD (LPP 22.16), and ESD (LPP 22.17) policies.

Summary comments

Although page 17 of the SMP notes a "holistic approach to sustainable urban development", this large development has a minimal BESS pass – with fails in three of the seven categories. Several statements made use non-committal language, aren't clear, or contradict items noted in the BESS report. For a project of this scale, a higher standard is sought.

The SMP discusses "passive design" however natural ventilation is limited with less than 8% of suites having any cross ventilation. Approximately 92 of the 127 suites have sun-exposed glazing, with no sunshading. Commitment to thermal performance improvement above the legal minimum is unclear – with a mild thermal improvement (noted on page 9) applying to the hotel lobby areas only. Of the "efficient systems" noted on page 5, water heating is proposed with a best practice rating, thought 3 star energy rated air-conditioners are 2 stars below Council's standards best practice and no ceiling fans have been proposed. Shut-down switches, which have become more prevalent in energy efficiency measure in hotel suites, and increaseingly apartments – are not proposed.

There is a well-placed communal open space, with shading, and some breeze protection - however greening on-site appears limited to two potted trees on the rooftop terrace, and two in the courtyard. What appears could be segments of green façade are not shown with planters, or noted as such. A reasonable size photovoltaic system is proposed, however it will be heavily overshadowed which will significantly reduce its effectiveness.

Assessment

This application partially Council's Environmental Sustainable Design (ESD) standards, however, further information is needed before the project proposal could be considered to meet Council's standards for best practice.

Comment on ESD commitments

Comments on areas where improvement could be made are itemised below. Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are conditioned to be addressed in an updated SMP report and are clearly shown on Condition 1 drawings.

ESD improvement opportunities (4) have been summarised as a recommendation to the applicant. Council assessment rank noted against issues under each of the 10 categories are as follows:

1 – Design Response is SATISFACTORY

2 – Design Response is NOT SATISFACTORY

3 – MORE INFORMATION is required;

4 – ESD IMPROVEMENT OPPORTUNITIES

1. Application ESD Commitments

- Natural light – Good utilisation of natural light to commercial areas, with common corridors in the upper levels having windows as well.
- Indoor Air Quality - Low/zero formaldehyde products to be used.
- Building insulation – A 10% improvement on legal minimum building energy efficiency on the lobby only
- Energy efficient - Energy efficient hot water, carpark ventilation and lighting
- Photovoltaics - Peak energy demand reduction through a 12 kW photovoltaic array
- Water efficiency – Water efficient fixtures, and fittings and irrigation
- Rainwater harvesting - Rainwater captured for irrigation only
- Material improvements – Include use of third-party certified timber
- Bicycles – 26 on-site bicycle parks provided for occupants and visitors, with showers available for staff
- Vegetation – Increased on-site greening.

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments



- Communal open space – rooftop terrace provided with breeze protection and shade
- Building User Guide – A building user's guide will be provided for occupants
- Management – Water and energy meters for major uses

2. Application ESD Deficiencies:

- Natural light utilisation – Natural light is not provided to some rooms where it appears possible. Skylights (or windows) are sought to the Engineering Workshop, driveway ramp, Linen room, Waste Room, etc.
- Energy efficient equipment – Details are sought on the energy efficiency of the lifts and commercial kitchen equipment.
- Thermal performance – Minimal thermal performance of elements is sought
- Shade – Apart from the few east-facing suites that have balconies on L1 & 2, no other suite windows are shaded
- Fire-test water – No water capture and reuse is noted for wet fire suppression systems.
- Materials – No description is provided of predominant building materials to be used. This is sought with links to clear commitments on material impact improvements. See comments under Section 5. Building Materials.
- Electric vehicle – None is provided, yet 50% of new cars sales are anticipated to be EVs within 10 years
- Heating of external spaces – A description is sought for strategies to minimise or avoid completely, heating of any external space
- Green Travel Plan - A GTP is sought to be provided and included in the BUG.
- Demolition & construction waste – No recycling target has been set during construction. A recycling target of at least 70% (by mass) is sought.
- Operational waste – Dual landfill/commingled recycling bins are sought throughout the building including in individual suites.
- Separated waste and recycling streams – Segregated collection points are sought to be delineated on drawings
- Urban Heat Island – Details of roofs and paving colour colours are sought with respect to UHI mitigation.

3. Outstanding Information:

- Best practice – The SMP is sought to demonstrate 'best practice'. It contains insufficient detail or clarity on how and if best practice will be achieved. Revision is sought which:
  - Code compliance – Removes reference to legal minimal code compliance, unless statements are committing to exceeding such standards
  - Commitment – Revise language to remove wording such as "may use", and disclaimers such as "… don't impact budget", to provide clear commitments to technologies and performance outcomes that can be assessed
  - Clear scope – Clarify the scope of application of initiatives (e.g. double-glazing to all habitable rooms)
- Building energy efficiency – The NCC 2019 is due within days of this report. The minor efficiency improvements proposed are presumed to be on NCC 2016 standards. Consider committing to improvement on the NCC 2019 standards.
- Double-glazing – A clear commitment to double-glazing is sought for all windows/glazed doors in habitable rooms.
- Bicycles – The SMP notes 24 bicycle parks, however the drawings show 26. Correct the SMP.
- Hot water – A system type description is sought, including detail of whether the system is to be centralised, and the level of efficiency of any flow-and-return system.
- Heating and cooling – Consider provision of a VRV system to improve energy efficiency over a ducted air system.
- Lighting – A commitment is sought to improve on NCC 2019 lighting power density minimum standards, and include a commitment to sensor switches in common spaces such as hotel corridors and carparks, and non-habitable back-of-house rooms such as storerooms, bin rooms etc.
- Commissioning – A commitment is sought for initial commissioning of HVAC and other mechanical equipment, followed by a 12 month tuning program.
- Photovoltaic – Consider redesign to remove overshadowing of panels.

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



- Toilet flushing – Rainwater is sought to be reused to flush toilets to lessen potable water use. Consider appropriate pre- and post-treatment to allow this.
- WSUD proprietary systems – Utilisation of proprietary WSUD apparati are not supported without Melbourne Water acceptance. Revise the MUSIC modelling with such systems removed.
- Separated waste and recycling streams – Segregated collection points are sought for landfill, comingled recycled, hard waste, and high volume dedicated waste streams for commercial use. Consider inclusion of organic waste, cooking oil, cardboard, and bottles.
- Vegetation – Further details of increased on-site greening are sought

Drawings are sought to clearly show the following:

FLOOR PLANS	- Rainwater tank – Indicate water reuse. - Electric vehicles – Annotate any external charging infrastructure for electric cars and/or bikes - Bicycle parking – Indicate any visitor parks on footpath - Shade – Indicate shading structures and the line of any overhanging levels/roofs on plans - Plant - Indicate the location of external plant such as condenser units and external hot water systems on the drawings. - Fire test water tank – Indicate any external tank position, and annotate size, and water reuse. - Double glazing – Note the extent of double glazing to be provided - Ceiling fans – Indicate any fans on drawings. - Waste & recycling – Clearly nominate areas on plan segregated for recycling/landfill/hard-waste/organic waste, etc. - UHI effect – Indication of light/dark shade for sun exposed paving/roofing
ROOF PLAN	- UHI effect – Indication of light/dark shade for sun-exposed roofing - Solar panels – Indicate photovoltaic array size
ELEVATIONS	- Sun shading – Indicated effective shading as above.
SECTIONS	- Ceiling height – Show indicative ceiling heights for habitable rooms.

4. ESD Improvement Opportunities

- Accredited builder - Consider requiring constructors to have ISO14001 accreditation
- Energy efficiency – System improvements including 'shut-down' switches to hotel suites
- Material improvements – Consider the following in the matrix sought above:
  - Timber – Use of third-party certified timber
  - Concrete – Reduce impacts by cement substitution, use of recycled aggregate, and water
  - Steel – Use of steel from responsible sources
  - Recycled materials – Included in insulation and/or other materials with recycled content
  - Design for disassembly - Consider a small pallet of materials and construction techniques that can assist in reuse of materials at building end-of-life

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments

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



Further Recommendations:

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

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments

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



1. Indoor Environment Quality (IEQ)

Objectives:

- To achieve a healthy indoor environment quality for the wellbeing of building occupants, including the provision of fresh air intake, cross ventilation, and natural daylight.
- To achieve thermal comfort levels with minimised need for mechanical heating, ventilation and cooling.
- To reduce indoor air pollutants by encouraging use of materials with low toxic chemicals.
- To reduce reliance on mechanical heating, ventilation, cooling and lighting systems.
- To minimise noise levels and noise transfer within and between buildings and associated external areas.

Issues	Applicant's Design Responses	Council Comments	Rank
Natural Ventilation and Night Purging	Limited windows are shown to most suites, though with a high level of visible light transmission (VLT)	• Natural ventilation – Council's Best Practice Standard is for all dwellings to be effectively naturally ventilated, either via cross ventilation, single-sided ventilation or a combination.	-
		- Operability - Window and door format and sash operation need to be clearly indicated using architectural drawings conventions. Consider sashes that are wind and rain resistant when open, and that can be locked in an ajar position to increase likelihood of use when unattended, and allow 'night-purging' in warmer months.	3
		- Windows additional to doors – Some rooms are shown without windows. Doors are inadequate for regular ventilation as they provide poor control of drafts, and are less likely to be used in with the threat of rain, overnight or when unattended. Provide a minimum of one operable window sash to each habitable room in additional to any glazed door. These include: ○ Suite Type C – currently indicated with doors only ○ Engineering store – no natural light or vent shown ○ Security Office – consider locating on external wall as more likely to be occupied than storerooms	3
		- Cross ventilation - Magnetic door catches are sought for all doors indicated on breeze corridors (suites with multiple windows)	3
Daylight	Natural light – Council policy is for natural daylight to be provided to achieve a healthy indoor environment quality, and reliance on artificial lighting systems.		
	Good daylight to ground level front-of-house		1
	Moderate to good daylight to hotel residential levels	-	1
	Limited daylight to back of house	• Additional windows– Consider adding daylight to the following - Suite Type C – currently indicated with doors only - Engineering store – no natural light or vent shown • Additional skylights – Consider adding daylight to the following: - driveway ramp, Linen room, Waste Room, etc.	3
External Views	Moderate to good outlook from suites and dining areas and outlook from	-	1

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments

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



	the rooftop communal terrace is excellent.		
Indoor Air Quality	Low VOC and formaldehyde materials	-	1
Thermal Comfort	See below.	• Good thermal comfort is determined through a combination of good access to ventilation, balanced passive heat gains and high levels of insulation. See: insulation, glazing, ventilation and shading comments	-

References and useful information:

SDAPP Fact Sheet:	*Fact Sheet No. 1 - Indoor Environment Quality*
Australian Green Procurement	*http://www.greenprocurement.org/*
Better Apartments Design Standards	*www.planning.vic.gov.au*
Your Home – The Healthy Home	*www.yourhome.gov.au*

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



2. Energy Efficiency

Objectives:

- To improve the efficient use of energy, by ensuring development demonstrates design potential for ESD indicatives at the planning stage.
- To reduce total operating greenhouse gas emissions.
- To reduce energy peak demand through particular design measures (e.g. Appropriate building orientation, shading to glazed surfaces, optimise glazing to exposed surfaces, space allocation for solar panels and external heating and cooling systems).

Issues	Applicant's Design Responses	Council Comments	Rank
Energy Efficiency		• Council's Best Practice Standard is provided an energy efficiency standard at least 10% above legal minimum NCC compliance. - Equipment – Revise the preliminary Section J report provided in the SMP to include major energy uses such as lifts, hot water, carpark ventilation, HVAC, etc.	3
Thermal Performance	-	• Thermal insulation – Thermal performance is sought which is at least 10% above legal minimum NCC compliance. - Clearly set out improvement on legal minimum for core thermal envelope construction - Consider committing to exceeding NCC 2019 standards (adopted from 1/5/19)	3
		• Window performance - Council's Best Practice Standard is to reduce energy peak demand through optimising glazed areas. Increasing the thermal performance of windows will increase occupant comfort and conserve heating and cooling energy. - Further to page 9 of the SMP - A clear commitment to double-glazing is sought for all windows and glazed doors in habitable rooms. Confirm the extent of thermally broken frames and other thermal improvements to be provided.	3
HVAC efficiency	Efficiency rated 3 stars ducted system	• Efficiency – Council's Best Practice Standard is for energy efficient heating and cooling systems to be installed that are within one energy star rating of the best available. - a commitment is sought to this standard	3
		- a commitment to more efficient genre of system is sought such VRV over ducted air	3
HVAC minimisation	-	• Hybrid – Council policy is to achieve thermal comfort levels with minimised need for, and reliance on, mechanical heating, ventilation and cooling. - Use minimisation - A description of how space heating or cooling systems use can be minimised and avoided is sought.	3
		- Economy cycle – Details of economy cycle are sought.	3
		- Ceiling fans – Consider ceiling mounted fans to the gym and other occupied spaces to avoid need for HVAC.	4
Peak Energy Demand		See comment for renewable energy	-
Hot Water System		• Hot Water System – Council policy is to reduce total operating greenhouse gas emissions, and reduce energy peak demand. Council's Best Practice Standard is for energy efficient hot water systems to be installed that are within one energy star rating of the best available.	

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



		- System type - The water heating methodology is not clear. Note if plant location and if water heating is centralised. - Centralised - Consider more locating water heaters closer to end-use or provision of a centralised efficient with a highly insulated flow-and-return reticulation system (with insulation 10% greater than that required under BCA Section J7).	
Effective Shading	-	• Shading – Council's Best Practice Standard is for the external shading devices to be provided for glazed areas that allow winter sun, while blocking summer solar heat gains. Effective shading will increase thermal comfort and energy efficiency.	-
	Awning/overhang to NE & N of lobby	- Hotel lobby – consider extending shade over or recessing wall below to gain effective shading for all sun-exposed glazing.	3
	Hotel suites are unshaded (bar those with balconies)	- Provide effective shading of the all sun-exposed glazing to habitable rooms on the east, west and north elevations. Consider operable shade to the east and west (Type C are considered sufficiently shaded)	3
Efficient Lighting	Power density improvements.	• Lighting – Council's Best Practice Standard is to provide daylight and occupant sensors for lighting and to install energy efficiency lighting	-
		- Power density - Note power densities prescribed in NCC 2019 are up to 50% lower than those in NCC 2016 due to advances made in LED lighting. Consider committing to the minimum requirements NCC 2019.	3
		- Sensors – Consider providing daylight and movement sensors to external areas and internal areas such as storerooms, corridors, and other common areas in addition to other switching.	3
		- Zoning – Consider use of lighting zoned with perimeter zones adjacent areas of higher daylight, and pair with dimmable lights, controlled by daylight sensors. Utilisation of smaller sized gang switching will decrease likelihood of blanket use.	3
		- Efficient lamps – Consider LED lamping throughout, avoiding any fluorescent fittings	3
Vertical transport	-	• Active transport – Council's Best Practice Standard is to improve the efficient use of energy. Well-designed access to stairways will minimise lift usage thus saving energy, and offer benefits of increased fitness and connectivity of occupants. Consider: - Details are sought of how stair access will be encouraged to minimise lift usage (e.g. door hardware/security profiles and signage).	3
Electricity Generation	12kW photovoltaic array	• Solar panels – A 12kW array is proposed - Annotate - Indicate the number and location of these panels on the plans. - Design – Redesign sought to avoid overshadowing of panels impinging effectiveness. Consider placing 'flat' (10° min.) panels over plant enclosure or similar to avoid overshadowing).	3

References and useful information:

SDAPP Fact Sheet:	*Fact Sheet No. 2 - Energy Efficiency*
Smart Energy Housing Manual	*www.sustainability.vic.gov.au*
House Energy Rating	*www.nathers.gov.au*
Building Code Australia	*www.abcb.gov.au*
Window Efficiency Rating Scheme (WERS)	*www.wers.net*
How To Select Windows Fact Sheet	*www.wers.net*



Appliance Efficiency Ranking	www.energyrating.gov.au

3. Water Efficiency

Objectives:

- To improve water efficiency.
- To reduce total operating potable water use.
- To encourage the collection and reuse of stormwater.
- To encourage the appropriate use of alternative water sources (e.g. greywater).

Issues	Applicant's Design Responses	Council Comments	Rank
Minimising Amenity Water Demand	Water efficient fixtures and fittings	-	1
Water for Toilet Flushing	None proposed	• Toilet flushing – Council's Best Practice Standard is to utilise captured rainwater for toilet flushing where possible to reduce potable water demand. - Consider connection of toilets to rainwater tanks sufficient to gain an 80% reliability of supply	2
Water Meter	Major uses to be metered seperately	-	1
Fire test water	None proposed	• It appears this project will require wet fire suppression systems. - If so, consider the provision of tanks to capture a minimum of 80% fire-test water for reuse, and show these on plans.	2
Landscape Irrigation	Sub-soil irrigation proposed utilising capture rain-water	• Provide details of irrigation provision including efficiency, for any garden areas.	1
Minimising Amenity Water Demand	-	-	-

References and useful information:

SDAPP Fact Sheet:	Fact Sheet No. 3 - Water Efficiency
Water Efficient Labelling Scheme (WELS)	www.waterrating.gov.au
Water Tank Requirement	www.vba.vic.gov.au
Water Tank Calculator	www.tankulator.ata.org.au
Melbourne Water STORM calculator	www.storm.melbournewater.com.au
Environmental Protection Authority Victoria	www.epa.vic.gov.au
Water Services Association of Australia	www.wsaa.asn.au

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments

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



4. Stormwater Management

Objectives:

- To reduce the impact of stormwater run-off.
- To improve the water quality of stormwater run-off.
- To achieve best practice stormwater quality outcomes.
- To incorporate the use of water sensitive urban design, including stormwater re-use.

Issues	Applicant's Design Responses	Council Comments	Rank
Stormwater management	Modelling includes proprietary products	• Stormwater management – The use of rainwater tanks is encouraged however use of proprietary devices is not. - Proprietary devices – Melbourne Water's Music Guidelines note no treatment can be attributed to a GPT unless its capabilities have been tested and verified through an industry wide adopted framework as meeting the best practice standard. MW have not recognised any devices that achieved this as yet. A revised design is sought including revised modelling.	3
Stormwater Retention & Reuse	Use of rainwater proposed for irrigation only.	• Toilet flushing - See notes under Water for Toilet Flushing above • Treatment – Note pre- and post-treatment of stormwater captured from terraces	3
Stormwater Detention	Stormwater detention tank noted.	• Detention vs retention – Consider utilising proposed detention tank for stormwater retention, to allow for toilet fluhsing.	3
Sediment during construction	Sediment control measures noted	-	1
Maintenance	-	• Maintenance manual – Provide a maintenance manual for water sensitive urban design initiatives per LPP 22.16. These must set out future operational and maintenance arrangements for all WSUD measures appropriate to a complex project of this scale, including inspection frequency, cleanout procedures and as installed design details/diagrams including a sketch of how the system operates. This manual needs to be incorporated into any Building Maintenance Guide.	2

References and useful information:

SDAPP Fact Sheet:	*Fact Sheet No. 4 - Stormwater Management*
Melbourne Water STORM calculator	*www.storm.melbournewater.com.au*
Water Sensitive Urban Design	*www.melbournewater.com.au*
Water Tank Requirement	*www.vba.vic.gov.au*
Water Tank Calculator	*www.tankulator.ata.org.au*
Environmental Protection Authority Victoria	*www.epa.vic.gov.au*
Water Services Association of Australia	*www.wsaa.asn.au*

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments

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



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	Rank
Construction modality	Material commitements aren't clear or adequately related to predominant construction	• Material choices – Council's Best Practice Standards for materials are explained in the *SDAPP Building Materials factsheet* - Describe - Please provide a description of predominant building materials and corresponding impact improvements.	3
Life Cycle Impacts	-	• See the fact sheet noted above	3
Volatile Organic Compounds & formaldehyde	Low VOC & formadahyde materials	• See *Section 1.IEQ* above	1
Reuse of Recycled Materials	-	• Consider reuse of materials with recycled content such as thermal insulation, aggregate, etc.	3
Embodied Energy of Concrete and Steel	-	• Construction - The proposed building appears likely to have a considerable amount of reinforced concrete construction. - Concrete - Consider committing to some OPC substitution, and/or use of recycled aggregate or water. - Steel – Consider designing in order to reduce the mass of steel framing and reinforcing, and using steel from a 'Responsible Steel Maker" (Refer to Green Star credits)	2
Sustainable Timber	Improvement noted only where it "does not impact on the project budget"	• Timber – Consider committing to all timber being sourced from sustainably managed sources that hold third party verification.	3
PVC		• PVC – Consider commitment to minimising the use of PVC and/or restricting use of best practice PVC as defined in Green Star credits.	3
Other	-	• The following design methodologies can make significant improvements to material impacts: - Design for Disassembly - Construction methodology can facilitate effective disassembly for potential reuse or recycling in the future (e.g. mechanical over chemical fixings etc.). Consider design-for-disassembly when detailing building elements, especially those with higher material volumes	4

References and useful information:

SDAPP Fact Sheet:	*Fact Sheet No. 5 - Building Materials*
Embodied Energy Technical Manual	*www.yourhome.gov.au*
Good Environmental Choice Australia Standards	*www.geca.eco*
Forest Stewardship Council Certification Scheme	*www.fsc.org*

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



6. Transport

Objectives:

- To ensure that the built environment is designed to promote the use of walking, cycling and public transport, in that order.
- To minimise car dependency; and promote the use of low emissions vehicle technologies and supporting infrastructure.

Issues	Applicant's Design Responses	Council Comments	Rank
Minimise Car Dependency	-	• See bicycle facilities and green travel information.	-
Green Travel Information	-	• Council's Best Practice Standard for large developments is for a Green Travel Plan to be provided. It is policy that larger non-residential developments (>1000M² GFA) be accompanied by a Green Travel Plan. - Travel plan – Provide a Green Travel Plan which covers all building users and include in the Building User Guide	2
		- Display – Consider provision of a prominent and highly accessible display board or an electronic display which will display local, specific green travel information for building users and visitors.	4
Bike Parking	A total of 26 occupant and visitor bikes are provided.	• Bicycle parking – The SMP notes 24 bicycle parks, however the drawings show 26. Correct the SMP.	3
		• Deliveries - No external visitor bike parking appears to have been shown. Consider the provision of bike parking to the street adjacent pedestrian entries to allow ready parking for couriers/delivery riders.	4
		• Bicycle security – Consider CCTV monitoring of the bicycle storage area to minimise theft	4
		• Electric bikes – Consider provision of appropriate electrical charging points for electric bicycles.	4
End of Trip Facilities	Staff showers are proposed	• Showers	1
		• Lockers – Provide annotation to indicate location of staff lockers associated with bicycle parking.	3
Car Share Facilities	-	• Car share locations – Note in Green Travel Plan.	2
Electric vehicle charging	None provided	• Electric vehicles – It is anticipated this building may be extant for >60 years, and that within 10 years up to 50% of new cars will be electric powered. Council's Best Practice Standard Incorporate electric vehicle charging infrastructure into the development. - Charging points – Vehicle charging points are sought for 5% of the number of cars provided. Describe the amperage of any charging point to be provided and clearly annotate the point location on the drawings. - Infrastructure – Electrical supply, switch-board capacity, and pre-wiring trays/ducting are sought for parking a full electric fleet	3

References and useful information:

SDAPP Fact Sheet:	Fact Sheet No. 6 - Transport
Off-setting Car Emissions Options	www.greenfleet.com.au
Bicycle Victoria	www.bicyclenetwork.com.au

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments



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



7. Waste Management

Objectives:

- to promote waste avoidance, reuse and recycling during the design, construction and operation stages of development.
- to ensure durability and long term reusability of building materials.
- to ensure sufficient space is allocated for future change in waste management needs, including (where possible) composting and green waste facilities.
- to meet Councils' requirement that all multi-unit developments must provide a Waste Management Plan in accordance with the Better Practice Guide for Waste Management and Recycling in Multi-unit Developments, published by Sustainability Victoria in 2018. (https://www.sustainability.vic.gov.au/Government/Waste-and-resource-recovery/Waste-management-in-multi-unit-developments)

Issues	Applicant's Design Responses	Council Comments	Rank
Construction Waste Management	None provided.	• Demolition waste – Council's Best Practice Standard is for the adoption of a recycling demolition waste. Consider: - the adoption of a recycling target of at least 70% for all demolition waste (by mass) is sought	2
Operational Waste Management	-	• Operational waste –Council's Best Practice Standard is for recycling facilities to be provided that are at least as convenient for building occupants as general waste facilities. Consider: - Separated waste and recycling streams – Clearly delineation is sought on drawings between landfill, recycling, and any other waste streams.	3
Internal waste collection	-	• Dual collection points - A commitment is for all occupant waste collection is to have dual bins, including resident suites, and occupants is sought.	3
Additional Commercial Streams	-	• Additional streams – Segregated collection points are sought for landfill, comingled recycled, hard waste, e-waste	3
		• Additional recycling - Additional segregation is sought for commercial uses including high volume dedicated waste streams for commercial use such as cardboard, and bottles.	3
Kitchen Waste		• Kitchen waste - Council's Best Practice Standard is for on-site management of food and garden waste to be provided. - Consider inclusion of organic waste, and cooking oil	4

References and useful information:

SDAPP Fact Sheet:	*Fact Sheet No. 7 - Waste Management*
Construction and demolition waste	*www.epa.vic.gov.au*
Better Practice Guidelines	*www.sustainability.vic.gov.au*

(Better Practice Guide for Waste Management and Recycling in Multi-unit Developments www.sustainability.vic.gov.au)

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments

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



8. Urban Ecology

Objectives:

- to protect and enhance biodiversity within the municipality.
- to provide environmentally sustainable landscapes and natural habitats, and minimise the urban heat island effect.
- to encourage the retention of significant trees, and the planting of indigenous vegetation; and the provision of space for productive gardens, particularly in larger residential developments.

Issues	Applicant's Design Responses	Council Comments	Rank
On Site Topsoil Retention	-	• There is no productive topsoil on this site.	-
Maintaining / Enhancing Ecological Value	New potted tree/shrubs are indicated but without detail	• Landscaping to courtyard and communal space will marginally enhance the ecological value. - Trees – Provide details of proposed trees and planters	3
		- Green façade – Clearly show planter beds for green facades on plans and annotate on all drawings	3
		- Planters – Additional planters are sought to the rooftop terrace, ground level courtyard etc.	3
		• Landscape plan – Inadequate detail is shown to be assessed. More fine-grained detail of species, stormwater management and garden design are sought.	2
Species selection	No detail provided	• Vegetation – Council's Best Practice Standard is for additional vegetation to be provided that serve the amenity and environmental of the development. Design and species selection should consider: - Species – Consider inclusion of species: indigenous species, increased biodiversity, and xeriscaping and/or water efficient species - Food production – Consider specific inclusion of productive gardens (e.g. fruit trees, herbs, vines etc.), and clearly annotate these gardens on drawings.	2
Irrigation	Sub-soil irrigation noted.	• Irrigation – Annotate drawings to note this.	3
Heat Island Effect	-	• Roofing and paving colour - Provide detail of the colour of roofing and paving material where these will be exposed to direct sun. Consider use of lighter colours while being cognisant of glare.	3
Communal area	Rooftop communal area provided.	-	1

References and useful information:

SDAPP Fact Sheet:	*Fact Sheet No. 8 - Urban Ecology*
Dept. of Environment, Land, Water and Planning	*www.delwp.vic.gov.au*
Growing Green Guide	*www.growinggreenguide.org*
Greening Australia	*www.greeningaustralia.org.au*
Green Roof Technical Manual	*www.yourhome.gov.au*

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments

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



9. Innovation

Objectives:

to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings.

Issues	Applicant's Design Responses	Council Comments	Rank
BESS Innovation Credits	None claimed	-	-
Significant Enhancement to the Environmental Performance **Innovative Social Improvements** **New Technology** **New Design Approach**	None mentioned	• Refer to individual comments above. Obvious areas for of innovation would include: - Construction – incorporation of CLT or prefabrication - Equipment efficiency – More advanced energy / HVAC - Guest impact reduction – Stair utilisation over lifts, on-site bike hire, adaptive thermal comfort enhancements such as ceiling fans.	-

References and useful information:

SDAPP Fact Sheet:	Fact Sheet No. 9 - Innovation
Green Building Council Australia	www.gbca.org.au
Victorian Eco Innovation lab	veil.msd.unimelb.edu.au
Business Victoria	www.business.vic.gov.au
Environment Design Guide	www.environmentdesignguide.com.au

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments

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



10. Construction and Building Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	Rank
Building Commissioning & Tuning	-	• Commissioning & tuning – Commission of mechanical systems, followed by a 12 month period of building tuning is considered good practice. - Consider a commitment to commissioning followed by seasonal tuning for one year after completion	4
Building Users Guide	User guide to be provided	• BUG – Any Building User's Guide should incorporate the GTP noted above.	3
Building Information Systems	-	-	-
Contractor Accreditation	-	• Suggested ISO14001 accreditation to be a mandatory requirement.	4
Construction Management Plan	-	• A CMP will be required as a condition of any permit.	3

References and useful information:

SDAPP Fact Sheet:	Fact Sheet No. 10 - Construction & Building Management
ASHRAE and CIBSE	Commissioning handbooks
International Organisation for standardisation	*ISO14001 – Environmental Management Systems*
Keeping Our Stormwater Clean: A Builder's Guide	*www.melbournewater.com.au*

Attachment 7 - PLN18/0990 - 419 Fitzroy Street Fitzroy - ESD Referral Comments

Sustainable Management Plan (SMP)
Referral Response by Yarra City 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 - PLN18/0990 - 419 Fitzroy Street, Fitzroy - ESD additional advice

CITY OF YaRRA **File Note**

Date: 4 July 2019

Property Address: 419 Fitzroy Street, Fitzroy

Application No: PLN18/0990

ESD Comments – Gavin Ashley

COMMENTS:

The building overall is of quite good quality with well managed glazing ratios.

I have reviewed Scott's comments and although I don't disagree with any of his comments, I consider some are more important to get an outcome on at VCAT than others. These include at minimum:

- Obtaining a commitment to a JV3 report to be provided which demonstrates 10% improvement over NCC 2016 standards, with consideration of commitment to the NCC 2019 standards.
- Confirmation that all rooms will accommodate dual waste streams
- The stormwater system relies on a proprietary system for meeting the BPEMG - unless this has been specifically approved by Melbourne Water another stormwater treatment approach should be used, preferably one which also contributes to reduction in potable water demand e.g. through connection to toilet flushing
- No recycling target has been set during construction. A recycling target of at least 70% (by mass) is sought.

Attachment 9 - PLN18/0990 - 419 Fitzroy Street Fitzroy WMP comments

File Note

Property Address: 419 Fitzroy Street, Fitzroy

Application No: PLN18/0990

CITY WORKS BRANCH – COMMENTS ON WMP

PATRICK ORR

COMMENTS:

The waste management plan for 419 Fitzroy St, Fitzroy authored by Leigh Design and dated 12/12/18 is satisfactory from a City Works branch's perspective.

Regards,

Patrick Orr
Acting Services Contracts Coordinator
City Works
Yarra Operations Depot, Clifton Hill

City of Yarra PO Box 168 Richmond 3121
T:(03) 9205 5554 **F:**(03) 8417 6666
E: patrick.orr@yarracity.vic.gov.au

Attachment 10 - PLN18/0990 - 419 Fitzroy Street Fitzroy - TFV Referral Response

Department of Transport

GPO Box 2392
Melbourne, VIC 3001 Australia
Telephone: +61 3 9651 9999
www.transport.vic.gov.au
DX 201292

File: FOL/19/25665
Ref: HTFV2019/0162

Chris Stathis
Senior Statutory Planner
City of Yarra

Chris.Stathis@yarracity.vic.gov.au

Dear Chris,

YARRA PLANNING SCHEME
PLANNING APPLICATION NO: PLN180990
PROPOSAL: RESIDENTIAL HOTEL
ADDRESS: 419 FITZROY STREET FITZROY

Thank you for your email dated 5th April 2019 referring the above application to the Head, Transport for Victoria pursuant to Section 55 of the *Planning and Environment Act 1987*.

The Head, Transport for Victoria, pursuant to Section 56(1) of the *Planning and Environment Act 1987* **does not object** to the grant of a planning permit.

Should you require any further clarification, please feel free to contact James Noy on telephone 03 8392 7984 or email james.noy@ecodev.vic.gov.au.

Yours sincerely

MARK BURTON
Manager Place Planning & Referrals
Delegate of the Head, Transport for Victoria

29 / 4 / 2019.

cc:

VICTORIA State Government

Attachment 11 - PLN18/0990 - 419 Fitzroy Street, Fitzroy - Heritage referral comments

City of Yarra
Heritage Advice

Application No.: PLN18/0990

Address of Property: 419 Fitzroy Street, Fitzroy

Planner: Chris Stathis

Yarra Planning Scheme References: Clauses 43.01 and 22.02

Heritage Overlay No. HO334 **Precinct:** South Fitzroy

Level of significance

No. 419 Fitzroy Street, a factory and hard stand car park which appears to have been constructed c. 1960-70s, is not listed in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*. (*Rev. May. 2018*) and therefore is assumed to be Non-contributory.



Figure 1 *The subject site, viewed from the north-east corner of Rose and Fitzroy Streets, comprises the at grade car park in the foreground and the large (low) building abutting it.*

Attachment 11 - PLN18/0990 - 419 Fitzroy Street, Fitzroy - Heritage referral comments

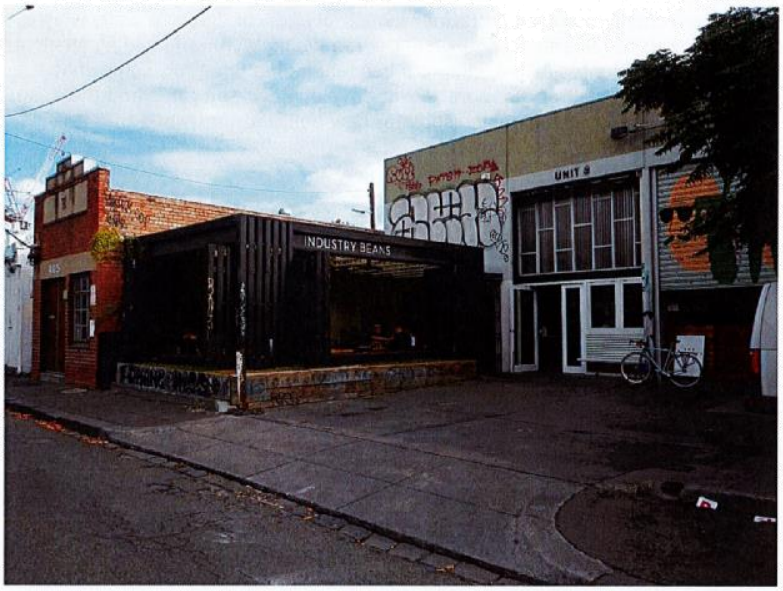


Figure 2 *The south part of the site: the temporary structure (black) on the site will also be demolished. Note the small inter-War commercial building (artist's studio) abutting the south boundary. There are single and double storey heritage dwellings beyond (south) the site in Fitzroy Street.*

Proposal

Demolition of all existing fabric and construction of a 7 level building, above a basement, for use as a hotel.

Drawing Numbers

19 pages of drawings prepared by Woods Bagot and with no Council date stamp but drawings variously indicated as SK1200, Rev. A, dated 14/12/18; SK1100, SK1150, SK2202, SK2203, SK2205, SK2207, SK2209, SK2210, SK3200, SK3201, SK3202, SK3203, SK3210, SK3211, SK4200, SK4201, Rev. B, dated 06/02/19; SK0000, SK2201, Rev. C, dated 27/02/19.

Context Description

The subject site is on the south-west corner of Fitzroy and Rose Streets. This part of Fitzroy and Rose Streets is mixed and contains some factories, some without roofs and used as car parks; recent apartments up to 6 storeys, some behind retained industrial facades and some with new street frontages; a site under construction; the Rose Street Market, bar and café and some other cafés. In Fitzroy Street, opposite the subject site is the Former Wesleyan Church at No. 406-408 Fitzroy Street which is Individually significant; a Victorian dwelling used as a café and some single and double-storey Victorian dwellings, including a small inter-War commercial building (artist's studio) abutting the south boundary in Fitzroy Street.

New development has principally occurred on former industrial sites, of different eras, which replaced the earlier Victorian development, and while the remaining Victorian building stock still has a presence which needs to be respected, the area has taken on a different, somewhat Bohemian/edgy character as a result of the more recent development, the cafés and the Rose Street Market. Therefore there is considerable scope for new built form provided that it is respectful and fits in with the immediate surrounds.

Refer to the photographs at the end of this advice.

Assessment of Proposed Works

Demolition

Demolition as proposed raises no heritage concerns.

Proposed works

Built form (height/setbacks)

Most if not all buildings in the immediate surrounds are built to all boundaries so a zero setback at the Ground to Level 02 is appropriate. The front and side setbacks of 3 – 4.5 metres at Levels 03 and 06 will assist in reducing visual bulk on a corner site and in a narrow street (Rose Street), and will reduce any visual encroachment with regard to No. 76 Rose Street in views towards the west along Rose Street. The rear setbacks of 14.075 metres at Levels 03 and 04 and 18.495 metres at Levels 05 and 06 are appropriately respectful of the abutting Victorian cottage/artist's studio at No. 405 Fitzroy Street.

Any rooftop plant is unlikely to have any visual effect insofar as the streetscape is concerned and in any critical views will be obscured by the rooftop terrace pergola.

The overall height of 26.54 metres, i.e. 7 levels plus the pergola, is acceptable in this context only because of the context i.e. there are apartment buildings of a similar, or maybe slightly higher, height in, or under construction, in the immediate vicinity in Rose Street and therefore the proposed building will not be out-of-keeping in respect of height.

The generally blocky design will also be in-keeping with the immediate surrounds where there generically similar buildings and with balconies; and blocky industrial buildings or remnants thereof. The hotel lobby and dining area at the north and north-east of the site will also be in-keeping with the range of small cafés at street level in the immediate context, and while more of a neighbourhood character than a heritage issue, there are likely to be positive synergies.

Façade Treatment, Colours and Materials

The elevations are proposed to be clad in perforated panels of "Solid and Perforated Weathered Steel" (CD 01), similarly the balustrading is to be weathered steel (MW 01) and also vertical louvres (MW 05), gate (MW 06) and window frames (WD 02). What is weathered steel exactly? Pre-rusted Corten? If so, there are poor examples of this in Yarra e.g. Church Street, Richmond. This is not appropriate.

What colour is intended?

The materials are indicated so generically, and no colour specified for the weathered steel elements, that it is impossible to gain any reasonable, let alone accurate, understanding of the final appearance of this building which needs to positively respond to the existing context

(transition from industrial to apartments) and the emerging context (apartments clad in a variety of durable and pleasant materials). Similarly, the perforation densities of the panels are indicated only as varying. Does this mean small and large round holes or what? There are numerous examples in Yarra e.g. former GTV site in Richmond, Peel/Stanley Streets, Collingwood, where metal mesh/perforated panels gather urban detritus and are not maintained, especially where they are not easily accessible as will be the case here, and even when they are, and their appearance is unsightly and an unworthy contribution to the heritage streetscape.

The proposed building, being on a corner site, is likely to be dominant rather than visually recessive, because of its size and high degree of visibility, and the finishes, particularly the expanse of cladding, needs to be an appropriate response to the public realm. Specific details of the cladding and finishes i.e. all elements proposed to be weathered steel and perforated metal, or preferably some other materials which will make a long-lasting aesthetic contribution to the streetscape, must be provided.

Recommendation / Comments:

Approved but only subject to:

Specific details of the cladding, finishes and colours i.e. all elements proposed to be weathered steel and perforated metal, must be provided to the satisfaction of the Responsible Authority.

Some other materials would be preferred – the street presentation can be quite contemporary but not dominant, rather an aesthetic and subtle contribution would be appropriate.

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 16 May, 2019.

Attachment 11 - PLN18/0990 - 419 Fitzroy Street, Fitzroy - Heritage referral comments



Figure 3 *The south-east corner of Fitzroy and Rose Streets opposite the subject site. No. 76 Rose Street is a Victorian dwelling now used as a café. The gabled building is the Former Wesleyan Church at No. 406-408 Fitzroy Street which is Individually significant.*



Figure 4 *The north-east corner of Fitzroy and Rose Streets, diagonally opposite the subject site and opposite No. 76 Rose Street, is a former industrial building now used as an open-air car park.*



Figure 5 *The south side of Rose Streets looking east towards the subject site.*



Figure 6 *No. 46-52 Rose Street: a 6 storey apartment building retained behind a former industrial façade.*



Figure 7 *No. 42-54 Rose Street: 3, possibly 4, storey apartment building in a distinctive contemporary design.*



Figure 8 *No. 71-73 Rose Street, a 3 storey apartment building on the north-west corner of Fitzroy and Rose Streets opposite the subject site.*



Figure 9 *No. 63-69 Rose Street, 3 storey town houses. Note the site under construction on the left – I am not aware of what is being constructed.*



Figure 10 *No. 48 (right) Rose Street and a construction site to the west both containing multi-level apartments.*

Attachment 11 - PLN18/0990 - 419 Fitzroy Street, Fitzroy - Heritage referral comments

Attachment 12 - PLN18/0990 - 419 Fitzroy Street, Fitzroy - Strategic Transport referral comments

Planning Referral

To:	Julian Wearne
From:	Julian Wearne
Date:	28/05/2019
Subject:	Strategic Transport Comments
Application No:	PLN18/0990
Description:	Development of the land for the construction of a residential hotel
Site Address	419 Fitzroy Street, Fitzroy

I refer to the above Planning Application referred on 12/03/2019, and the accompanying Traffic report prepared by GTA Consultants in relation to the proposed development at 419 Fitzroy Street, Fitzroy. Council's Strategic Transport unit provides the following information:

Access and Safety
No significant access or safety issues have been noted.

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
Residential building (other than specified in the table)	lodging rooms	In developments of four or more storeys, 1 resident space to each 10 lodging rooms	13 resident spaces	**13 resident / employee spaces**
		In developments of four or more storeys, 1 visitor space to each 10 lodging rooms	13 visitor spaces.	**13 visitor spaces**

The development provides the number of spaces required by the planning scheme.

Adequacy of visitor spaces
13 spaces are noted as visitor bicycle parking spaces. The provision of the visitor spaces is adequate given:

- The number of spaces meets the statutory requirement.
- The spaces meet the Australian Standards for clearance and accessways.
- Whilst it is preferred that visitor spaces are provided as horizontal, at grade spaces, it is acceptable that the majority of visitor bike parking is provided as hanging spaces due to the site constraints and the presence of nearby on-street visitor bike parking.

Adequacy of employee spaces
Number of spaces
The number of resident/employee spaces meets the statutory requirement and is supported.

Design and location of employee spaces and facilities

Attachment 12 - PLN18/0990 - 419 Fitzroy Street, Fitzroy - Strategic Transport referral comments

Employee/resident (hotel guest) spaces are generally adequately located and designed for the following reasons:

- Resident/employee bicycle parking is provided at Basement 1, with access provided via the lift-shaft.
- The spaces appear to be located in a facility which can be set to require secure access.
- The spaces and accessway dimensions meet AS2890.3 standards.

However, the following concern is noted and should be addressed:

- there are six doors between the entrance to the 'Egress Route' and the staff bicycle parking facility. Navigating doors whilst wheeling bikes can be difficult especially when doors are located closely together.

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.

Recommendations

The following should be shown on the plans before endorsement:

1. The number of doors between the entrance to the 'Egress Route' and bike store significantly reduced, or detail on door automation which will allow staff to navigate these doors.
2. A minimum 40A single phase electrical sub circuit should be installed to car parking areas to allow for the easy future provision of electric vehicle charging.

Regards

Julian Wearne

Sustainable Transport Officer
Strategic Transport Unit

Attachment 13 - PLN18/0990 - 419 Fitzroy Street, Fitzroy - Traffic referral comments on shared zone

Stathis, Chris

From: Tran, Uyen
Sent: Tuesday, 18 June 2019 1:47 PM
To: Stathis, Chris
Cc: Karen Wong
Subject: FW: PLN18/0990 - 419 Fitzroy Street Fitzroy - Comments on the development's interface with the proposed Rose Street Shared Zone

Hi Chris

Apologies for not getting back to you earlier. Please see our comments below:

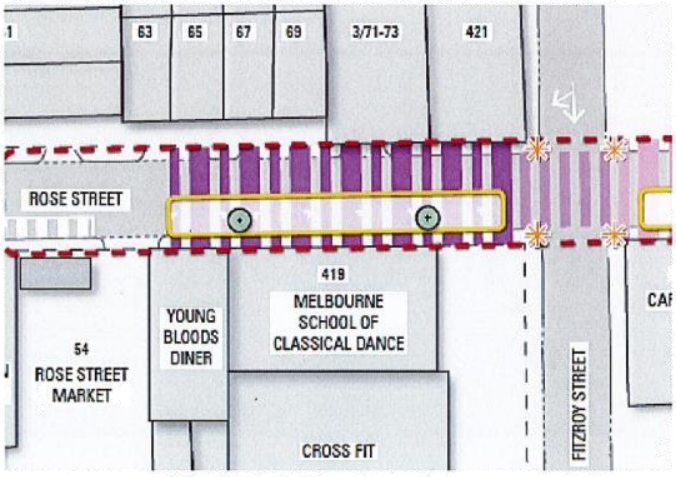
- Is the proposed ground floor interface along Rose Street supported when taking into account the proposed Rose Street Shared Zone? If not, please clarify reasons for this position. Refer to the red circled area in the first screenshot below.

  The ground floor interface along Rose Street is supported. The proposed activities are within their boundary and would unlikely impact the shared zone.

- Section 6.2.3 of the traffic report states that two on-street car spaces on the Rose Street frontage will be converted from '2P' parking to short stay parking that would allow for taxis and Ubers to drop off patrons to the proposed hotel. Is this supportable? Assuming completion of the Rose street Shared Zone project, will there be any spaces along the subject site's Rose Street frontage to accommodate for this?

  The spaces at the frontage of the development are likely to be removed as part of the shared zone project. I would recommend they have their valet area/drop off area on Fitzroy Street. The current restriction is 2P (7AM-7PM) and permit zone. We could have the area as short time stay and permit zone resuming after 7PM.

'T LAYOUT



)OINT VISUALISATIONS

We've also noted that the ramp access to their basement allows passage of one car only. We recommend they provide a warning system.

Thanks Chris.

1

1.2 PLN18/0644 - 4A/1 Bik Lane, Fitzroy North - Development of the land for the construction of three additional storeys to an existing two storey building (5 storeys in total), containing 4 dwellings and a reduction in the car parking requirement

Executive Summary

Purpose

1. This report provides an assessment of the development of the site at No. 4A/1 Bik Lane, Fitzroy North for the construction of three additional storeys to an existing two-storey dwelling (equating to a 5 storey building in total), and increasing the number of dwellings on the site from 1 to 4 and a reduction in the associated car parking requirement of the Scheme.

Key Planning Considerations

2. Key planning considerations include:
   (a) Built form (Clauses 15.01, 21.05 and 22.10);
   (b) Off-site amenity (Clauses 15.01, 22.05 and 58);
   (c) Internal amenity (Clause 58); and
   (d) Car Parking (Clause 18.02, 21.06, 52.06) of the Scheme.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic context;
   (b) Built form and design;
   (c) Clause 58;
   (d) Off-site amenity impacts;
   (e) Car parking; and
   (f) Objector concerns.

Submissions Received

4. The application was advertised and 16 objections were received to the application. The issues/concerns raised are summarised as the following:
   (a) Neighbourhood character (height, scale, bulk, design details).
   (b) Overdevelopment of the site.
   (c) Amenity impacts (overlooking, overshadowing, loss of light).
   (d) Traffic congestion and car parking.
   (e) Extent of demolition.
   (f) Impact on proposed solar panels on adjoining properties.
   (g) Insufficient waste capacity.
   (h) Loss of views.
   (i) Noise (during construction and from residents).
   (j) Loss of value to adjoining lots.

5. A consultation meeting was held on 9 April 2018. It was attended by seven of the 16 objectors, the applicant and Council Officers. All issues and concerns raised in the letters of objection were discussed constructively between all parties in attendance however there were no resolutions. Action points from the consultation meeting were that the applicant would submit an amended Waste Management Plan (WMP) and revised shadow diagrams to Council to assist Officers with the assessment of the proposal.

Conclusion

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

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

1.2 PLN18/0644 - 4A/1 Bik Lane, Fitzroy North - Development of the land for the construction of three additional storeys to an existing two storey building (5 storeys in total), containing 4 dwellings and a reduction in the car parking requirement

Trim Record Number: D19/75883
Responsible Officer: Senior Co-ordinator Statutory Planning

Proposal:	Development the site for the construction of three additional storeys to an existing two storey-dwelling (equating to a 5 storey building in total), and increasing the number of dwellings on the site from 1 to 4 and a reduction in the associated car parking requirement of the Scheme.
Existing use:	Dwelling
Applicant:	John Brigg
Zoning / Overlay:	Mixed Use Zone, Environmental Audit Overlay
Date of Application:	27 August 2018
Application Number:	PLN18/0644

Planning History

1. Planning Permit SP05/0010 was approved on the 30 June 2005 for the *subdivision of the land into seven lots and common property (to the rear of 650 Nicholson Street*). The subject site is known as Unit 4A/1 Bik Lane and is one of the seven lots created within the subdivision.
2. Planning Permit SP05/0099 was approved on the 12 January 2006 for the *creation of party wall easements* at 650 & 672 Nicholson Street, Fitzroy North.
3. Planning Permit PL06/1201 was issued on 5 July 2006 for *roadworks to widen the existing crossover to the south of subject site and upgrade the carriageway to allow two-way traffic and service heavy vehicles for the warehouses to the rear of No. 650 Nicholson Street*.
4. Planning Permit SP10/0021 was issued on 15 September 2010 for a three lot subdivision. This subdivided Lot 3/1 Bik Lane into Lots 3A, 3B and 3C/1 Bik Lane.
5. Planning Permit SP13/0041 was issued on 7 August 2013 for a two lot subdivision. This subdivided Lot 5B/1 Bik Lane into Lots 5C and 5D/1 Bik Lane.
6. Planning Permit SP14/0003 was issued on 23 July 2014 for a two lot subdivision. This subdivided Lot 6 Bik Lane into Lots 6A and 6B/1 Bik Lane.



Figure 1 – Aerial photo of subject site and surrounds

Background

Environmental Audit

7. The subject site is covered by the Environment Audit Overlay (EAO). Pursuant to clause 45.03 of the Yarra Planning Scheme (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.

8. A conditional Statement of Environmental Audit dated 22 December 2006, has been issued by an Environmental Auditor appointed under the *Environmental Protection 1970* for 650 Nicholson Street (Plan of Consolidation PC353171. Vol. 10093 Fol. 721) and for 650A Nicholson Street (Plan of Consolidation CP151410, Vol. 10882 Fol. 197), Fitzroy North. It is noted that the subject site, 4A/1 Bik Lane, was previously known as 650A Bik Lane.

9. The conditional Statement of Environmental Audit confirms the following:

   The site is suitable for the following beneficial uses subject to the conditions attached thereto:

   (a) High density residential use, and commercial and industrial use, subject to compliance with the environmental management plan Report on Site Management Plan, 650 Nicholson Street North Fitzroy, Project: 42116, prepared by Douglas Partners Ply Ltd and dated 16 November 2006 that is included in the attached environmental audit report.

   (b) The condition of the site is detrimental or potentially detrimental to any (one or more) beneficial uses of the site. Accordingly, I have not issued a Certificate of Environmental Audit for the site in its current condition, the reasons for which are presented in the environmental audit report. The terms and conditions that need to be complied with before a Certificate of Environmental Audit may be issued are set out as follows:

      (i) Prior to issue of a Certificate of Environmental Audit, all PAH-contaminated soils remaining on the site (including soils beneath concrete slabs) must be remediated, and the remediation must be validated. It is likely that such remediation would require demolition of the existing buildings on the site.

10. Officer's review of the EPA website has identified that no Environmental Audit has been issued for the subject site to date. As such, appropriate conditions regarding the EPA requirements will be included on any planning permit issued.

Lodgment of sketch plans

11. A consultation meeting was held on 9 April 2018, following which the applicant submitted sketch plans on the 17 May 2019 and the 5 July 2019 to specifically address some of the objector's overshadowing concerns. The sketch plans were lodged to Council to be informative. They will be referenced throughout the Assessment section of this report.

12. The concerns identified were that the advertised plans (decision plans) did not show the adjoining open spaces along the northern boundaries of No. 3B/1 Bik Lane, No. 3C/1 Bik Lane (west) and No. 4B/1 Bik Lane (east). Both sets of plans now clearly identify all adjoining open spaces and show the extent of shadowing into all affected properties. Shadows are shown in two dimension and through sections on the September 22 equinox.

13. The plans did identify where the adjoining open spaces are and the extent of overshadowing as a result of the proposed development.

    Sketch plans – 17 May 2019

14. The sketch plans show the 3 adjacent secluded private open spaces (terraces) at No. 3B/1 Bik Lane, No. 3C/1 Bik Lane (west) and No. 4B/1 Bik Lane (east) which were not shown on the advertised plans. The sketch plans show that these open spaces (terraces) are not affected by additional overshadowing.

15. The sketch plans show a more accurate site context to assist Officers with their assessment. Objectors raised concern that the advertised shadow diagrams did not accurately take into account the site context and elevated adjoining terraces (i.e. they are not located at ground floor).

16. An updated waste management plan (WMP) to address objector concerns and Council Waste Management Unit referral comments was lodged on 17 May 2019.

Sketch plans – 5 July 2019

17. The sketch plans include further shadow diagrams, taking into account the elevation (height) of the adjoining terraces. With the increased height, these spaces at present received more solar access. Therefore the possibility of the proposed development impacting on these spaces is greater.

18. The sketch plans did confirm that there was some additional overshadowing into the adjoining property at No. 3C/1 Bik Lane. A full assessment will be discussed later in this report.

19. The sketch plans were not provided to objectors as they did not materially alter the proposed (advertised) development, moreover the sketch plans were used in conjunction with the advertised plans to assist Officers with their assessment. The 'decision plans' are the advertised plans.

The Proposal

20. The application proposes:

- the construction of three additional storeys to an existing two storey-dwelling (equating to a 5 storey building in total);
- an increase of the number of dwellings on the site from 1 to 4; and
- a reduction in the associated car parking requirement of the Scheme (the permit trigger for this will be assessed later in this report).

21. In terms of 'use' a planning permit is not required in the Scheme for 'dwellings' (apartments) in a Mixed Use Zone (MUZ).

22. Pursuant to Clause 72 of the Scheme, an apartment is defined as:

(a) A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.

23. More specifically the proposal is for the following:

Demolition (no permit required)

24. Internal demolition of the existing dwelling, including all internal walls.

25. Removal of the garage door and pedestrian entry along the ground floor, southern-façade of the existing dwelling.

26. Partial demolition of the first floor southern and western façade walls of the existing dwelling.

Buildings and works

27. Construction of three additional storeys to the existing two storey building resulting in a five (5) storey building with 4 apartments (2 x 1 bedrooms and 2 x 2 bedrooms).

28. Apartment A located along first floor and is accessed via a central core with a stairwell and lift along the eastern boundary. Apartment A has a bedroom (with west-facing highlight

window), bathroom and an open plan kitchen, dining and living room leading out onto an 8sqm balcony within the south-west corner.

29. Apartment B located along second floor and accessed via a central core with a stairwell and lift along the eastern boundary. The layout provides a bedroom with west-facing highlight window, bathroom and an open plan kitchen, dining and living room leading out onto an 8sqm balcony within the south-west corner.

30. Apartment C located along the third and fourth floors and is accessed via a central core with a stairwell and lift along the eastern boundary. The layout provides a master bedroom with west-facing highlight window and en-suite, bathroom and an open plan kitchen, dining and living room along the third floor. Along the fourth floor is a second bedroom with en-suite and WIR. The bedroom is accessed via an internal staircase and also provides access to the apartment's balcony within the southern setback.

31. Apartment D located along the ground, first, second and third floors. The apartment is accessed via the ground floor lobby/building entry along the western boundary. The layout provides a master bedroom with en-suite, toilet and courtyard along the ground floor. A bedroom bathroom, and living area along the first floor. An open plan kitchen dining and living room area along the second floor. A roof terrace is at the third floor. All floors are accessed via an internal staircase.

32. Access to the apartments will be along the western boundary of the subject site, with a pedestrian doorway leading into a centrally located lobby via the common property. The lobby area is adjacent to a lift, stairwell and bicycle store area of Apartment A.

33. Maximum building height of 15.9m.

Sign

34. Installation of a 0.35m wide by 1.2m directions sign. The sign is located along the ground floor southern façade (south-west corner). The sign is situated at ground level and purpose is to direct visitors to the new pedestrian entry along the western boundary.

Setbacks

35. The ground floor footprint of the original dwelling generally remains unaltered and retains most of the original external walls/façade which is constructed to all boundaries. This is with the exception of the garage doors and pedestrian entry to the west. A 2m by 4.6m courtyard for Apartment D is located within the north-west corner.

36. The first floor footprint of the original dwelling generally remains unaltered with walls constructed to all boundaries. Two openings are provided along the southern and western boundaries (fronting the common property) adjacent to the balcony associated with Apartment A. A 2m by 4.6m lightcourt is located within the north-west corner for Apartment D.

37. The second floor will be constructed to all boundaries with the exception of a 2m by 4.6m lightcourt located within the north-west corner, associated with Apartment D. A balcony in the south-west corner associated with Apartment B retains the original sawtooth roof form, providing articulation in the form of a 2.4m by 3.2m balcony. The balustrade (roof form) however is located on the boundary.

38. The third floor incorporates the following:

    (a) A 0.3m setback from the southern (front) boundary.

    (b) A zero metre setback from the eastern (side) boundary.

    (c) A varied zero metre to 2m western (side) setback.

    (d) A varied 4.9m to 6.9m northern (rear) setback.

39. The fourth floor incorporates the following:

    (a) A varied 0.3m (balustrade) to 5.6m (bedroom) setback from the southern (front) boundary.

(b) A varied zero metre to 2.31m setback from the eastern (side) boundary.

(c) A varied zero metre to 4.5m setback from the western (side) boundary.

(d) A varied 6.89m to 12m northern (rear) setback.

Landscaping

40. It is proposed to retain the planter box located adjacent to the pedestrian entry of the existing dwelling along the western boundary. Some further planting is proposed within the courtyard (south-west corner) of Apartment D.

Colours and materials

41. A combination of zincalume lysaght custom orb (to match existing external finish of the subject site), dark grey slimline metal, dark grey metal cladding, gold coloured perforated metal screen, red powder coated metal, silver grey double glazing, grey render, white rectangular stretcher bond tiling and colourbond steel roofing is shale grey finish.

ESD commitments

42. One 1,500 litre rainwater tank for garden use. The tank is located within the ground floor courtyard of Apartment D and is to be used for landscaping within the courtyard.

43. Good access to daylight and natural ventilation, energy efficient lighting / heating / cooling / hot water and water efficient taps and fixtures.

Access and car parking

44. Two single width car garages are provided within the building and are allocated to Apartments B and C. The garages are accessed via the common property, with two doors located along the southern boundary.

45. Two additional tandem car spaces are provided within the original subdivision, to the south west of the subject site. This brings the total number of car spaces allocated to the subject site to 4.

46. The vehicle entry is located along the ground floor's southern boundary and accessed via common property. This common property forms part of the subdivision of 1 Bik Lane into seven lots. The common property is centrally located and provides pedestrian and vehicular access to all lots within the subdivision (i.e. 1-7/1 Bik Lane).

Private open space

47. Apartments A and B are provided with 8sqm balconies located within the south-west corner of the first and second floors respectfully. Both spaces are accessed via the living areas.

48. Apartment C is provided with a 26sqm balcony located along the fourth floor. This space is located within the southern setback and has outlook to the common property.

49. Apartment D is provided with a 20sqm balcony located along the third floor. This space is located within the northern setback.

Existing Conditions

Subject Site

50. The subject site (4A/1 Bik Lane) is located within a larger subdivision of 13 lots of attached, industrial buildings at 1 Bik Lane. The properties were constructed circa 1960s and have each been converted into residences or maintained as commercial properties. The site history has been discussed earlier in this report which details all permits issued for the subject site and lot formally known as No. 650 and No. 650A Nicholson Street. Access to the larger subdivision is from Bik Lane which leads into a common property area for lots numbered 1 to 7/1 Bik Lane.

51. 'Common property' is land commonly owned by all members of the associated owners corporation of a subdivision. In this case it is land commonly owned by residents within 1 Bik Lane.

52. The plan of subdivision identifies that lots, 3B, 4A, 4B, 5A and 6A have tandem car spaces adjacent to the common property, near the entry of the site along Bik Lane. Additional car spaces appear to be provided within individual lots. No details have been provided with the application on the exact number of car spaces provided within each lot. No details have been provided with the application on any visitor car spaces.

53. Lots 1 and 2 are orientated with their eastern boundaries fronting the common property. Lot 3 is orientated part of its southern boundary orientated to the common property. Lots 4, 5, and 6 are orientated with their southern boundaries fronting the common property. Lot 7 has its northern boundary fronting the common property.



Figure 2 – Aerial photo of subject site and surrounds

54. The subject site is rectangular in shape with a 6.85m wide frontage to the common property, a maximum depth of 19.99m and yielding an area of 135sqm.

55. The subject site is developed with a two-storey dwelling. There are no records of when the building was converted from a commercial use to a dwelling. However within a MUZ, there is no planning permit required to change the use to a dwelling. The dwelling is located on the northern side of the larger subdivision and the property is centrally located within the larger subdivision.

56. The common property is located adjacent to the southern and part of the western boundaries of the subject site and provides vehicle and pedestrian access to all lots within the original subdivision.

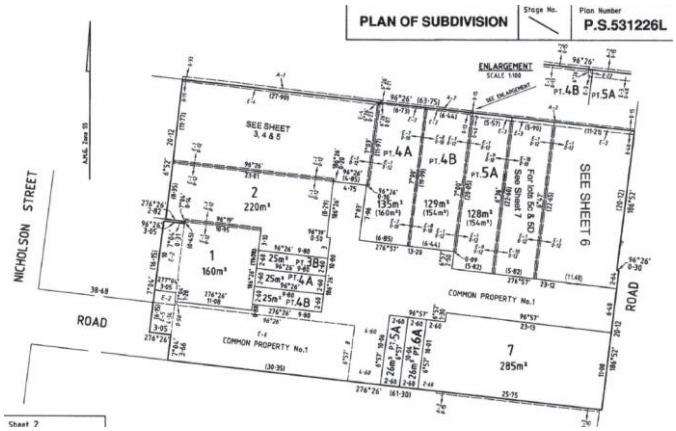


Figure 3 – Plan of Subdivision showing the location of lots and common property

57. Pedestrian access to the dwelling is via a pedestrian door and vehicle access is via a roller door on the southern façade of the dwelling.

58. The dwelling has a single width garage and entry along its southern façade. It has a secondary pedestrian entry on its western façade, and living area, kitchen laundry and bathroom at ground level. The first floor has four bedrooms, a bathroom and a living area with an outlook to the south, which faces the common property.

Surrounding Land

59. The land surrounding the larger subdivision is a mix of residential and commercial. The commercial uses are generally located on the west side of Nicholson Street, between Scotchmer Street to the north and Reid Street to the south. In terms of built form, there is a mix of Victorian to Edwardian-era buildings and more contemporary in-fill developments with heights varying between single-storey commercial buildings to six storey apartment blocks.

60. Immediately to the north of the subject site is No. 672 Nicholson Street developed with 14 recently constructed dwellings (apartments) within a three-storey building with roof terraces for each dwelling. The three-storey building is constructed to its Nicholson Street frontage and extends the full length of the site (102m) to a Right of Way (ROW) at the rear. Two apartments within the building (number 8/672 and number 9/672 Nicholson Street) have their rear interface to the subject site. The interface includes a ground and first floor boundary wall, a second floor kitchen and dining room windows and the terraces along the third floor.

61. Immediately to the east of the subject site is Lot 4B/1 Bik Lane. This property forms part of the larger subdivision and is developed with a two-storey warehouse. Council's records confirm that planning permit PL08/0356 approved the *conversion of a warehouse into a dwelling* on 23 June 2008. It does not appear that the planning permit has been acted on or an extension of time to the commencement date of the permit applied for or approved. This means that the planning permit has lapsed. A dwelling use within the warehouse would not been unlawful however because the use as a dwelling is an as of right use within a Mixed Use Zone and therefore does not require a planning permit.

62. Immediately to the west of the subject site is the common property beyond which is Lot 3C/1 Bik Lane. This property forms part of the larger subdivision and is occupied by a three-storey dwelling with a roof terrace/deck in the north-east corner which directly abuts the common boundary and faces the subject site (located directly opposite the subject site).

63. Immediately to the south of the subject site is common property (with a width of 10.1m at the site frontage) and is owned by all members of the associated owners corporation of the subdivision.

64. The subject site and larger subdivision is well serviced by public transport and public open space facilities, including the following:

    (a) The 96 tram route servicing Nicholson Street, 70m to the east (stop at the junctions of Nicholson and Reid/Scotchmer Streets).

    (b) The 11 tram route servicing Brunswick Street, 340m to the south-east (stop at the junctions of Brunswick Street and Reid Street).

    (c) The 250 and 251 bus routes servicing Rathdowne Street, 471m to the west.

    (d) Edinburgh Gardens, located approximately 360m to the south-east.

65. A full site history has been discussed earlier in this report and details the additional applications which increased the number of lots on the larger subdivision from 7 to 13.

Planning Scheme Provisions

Zoning

Clause 32.04 – Mixed Use Zone

66. Pursuant to Clause 32.04-2 of the Scheme no planning permit is required for the use of the subject site as a dwelling because the use of the land for a dwelling is listed as a section 1 use (no permit required) in the table of use contained with Clause 32.04-2. Therefore no planning permit is required for the use.

67. Pursuant to Clause 32.04-6 of the Scheme, a planning permit is required to construct a building and construct or carry out works.

68. The decision guidelines at Clause 32.04-14 of the Scheme specify that for a residential development, the objectives, standards and decision guidelines of Clause 58 of the Scheme apply.

69. Clause 58 is applicable where apartment developments of five or more storeys, excluding a basement, is proposed and is located within a General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone. A 'residential development' is a development where there are residential uses within that development. An apartment is defined as a *dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings*.

70. As discussed earlier in this report the following subdivision permits have been issued for the site:

    (a) Planning Permit SP05/0010 was approved on the 30 June 2005 for the *subdivision of the land into seven lots and common property (to the rear of 650 Nicholson Street*). The subject site is known as Unit 4A/1 Bik Lane and is one of the seven lots created within the subdivision.

    (b) Planning Permit SP10/0021 was issued on 15 September 2010 for a three lot subdivision. This subdivided Lot 3/1 Bik Lane into Lots 3A, 3B and 3C/1 Bik Lane.

    (c) Planning Permit SP13/0041 was issued on 7 August 2013 for a two lot subdivision. This subdivided Lot 5B/1 Bik Lane into Lots 5C and 5D/1 Bik Lane.

    (d) Planning Permit SP14/0003 was issued on 23 July 2014 for a two lot subdivision. This subdivided Lot 6 Bik Lane into Lots 6A and 6B/1 Bik Lane.

    Overlay

    Clause 45.03 – Environmental Audit Overlay

71. Pursuant to Clause 45.03-1 (Environment Significant Overlay) 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.

72. As discussed earlier in this report, a conditional Statement of Environmental Audit dated 22 December 2006 has been issued by an Environmental Auditor appointed under the *Environmental Protection 1970* for 650 Nicholson Street (Plan of Consolidation PC353171. Vol. 10093 Fol. 721) and for 650A Nicholson Street (Plan of Consolidation CP151410, Vol. 10882 Fol. 197), Fitzroy North. It is noted that the subject site, 4A/1 Bik Lane, was previously known as 650A Bik Lane.

73. A review of the EPA website indicates that no Environmental Audit has been issued for the above sites (which includes the now subject site).

74. The conditional Statement of Environmental Audit allowed for a high density residential use, subject to the following conditions:

    (a) Compliance with the environmental management plan Report on Site Management Plan, 650 Nicholson Street North Fitzroy, Project: 42116, prepared by Douglas Partners Ply Ltd and dated 16 November 2006 that is included in the attached environmental audit report.

(b) Prior to issue of a Certificate of Environmental Audit, all PAH-contaminated soils remaining on the site (including soils beneath concrete slabs) must be remediated, and the remediation must be validated. It is likely that such remediation would require demolition of the existing buildings on the site.

75. To ensure compliance with the above EPA requirements, the above conditions will be included on any planning permit issued.

Particular Provisions

Clause 52.06 – Car Parking

76. Clause 52.06-2 of the Scheme states that before an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use, the number of car spaces required under Clause 52.06-5 should be provided.

77. Clause 52.06-3 of the Scheme states that a planning permit is required to reduce the number of car spaces required under Clause 52.06-5 of the Scheme.

78. The Clause 52.06-5 requirements for the on-site car parking provision for this proposal, is shown in the table below:

Use	**Rate required under the Scheme**	**Car parking spaces required under the Scheme**	**Car parking spaces proposed**	**Variation (reduction) required**
Dwellings (4 total)	1 space for a 1 and 2 bedroom dwelling	4	4	4
	2 spaces for a 3 bedroom dwelling	N/A	N/A	N/A
	Visitor spaces	N/A	N/A	N/A
Total		4	4	4

79. Whilst the submitted proposal seeks a reduction in the associated car parking requirement, the table above demonstrates that pursuant to Clause 52.06-5 of the Scheme, the proposed development does not require a reduction in car parking, based on the fact that four car parking spaces are provided on site (see Proposal section of this report). There is no requirement for a visitor car spaces in the Scheme as the subject site is located within the Principle Public Transport Network area, which does not require dwellings to provide visitor spaces due to the close proximity of public transport.

80. As part of the application, the proposal was submitted and advertised as requiring a reduction in the car parking requirement. However, upon a full assessment of the proposed development Officers have determined that no reduction in car parking is required based on the fact that four car parking spaces are provided to the subject site, as described above. Based on this, no assessment on a reduction in car parking is required in this report and if approved the permit preamble will not need to reference a car parking reduction as it is not a permit trigger.

Clause 58 – Apartment Developments

81. Clause 58 of the Scheme applies to an apartment development of five or more storeys, excluding a basement. It is therefore relevant to this proposal because of the proposed development contains apartments and proposes a height of five storeys. Clause 58 generally considered the urban context & design response, site layout, amenity impacts, on-site amenity and facilities, detailed design and internal amenity.

General Provisions

Clause 65 – Decision Guidelines

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

Clause 65.01 – Approval of an application or plan

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

(a) The matters set out in section 60 of the Act;

(b) The Municipal Planning Strategy and the Planning Policy Framework;

(c) The purpose of the zone, overlay or other provision;

(d) The orderly planning of the area;

(e) The effect on the amenity of the area;

(f) The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

Planning Policy Framework (PPF)

Clause 11.02 - Managing Growth

83. Clause 11.02-1 Supply of Urban Land

84. The objective is:

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

Clause 13.04-1S Contaminated and potentially contaminated land

85. The relevant 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

86. The relevant objective of this clause is:

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

Clause 13.07 - Amenity

Clause 13.07-1S Land use compatibility

87. 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

88. 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

89. 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

90. 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 Design

91. 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

92. The objective of this clause is:

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

Clause16.01 – Residential development

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

(a) To promote a housing market that meets community needs;

(b) Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.

Clause 16.01-2S Location of residential development

94. The objective of this clause is:

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

Clause 18.01 integrated transport

95. 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

96. The objective of this clause is:

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

Clause 18.02-2S Public Transport

97. 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

98. The objective 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.

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

Clause 21.04-1 Accommodation and Housing

99. The objectives of this clause are:

(a) To accommodate forecast increases in population;

(b) Support residual population increases in established neighbourhoods;

(c) To reduce potential amenity conflicts between residential and other uses;

(d) To reduce potential amenity conflicts between residential and other uses;

(e) 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;

(f) Apply the Interface Uses policy at clause 22.05.

100. Clause 21.05 Built environment

(a) To protect and enhance Yarra's heritage places;

(b) To reinforce the existing urban framework of Yarra;

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

(d) Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:

(i) Significant upper level setbacks;

(ii) Architectural design excellence;

(iii) Best practice environmental sustainability objectives in design and construction;

(iv) High quality restoration and adaptive re-use of heritage buildings;

(v) Positive contribution to the enhancement of the public domain;

(vi) Provision of affordable housing.

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

(f) Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs;

(g) Support new development that contributes to the consolidation and viability of existing activity centres.

Clause 21.06 Transport

101. The objectives of this clause are:

(a) Use rear laneway access to reduce vehicle crossovers;

(b) To facilitate public transport usage;

(c) Require new development that generates high numbers of trips to be easily accessible by public transport;

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

Clause 21.07 Environmental Sustainability

102. The relevant objectives of this clause are:

(a) To promote environmentally sustainable development.

Clause 21.08 Neighbourhoods

103. Clause 21.08-7 of the Scheme describes the Fitzroy neighbourhood as, "*a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial industrial activities. The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and nongovernment community services, all with a metropolitan focus*".

Relevant Local Policies

Clause 22.05 Interface uses policy

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

Clause 22.12 Public Open Space Contribution

105. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3065A). However considering the size of the site, it is not practical to provide the preferred area of land and therefore cash will be provided.

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

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

Clause 22.17 Environmentally Sustainable Development

107. 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

108. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 548 letters sent to surrounding owners and occupiers and by a sign displayed on site, at the Bik Lane frontage for 14 days.

109. Council received 16 objections to the application, the grounds of which are summarised as follows:

(a) Neighbourhood character (height, scale, bulk, design details).

(b) Overdevelopment of the site.

(c) Amenity impacts (overlooking, overshadowing, loss of light).

(d) Traffic congestion and car parking.

(e) Extent of demolition.

(f) Impact on proposed solar panels on adjoining properties.

(g) Insufficient waste capacity.

(h) Loss of views.

(i) Noise (during construction and from residents).

(j) Loss of value to adjoining lots

110. A consultation meeting was held on 9 April 2018. It was attended by seven of the 16 objectors, the applicant and Council Officers. All issues and concerns raised in the letters of objection were discussed constructively between all parties in attendance however there were no resolutions. Action points from the consultation meeting were that the applicant would submit an amended Waste Management Plan (WMP) and revised shadow diagrams to Council to assist with the assessment of the proposal.

111. The applicant submitted sketch plans on the 17 May 2019 and the 5 July 2019 to specifically address some of the objector's overshadowing concerns. The sketch plans were lodged to Council to be informative and will be referenced throughout the Assessment section of this report. None of the sketch plans were sent to the objectors given there is no material change to the proposal and the sketch plans were to assist Officers with their assessment.

112. The concerns identified at the consultation meeting were that the advertised plans (decision plans) did not show the adjoining open spaces along the northern boundaries of No. 3B/1 Bik Lane, No. 3C/1 Bik Lane (west) and No. 4B/1 Bik Lane (east).

    The sketch plans clearly identify all adjoining open spaces and show the extent of shadowing into all affected properties. Shadows are shown in two dimension and through sections on the September 22 equinox.

113. Both sets of sketch plans (17 May 2019 and 5 July 2019) identify where the adjoining open spaces are and the extent of overshadowing as a result of the proposed development.

    Sketch plans – 17 May 2019

114. The sketch plans show the 3 adjacent secluded private open spaces (terraces) at No. 3B/1 Bik Lane, No. 3C/1 Bik Lane (west) and No. 4B/1 Bik Lane (east) which were not shown on the advertised plans. The sketch plans show that these open spaces (terraces) are not affected by additional overshadowing.

115. The sketch plans show a more accurate site context (objectors raised concern that the advertised shadow diagrams did not accurately take into account the site context and elevated adjoining terraces (i.e. they are not located at ground floor).

116. An updated waste management plan (WMP) to address objector concerns and Council Waste Management Unit referral comments was lodged at this time too.

    Sketch plans – 5 July 2019

117. These sketch plans include further shadow diagrams, taking into account the elevation (height) of the adjoining terraces. With the increased height, these spaces at present received more solar access. Therefore the possibility of the proposed development impacting on these spaces is greater.

118. These plans confirm that there was some additional overshadowing into the adjoining property at No. 3C/1 Bik Lane.

Referrals

119. The referral comments are based on the advertised (decision) plans.

    External Referrals

120. The application does not trigger referral to any external authorities under the requirements of the Scheme.

    Internal Referrals

121. The application was referred to the following units within Council:

    (a) Engineering Services Unit

    (b) Urban Design Unit

    (c) ESD Advisor

    (d) Waste Management Unit

        (i) As a result of the consultation meeting, an amended WMP was submitted and referred to Council's Waste Management Unit who found the WMP unsatisfactory.

        (ii) As this WMP was not formally substituted pursuant to Section 57A of the *Planning and Environment Act 1987*, it cannot be conditioned to be amended as per the referral comments received by Council's Waste Management Unit. As

such, the original WMP will be assessed as part of this application and referral advice received initially included as a condition of any planning permit issued.

122. Referral comments are included as attachments to this report.

OFFICER ASSESSMENT

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

(a) Strategic context

(b) Urban design

(c) Clause 58 – Apartment Developments

(d) Environmental sustainability

(e) Car parking / traffic

(f) Off-site amenity impacts

(g) Objector concerns

Strategic Context

124. The proposal is consistent with the various development objectives outlined in State Planning Policy Frameworks (PPF) and Local PPF in the Scheme, by providing an acceptable level of compliance with the relevant policies within the Scheme.

125. The subject site is located within a Mixed Use Zone (MUZ) and is in close proximity to a commercial strip along Nicholson Street (the east side of Nicholson Street is located in the MUZ and the west side is located within the Commercial 1 Zone (C1Z)).

126. The subject site is within easy walking distance to public transport and services (Nicholson Street and St Georges Road). Policy encourages the urban consolidation/higher densities developments within and in close proximity to activity centre locations and the concentration of such developments in established areas. Policy supports proposals which achieve the urban growth objectives at clauses 11.01, 11.02 and 16.01-2S of the Scheme through the development on land close to existing transport corridors and services.

127. The proposed development is consistent with the purpose of the MUZ which seeks "*to provide for housing at higher densities*" and "*to encourage development that responds to the existing or preferred neighbourhood character of the area*". The housing growth encouraged under the MUZ combined with the subject site's close proximity to existing infrastructure will be a key driver of change within the surrounding area.

128. Clause 21.04-4 of the Scheme encourages new developments to provide for a diversity of housing types. The proposal is for 4 new dwellings (2 x 1 bedrooms and 2 x 2 bedrooms) in an inner city location, which will contribute to the diversity of housing in the area.

129. The proposal will result in the efficient use of existing infrastructure, consistent with Clause 21.04-1 of Council's MSS. Related strategies encourage the adaptation and reuse of land in established urban areas to reduce development pressures on the metropolitan fringe and encourage sustainable transport.

130. Clause 16.01-3S seeks to provide a mix of housing types in well-designed, medium density housing developments that respect the neighbourhood character; improve housing choice; make better use of existing infrastructure and improve the energy efficiency of housing. Clause 16.01-4S aims to deliver more affordable housing closer to jobs, transport and services. It is considered that the subject site's locational benefits and strategic policy context support a medium-density residential development. The proposal would achieve multiple objectives and is ideally located for higher density development. The proposal however must also address and take into account the off-site amenity of adjoining properties.

131. As discussed earlier in this report, an application of this scale must be accompanies by an ESD assessment. These typically take the form of a STORM report and BESS report. The STORM reports assess stormwater management and will usually require treatments such as

a rainwater tank or rain garden. The Built Environment Sustainability Scorecard (BESS) report assesses energy and water efficiency, thermal comfort, and overall environmental sustainability performance of your new building or alteration.

132. The proposal, subject to the submission of an amended STORM and BESS report, will comply with Clause 22.16 Stormwater Management (WSUD) and Clause 22.17 Environmental Sustainable Developments. A full assessment of both clauses is discussed later in this report.

Urban Design

133. The area surrounding the subject site is single to three storey built form. And within the larger subdivision at No. 1 Bik Lane there is three storey built form used for a mix of residential and warehouse purposes.

134. Recent development along Nicholson Street and Bik Lane is 4 storey (medium density) to 6 storey (high density) apartment developments being to the south of the subject site at 4 Bik Lane. These recent development show an emerging character of increased height and built form and contemporary style residential apartment designs. Given the inner city location and the site context, increased residential density is encouraged under the PPF of the Scheme.

135. The proposal is for the construction of additional levels to an existing dwelling which will result in a five storey residential building with 4 dwellings. This is supported by policy and in the site context.

136. The proposal will retain the existing two-storey built form / footprint of the original warehouse including its sawtooth roof form and construct an additional three storeys above, resulting in a five storey built form. The ground, first and second floors will retain the hard edge built form of the subject site's front boundary (which fronts the common property to 1 Bik Lane) and incorporate balconies within the south-west corner of the building at level 1 and level 2. These will create setbacks of 2.4m from 3m and will essentially provide a break in the massing of the building at these levels when viewed from the common property. This is considered appropriate as it provides articulation and a break in the overall mass which also provides an open space which has good outlook for future residents.

137. A 0.3m setback from southern boundary will be incorporated at the third floor and a varied (between 3.29m and 5.6m) setback will be incorporated at the fourth floor and provide a balcony for Apartment C. To provide further articulation and assist in breaking up the building's bulk when viewed from the common property and adjoining lots within Bik Lane, the proposal uses a variety of metal finishes to the front façade (including zincalume and gold coloured perforated metal).

138. In terms of height, Council's Urban Design Unit's referral comments consider a five storey built form to be uncharacteristic within the existing 2 to 3 storey built form within the larger subdivision at No. 1 Bik Lane. The referral comments consider a four storey built form to be more appropriate and four storeys would sit more comfortably on the subject site when considering the heights within the larger subdivision and the prevailing pattern of 3 to 4 storey heights directly around the subject site. Council Urban Design Unit's referral comments therefore recommend the deletion of the upper most level.

139. In terms of setbacks, Council's Urban Design Unit's referral comments recommend that the third and fourth storey (based on the fact that the fifth storey is deleted) be setback a minimum of 1 metre from the southern boundary. They consider that this will provide a clearer distinction between the retained original building and the extension.

140. In terms of materials, Council's Urban Design Unit's referral comments raise concern in relation to the use of the metals gold metal finish at the upper fourth and fifth levels and that this will not complement the industrial character of the immediate area. Council's Urban Design Unit's instead recommend a more rustic/industrial metal finish.

141. Clause 22.10-3.3 of the Scheme encourages the use of massing or articulation or changes of surface treatment, or a combination of these, to relate taller buildings to the scale of their surrounds, and to diminish visual bulk. They also seek the use of appropriate materials,

finishes and colours, which add visual interest and, assist in breaking up the mass and bulk of new development. The proposed gold metal finish is considered to provide an appropriate design repose which provides articulation and visual interest to the building's façade and a break in the massing. The metal finish also relates back to the previous and current industrial/commercial uses on site.

142. In response to the height concern, at the rear the building will be setback from the northern boundary at the fourth and fifth storey and will have a render/gold metal finish at these levels. While the proposal will be higher that the three storey prevailing heights of the abutting sites at 3/1 and 4/1 Bik Lane it is considered acceptable in the site context and in the submitted form which includes setbacks provided at the fourth and fifth levels from the southern (front) and northern (rear) boundaries.

143. One of the main purposes of the MUZ is to provide housing at higher densities. Examples of this are the three-storey built form immediately surrounding the subject site and the higher built forms located at 650 Nicholson Street (4 storeys) and 4 Bik Lane (6 storey). Given this surrounding context and the close proximity of the subject site to Nicholson Street, it is considered that there is strong strategic justification for the proposed 5 storey height in its submitted form.

144. In response to the setback concern, the proposal will limit visual bulk impacts through setbacks (varying between 300mm and 3.2m), by incorporating balconies and using a variety of materials. The building will generally interface common property and adjoining roof form of Nos. 3C/1 and 4B/1 Bik Lane. The setbacks are appropriately provided to the sensitive interfaces at the rear of the subject site (i.e. to the dwellings within No. 672 Nicholson Street and roof terrace to the west at No. 3C/1 Bik Lane) at the upper floors. It is considered that given the surrounding context, the purpose of the MUZ and the setback/articulation provided in the design response, that the proposal will provide an acceptable design response in its submitted 5-storey height.

145. Overall, and on balance, while it is acknowledged that Council Urban Design Unit's referral comments support a 4-storey built form with the resulting third and fourth storey setback a minimum of 1 metre from the southern boundary, there is policy support and site contextual support for the proposal in is submitted design of 5 storeys. Therefore neither a reduced height from 5 to 4 storeys or an increase in setback at the fourth or fifth levels are considered necessary in this instance.

146. In response to the materials concern, the surrounding area does have a mix of external finishes from industrial finishes to more contemporary finishes (as is evident at recent developments at 650 Nicholson Street and 3/1 and 4/1 Bik Lane). The area has an evolving character in terms of the use of materials and based on this it is considered that the retained lower levels in zincalume and the use of a perforated metal finish at the upper levels, strikes an appropriate balance. These materials are not only considered to complement each other, but be consistent with and complement the other buildings within the wider subdivision and the existing and emerging built form context of the immediate area. Further, the materials will respect the past industrial use and 'historical' component of the building (albeit not covered by the Heritage Overlay) while incorporating a more contemporary material to clearly distinguish between old and new and embrace the emerging character of the area. The perforated nature of the metal finish in particular will provide a more transparent (softer) finish to the upper floors.

147. Overall therefore, the proposed five storey built form in its submitted form is considered an appropriate design response for the site which is located within a MUZ which seeks "*to provide for housing at higher densities*". The immediate area includes four to six storey built form and these heights are part of the emerging character within the immediate area.

148. The proposal includes some minor façade alterations to the vehicle and pedestrian access along the southern and western facades of the existing dwelling. The proposed roller door is considered acceptable given the prevailing character along Bik Lane where garage doors are prevalent along common property. And the proposed relocation of the pedestrian entry to the

western façade of the dwelling will be consistent with the existing pedestrian entries of other buildings within the larger subdivision at Units 2/1 and 3/1 Bik Lane.

149. Lastly, the proposal includes two directional 'signs' to identify the relocated pedestrian entry. The first sign is a 0.35m wide by 1.2m directions sign located along the ground floor southern façade (south-west corner). The second sign is attached to the pedestrian access/door along the western boundary. No details have been provided by the applicant on the signs save for the fact that the purpose of them is to simply direct visitors to the new pedestrian entry along the western boundary. For the site context, signs for this purpose are supported in principal on the basis that they will appropriately identify the pedestrian entry. It is submitted that they will be identical to the pedestrian entry signs at No. 2/1 and No. 3/1 Bik Lane located within the larger subdivision.

Clause 58 – Apartment Development

150. Clause 58 of the Scheme comprises 27 design objectives and standards to guide the assessment of new apartment development. This is relevant to the assessment of this proposal given that the proposed height is five storeys.

151. The following objectives are however not relevant to the assessment of this proposal:

(a) Dwelling diversity – The development consists of less than 10 dwellings.

(b) Communal open space – The development consists of less than 40 dwellings.

(c) Solar access to communal outdoor open space – There is no communal open space provided as part of the proposal.

(d) Access – no vehicle crossovers are proposed as part of the proposal.

Standard D1 Urban context

152. A full assessment against neighbourhood character and urban context is provided at paragraphs 133-149 of this report. In summary the scale and built form is considered acceptable in the context of the immediate area and where increased developments of this type and scale are encouraged under the MUZ.

Standard D2 Residential policy

153. There is strong strategic policy support for high density residential development within well serviced areas close to public transport and employment. This would include the Nicholson Street Neighbourhood Activity Centre in which the subject site is located 70m from. In this regard the development meets State and Local policy for housing location.

Standard D4 Infrastructure

154. The proposal is located within an established area with existing utility services and infrastructure. There is no evidence to suggest that the proposed development would unreasonably overload the capacity of the existing services.

Standard D5 Integration with street

155. The subject site does not have a direct interface or access to Bik Lane, moreover it is located behind the front façade (southern boundary) and accessed via common property. The proposal retains its vehicle access from the south and will relocate the pedestrian access to the building from the southern boundary to the western boundary. The relocated entry will have signage to identify the entry which is identical to the pedestrian entries at No. 2/1 and No. 3/1 Bik Lane which are located within the larger subdivision. These are examples of other buildings within the 1 Bik Lane subdivision which do not have their entry directly fronting or orientated towards the southern boundary.

Standard D6 Energy efficiency

156. Of the four dwellings (apartments), three will have southerly orientations as their principal living areas of POS. This is due to the site constraints and is considered an acceptable design response in this instance, and will provide for some passive surveillance of the common property which is supported.

157. Apartment D will have a northerly orientated balcony which will maximise solar access to the dwelling and its SPOS.

158. Council's ESD Advisor supports the proposal as it provides an appropriate design response in terms of provision of solar panels, daylight, hot water systems, lighting/water fixtures and NatHERS rating.

Standard D9 Safety

159. The pedestrian entry for all 4 dwellings (apartments) will be located along the western boundary and accessed via the common property. To identify the pedestrian entry, two signs are proposed along the frontage (one next to the garage of Apartment B and one directly adjacent to the pedestrian entry itself). This is consistent with other pedestrian entries within the larger subdivision including Nos. 2/1 and 3/1 Bik Lane which are both accessed from the same area.

For the context, the location for the pedestrian entry and having associated signs is appropriate, with the entrance being clearly visible and identifiable from the common property (and not obscured or isolated).

Standard D10 Landscaping

160. There is no requirement for deep soil areas or canopy trees as the size of the subject site is below 750sqm.

161. Submitted floor plans show indicative landscaping within the ground floor courtyard and balconies of Apartment D. Plans also show the retention of the landscaping strip adjacent to the existing pedestrian entry. Limited soft landscaping is not uncommon for an apartment development or on a small site and it is not integral to the overall design response. Soft landscaping is not characteristic of the wider subdivision given the inner city context.

162. As such, the submitted design response is considered to be appropriate and there is no need to require the submission of a formal landscape plan.

Standard D12 Parking location

163. The proposal includes four car parking spaces. Two of the spaces are in the form of single-width spaces at the front of the subject site which will be accessed via the common property. The location and design of these spaces is consistent with the existing site conditions, where there are car spaces located in exactly the same area.

164. The remaining two spaces are located to the south-west of the subject site, in the form of an uncovered tandem car space. These spaces are identified on the title and allocated to the subject site (i.e. Lot 4A). These spaces are not in common property and therefore there was no need to identify the proposal as 1 Bik Lane for the purpose of advertising.

165. There is no direct access from the car spaces to the lobby, however given that there are only two car parking spaces, access via the roller doors and the remaining two accessed via the common property they are considered acceptable in this instance.

166. There is no mechanical equipment associated with the proposed car parking.

Standard D13 Integrated water and stormwater management

167. Plans identify a 1,500 litre rainwater tank located within the north-west corner of the subject site, to be used for 'garden use only' for Apartment D. This is not consistent with the STORM report submitted, which confirms that two, 1,500 litre rainwater tanks are proposed. Further errors have been identified in the STORM report submitted including references to the Municipality in which the subject site is located and the size of the subject site (lot).

168. To address the inconsistencies, a condition will require an amended STORM report to be submitted. This amended STORM report can be easily achieved through appropriate treatments. If the amended report is still inaccurate, plans will not be endorsed.

Standard D14 Building setback

169. This standard includes multiple requirements relating to building setbacks, daylight to windows, overlooking, outlook and the internal amenity of residents, none of which have ‘quantifiable’ measures. In other words, it is to the satisfaction of the Responsible Authority where there are no unreasonable amenity impacts.

170. With regard to setbacks, this is discussed earlier in this report at paragraph 133-149. The proposal in is submitted form is deemed acceptable for the site context.

171. All habitable room windows to the 4 dwellings proposed will receive direct daylight from the common property (southern and western interfaces) and courtyard within the north-west corner. The daylight is adequate for each dwelling and is supported by Council’s ESD Advisor’s referral comments.

172. Apartments A, B and C will have outlook to the common property to the south from their main living areas. The common property provides a minimum 10m setback, allows for sufficient daylight and passive surveillance.

173. Apartment D (located at the rear) will have a limited outlook onto the courtyard from its third floor living area. To improve the internal amenity of this dwelling a roof terrace, with generous setbacks, is provided to it and the terrace will get excellent solar access given the site orientation. Although not ideal, this level of amenity is not unreasonably compromised and is considered acceptable in this inner city context with site constraints and it is not an uncommon design response (in terms of outlook and location of open spaces) with similar layouts approved at Nos. 3/1 and 4/1 Bik Lane.

174. Overall, the proposal will have 3 dwellings (equating to 75% of the development) which will achieve a good outlook and good daylight access.

175. Standard D14 also aims to “limit views” into habitable room windows and private open space of new and existing dwellings, thereby reducing reliance on screening to inhibit these views.

176. Given that Apartments A, B and C will have outlook to the common property to the south, there is no concern with respect to internal or external overlooking/views. The common property has a minimum width of 10m to the south and 4.7m to the west. There are no concerns with regards to overlooking to the west or south given the distance and as the properties directly to the west are used as warehouses.

177. The only potential overlooking into existing properties is at the rear of the subject site (at Nos. 3C/1 and 4B/1 Bik Lane) and will be from the roof terrace of Apartment D. Screening to a height of 1.8m is provided in the form of perforated gold metal balustrade surrounding the terrace. Although the standard seeks to avoid screening, it is not possible in this instance, with adjoining terraces to the north (No. 650 Nicholson Street), east (No. 5A/1 Bik Lane) and west (No. 3C/1 Bik Lane). An additional condition will be included for the screening details, with a requirement for a maximum of 25% transparency. Although this is not specifically required, it is the industry standard for screening to limit overlooking and is therefore considered reasonable in this instance.

Standard D15 Internal views

178. This standard states that windows and balconies should prevent overlooking into 50% of private open space of a lower-level dwelling directly below and within the same development.

179. As a result of the internal layout, there will be no internal views between apartments within the wider subdivision or within the building.

Standard D16 Noise impacts

180. The proposed development will be residential and it is therefore considered that there will be no unreasonable off-site amenity (noise) impacts to the surrounding area. Balconies and roof terraces for POS are a common design feature within an inner city context and are found at developments at Nos. 3/1 and 4/1 Bik Lane.

181. The proposed development is not located in proximity to a *noise influence area* as specified in Table D3 to this Standard. A noise influence area can come from industry, roads and railways.

182. In this instance potential noise relates to Nicholson Street, where if a site is located within 300m of a road carrying 40,000 annual average daily traffic volumes. VicRoads has confirmed that Nicholson Street is not a road that generates in excess of 40,000 Annual Average Daily Traffic Volume, thus does not meet the threshold for a noise influence area in Table D3 of this Standard. The annual average daily traffic volumes is taken for the VicRoads website (the application is not required to be referred to VicRoads).

183. In light of this, incorporating noise attenuation into the design response does not need to be considered by this proposal and the submission of an acoustic report is not required.

Standard D17 Accessibility

184. To ensure the design of dwellings cater for people with limited mobility, the standard requires at least 50% of new dwellings 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.

185. The proposal does not specify which dwellings within the development will meet the standard or which design option (Design A or B) is being applied for. For the purpose of this assessment Apartment A and Apartment B will be assessed (they are identical in layout).

186. Apartment A and Apartment B have minimum 850mm door openings along with a 1.2m wide clear path between the dwelling entry to the main bedroom, living area and bathroom. The bathroom to both apartments is in line with Design option B, which specifies a 870mm opening, 1m by 2.7m circulation area (including the shower) and a toilet located closest to the door opening. As such the internal design of Apartment A and Apartment B meet the dimensional requirements of design option B.

187. Plans are missing notations in relation to the ‘hopless shower’ and whether the shower door has readily removable hinges. This design detail can easily be addressed by way of permit condition and as such a condition will require notations to be included on plans, requiring both items above. Subject to this condition, Apartment A and Apartment B will meet (a) to (d) requirements of the standard and the requirement of the standard will be met.

Standard D18 Building entry and circulation

188. The proposed pedestrian entry is via the common property on the western boundary of the subject site. It will not be clearly visible from the front (southern side) of the subject site. The proposal therefore includes two signs on the frontage (adjacent to the garage for Apartment B and directly adjacent to the pedestrian entry itself) to identify the building. Other properties within 1 Bik Lane (1/2 and 3/1 Bik Lane) have identical entries and signage along the same section of the common property.

189. The proposal includes the refurbishment of the pedestrian entry door with white rectangular stretcher bond tiles and red powdercoated metal finish. This is not supported because it is considered that to provide a better transition from the common property area a condition require an element of glazing to be incorporated into the door design, more consistent with the existing dwelling’s design.

190. There is no shelter provided to the pedestrian entry. This design is supported on the basis that the entry will be located adjacent to common property and providing shelter to it would be outside the title boundaries. Given the surrounding context in which shelters above

pedestrian entries are not common and there is a lobby space immediately inside the entry, the lack of a shelter is considered acceptable in this instance.

191. Given the site constraints and relatively small scale of the proposed development, it is not possible include a natural light source on each level. That said there are two skylights provided at level 3 which will provide natural light down the stairwell.

Standard D19 Private open space

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

(a) A two bedroom dwelling should have access to a balcony with a minimum area of 8sqm and minimum dimension of 2m, with convenient access from a living room.

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

193. Each of the 4 dwelling will be one and two-bedrooms which requires a minimum balcony area of 8 square metres. Each dwelling will have a balcony area of at least 8 square metres with a minimum width of 2 metres, which is in accordance with this standard.

Standard D20 Storage

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

(a) A one bedroom dwelling should have a total minimum storage volume of 10 cubic meters with a minimum storage volume within the dwelling of six cubic meters.

(b) A two bedroom dwelling should have a total minimum storage volume of 14 cubic meters with a minimum storage volume within the dwelling of nine cubic meters.

195. Plans show a minimum of 10m³ of storage to Apartment A and B and a minimum of 14m³ to Apartment C and Apartment D. This is in accordance with the standard.

Standard D21 Common property

196. All common property areas are generally clearly delineated and would not create areas which are difficult to maintain into the future. The lobby is cohesive with the overall design and considered to be in line with the objectives of this Standard. The garages are allocated to individual apartments (Apartment B and Apartment C).

Standard D22 Site services

197. The location of site services on the plans. A condition will therefore require the location of all site services, including mailboxes and bins to be clearly shown on the plans, in accordance with the above standard.

Standard D23 Waste and recycling

198. The Waste Management Plan (WMP) submitted with the original proposal was found to unsatisfactory by Council's Waste Management Unit with deficiencies in the formatting of the WMP and lack of information regarding both hard waste and e-waste diversion.

199. An amended WMP was submitted to Council on 20 May 2019 as part of the 'sketch plans' package following the consultation meeting. It was unfortunately still found to be unsatisfactory by Council's Waste Management Unit however no formal referral comments were received. As such, a condition will require the submission of a revised WMP based on the WMP submitted with the original proposal.

Standard D24 Functional Layout

200. This standard requires main bedrooms to have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions (any wardrobes should be additional to this). Living area dimensions (excluding dining and kitchen areas) should have a

minimum width of 3.3m and minimum area of 10sqm (1- bedroom apartment) and a minimum width of 3.6m and minimum area of 12sqm (2-bedroom apartments).

201. The main bedrooms of Apartments A, B and C have a minimum width of 3 metres and depth of 3.4 metres and all secondary bedrooms have a minimum width and depth of 3 metres.

202. The main bedroom of Apartment D has a depth of 3.259m, which requires a variation of 0.141m to the dimensions prescribed by the standard. This variation is considered acceptable on the basis that a 3.259m room depth for a main bedroom will still allow for a useable and functional bedroom.

203. All apartments meet the minimum living area dimensions of 10 square metres for one bedroom apartment and 12 square metres for two or more bedroom apartments.

Standard D25 Room depth

204. This standard requires that single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. All apartments will have a minimum ceiling height of 2.7 metres. The maximum room habitable room depth is therefore calculated at 6.75 metres for single aspect rooms. This length can be increased to 9m if the room combines the living, dining and kitchen area, has the kitchen furthest away from the window and has a maximum floor to ceiling height of 2.7m.

205. With all dwellings having a maximum depth of 5.585m, the standard is met.

Standard D26 Window

206. All habitable rooms have a window within an external wall with direct access clear to the sky and no reliance on ‘borrowed light’ for any habitable room.

Standard D27 Natural Ventilation

207. This standard requires that at least 40 percent of dwellings are provided with effective cross-ventilation that has a maximum breeze path through the dwelling of 18m and a minimum breeze path of 5m.

208. Apartment A and Apartment B (equating to 50% of the apartments) will have effective cross ventilation with a maximum breeze path of 9.5m and of no less than 5m, in compliance with the standard.

<u>Environmental sustainability</u>

209. A Sustainable Development Assessment (STORM and BESS) was provided as part of the application. Council’s ESD Advisor supports the assessment and considers it to be generally acceptable with the exception of the STORM report which states that two, 1,500 litre rainwater tanks are proposed, when only one is shown on plans. Further errors have been identified in the STORM report which include the Municipality and size of the subject site (lot).

210. To address the inconsistencies, a condition will require an amended STORM report to be submitted. This amended STORM report can be easily achieved through appropriate treatments. If the amended report is still inaccurate, plans will not be endorsed.

<u>Car parking / traffic</u>

211. Pursuant to Clause 52.06-2 of the Scheme, 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.

212. Amendment VC148 (gazetted 31 July 2018) amended Clause 52.06 so that the car parking rates of Column B apply if any part of the land is identified as being within the Principal Public Transport Network Area. The subject site is located within the Principal Public Transport Network Area and the Column B car parking rates therefore apply to this proposal.

213. For the proposal, the Scheme requires 4 car parking spaces. The subject site will have 4 car spaces in the form of two single width garages and a tandem car space for two additional cars. The tandem car space is allocated to the subject site (Lot 4A) on title. Details for the

allocation of the four car spaces has not been submitted and is not necessarily required for assessment purposes. Based on the Scheme requirement of four car spaces and the on-site provision of four car spaces, the Scheme requirement is met and there is no reduction in the car parking requirement of the Scheme.

214. In processing the application, the proposal was advertised as seeking a reduction in car parking because the tandem car space was not clearly identified on the proposed plans and the applicant submitted that they were seeking a reduction. While the application proceeded on that basis, given that a car parking reduction is not technically required, it does not need to be assessed in this report or referenced in the permit preamble. This will be reflected in the Recommendation at the end of this report.

Access and layout

215. Access to the two garages for Apartment B and Apartment C is via common property. It has been identified that both of the garage dimensions fall under the required minimum dimensions (3.5m width & 6m length) specified in Clause 52.06. The garages are to have a maximum width of 3.125m and length of 5.6m, requiring a variation of 0.375m and 0.4m respectfully.

216. Council's traffic engineers have reviewed the dimension and access arrangement and have no objection to a variation in the garage dimensions or revised access arrangement. They have confirmed that access for a B85 design vehicle is satisfactory with the reduced dimensions of the garages.

217. Access to the tandem car space is to remain unchanged from the existing conditions.

<u>Off-site amenity impacts</u>

218. The headings below are based on off-site amenity impacts typically assessed under Clause 55 of the Scheme, which are not covered under Clause 58. There is an overlap in some of the off-site amenity impacts discussed under the Clause 58 assessment. The below assessment will focus on the off-site amenity impacts which are not covered under Clause 58.

219. The subject site is located within the MUZ, as are the immediately surrounding properties abutting the subject site boundaries. The zoning of the land and its location within a Neighbourhood Activity Centre means that dwellings within the same zone may be afforded the same amenity considerations that are considered within typical residential zone (i.e. neighbourhood and general).

220. The eastern and western (side) boundary walls are constructed alongside existing properties at Nos. 3C/1 Bik Lane and 4B/1 Bik Lane. Towards the eastern boundary the subject site abuts the double storey dwelling at No. 4B/1 Bik Lane. To the west, the subject site partially interfaces common property and No. 3C/1 Bik Lane which is developed with a 3-storey dwelling with two roof terraces.

Overshadowing

221. One of the purposes of the MUZ is, "*to provide for housing at higher densities*" which is considered to contemplate increased built forms which introduce some level of off-site amenity impacts. It is obviously not development at any cost however and development must be appropriate for the site context and off site amenity impacts need to be carefully considered and be reasonable.

222. Shadow diagrams submitted to Council on the 5 July 2019 show overshadowing at 9am on 22 September to the terrace at 3C/1 Bik Lane which is open space located at the third floor level and to the west of the subject site. The overshadowing is as result of the third storey wall of the proposed development. The shadows affect a small section (0.28sqm) of the terrace at 9am, however at 12pm and 3pm the terrace will be unaffected.

223. Given the limited hours and limited extent of overshadowing, and the elevated location of the terrace at 3C/1 Bik Lane it will receive sufficient solar access during the midday and afternoon periods. It is considered that the extent of overshadowing is not unreasonable.

224. There is no overshadowing to the terrace to the east at 4B/1 Bik, given its first floor location and existing boundary wall which already overshadows this space.

Overlooking

225. Plans submitted only identify habitable room windows/open spaces to the rear of the subject site, associated with No. 672 Nicholson Street and the two adjacent terraces at Nos. 3C/1 & 4B/1 Bik Lane. Therefore this assessment will be confined to the rear interface.

226. There is no overlooking between the ground floor to the second levels, with the existing and proposed boundary walls blocking any views from Apartment D into the adjoining properties. Along Level 3 it is proposed to construct a terrace for Apartment D within the rear (northern) setback with screening along the terrace's northern, eastern and western boundaries in the form of a metal screen (M4). The exterior materials schedule identified this material (M4) as a gold coloured perforated metal screen, however provides no details as to the extent of perforation. As such, the extent of overlooking cannot be determined.

227. A condition will require the perforation of the screen located along the northern, eastern and western sections of the terrace to Apartment D not to exceed a maximum of 25% and for details to be submitted for approval, so that the screen complies with Clause 55.04-6 (which while not technically applicable to this proposal it is a standard used under clause 54 and 55 ResCode assessments and therefore a general rule of thumb for limiting overlooking within a 9m radius.

Daylight

228. Clause 58 does not prescribe any quantifiable measurements on assessing daylight to windows.

229. The proposal seeks to retain the existing boundary wall at ground, level 1 and part of level 2 (which follows the sawtooth roof form) and above the sawtooth roof the level 3 boundary wall will be infilled with a 1.8m high metal screen. The proposal includes a setback of 0.9m to the existing brick wall along Levels 1 (bedroom interface), Level 2 (dining room interface) and part of Level 3 (terrace) for 8/672 Nicholson Street and 9/672 Nicholson Street. Based on this design, the daylight to bedrooms at Level 1 (8/672 Nicholson Street and 9/672 Nicholson Street) and the dining areas at Level (8/672 Nicholson Street and 9/672 Nicholson Street) will be decreased given the increased wall height associated with Level 3 and the terrace screen (Apartment D).

230. This daylight reduction is considered acceptable as the bedrooms interface an existing built form and bedrooms are generally not occupied a large amount of time during the daytime. With regard to the dining room for 9/672 Nicholson Street, this is an open plan room with a north-facing living room receiving solar access. Along level 3, a 2.5m setback is provided which will provide sufficient daylight.

231. So overall, although level 1 bedrooms will be affected the design response is considered acceptable because of the bedrooms interface to an existing built form and bedrooms are generally not occupied a large amount of time during the daytime. With regard to the dining room for 9/672 Nicholson Street, this is an open plan room with a north-facing living room receiving solar access.

<u>Objector concerns</u>

232. The majority of the issues raised by the objectors have been addressed within the body of this report, as follows:

    (a) Neighbourhood character (height, scale, bulk, design details);

Paragraphs 133 –149

(b) Amenity impacts (overlooking, overshadowing, loss of light);

Paragraphs 218 – 231

(c) Traffic congestion and car parking;

Paragraphs 211 – 217

233. Outstanding concerns raised by the objectors are discussed below:

(a) Overdevelopment of the site

The subject site is located within a MUZ and is in close proximity to services. State Planning Policy encouraged urban consolidation in areas that are well serviced and is in proximity to a range of facilities and infrastructure, which the subject site is.

Furthermore the MUZ seeks "*to provide for housing at higher densities*". The immediate area has four to six storey built form. Given the purpose of the zone and examples of existing built forms within the area, the proposal is not considered to be an overdevelopment of the site. The proposed height and design and the building envelope is considered to be appropriate for an area experiencing this type of development.

(b) Extent of demolition

While the former use of the subject site and the large subdivision is unique, it is not located within a Heritage Overlay and as such the demolition aspects do not require a planning permit and cannot therefore be considered in the assessment of this application. The proposal does however seek to retain a lot of the original features of the building including boundary walls and sawtooth roof from which goes some way to address this concern despite the lack of planning control encouraging retention of existing built form.

(c) Loss of views

While the Victorian Civil and Administrative Tribunal (VCAT) recognise 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 in the Scheme in relation to views and view loss. In this site context, it is not considered that the extent of loss of view in this case is unreasonable, particularly considering the built form expectations envisaged under the MUZ.

(d) Noise (during construction and from residents)

It is not anticipated that the proposed development will result in any levels of noise above what can be reasonably expected from a residential development. The proposed development incorporates balconies, which is a common design response for development of this type and within a MUZ.

With regard to the construction phase, a condition will be included on any permit issues requiring a Construction Management Plan to be submitted and will require details on the hours of construction, loading zones and traffic management all of which seek to reduce the impacts of construction on the community. This Construction Management Plan will be endorsed and will form part of the planning permit.

(e) Solar panels on adjoining properties

In determining a planning application, Council can only assess the current conditions on-site. At present there is no solar panels on the directly abutting sites (i.e. 3C/1 Bik Lane and 4B/1 Bik Lane. The possible installation of solar panels at some future date is not a decision guideline in the Scheme or Act and as such cannot be considered.

A site visit and aerial photos (December 2018) show solar panels at No. 5B/1 Bik Lane. The shadow diagrams submitted as part of the 'sketch plans' on 5 July 2019 shows that no additional shadow will be cast on these solar panels.

(f) Insufficient waste capacity

The submitted WMP has been referred to Council's Waste Management Unit who have not identified any concerns with regard to the waste capacity on the site. That said they have not found the WMP to be satisfactory in relation to the formatting of the WMP and lack of information regarding both hard waste and e-waste diversion. An amended WMP is required to address these concerns.

Conclusion

234. The proposed development is considered to demonstrate an appropriate 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, the preference to direct higher density development in the Mixed Use Zone and aligns with the State Policy as well as the direction given by the Tribunal in relation to applications of similar developments.

RECOMMENDATION

That having considered all objections and relevant supporting documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN18/0644) for the development of the land for the construction of three additional storeys to an existing two storey building (equating to 5 storeys in total), for 4 dwellings at 4A/1 Bik Lane, 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 but modified to show the following:

   (a) The terraces at No. 3C/1 Bik Lane and No. 4B/1 Bik Lane.
   (b) For Apartment D, Level 3, the screening details for the terrace (including a maximum transparency of 25%).
   (c) For Apartment A and Apartment B, plan notations confirming:
      (i) that the showers are 'hopless; and
      (ii) that the bathroom doors associated have readily removable hinges.
   (d) The incorporation of glazing to the pedestrian door entry (facing the western site boundary).
   (e) The location of site services (including mailboxes and the 'signs' for the pedestrian entries) in accordance with Clause 58.06-2 of the Yarra Planning Scheme.
   (f) Any plan changes required as a result of another condition of permit (including any changes from the STORM report required under the Sustainable Management Plan at condition 3 of this permit).

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

Sustainable Management Plan

3. 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 dated November 2018, but modified to include (but not limited to) the following:

   (a) A complete, accurate and correct STORM or equivalent assessment report of the development in accordance with Clause 22.16 (Stormwater Management) of the Yarra Planning Scheme. The STORM rating should achieve a minimum of 100%.

4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

Waste Management Plan

5. 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 JBL Architects and dated November 2018, but modified to include the following:

   (a) The waste management plan submitted as a separate report.
   (b) Further information needs to be added regarding both hard waste and e-waste diversion.

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

Car Parking

7. 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.

Environmental Audit

8. The development permitted by this permit must comply with the conditions in the Statement of Environmental Audit issued by Christopher Jewell of C.M Jewell & Associates Pty Ltd dated 22 December 2006 and environmental management plan report on Site Management Plan, 650 Nicholson Street North Fitzroy, Project: 42116, prepared by Douglas Partners Pty Ltd, dated 16 November 2006.

General

9. 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.

10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkway, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:

    (a) Located;
    (b) Directed;
    (c) Shielded; and
    (d) Of limited intensity.

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

12. 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.

13. 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.

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

    Construction Management

15. 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; Agenda Page 162 Yarra City Council – Internal Development Approvals Committee Agenda – Wednesday 24 October 2018
        (ii) materials and waste;
        (iii) dust;

(iv) stormwater contamination from run-off and wash-waters; (v) sediment from the land on roads;
(v) washing of concrete trucks and other vehicles and machinery; and
(vi) spillage from refuelling cranes and other vehicles and machinery

(i) the construction program;
(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
(k) parking facilities for construction workers;
(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
(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.

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

17. 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) Saturday 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.

18. This permit will expire if:

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

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

Notes:

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

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

All future property owners, residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident, 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: **Gary O'Reilly**
TITLE: **Senior Statutory Planner**
TEL: **9205 5040**

Attachments

1 PLN180611 - 4A 1 Bik Lane, Fitzroy North - Site Plan
2 PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans
3 PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019
4 PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 5 July 2019
5 PLN180644 - 4A 1 Bik Lane, Fitzroy North - Engineering referral advice
6 PLN18.0644 - 4A 1 Bik Lane, Fitzroy North - Urban Design referral advice
7 PLN18.0644 - 4A 1 Bik Lane, Fitzroy North - ESD referral advice
8 PLN18.0644 - 4A 1 Bik Lane, Fitzroy North - Waste management advice

Attachment 1 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Site Plan

ATTACHMENT 1

SUBJECT LAND: 4A/1 Bik Lane, Fitzroy North



North

Subject Site

Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans

APPENDIX A

UPDATED DRAWING SET

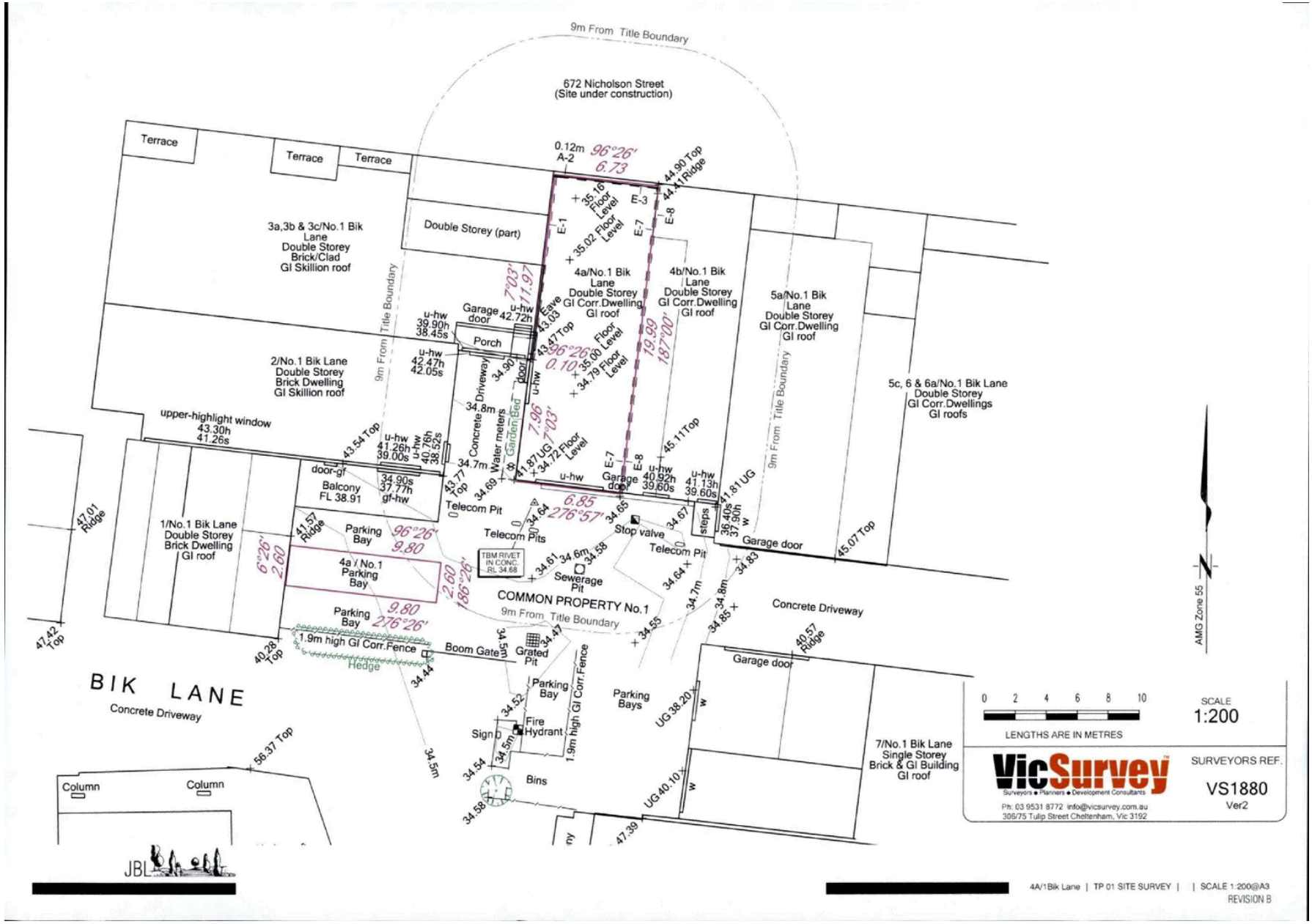
DECEMBER 2018

REVISION B

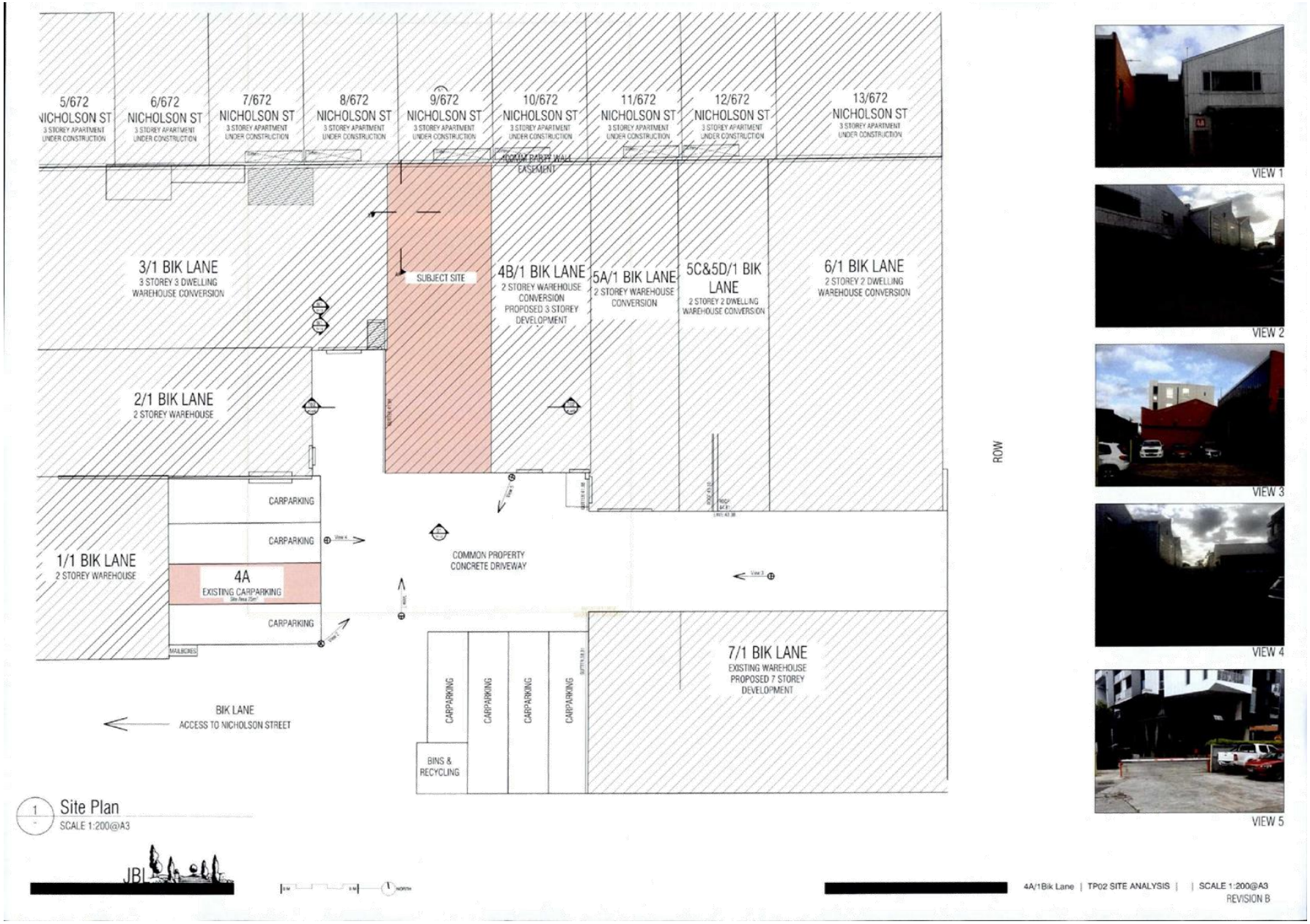
The planning permit application includes the following information, plans, and elevations

TP01	Site Survey
TP02	Site Analysis
TP03	Site Plan
TP04	Existing & Demolition Plans
TP05	Proposed Ground Floor Plan
TP06	Proposed First Floor Plan
TP07	Proposed Second Floor Plan
TP08	Proposed Third Floor Plan
TP09	Proposed Fourth Floor Plan
TP10	Proposed Roof Plan
TP11	Proposed North Elevation
TP12	Proposed South Elevation
TP13	Proposed West Elevation
TP14	Proposed East Elevation
TP15	Proposed Sections AA & BB

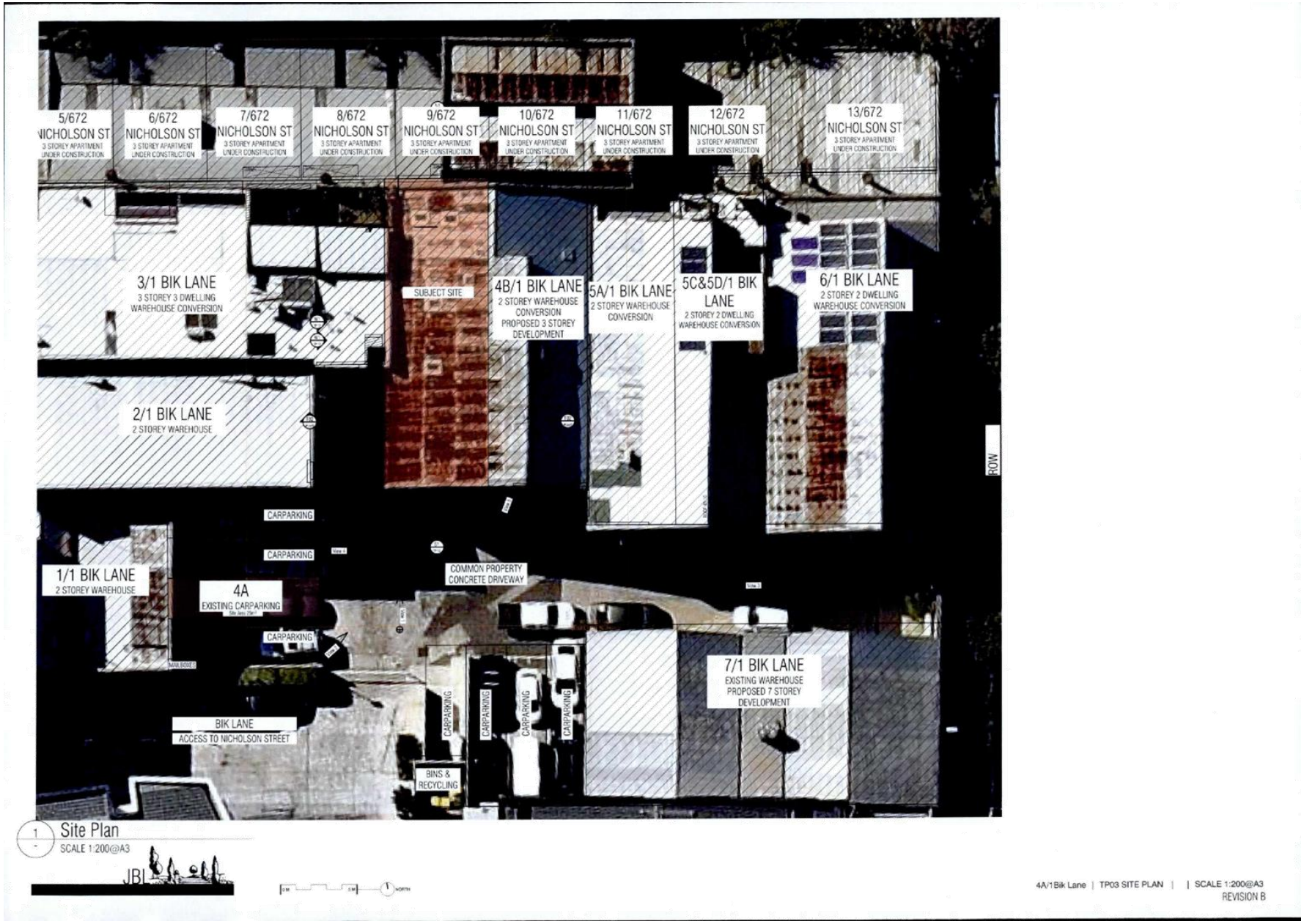
Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



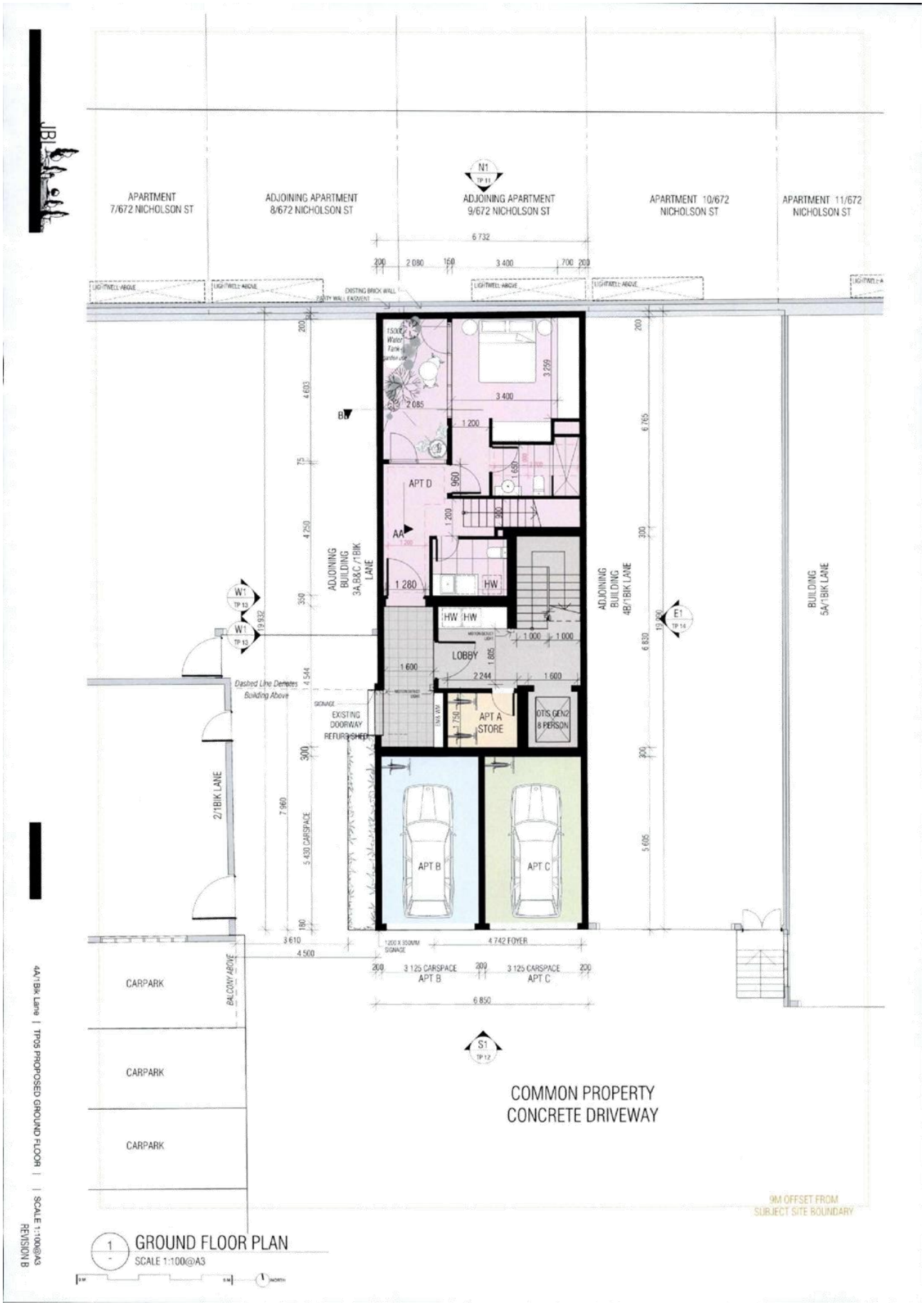
Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



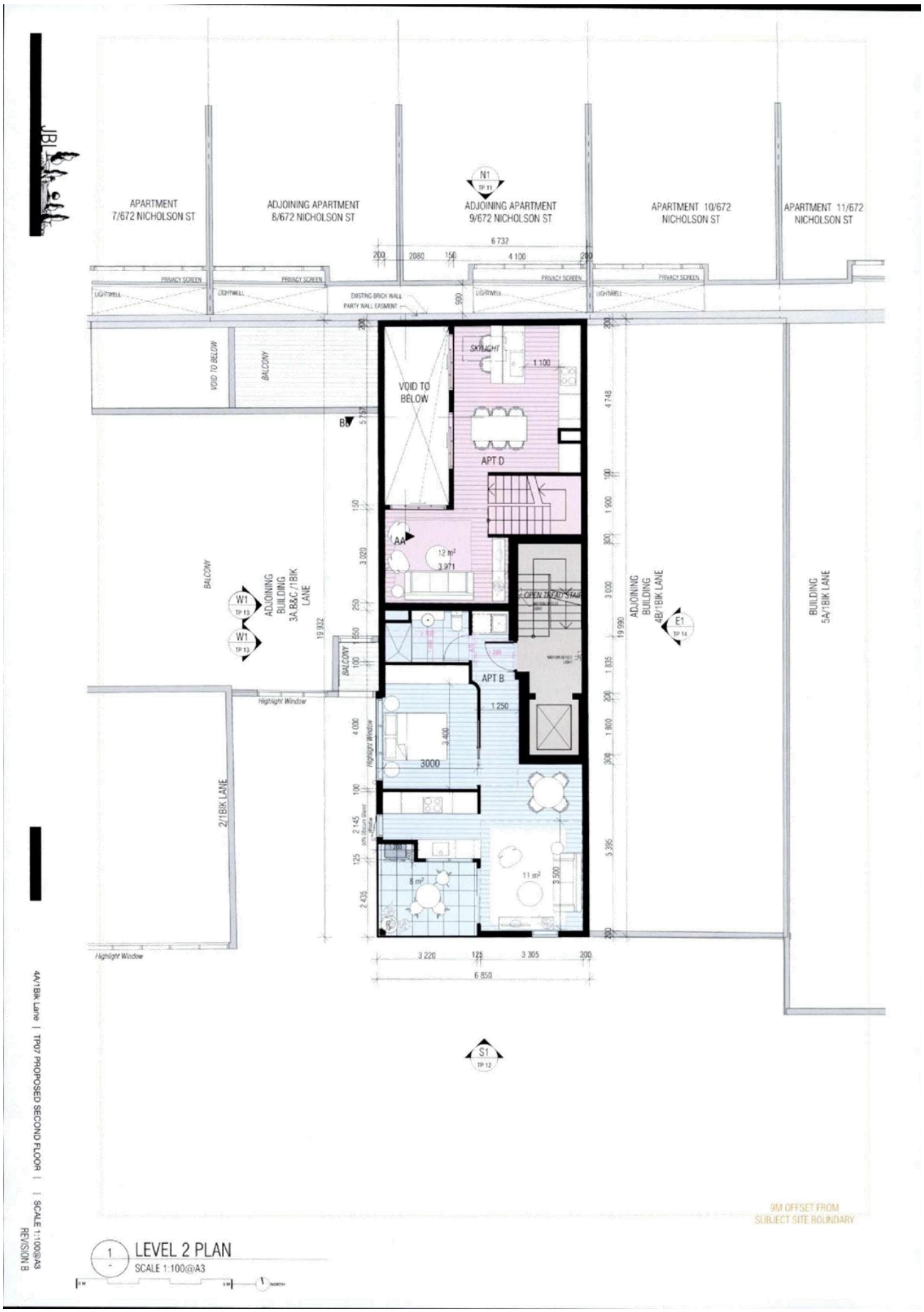
Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



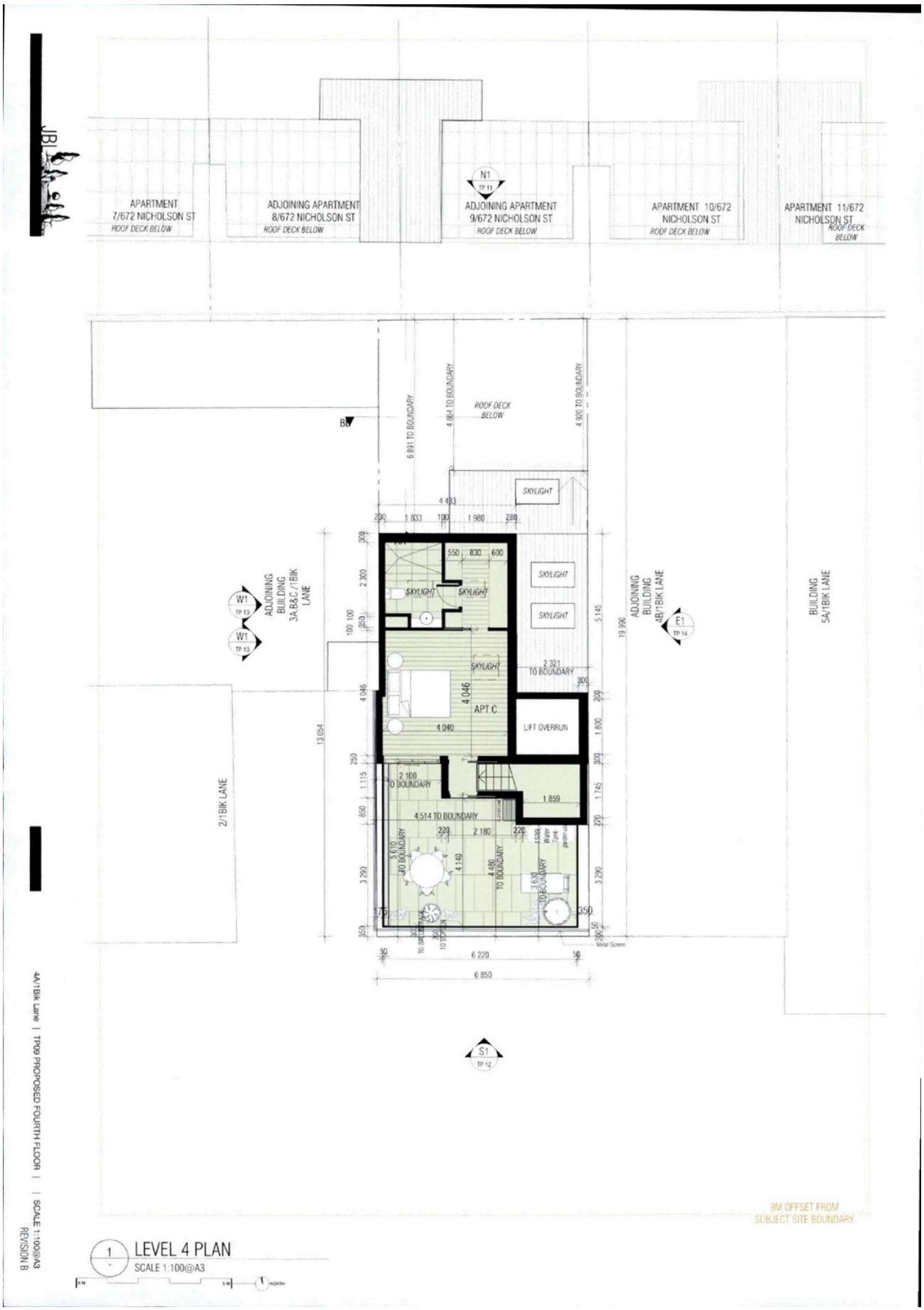
Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



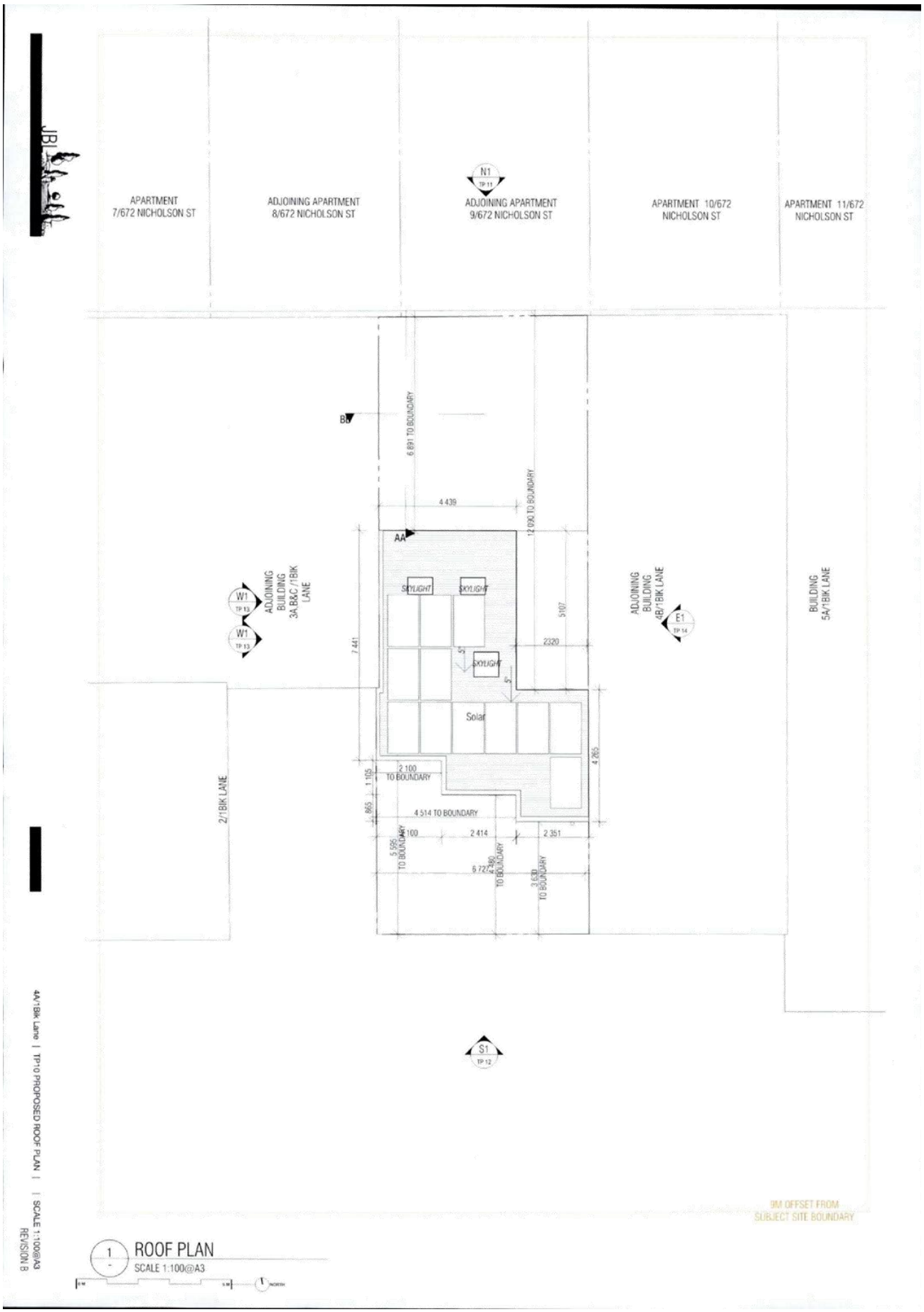
Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



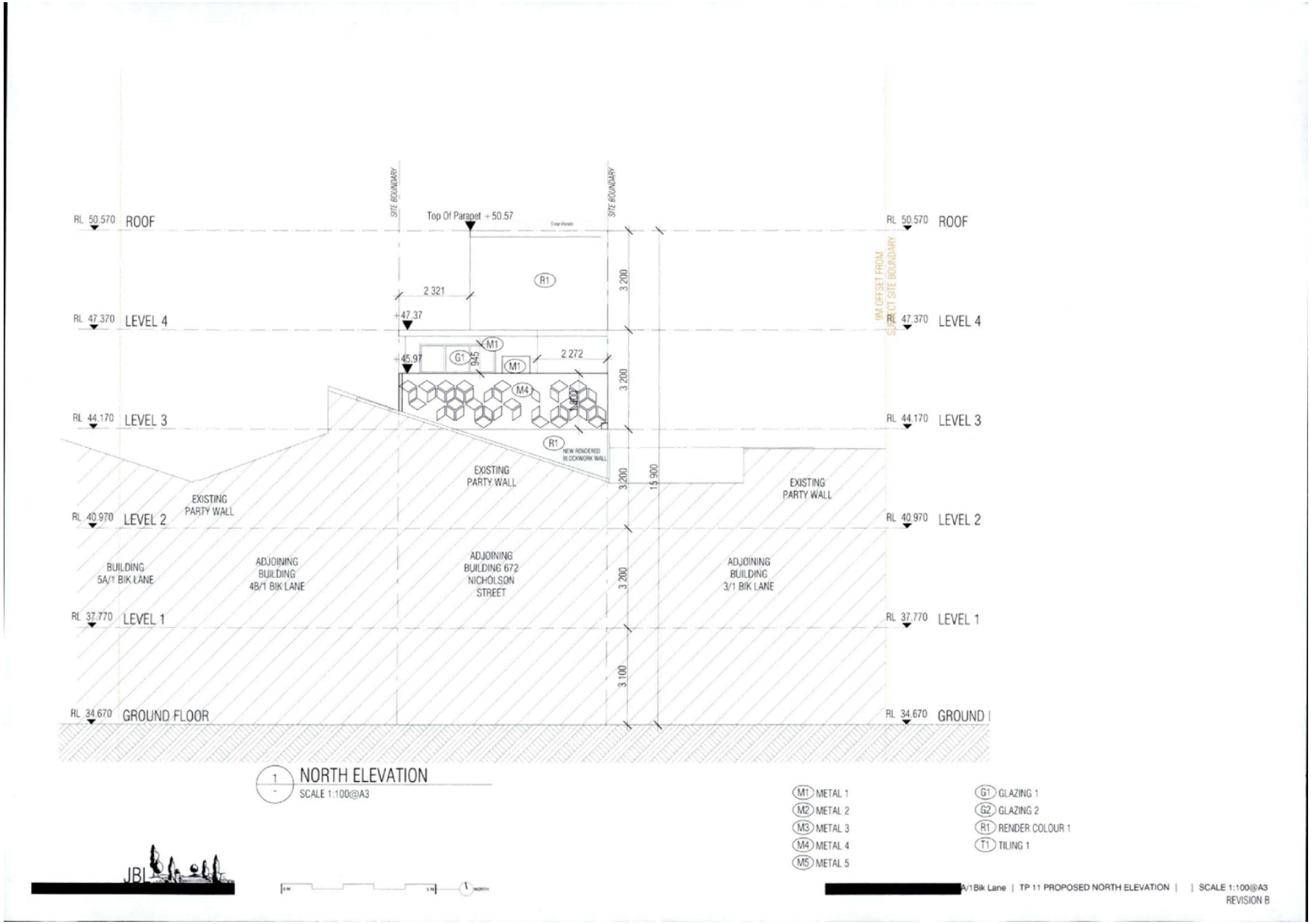
Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



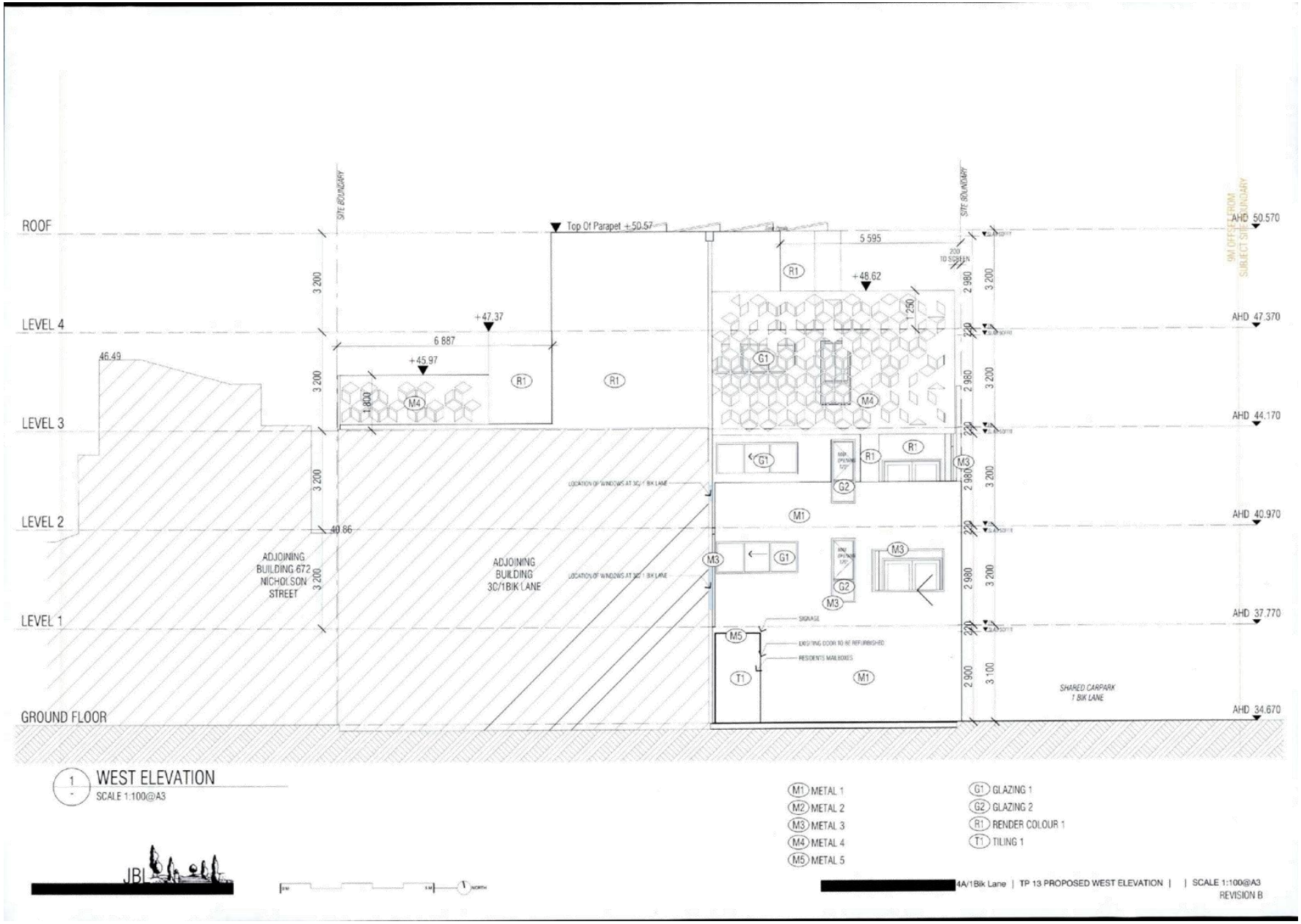
Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



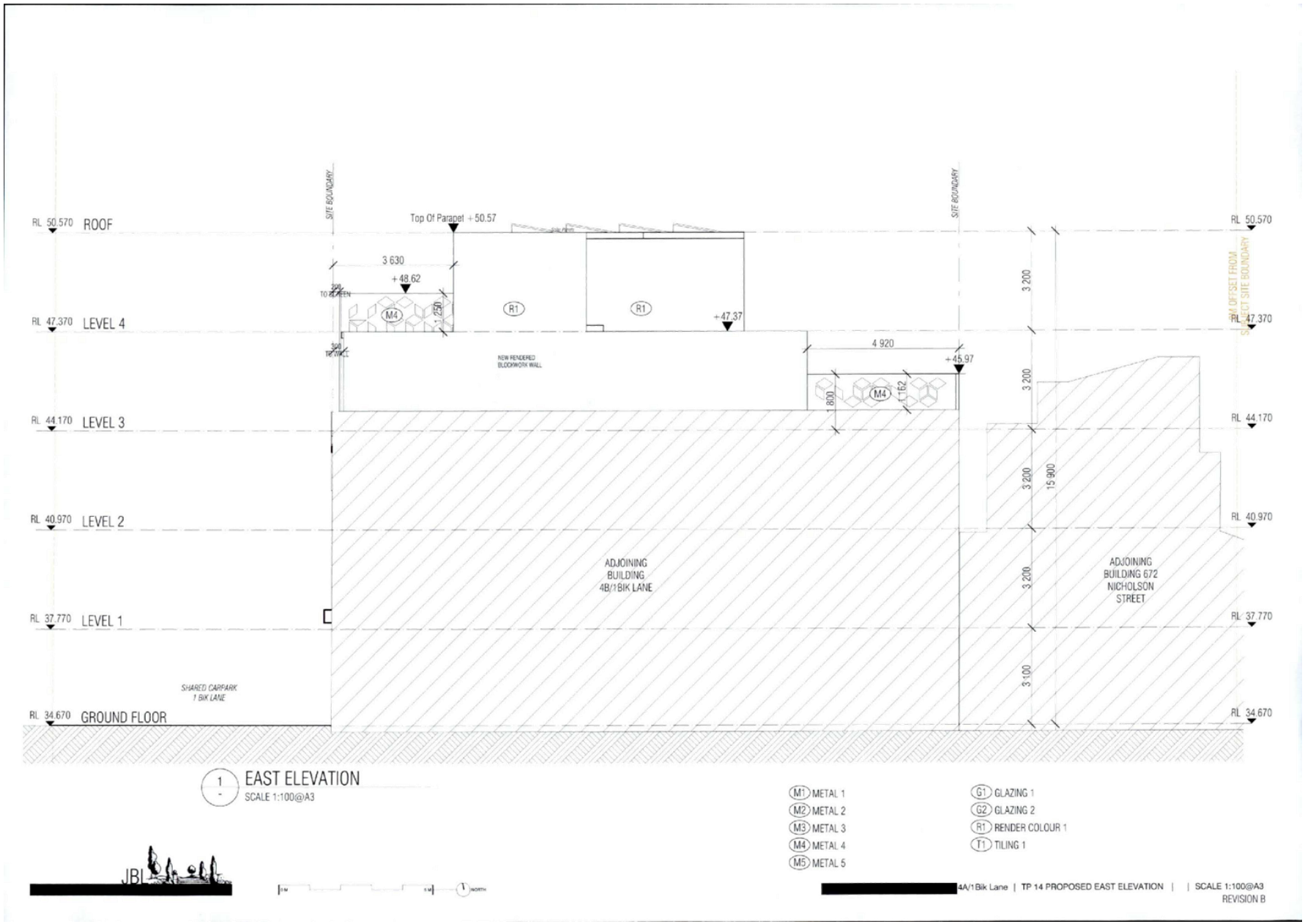
Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



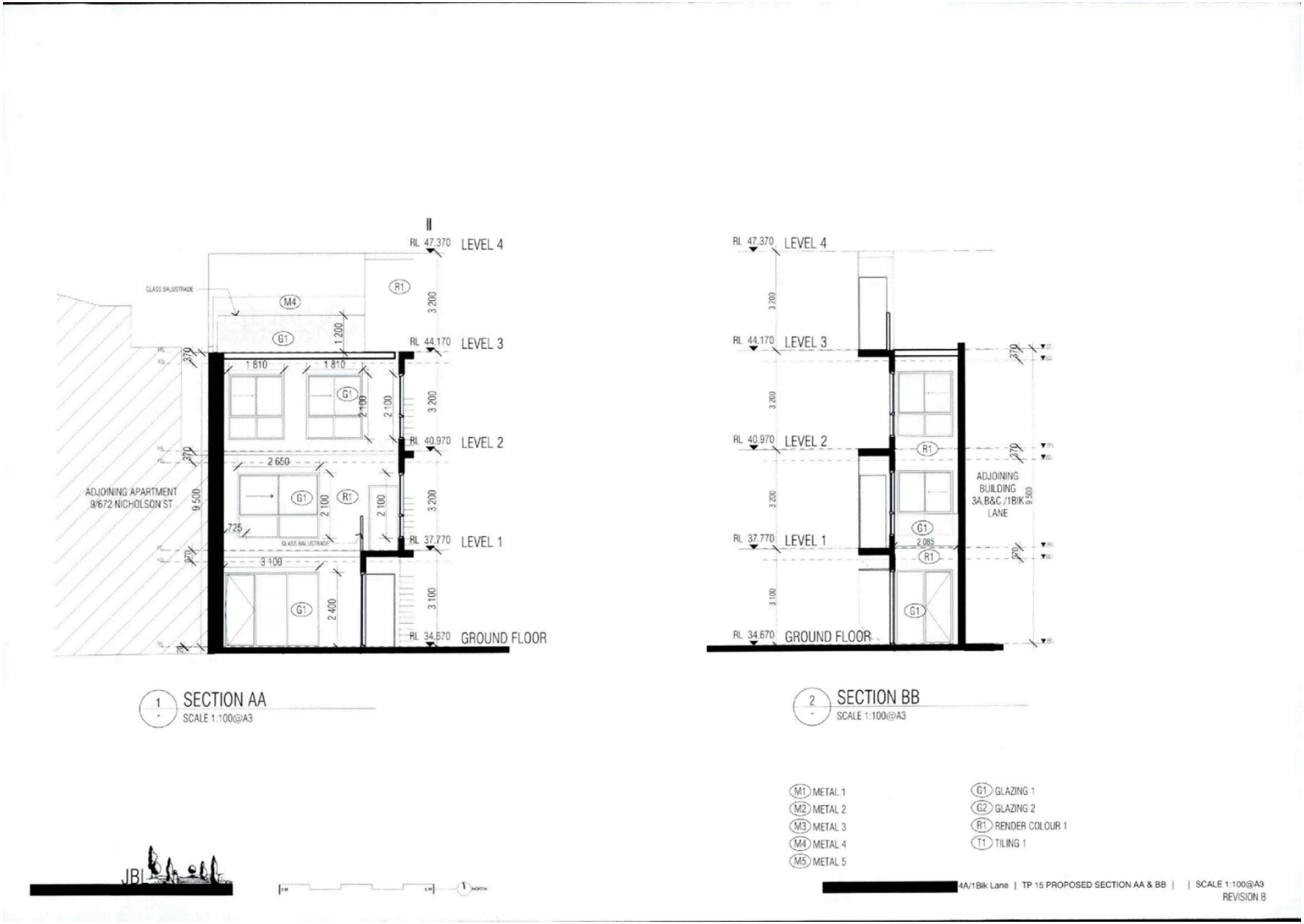
Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



Attachment 2 - PLN180644 - 4A 1 Bik Lane Fitzroy North - Advertising S52 - Plans



Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019

O'Reilly, Gary

From: Ashleigh <ashbriggs@hotmail.com>
Sent: Friday, 17 May 2019 8:06 PM
To: O'Reilly, Gary
Cc: John Briggs
Subject: Re: 4A/1 Bik Lane
Attachments: 05_Updated shadows.pdf; 03 _WASTE.PDF

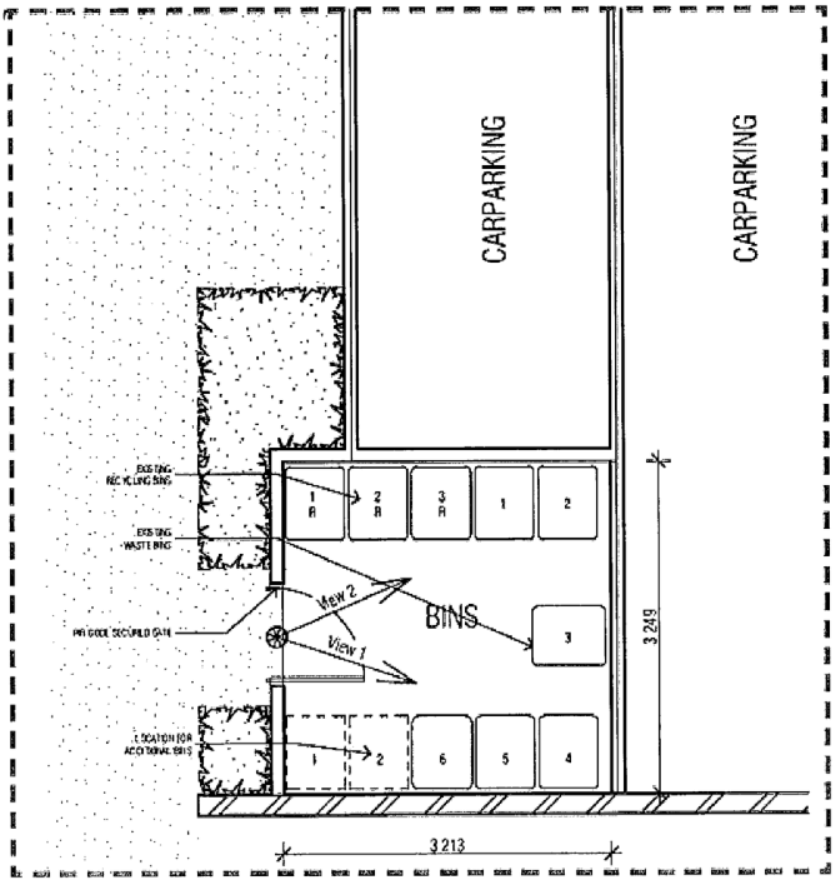
Evening Gary,

Thanks for chasing that up.

I got the guys to run shadows on the balconies at 4B/1 and 3/1 Bik Lane caused by the existing building and the proposed building at 4A/1 Bik Lane (see attached). All shadows are taken on September 22nd at 09:00 12:00 15:00. As these balconies are hard up against the boundary they are affected by the existing building (shown in a grey Blue in the diagrams) which is built out to the extents of the boundary. The additional height adds to the length of these shadows not to the width. Furthermore the majority of the additional height is in the southern part of the block causing the additional shadows to fall on the car park. The result is no additional shadows to the courtyards in question however there is significant shadow from the existing building.

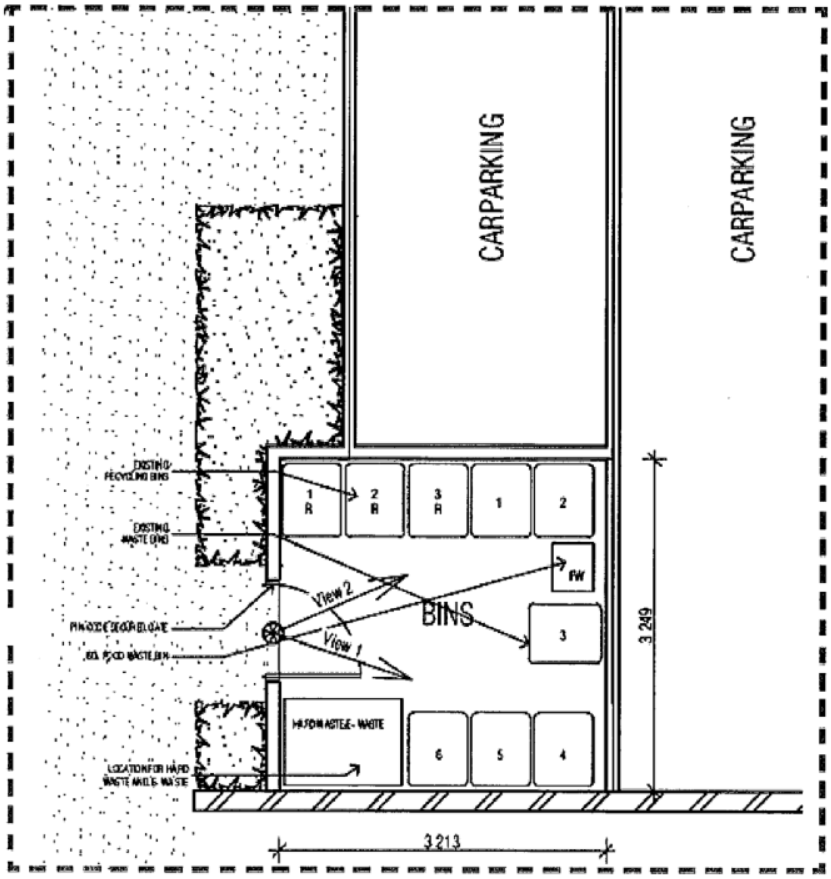
As for the waste report. Brad Parker at Irwin amended our waste report. He addressed two concerns that were lacking in the original report, provisions for e waste, hard waste and food waste.
The main differences can be viewed below. In the updated plan there is an allocation for hard/E Waste and Food Waste
PREVIOUS APPLICATION

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019



UPDATED APPLICATION

2



Thanks for all your help Gary.
Please let me know if you need anything else.
Thanks again
Ashleigh Briggs
0433896272

From: O'Reilly, Gary <Gary.OReilly@yarracity.vic.gov.au>
Sent: Thursday, 16 May 2019 12:16 PM
To: Ashleigh
Subject: RE: 4A/1 Bik Lane

Hi Ashleigh,

Further to our telephone discussion yesterday, I have completed as much of the report as possible and await the amended shadow diagrams as agreed to.

Can I confirm however that there is no overshadowing into the adjoining property at No. 3/1 Bik Lane to the east. There are two balconies identifiable and with the increase in height I believe that there may be some overshadowing. Can you confirm?

Thanks

Gary O'Reilly
Senior Statutory Planner
City of Yarra PO Box 168 Richmond VIC 3121
T: (03)9205 5040 **F:** (03) 8417 6666
E: gary.oreilly@yarracity.vic.gov.au
W: www.yarracity.vic.gov.au

From: Ashleigh [mailto:ashbriggs@hotmail.com]
Sent: Wednesday, 15 May 2019 3:06 PM
To: O'Reilly, Gary <Gary.OReilly@yarracity.vic.gov.au>
Subject: 4A/1 Bik Lane

Afternoon Gary,

I tried giving you a call this afternoon regarding some additional shadow studies for the proposal at 1 Bik lane.
As I recall from the meeting, we are going to send through some additional shadow reports looking at proposed shadows on the adjacent property at 4B/1 Bik Lane
We are able to send those through on Monday. Is this too late?
Feel free to call me at 0433896272 or email me back here

Thanks
Ashleigh Briggs

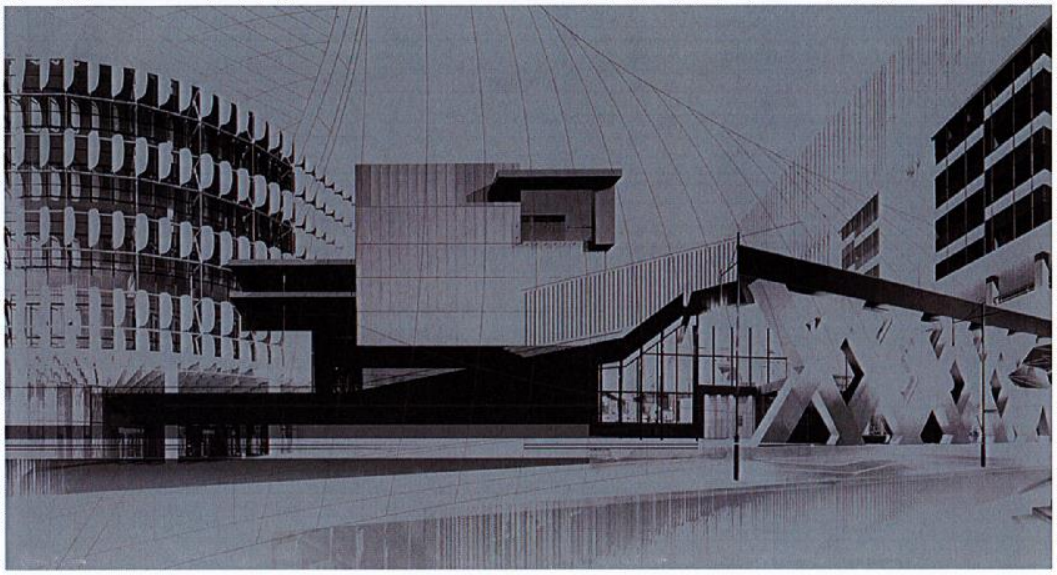
DISCLAIMER: The information in this electronic mail is confidential and may contain personal or health information. It is intended only for use of the individual or entity named. If you are not the intended recipient, any dissemination, copying or use of the information is strictly prohibited. If you have received this transmission in error, please delete it immediately from your system and inform us by e-mail to info@yarracity.vic.gov.au

Council does not guarantee the integrity of the information in this electronic mail or any attached files, or warrant or represent the information as being free from errors or omission. Any recipient who relies upon the information does so at their own risk, and Council will not be liable for any loss or damage caused as a result of such reliance. If a recipient wishes to act on the information provided, he or she should seek advice from Council in person before doing so.

Please consider the environment before printing this email.

irwinconsult

RECEIVED
17 MAY 2019



4A/1 Bik Lane, Fitzroy North
Waste Management Plan

29 March 2019
Revision 01
Job no: 19ME0178

Melbourne Office
L3 289 Wellington Parade South
EAST MELBOURNE VIC 3002
t +613 9622 9700
mlb@irwinconsult.com.au

Bendigo Office
L1 133 McCrae Street
BENDIGO VIC 3550
t +613 5442 5333
bgo@irwinconsult.com.au

Darwin Office
82 Smith Street
DARWIN NT 0800
t +618 8980 5900
drw@irwinconsult.com.au

Directors Joe Bruno, Phil Gardiner
Peter Hale, Barry Roben, Dean Whiteley
Member Green Building Council Australia

www.irwinconsult.com.au

ABN 89 050 214 894

Document Control

Project Title: 4A/1 Bik Lane, Fitzroy North

Project No: 18ME0917

Revision	Date	File name	19ME0179-20190329-LG3-Waste Management Plan-01.Docx		
01	29/03/2019	Description	Waste Management Plan		
			Prepared	Checked	Approved
		Initial	LG3	BP2	BP2
		Date	29/03/2019	29/03/2019	29/03/2019
		File name			
		Description			
			Prepared	Checked	Approved
		Initial			
		Date			
		File name			
		Description			
			Prepared	Checked	Approved
		Initial			
		Date			
		File name			
		Description			
			Prepared	Checked	Approved
		Initial			
		Date			
		File name			
		Description			
			Prepared	Checked	Approved
		Initial			
		Date			

Irwinconsult has prepared this report with the following conditions:

- The report may only be used by the client for the purpose for which it was commissioned.
- The report may only be reproduced in full.
- The report shall not be considered as relieving any other party of their responsibilities, liabilities or contractual obligations.
- The report addresses the engineering disciplines noted within only.
- The report does not address the presence of asbestos or other contaminative materials.

Contents

1 Development Details 4
2 Waste Generation 3
3 Waste Storage & Internal Transfer 3
4 Waste Collection 4
5 Additional Detail 4
5.1 Food Organics Separation 4
5.2 Bin Colour and Supplier 5
5.3 Signage 5
5.4 Ventilation 5
5.5 Washing and Vermin Protection 5
5.6 Noise Reduction 5
5.7 Supplier Contact Information 6
Appendix A Scaled Drawings 7

List of Figures

Figure 1 Sustainability Victoria Signage 5

List of Tables

Table 1 Project Details 4
Table 2 Design Reference Documents 4
Table 3 Development Summary 4
Table 4 Waste Generation Estimate 3
Table 5 Waste Storage Capacity & Area Allocation 3
Table 6 Additional Streams 3
Table 7 Waste Collection by Stream 4
Table 8 Bin Details 5
Table 9 Supplier Contact List 6

1 Development Details

Irwinconsult have been engaged to provide waste management design and a Waste Management Plan for a residential development located 4A/1 Bik Lane, Fitzroy North with respect to Council requirements. Table 1 through Table 3 provide the relevant project details.

Table 1 Project Details

Item	Detail
Client	Ashleigh Briggs
Project Name	4A/1 Bik Lane, Fitzroy North
Project Address	4A/1 Bik Lane, Fitzroy North
Proposed Land Use	Residential

Table 2 Design Reference Documents

Design Item	Reference
Waste Design Reference Document(s)	Yarra City Council *Requirements for Waste Management Plans for Multi-Unit Developments* (2016)
Waste Generation Rate(s) Source	Yarra City Council *Requirements for Waste Management Plans for Multi-Unit Developments* (2016)

Table 3 Development Summary

Use	Quantity
Apartment – One Bedroom	2
Apartment – Two Bedroom	2

2 Waste Generation

Table 4 provides an estimate of waste to be generated by the subject site based on the reference data noted within Table 2.

Table 4 Waste Generation Estimate

Use	Quantity / Area	Garbage		Recycling	
		Rate (L/week)	Volume (L/week)	Rate (L/week)	Volume (L/week)
Apartment – One Bedroom	2	40	80	60	120
Apartment – Two Bedroom	2	50	100	80	160
		GARBAGE TOTAL	**180**	**RECYCLING TOTAL**	**280**

3 Waste Storage & Internal Transfer

Detail regarding the provided waste storage capacity of the proposed waste strategy and the allocated waste management area are provided within Table 5.

Table 5 Waste Storage Capacity & Area Allocation

Stream	Bin Size	Bin Quantity	Collection Frequency (col./week)	Capacity (L/week)	Volume (L/week)	Storage Area Req.* (m^2)	Storage Area Provided (m^2)
Garbage	240L	1	1	240	180	0.43	10.44
Recycling	240L	2	1	480	280	0.86	
			TOTAL	**720**	**460**	**1.29**	10.44

**Storage area requirement excludes circulation provisions*

To supplement the primary waste streams, those identified within Table 6 will be provided as separate streams.

Table 6 Additional Streams

Stream	Use	Holding Methodology	Storage Area Provided (m^2)	Material Transfer Methodology
Hard Waste	Residential	Line marked area within bin enclosure	1.00	Residents to transfer directly to area as required.
Electronic Waste	Residential	Line marked area within bin enclosure		

4 Waste Collection

An overview of the waste collection proposal is provided within Table 7 below.

Table 7 Waste Collection by Stream

Stream	Party to Perform Collections	Bin Size	Bin Quantity	Collection Frequency (col./week)	Collection Vehicle	Collection Location
Garbage	Private Contractor	240L	1	1	MRV or smaller	From Bins & Recycling enclosure
Recycling		240L	1	1		
Hard Waste		-	-	As Required	Utility Vehicle	
E-Waste		-	-	As Required	Utility Vehicle	

Further notes to collection as follows:

- Garbage and recycling bins will be stored within and collected from the communal Bins & Recycling enclosure located south of the subject site, as per existing conditions. The proposed development will not require any modifications to the Bins & Recycling enclosure or the waste equipment therein.
- Bins will not be presented to the kerb at any time.

5 Additional Detail

5.1 Food Organics Separation

Whilst the residential waste system will largely be focused upon the separation of the standard residential waste streams specified in the City of Yarra document *Council's Requirements for Waste Management Plans for Multi-Unit Developments*, the following additional provisions for the separation of food organics from the wider garbage stream will be made available to residents.

Drop Off Bins

Sufficient space is provided within the bin enclosure for an 80L food waste drop-off bin (see Appendix A).

To assist in the transfer of organic waste, each dwelling shall have provision for "kitchen caddys" for the temporary holding of food waste. Residents will be able to transfer organic waste from their respective kitchen caddys to the 80 litre drop off bin as required. Kitchen caddys may be lined with biodegradable bags (i.e. corn-starch bags) or paper (i.e. newspaper) if desired.

Food Disposal Units ("Insinkerators")

Each dwelling will be provided with the opportunity to install and manage a food disposal unit (commonly referred to as Insinkerators) for the disposal of food waste. Typically fitted beneath kitchen sinks, the units macerate food waste into pieces small enough (generally less than 2 mm) to pass through plumbing to the wider sewerage network, upon which time the residual product is managed and treated as blackwater.

In-Dwelling Composting Systems ("Bokashi Bins")

Each dwelling will be provided with the opportunity to utilise small, in-dwelling composting units (commonly referred to as "Bokashi Bins") for the processing of food organic waste. These small composting units are specifically designed to be used in home kitchens, decomposing material input from food organic waste to a nutrient rich compost product.

City of Yarra residents are eligible for up to 40% off recommended retail prices for Bokashi Bins through Council's ongoing partnership with the national supplier *Compost Revolution*.

5.2 Bin Colour and Supplier

Waste bins will be supplied as per Table 8.

Table 8 Bin Details

Stream	Size (L)	Typical Dimensions (mm)	Colour	Supplier
Garbage	240	585D x 730W ea.	Red Lid with Dark Green Body	Private Supplier
Recycling	240	585D x 730W ea.	Yellow Lid with Dark Green Body	Private Supplier

5.3 Signage

Waste drop-off areas and bins will be clearly marked and signed with the industry standard signage approved by Sustainability Victoria or equivalent. The typical Sustainability Victoria signage is depicted in Figure 1. Users will be instructed by building management to adhere to these requirements.

Figure 1 Sustainability Victoria Signage



5.4 Ventilation

Ventilation will be provided in accordance with Australian Standard AS1668.

5.5 Washing and Vermin Protection

A third party bin washing service will be engaged to perform hygiene services. Bin washing suppliers must retain all waste water to within their washing apparatus and not impact on the drainage provisions of the site.

5.6 Noise Reduction

All waste areas shall meet BCA and AS2107 acoustic requirements as appropriate with operational hours and collection times assigned to minimise acoustic impact on surrounding premises.

5.7 Supplier Contact Information

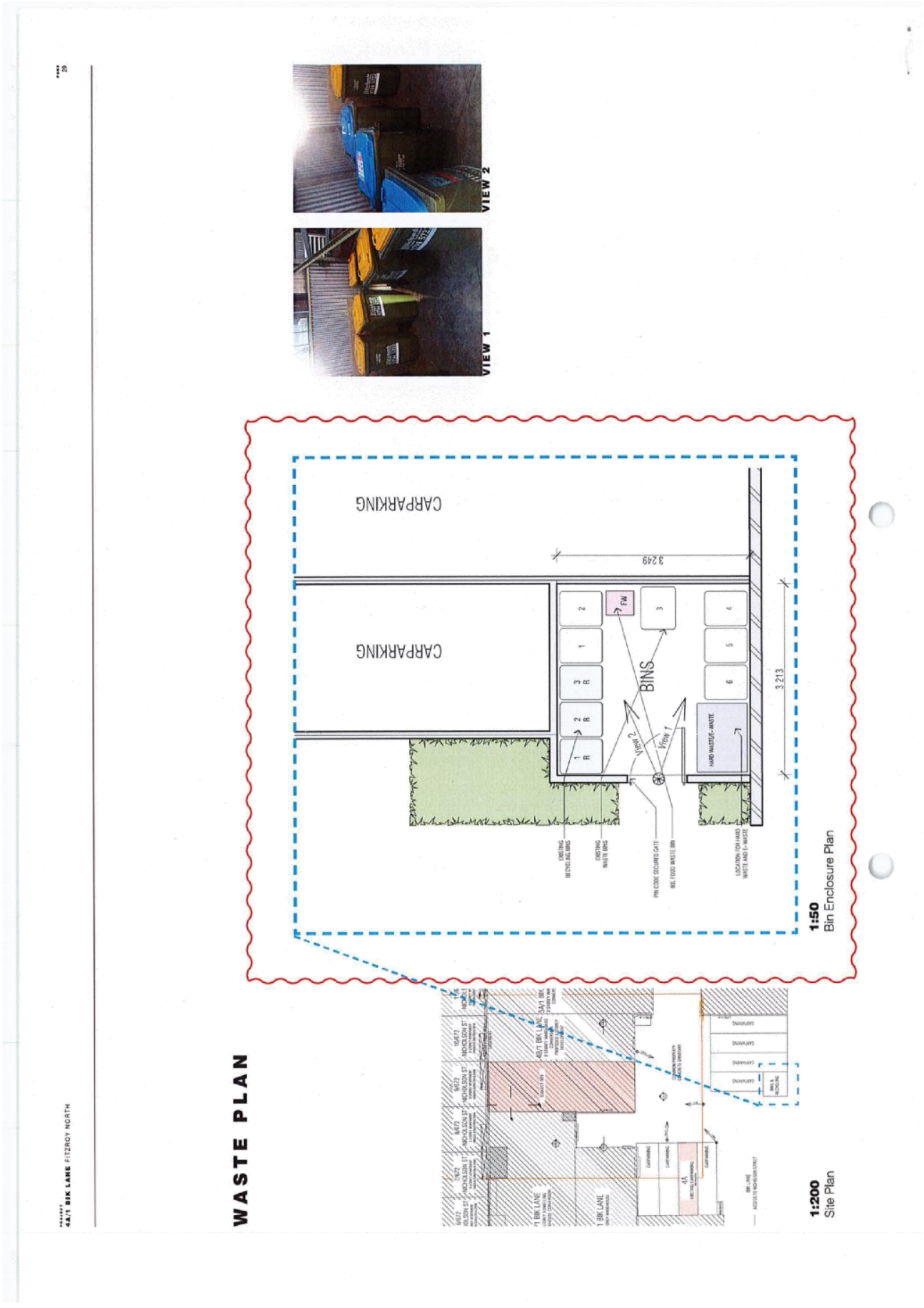
A complimentary listing of contractors and equipment suppliers is provided in Table 9 below for your reference. You are not obligated to procure goods/services from these companies. This is not, nor is it intended to be, a complete list of available suppliers. Irwinconsult does not warrant (or make representations for) the goods/services provided by these suppliers.

Table 9 Supplier Contact List

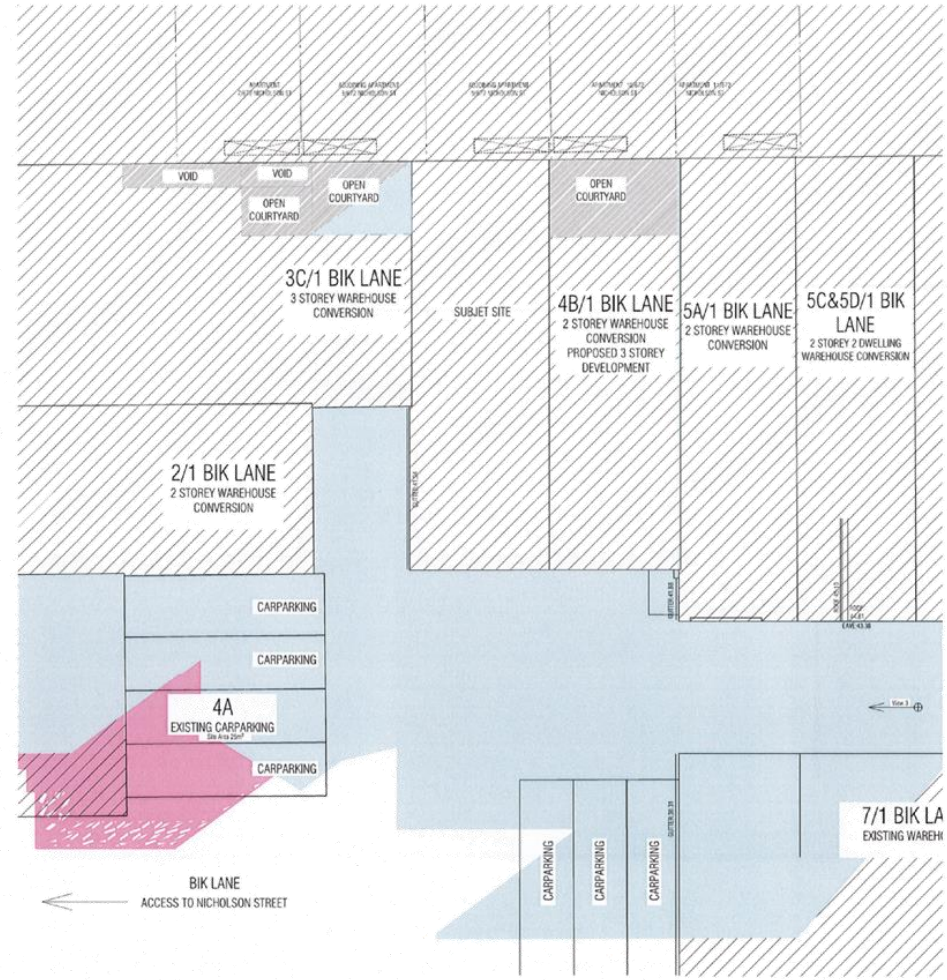
Service Type	Contractor / Supplier Name	Phone	Website
Private Waste Collectors	Citywide Service Solutions Pty Ltd	(03) 9261 5000	www.citywide.com.au
	SUEZ Environment	13 13 35	www.sita.com.au
	Cleanaway	13 13 39	www.cleanaway.com.au
	Veolia	132 955	www.veolia.com
	Sulo Australia (Bins)	1300 364 388	www.sulo.com.au
Equipment Suppliers	Sulo Australia (*Bins*)	1300 364 388	www.sulo.com.au
	Bunnings Warehouse (*Food Disposal Units*)	(03) 8831 9777	www.bunnings.com.au
	Reece Plumbing (*Food Disposal Units*)	(03) 9274 0000	www.reece.com.au
	Compost Revolution (*Bokashi Bins*)	(02) 8417 3018	www.compostrevolution.com.au
Bin Washing Services	The Bin Butlers	1300 788 123	www.thebinbutlers.com.au
	Kerbside Clean-A-Bin	(03) 9830 7381	www.kerbsidecleanabin-srp.com.au
	Calcorp Services	1800 225 267	www.calcorpservices.com.au
	WBCM Environmental Australia	1300 800 621	www.wbcm-aust.com.au

Appendix A Scaled Drawings

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019



Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019



3 - 9 AM PROPOSED SHADOWS
SCALE 1:200@A3

JBL

RECEIVED
17 MAY 2019

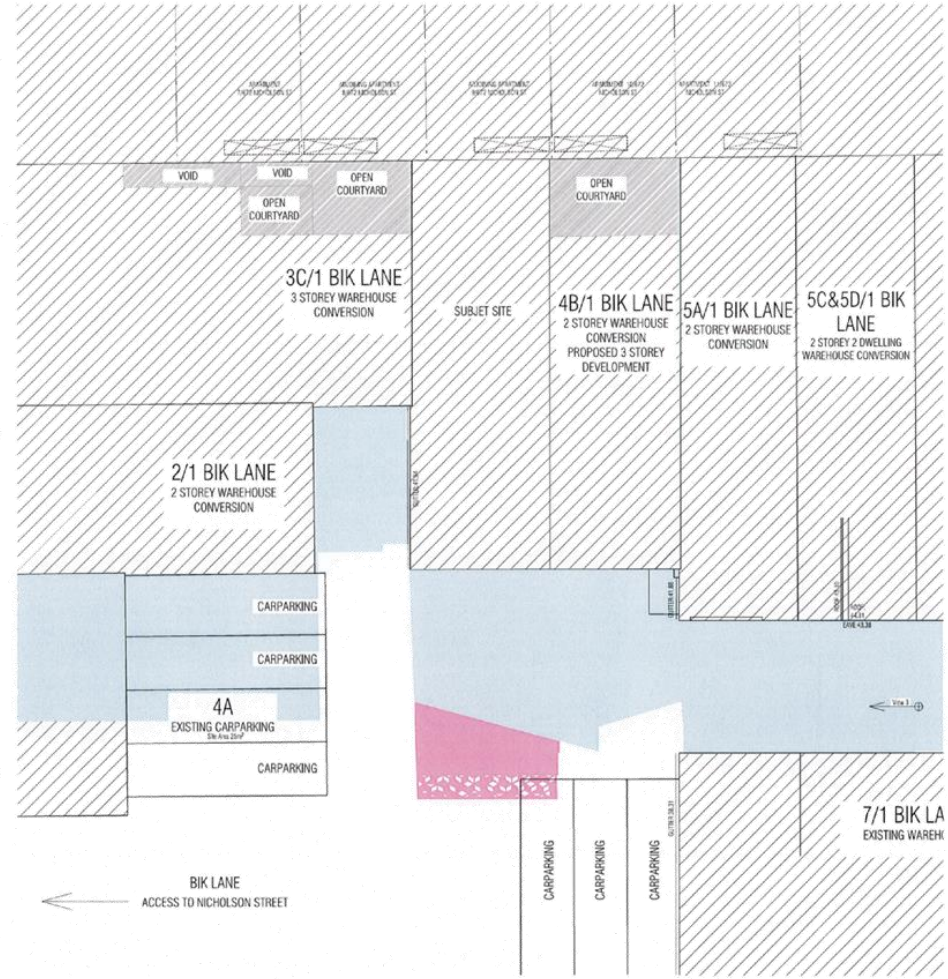
EXISTING SHADOWS

PROPOSED ADDITIONAL SHADOWS

4A/1Bik Lane | SHADOWS PROPOSED SEPT 22 | | NOT TO SCALE

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019



5 - 12 NOON PROPOSED SHADOWS
SCALE 1:200@A3

JBL

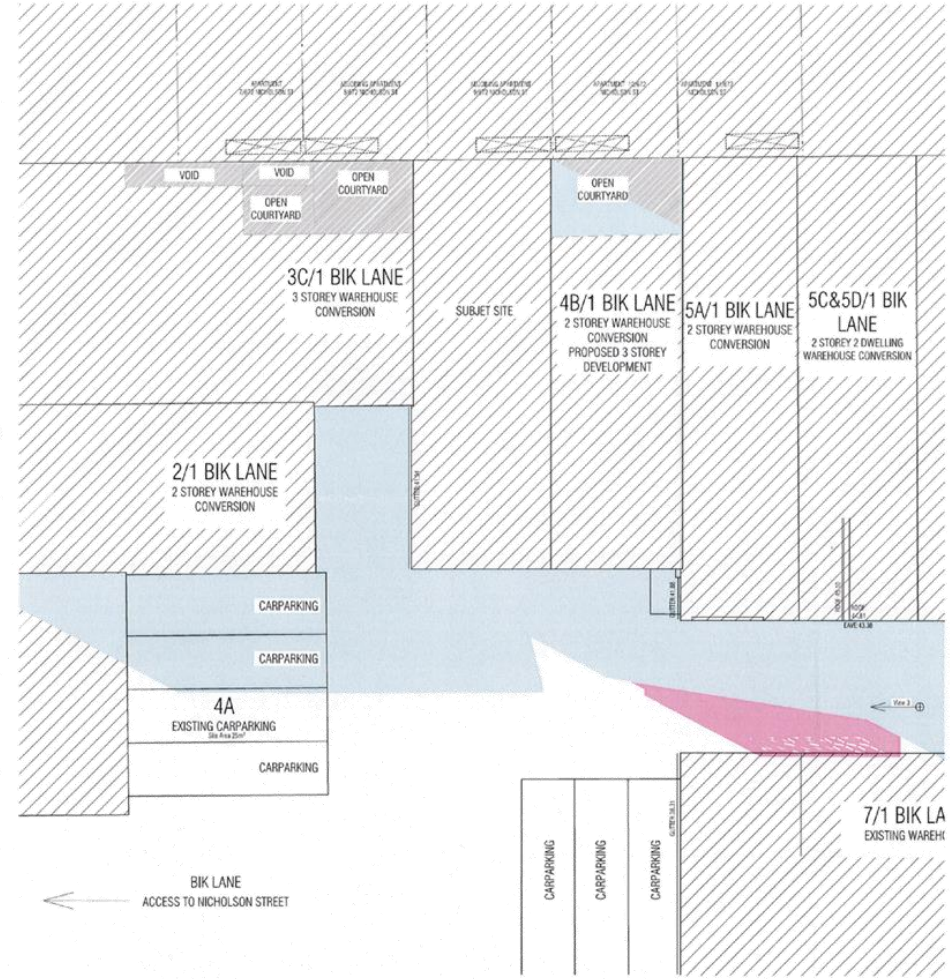
EXISTING SHADOWS

PROPOSED ADDITIONAL SHADOWS

4A/1Bik Lane | SHADOWS PROPOSED SEPT 22 (1) | | NOT TO SCALE

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019



4 3 PM PROPOSED SHADOWS
SCALE 1:200@A3

JBL

RECEIVED
17 MAY 2019

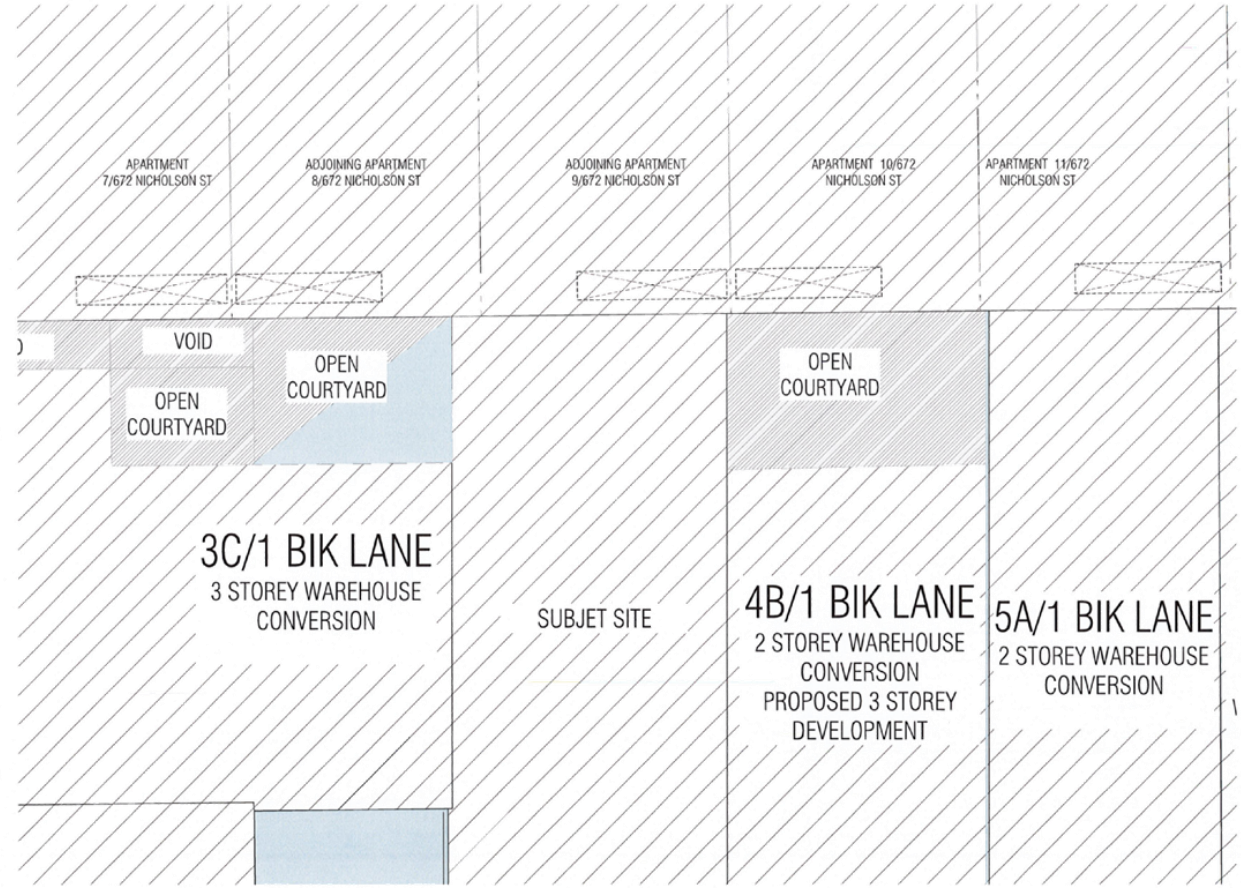
EXISTING SHADOWS

PROPOSED ADDITIONAL SHADOWS

4A/1Bik Lane | SHADOWS PROPOSED SEPT 22 (2) | | NOT TO SCALE

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019



3 - 9 AM PROPOSED SHADOWS
SCALE 1:100@A3

RECEIVED
17 MAY 2019

EXISTING SHADOWS

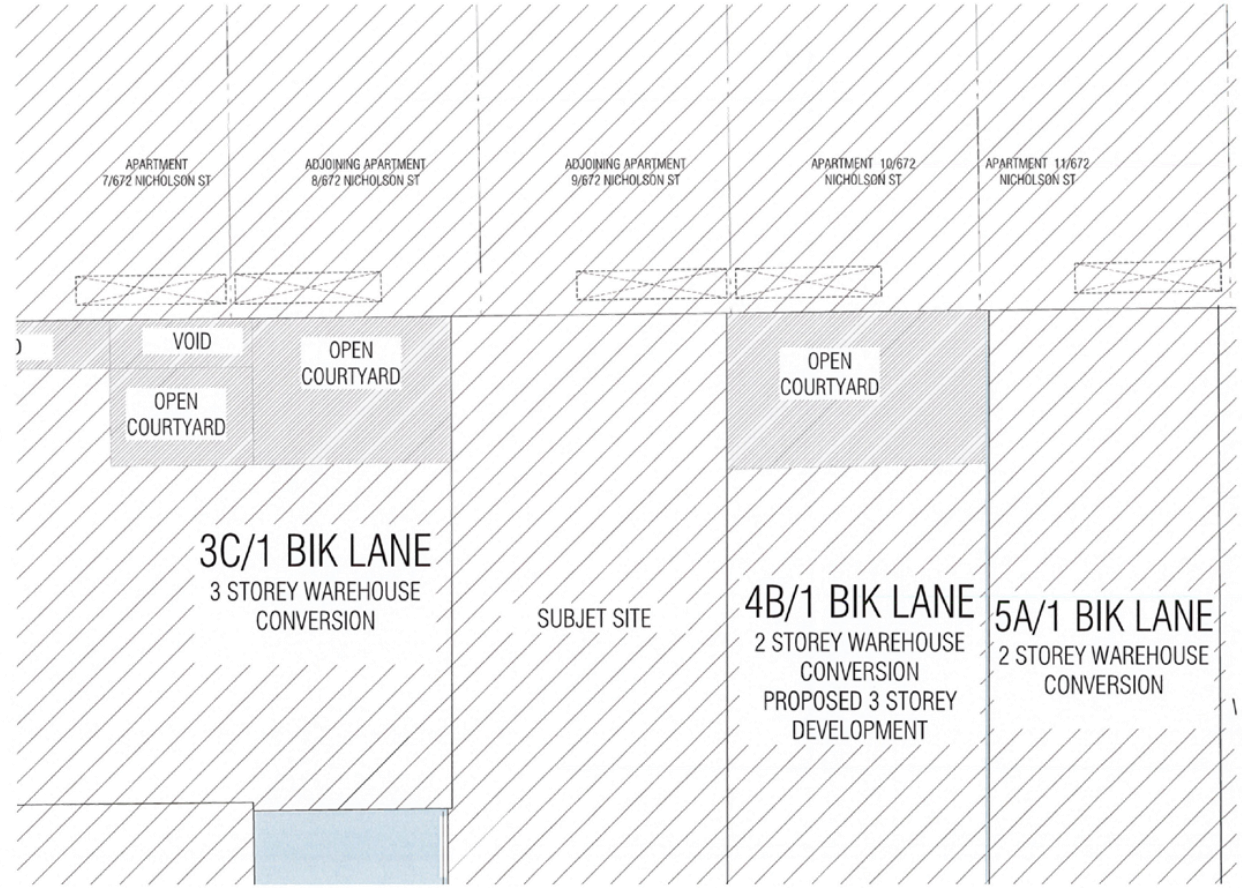
PROPOSED ADDITIONAL SHADOWS

JBL

4A/1Bik Lane | SHADOWS PROPOSED SEPT 22 (5) | | NOT TO SCALE

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019



5 - 12 NOON PROPOSED SHADOWS
SCALE 1:100@A3

RECEIVED
17 MAY 2019

EXISTING SHADOWS

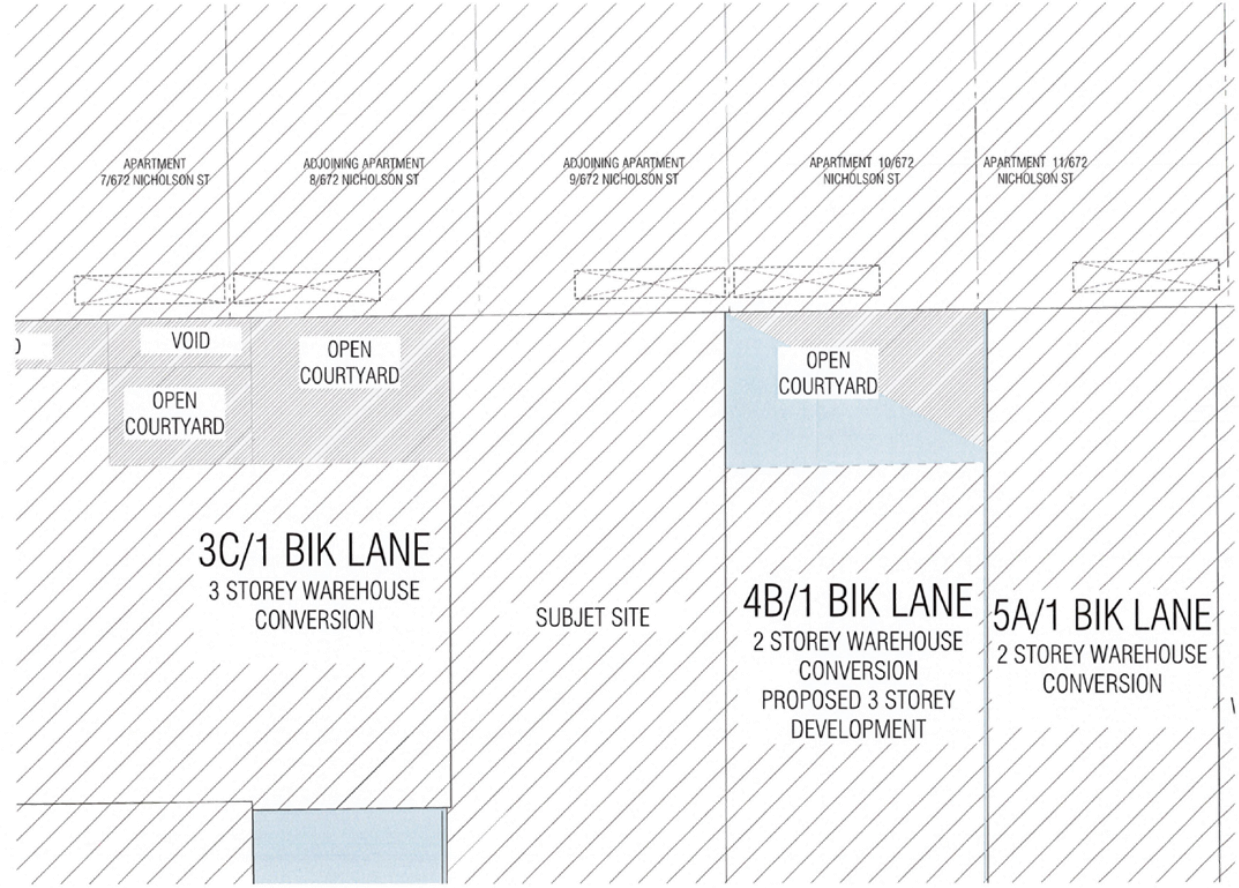
PROPOSED ADDITIONAL SHADOWS

JBL

4A/1Bik Lane | SHADOWS PROPOSED SEPT 22 (4) | | NOT TO SCALE

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019



5 - 3 PM PROPOSED SHADOWS
SCALE 1:100@A3

RECEIVED
17 MAY 2019

EXISTING SHADOWS

PROPOSED ADDITIONAL SHADOWS

JBL

4A/1Bik Lane | SHADOWS PROPOSED SEPT 22 (3) | | NOT TO SCALE

Attachment 3 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 17 May 2019

Attachment 4 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 5 July 2019

O'Reilly, Gary

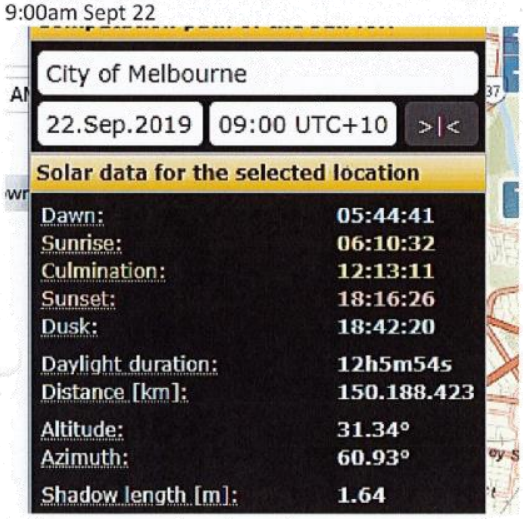
From: Ashleigh <ashbriggs@hotmail.com>
Sent: Friday, 5 July 2019 3:42 PM
To: O'Reilly, Gary
Subject: Fw: 4A/1 Bik Lane
Attachments: 190705 SHADOWS.pdf

RECEIVED
5 JUL 2019

Afternoon Gary,
Just following up on the modelling of the shadows.
Thanks for pointing us to balcony heights. We had one of the two 3C balconies heights too low in our previous modelling. The other balcony at 3C and 4B were at the correct heights.
Please find the amended shadow heights attached
The open courtyard for 4B/1 Bik lane is flush with the first floor level of 4B/1 Bik Lane at RL39.17 . In the current existing condition the courtyard abuts a 5 meter party wall. Please Refer to drawings attached. In the section we have shown the **worst** case scenario for clarity.
The larger courtyard for 3C/1 Bik lane is higher than the first floor level of 3C/1 Bik Lane at RL41.81 which is still lower than the existing party wall. Please refer to section for worst case scenario.

Apologies for the delay. We remodelled and recalculated all of our shadows. We can provide some more 3Ds at a later date for clarity if required.

Please note the following parameters for shadows for
9:00am Sept 22



And
3:00pm Sept 22

Attachment 4 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 5 July 2019

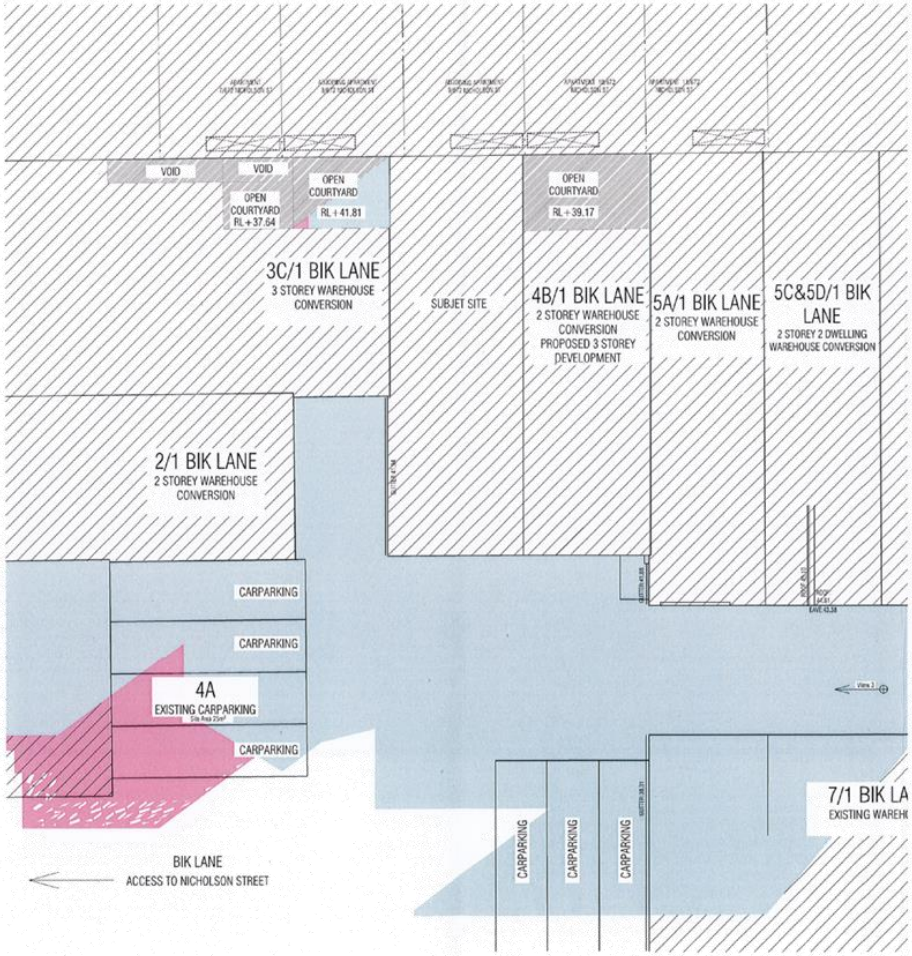


Attachment 4 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 5 July 2019

PROJECT
4A/1 BIK LANE FITZROY NORTH

2

SHADOWS



9:00AM SEPT 22

EXISTING SHADOWS

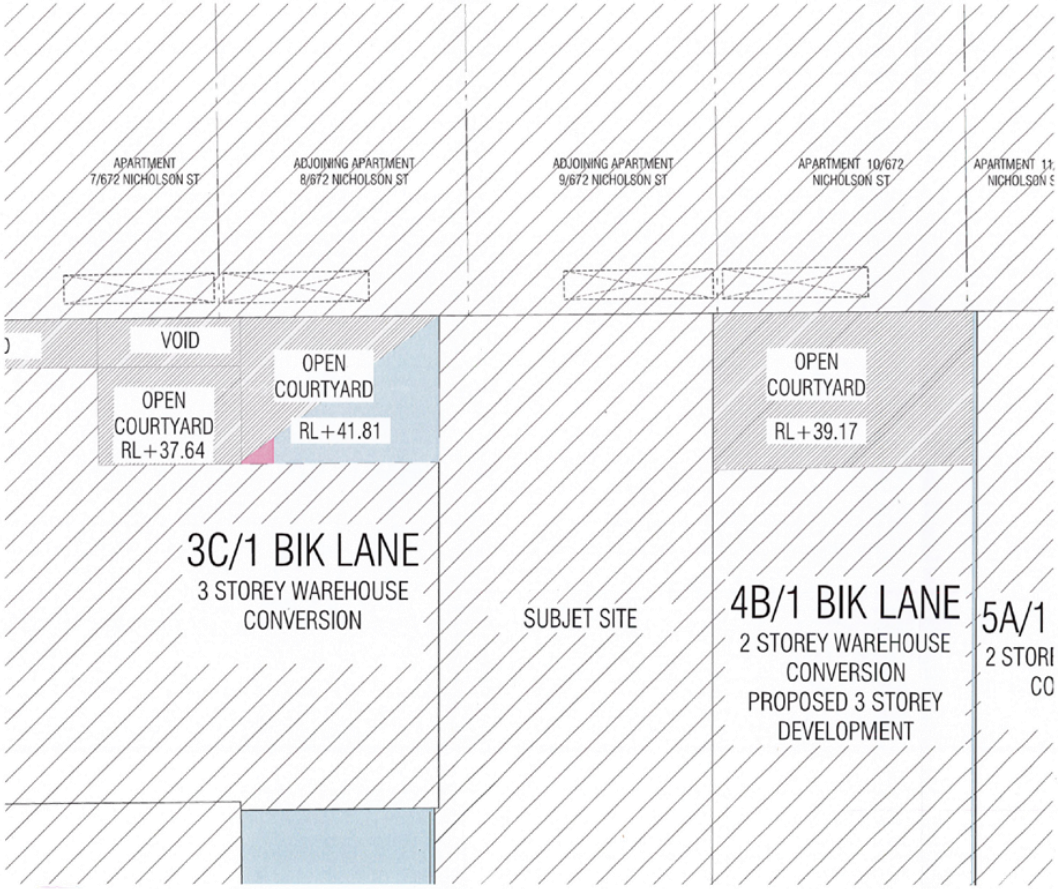
PROPOSED ADDITIONAL SHADOWS

RECEIVED
5 JUL 2019

Attachment 4 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 5 July 2019

PROJECT
4A/1 BIK LANE FITZROY NORTH

3



9:00AM SEPT 22

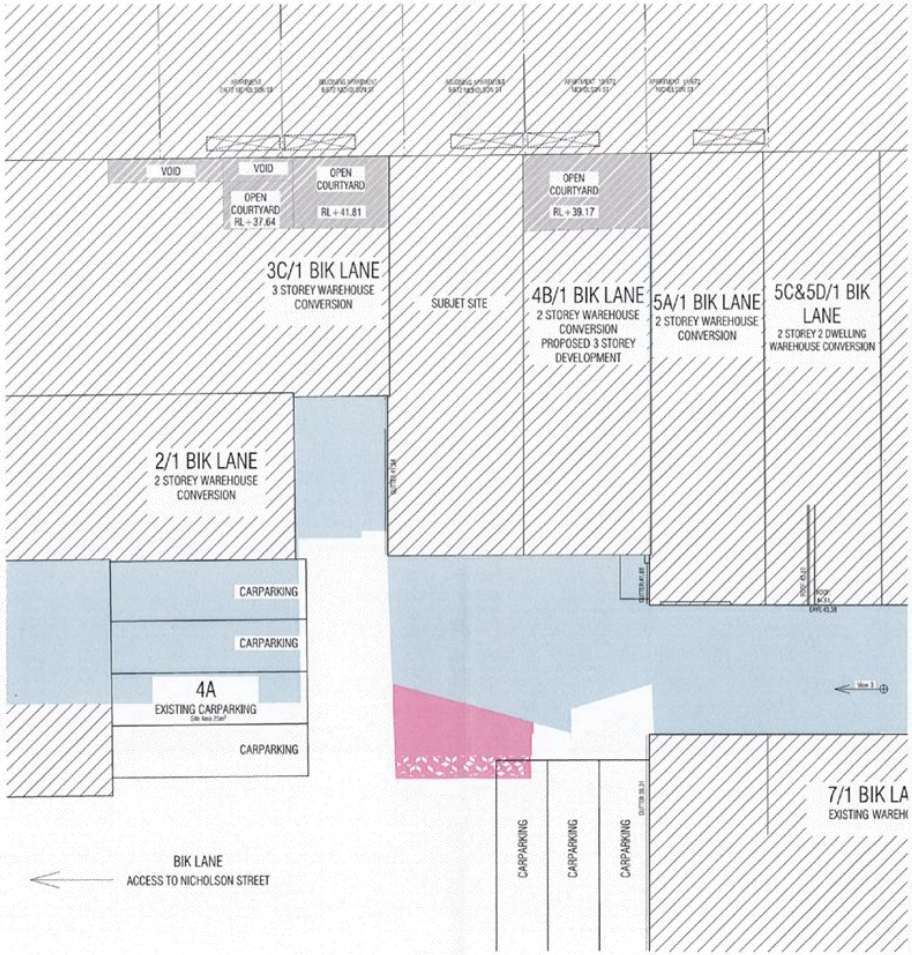
EXISTING SHADOWS

PROPOSED ADDITIONAL SHADOWS

RECEIVED
5 JUL 2019

Attachment 4 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 5 July 2019

PROJECT
4A/1 BIK LANE FITZROY NORTH



12 NOON SEPT 22

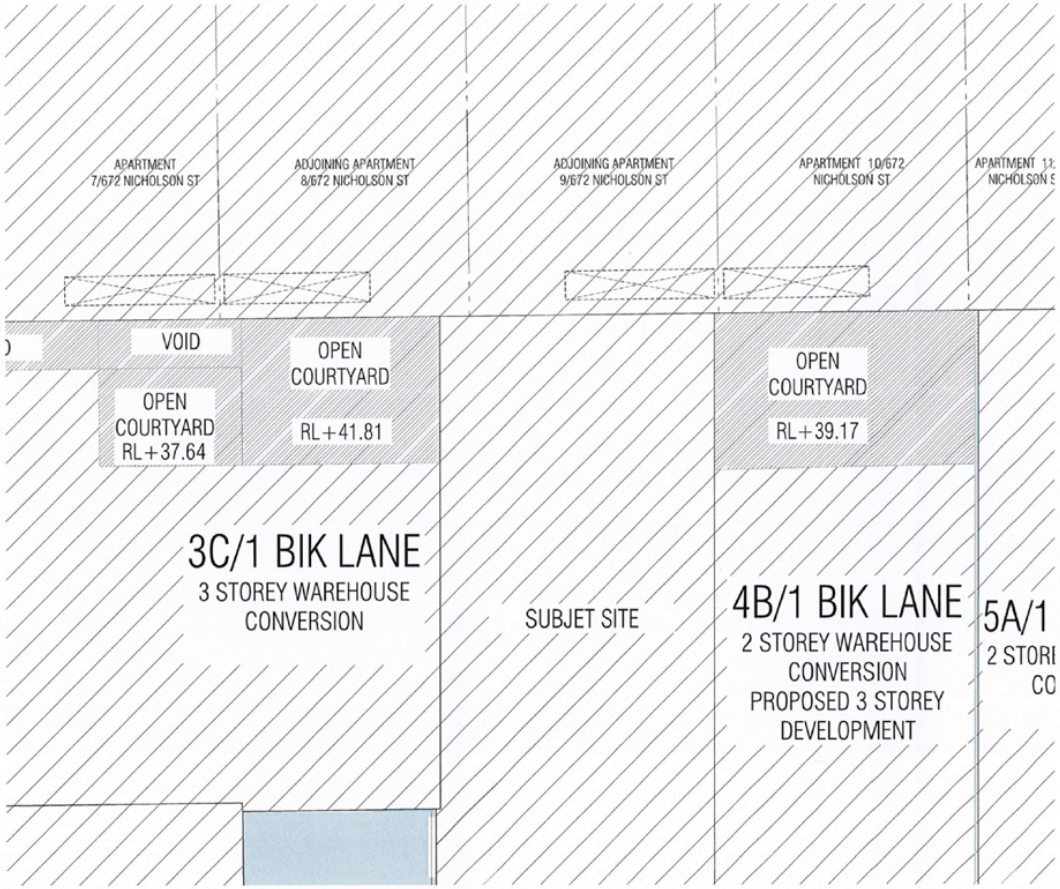
EXISTING SHADOWS

PROPOSED ADDITIONAL SHADOWS

RECEIVED
5 JUL 2019

Attachment 4 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 5 July 2019

PROJECT
4A/1 BIK LANE FITZROY NORTH



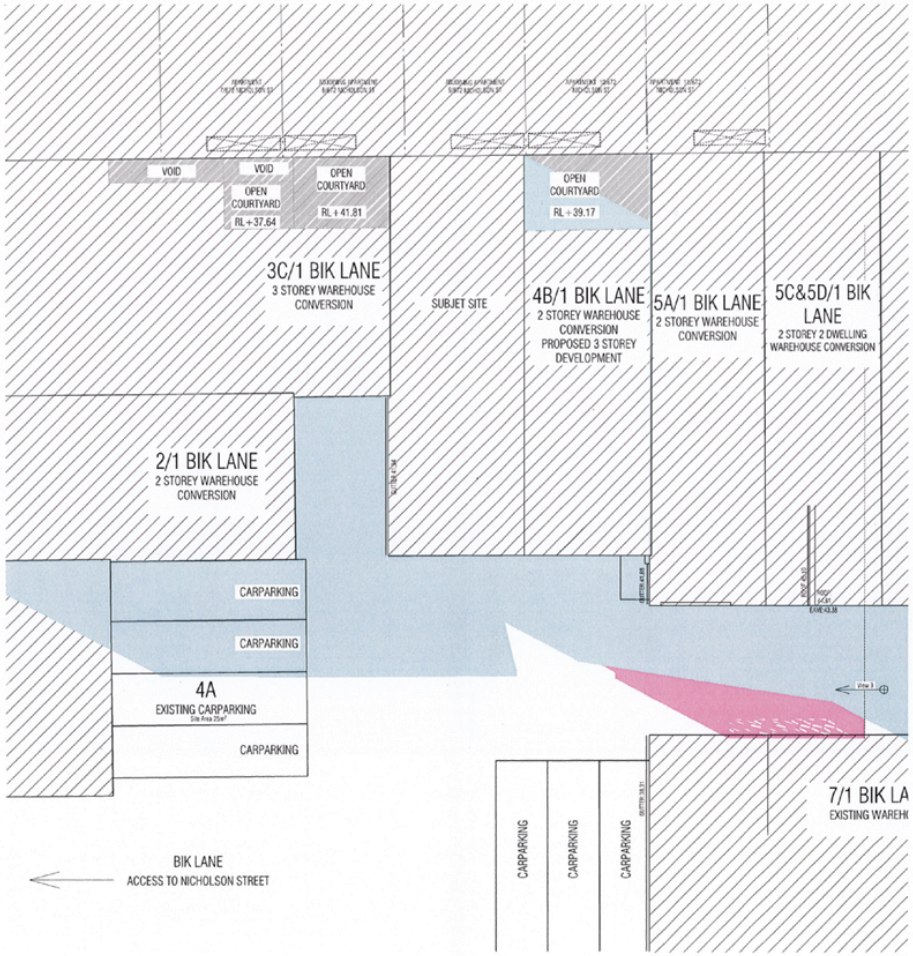
12 NOON SEPT 22

RECEIVED
5 JUL 2019

Attachment 4 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 5 July 2019

4A/1 BIK LANE FITZROY NORTH

6



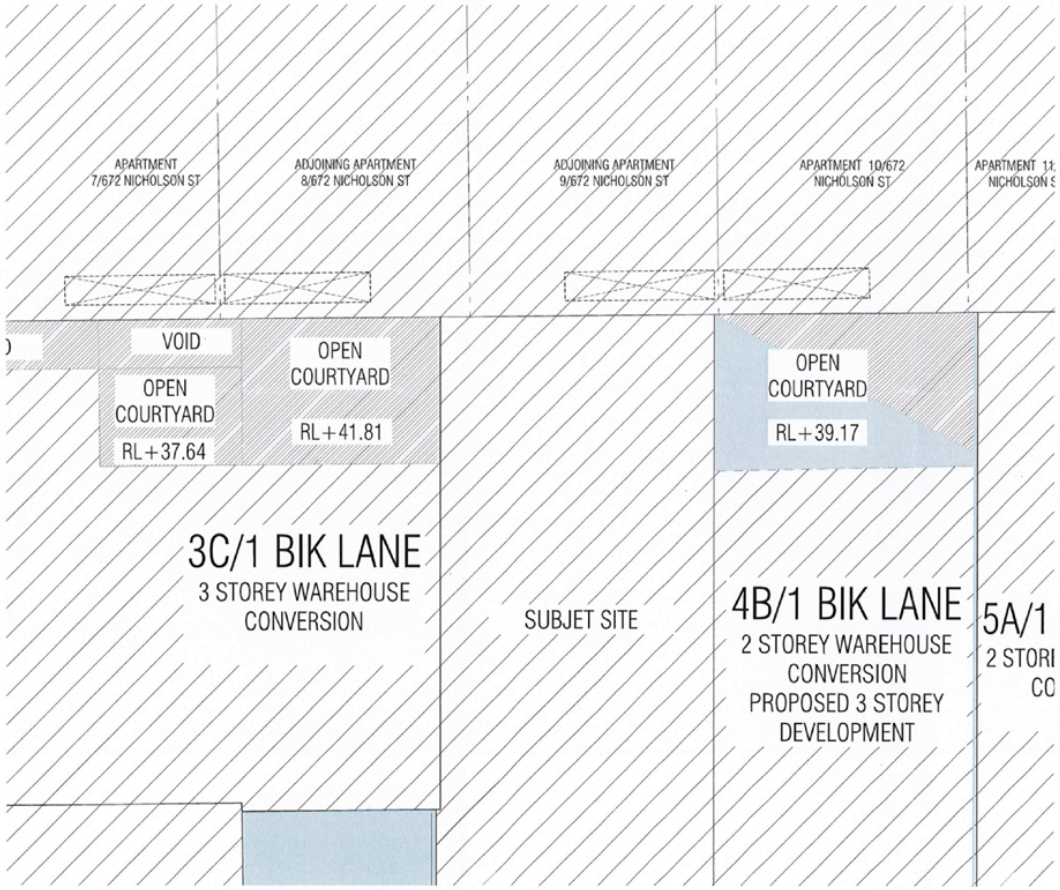
3:00PM SEPT 22

EXISTING SHADOWS

PROPOSED ADDITIONAL SHADOWS

RECEIVED
5 JUL 2019

Attachment 4 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 5 July 2019

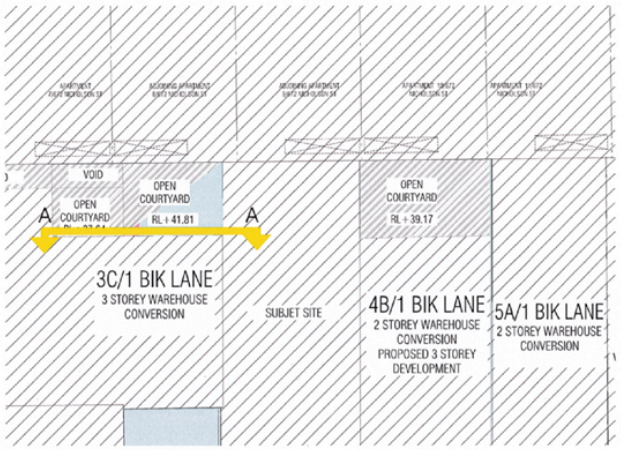


3:00PM SEPT 22

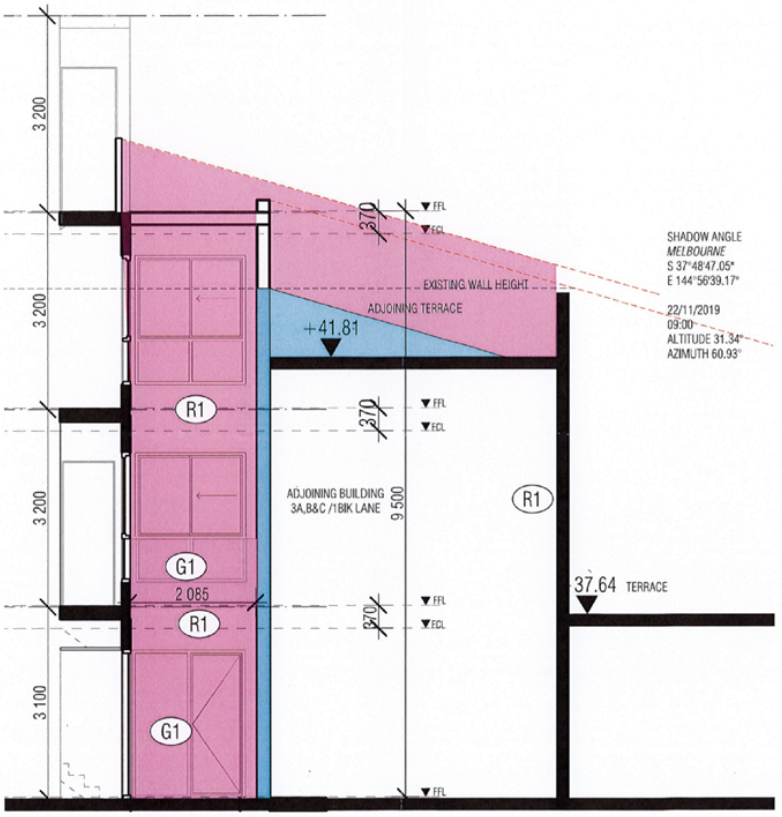
RECEIVED
5 JUL 2019

Attachment 4 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 5 July 2019

PROJECT
4A/1 BIK LANE FITZROY NORTH



SECTION KEY



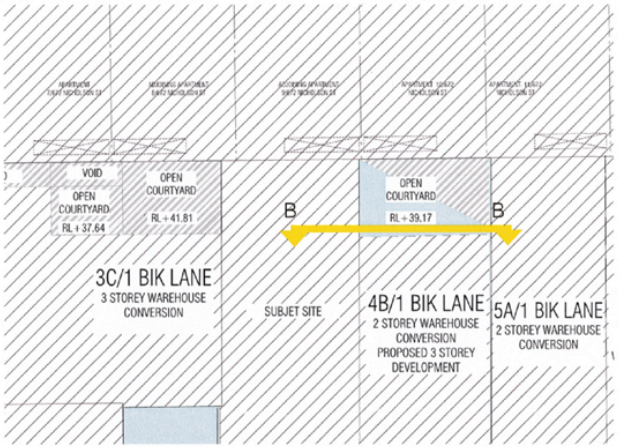
9:00AM SEPT 22

SECTION AA SHOWING MAX SHADOW

RECEIVED
5 JUL 2019

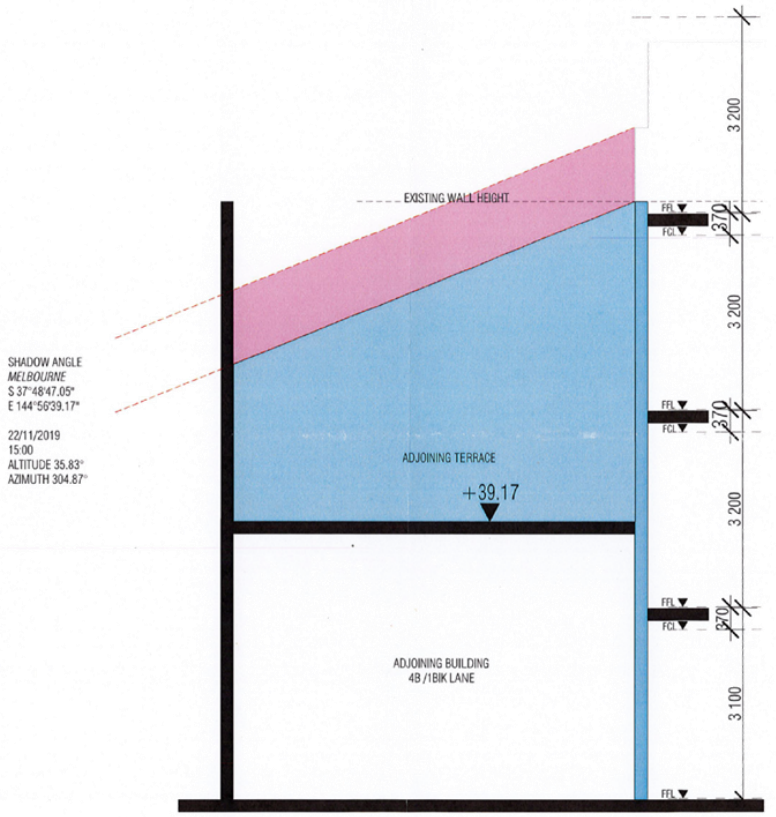
Attachment 4 - PLN180611 - 4A 1 Bik Lane, Fitzroy North - Sketch Plans - 5 July 2019

4A/1 BIK LANE FITZROY NORTH



SECTION KEY

3:00PM SEPT 22



SECTION BB SHOWING MAX SHADOW

RECEIVED
5 JUL 2019

Attachment 5 - PLN180644 - 4A 1 Bik Lane, Fitzroy North - Engineering referral advice

CITY OF YARRA

MEMO

To:	**Gary O'Reilly**	
From:	**Artemis Bacani**	
Date:	**8 March 2019**	
Subject:	**Application No:**	**PLN18/0644**
	Description:	**Five-Storey Building – Residential**
	Site Address:	**4A/1 Bik Lane, Fitzroy North**

I refer to the above Planning Application received on 6 February 2019 in relation to the proposed development at 4A/1 Bik Lane, 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	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
One- & Two-bedroom dwelling	2	1 space per dwelling	2	0

* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

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 One-Bedroom Dwelling*.
  The proposed development would result in a shortfall of two car spaces. The car ownership data from the 2011 Census conducted by the Australian Bureau of Statistics suggests that there is a strong market for dwellings that have no on-site car parking. It is recognised that car ownership is influenced by a number of factors (public transport access, proximity to employment and education centres, affordability issues, environmental concerns, and access to services) and that in inner areas many households do not own a car for a range of reasons. The area's coverage of 1P and 2P restrictions should provide regular turnover of parking throughout the day and provide opportunities for visitors to find a car space near the site.

- *Availability of Public Transport in the Locality of the Land*.

The site is within walking distance of tram services along Nicholson Street and bus services can be accessed from Richardson Street-Reid Street.

- *Multi-Purpose Trips within the Area.*
  Visitors to the site might combine their visit to Fitzroy North by engaging in other activities or business whilst in the area.

- *Convenience of Pedestrian and Cyclist Access.*
  The site has pedestrian accessibility to shops, businesses, essential facilities and public transport nodes. The site also has connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking*.
  To determine the likely parking demand in the surrounding streets, the parking occupancy survey for the site at 622-642 Nicholson Street, Fitzroy North (Application No.PLN18/0172), has been referenced. 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. 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.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of two parking spaces for the proposed development is considered appropriate in the context of the development and the surrounding area. Any visitor parking generated by the development could be adequately accommodated on-street.

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

Attachment 5 - PLN180644 - 4A 1 Bik Lane, Fitzroy North - Engineering referral advice

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

JBL Ground Floor Plan Revision A dated October 2017

Item	Assessment
Access Arrangements	
Development Entrance - Concrete Driveway	Access to the garages is off the common driveway. Using Trapeze, the access into and out of the garages is considered adequate for a B85 design vehicle
Garage Doorway Width	Not dimensioned on the drawings.
Car Parking Modules	
Single Garage	The dimension of each garage of 3.125 metres by 5.43 metres complies with AS/NZS 2890.1:2004

Design Items to be Addressed

Item	Details
Garage Doorway Width	To be dimensioned on the drawings

ENGINEERING CONDITIONS
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.

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.

Attachment 5 - PLN180644 - 4A 1 Bik Lane, Fitzroy North - Engineering referral advice

Attachment 6 - PLN18.0644 - 4A 1 Bik Lane, Fitzroy North - Urban Design referral advice

CITY OF YaRRA

MeMO

TO:	Gary O'Reilly (Statutory Planning)
FROM:	Hayley McNicol (Urban Design)
DATE:	19 February 2019
SUBJECT:	4A/1 Bik Lane, Fitzroy North
APPLICATION NO:	PLN18/0644
DESCRIPTION:	Development of the land for the construction of three additional storeys to an existing two storey building (5 storeys in total), containing 4 dwellings and a reduction in the car parking requirements.

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

- Proposed 5 storey built form
- Design detailing of the building (materials)
- Dwelling entry
- Any other matters
- Any proposed/approved capital works around the site

Comments are provided below and are based on the advertised drawings dated December 2018.

- **Proposed 5 storey built form**

  This application proposes to retain the shell of the existing two storey building, and provide three storeys above (a total height of five storeys). The proposed building is generally built straight to the site boundaries, with the exception of the fifth storey which is set back from the north boundary, part of the east boundary, and from the south to accommodate a roof terrace.

  Yarra's Built Form and Design Policy at Clause 22.10-3.3 seeks to ensure that *"the height of new development is appropriate to the context of the area … and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character"* and *"the setbacks of new development complement the desired neighbourhood character of the area"*.

  The surrounding area has a mix of development, which is mostly up to three-four storeys in height. The exception is the development at 4 Bik Lane (on the south side of the lane), which is a large site that accommodates a taller building (up to six storeys approx.) on a portion of the property.

Whilst we do not object to the proposed five storeys given that the fifth storey is set back from the front and rear boundaries to be more recessive, we encourage the applicant to reduce the height of the building from five to four storeys. A four storey building would sit more comfortably on the site, considering the prevailing pattern of heights directly around the site (which are up to three-four storeys in height) and the transition in scale from the townhouses to the north to the larger sites to the south. In addition, we would be concerned if this set a precedent for this group of warehouses to be built up to five storeys, as this would result in a more visually dominating building overall.

In terms of the front setback, the proposed new building would be set back only 300 mm from the original façade (south elevation), which does not clearly distinguish between the original façade and new additions. It is recommended that the setback of the third and fourth storeys is increased to at least 1 metre which would provide a clearer distinction between the original building and the upper floors.

- **Design detailing of the building (materials)**

  The elevations show a number of metal materials proposed (noted Metal 1-5), including the existing metal building and the new additions. Details of the materials are provided in the town planning report – these details should be included on the drawings.

  At the upper levels a 'gold coloured perforated metal screen' is proposed. The town planning report notes that this material is proposed to provide a 'luxury metal' that distinguishes itself from the existing industrial building. We do not understand the logic behind this concept and consider that that this material would not complement the existing building or the industrial character of the area. If the applicant is keen to use metal for the upper floors, we suggest a metal that has a more rusted/industrial appearance would work better with the existing building and surrounding area.

- **Dwelling entry**

  The Built Form and Design Policy at Clause 22.10-3.4 states that *"the design of the ground level street frontage of new development should provide a high level of pedestrian amenity and visual interest by … providing well-defined entries at ground level on the street frontage"*.

  The proposed front ground floor elevation is taken up by two garage doors, and the proposed entrance to the building is located on the western side of the building. The proposed entry is not well defined and furthermore would be hidden behind the existing hedge.

  If the location and number of car parking spaces cannot be changed, the visibility of the entrance needs to be improved. The applicant has proposed directional signage, however the entrance itself needs to be made more visible. For example, is it possible to provide an awning over the entrance and change the landscaping from a taller hedge to some lower planting?

- **Any other matters**

  As raised previously, it appears that the windows of Apartment D which face a lightwell may not receive adequate daylight/sunlight, in particular the ground floor window. This should be investigated further.

- **Any proposed/approved capital works around the site**

  There are no capital works planned by the Urban Design team in the vicinity of the site. We note that there are planned works to upgrade the tram stops along Nicholson Street (Route 96) to make them accessible. This work is being undertaken by PTV and is expected to start late 2018.

Attachment 7 - PLN18.0644 - 4A 1 Bik Lane, Fitzroy North - ESD referral advice

Assessment Summary:

Responsible Planner:		Gary O'Reilly	
ESD Advisor:		Gavin Ashley	
Date:	13.02.2018	Planning Application No:	PLN18/0644
Subject Site:		U4/A1 Bik Lane, Fitzroy North	
Site Area:	Approx. 160m^2	Site Coverage:	100%
Project Description:		5 storey building comprising 4 apartments	
Pre-application meeting(s):		Unknown.	

The standard of the ESD almost 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 SDA 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:

- 5kWp rooftop solar photovoltaic system
- A STORM report with a 108% rating
- High efficiency domestic hot water system
- Access to daylight
- Energy efficient lighting 20% improvement on NCC lighting power densities.
- Water efficient fixtures and taps
- Average NatHERS rating of 6.7 stars
- Building User Guide will be provided to building occupants

(2) Application ESD Deficiencies:

- The plans note a 1500ltr tank which is nominated for garden use, the STORM assessment notes 2 x 1500ltr tanks plumbed to toilets – the plans must be updated to conform with the STORM assessment

(3) Outstanding Information:

- Update the STORM report to reference Yarra as the municipality rather than Macedon Ranges

(4) ESD Improvement Opportunities

- Operable shading to west facing windows
- Commitment to recycling of waste (above 80% by volume)

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 - PLN18.0644 - 4A 1 Bik Lane, Fitzroy North - Waste management advice

O'Reilly, Gary

From: Orr, Patrick
Sent: Tuesday, 12 February 2019 8:37 AM
To: O'Reilly, Gary
Subject: RE: 4A/1 Bik Lane, Fitzroy North - PLN18/0644

Hi Gary,

The waste management plan for 4A/1 Bik Lane Fitzroy North authored by an unknown author and dated November 2018 is not satisfactory from a City Works Branch's perspective. Issues to be rectified include, but may not be limited to:

1. The waste management plan should be a separate report.
2. As an e-waste to landfill ban is imminent, further information needs to be added regarding both hard waste and e-waste diversion.

Patrick

From: O'Reilly, Gary
Sent: Wednesday, 6 February 2019 1:51 PM
To: Orr, Patrick <Patrick.Orr@yarracity.vic.gov.au>
Subject: 4A/1 Bik Lane, Fitzroy North - PLN18/0644

Hi Patrick,

Can I request formal comment on the above application.

The plans and supporting documents can be viewed at the following link:

https://www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/advertised-planning-applications/2019/02/05/pln180644

The waste management plan/response is contained within the applicant's report (pgs. 24-28). The bin storage area is within the common property area and accommodates waste from 11 other properties (1-7/1 Bik Lane). The applicant has been told to take this into account in their assessment.

Regards

Gary O'Reilly
Senior Statutory Planner
City of Yarra PO Box 168 Richmond VIC 3121
T: (03)9205 5040 **F:** (03) 8417 6666
E: gary.oreilly@yarracity.vic.gov.au
W: www.yarracity.vic.gov.au

1.3 PLN17/0517 - Farm Road, Alphington - Buildings and works to an existing outdoor recreational facility (golf course) and vegetation removal including removal of putting green and first tee box, construction of an underground buggy storage area (with elevated tee box and associated pathways, alterations to clubhouse facade and construction of a first floor terrace and construction of fencing) and vegetation removal

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit PLN17/0517 and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include the following:
   (a) Clause 15.01 – Urban environment
   (b) Clause 15.02 – Sustainable development
   (c) Clause 21.05 – Built form character
   (d) Clause 21.07-1 – Environmental sustainable development
   (e) Clause 21.07-2 – Yarra River, Merri Creek and Darebin Creek
   (f) Clause 43.02 – Design and Development Overlay (Schedule 1)
   (g) Clause 42.03 – Significant Landscape Overlay (Schedule 1)

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) strategic policy;
   (b) built form and design;
   (c) removal of vegetation;
   (d) environmental sustainable development; and
   (e) objector concerns.

Submissions Received

4. 21 objections were received to the application, raising the following issues (summarised):
   (a) The installation of a fence along Farm Road will prevent access by the community to Darebin Creek.
   (b) Design of fence (including ecological impacts, it will block views to Darebin Creek, and the materials are not characteristic of the area).
   (c) Design of clubhouse addition inconsistent with existing built form.
5. 2 letters of support were received to the application.

Conclusion

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

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

1.3 PLN17/0517 - Farm Road, Alphington - Buildings and works to an existing outdoor recreational facility (golf course) and vegetation removal including removal of putting green and first tee box, construction of an underground buggy storage area (with elevated tee box and associated pathways, alterations to clubhouse facade and construction of a first floor terrace and construction of fencing) and vegetation removal

Trim Record Number: D19/112221
Responsible Officer: Senior Co-ordinator Statutory Planning

Proposal:	Buildings and works to an existing outdoor recreational facility (golf course) including removal of putting green and first tee box, construction of an underground buggy storage area (with elevated tee box and associated pathways, alterations to clubhouse facade and construction of a first floor terrace and construction of fencing) and vegetation removal.
Existing use:	Outdoor recreational facility (golf course)
Applicant:	La Trobe Golf Course C/Song Bowden Planning Pty Ltd
Zoning / Overlays:	Special Use Zone (Schedule 1)
Date of Application:	3 July 2017
Application Number:	PLN17/0517

Planning History

1. The subject site has the following planning history:

   (a) Planning Permit no. 991053 was issued by Council on 19 November 1999 for *buildings and works including road widening, relocation of nets, landscaping and resurfacing the existing car park.*

   (b) Planning Permit PL02/0225 was refused by Council on 28 November 2003 for *buildings and works to the existing club house.*

   (c) Planning Permit application PL05/0130 for the development of storage lakes and tree removal was withdrawn on 28 October 2005.

   (d) Planning Permit PL05/1001 was issued on 15 March 2006 by Council, for the *development of chimney flue on the club house (retrospective).*

   (e) Planning Permit application PL06/0185 for the removal of trees was withdrawn on 4 May 2006.

   (f) Planning Permit PL06/0807 was issued by Council, for *buildings and works to allow for the construction of a vehicle wash bay and storage room to the existing maintenance shed.*

   (g) Planning Permit PLN13/0418 was issued by Council, on 4 September 2013 for *development of the land for earthworks and vegetation removal* (a result of the construction of temporary tees and greens). This application was associated with sewer replacement works.

   (h) Planning Permit PLN13/0624 was issued by Council on 8 November 2013, for *development of the land to remove and lop vegetation*. This application was associated with sewer replacement works.

   (i) Planning Permit PLN14/1199 was issued by Council on 09 June 2015, for *Development of the land to carry out works and earthworks associated with a golf*

course. This application was to restore the golf course to original conditions following the completion of the abovementioned sewer works.

(j) Planning Permit PLN15/0281 was issued by Council on 09 October 2015 for *Removal and lopping of vegetation.* This application is associated with works to the Darebin-Yarra Trail Link project.

(k) Planning Permit PLN16/0549 was issued by Council on 17 October 2016 for *Development of the land for an extension to the car park, relocation of out-buildings and landscaping.*

(l) Planning Permit PLN17/0940 was issued by Council on 18 February 2019 for the *relocation of fill.*

Background

Aboriginal Cultural Heritage Significance

2. The subject site is located within an area of Aboriginal Cultural Heritage Sensitivity. A subsequent section of this report determines that a Cultural Heritage Management Plan is not required for the subject application.

Lodgment of S57A plans

3. Following the submission of objections and in an attempt to address the concerns raised, amended plans pursuant to Section 57A of the *Planning and Environment Act 1987* (the Act) were submitted on the 21 March 2019 showing the following changes to the originally submitted (advertised) plans:

(a) Deletion of the proposed fence along Farm Road.

(b) Reduce the length of the proposed fence adjacent to the first teebox and lower level car park.

(c) Relocation of the covered buggy storage area and accessways from directly underneath the first tee box to the north-east of the tee box.

(d) Relocation of the retaining wall and landscaping works along the north and north-eastern section of the first tee box as a result of the relocation of the covered buggy store.

(e) Installation of two rainwater tanks, adjacent to the north-east corner of the covered buggy store.

(f) Redesign of the first teebox and beam structure reducing the tee off area to allow for a buggy circulation route and extend the beam structure towards the north-east of the tee box to provide golf buggy parking area.

4. The plans show no change to the proposed addition to the clubhouse.

5. The amended plans were re-advertised to adjoining properties and all objectors in March 2019. Three additional objections were received, however two of these objections were later withdrawn. Council has, at the time of writing this report, received a total of 21 objections.

The Proposal

6. The application includes the following works:

Demolition (no permit required)

(a) First teebox and practice green.

(b) The existing brick retain wall to the north of first teebox.

(c) The timber sleeper retaining wall to the east of first teebox.

(d) Three (3) trees to the east of first teebox.

7. Construction

(a) Covered buggy storage area to the north of the first teebox. The originally advertised plans (Section 52 plans) had the majority of the buggy storey located directly underneath the teebox.

(b) New raised first teebox and associated accessway, construction of a new graded accessway to provide access from the buggy store to the new first teebox and construction of a new prefabricated concrete column and associated beam/lintel structure to new first teebox.

(c) Remove the existing brick and timber sleeper retaining wall to east of first teebox and replace with a stone retaining wall in the same location.

(d) New first floor outdoor terrace to clubhouse (168sqm in size) along the western side of the building, adjacent to the first teebox. The terrace is to have a varied width of between 6.6m to 9.9m and a length of 27m. The terrace is have a minimum height of 3.2m above the NGL and incorporate a 1.1m high balustrade.

(e) External alteration to clubhouse to provide access to new first floor outdoor terrace, including new window openings and screening to the north-facing, first floor windows.

(f) A defcon tubular spear-top security fence (67m long, 1.8m high) along the southern portion of the upper car park.

(g) A defcon tubular spear-top security fence (101m long, 1.8m high) along the southern portion of the lower car park.

Existing Conditions

Subject Site

8. The subject site is located at the eastern end of Farm Road and is known as LaTrobe Golf Course (a private club open to members and guests). The subject site is irregular in shape, with access via Farm Road.

9. The clubhouse consists of a double-storey brick building with significant portions of glazing. The clubhouse has a pro shop, locker room and first floor lounge and kitchen. It is accessed off Farm Road and there are two car parks; one ‘upper car park’ located directly adjacent to the Farm Road entrance and one ‘lower car park’ located directly to the east of the clubhouse and adjacent to Darebin Creek.

10. The golf course itself is located to the south and south-west of the clubhouse and has 18 holes.

11. The subject site is made up of a number of consolidated titles with several easements, none of which are affected by the works proposed under this proposal. No covenants affect the subject site.

Surrounding Land

12. To the north of the subject site and clubhouse is an open green area, currently used for the storage of fill material associated with works that were occurring along Darebin Creek. A site inspection indicated these works were associated with the new pathway constructed for the new Darebin-Yarra Trail Link project. Planning permit PLN17/0940 has been issued for the relocation of fill in this location. Further to the north is Darebin Creek and Alphington Grammar School. The golf course abuts Farm Road for a length of 113m.

13. To the east of the subject site is Darebin Creek, the Yarra River and beyond which (on the opposite side of the Yarra River) is Kew Golf Course. There are currently works along the eastern boundary associated with the Darebin-Yarra Trail Link project.

14. To the south of the subject site is the Yarra River, with the Eastern Freeway located on the opposite side.

15. To the west of the subject site is the Alphington Park Wetlands (south-west) and the rear boundaries of properties fronting Lucerne Crescent. The wetlands is zoned as an Urban

Floodway Zone and abuts the subject site for approximately 315m. Properties along Lucerne Crescent are zoned Neighbourhood Residential Zone (Schedule 2) and abut the subject site for approximately 643m.

Planning Scheme Provisions

Zoning

Clause 37.01 – Special Use Zone

16. Pursuant to Clause 37.01-4 of the Yarra Planning Scheme (the Scheme), a permit is required to construct a building or construct or carry out works.

Clause 37.03 – Urban Floodway Zone

17. This zone covers a portion of the subject site located north-east of the first teebox and adjacent to part of Darebin Creek. No works are located within this zone and as such there is no permit trigger for works under the zone.

Overlays

Clause 43.02 – Design and Development Overlay (Schedule 1)

18. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct or carry out works.

Clause 42.01 – Environmental Significance Overlay (Schedule 3)

19. This zone covers the northern portion of the subject site. No works are located within this overlay and as such there is no permit trigger for works under this overlay.

Clause 44.04 – Land Subject to Inundation Overlay

20. Pursuant to Clause 44.04-1 of the Scheme, a planning permit is required to construct or carry out works. Pursuant to Clause 44.04-5 an application must be referred in accordance with Section 55 of the Act to the local floodplain management authority, Melbourne Water.

Clause 45.01 – Public Acquisition Overlay

21. This zone covers the north-eastern portion of the subject site and runs adjacent to Darebin Creek. No works are located within this overlay and as such there is no permit trigger for works under this overlay.

Clause 42.03 – Significant Landscape Overlay

22. Pursuant to Clause 42.03-2 of the Scheme, a planning permit is required to:

    (a) construct a building or construct or carry out works

    (b) construct a fence

    (c) remove, destroy or lop any vegetation specified in a schedule to this overlay

Particular Provisions

23. There are no particular provision applicable to this application.

General Provisions

Clause 65 – Decision Guidelines

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

Planning Policy Framework (PPF)

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

Clause 12.01-1S – Protection of biodiversity

26. The relevant objectives of this clause include:

    (a) To assist the protection and conservation of Victoria's biodiversity.

Clause 12.01-2S – Native vegetation management

27. The relevant objectives of this clause include:

    (a) To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Clause 12.03-1S – River corridors, waterways, lakes and wetlands

28. The relevant objective of this clause is:

    (a) To protect and enhance river corridors, waterways, lakes and wetlands.

Clause 13.03-1S – Floodplain management

29. The relevant objectives of this clause are:

    (a) To assist in the protection of:

        (i) Life property and community infrastructure from flood hazard;

        (ii) The natural flood carrying capacity of rivers, streams and floodways;

        (iii) The flood storage function of floodplains and waterways;

        (iv) Floodplain areas of environmental significance or of importance to river health.

Clause 15.01-1S – Urban Environment

30. 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 15.02-1S – Energy and resource efficiency

31. The objective of this clause is:

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

Clause 17.02-1S – Business

32. The relevant objective of this clause is:

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

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statements (MSS)

Clause 21.04-1 – Land Use

33. The relevant objectives of this clause are:

    (a) To increase the number and diversity of local employment opportunities.

    (b) To establish a linked open space network.

    (c) To provide an open space network that meets existing and future community needs.

Clause 21.05 – Built Form

34. The relevant objectives of this clause are:

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

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

(c) To ensure that development maintains and enhances the environmental, aesthetic and scenic qualities of the Corridor.

Clause 21.06 – Transport

35. The relevant objective of this clause is:

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

Clause 21.07 – Environmental Sustainability

36. The relevant objectives of this Clause are:

(a) To promote environmentally sustainable development;

(b) To protect wildlife habitat, provide habitat linkages and arrest the loss of biodiversity;

(c) To balance the ecological and recreational potential of the waterway Corridors;

(d) To protect and enhance the environmental values of land within the waterway Corridors;

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

Clause 21.08 – Neighbourhoods

37. Clause 21.08-6 describes the Fairfield-Alphington area in the following way:

(a) To the east of Yarra Bend Park is a green, leafy, residential area, comprising late Victorian, Edwardian and interwar dwellings. Dwellings have generous front and side setbacks and allotments are double fronted and deep allowing for large spacious gardens and substantial backyards. The neighbourhood also has a significant amount of open space. The Northern Metropolitan Institute of TAFE and the Victorian Institute of Forensic Mental Health lie within the parkland.

(b) The Heidelberg Road neighbourhood activity centre is on the boundary between the Cities of Yarra and Darebin. It is a small convenience centre, with limited furniture and home wares outlets and a small amount of office space.

Relevant Local Policies

Clause 22.08 – Protection of biodiversity

38. This policy applies to land affected by Schedule 1 and Schedule 3 to the Environmental Significance Overlay (among others).

39. This policy identifies that few areas of remnant vegetation remain in Yarra except those along the Yarra River and the northern waterways. Furthermore, a number of remnant indigenous plants within Yarra are considered to be of regional conservation significance, and these areas are under threat from development including by the invasion of pest plants.

40. The relevant objectives of this Clause are:

(a) To protect and enhance Yarra's natural biodiversity;

(b) To protect the long-term survival and viability of remnant vegetation;

(c) To ensure the survival of indigenous species;

(d) To minimise the impacts of introduced flora and fauna on indigenous vegetation;

(e) To manage sites to allow for the natural regeneration of indigenous vegetation.

Clause 22.10 – Built form and design policy

41. 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)

42. This policy applies to an application for new buildings. A sustainable management plan (SMP) was submitted with the application which includes a STORM rating report relating to water re-use. The SMP confirms that a raingarden and infiltration sand will be used for the new terrace and clubhouse.

Clause 22.17 – Environmental Sustainable Development

43. This policy applies to developments of a non-residential building with a gross floor area of between 100sqm and 1000sqm. 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 relevant legislation

Aboriginal Heritage Act 2006 - Cultural Heritage Management Plan (CHMP)

44. The subject site is located within an area of cultural heritage sensitivity. A review by Council has determined that a CHMP is not required for a minor sports and recreational facility which has been in operation prior to 28 May 2007.

Advertising

45. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 70 letters sent to surrounding owners and occupiers and by a sign displayed on site.

46. Council received 20 objections and 2 letters of support, the grounds of which are summarised as follows:

    (a) The installation of a fence along Farm Road will prevent access by the community to Darebin Creek.

    (b) Design of fence (including ecological impacts, it will block views to Darebin Creek, and the materials are not characteristic of the area).

    (c) Design of clubhouse addition inconsistent with existing built form;

47. Pursuant to Section 57A of the *Planning and Environment Act 1987* (the Act) amended plans were submitted on the 21 March 2019 showing the following changes to the originally submitted (advertised) plans:

    (a) Deletion of the proposed fence along Farm Road.

    (b) Reduce the length of the proposed fence adjacent to the first teebox and lower level car park.

    (c) Relocation of the covered buggy storage area and accessways from directly underneath the first tee box to the north-east of the tee box.

    (d) Relocation of the retaining wall and landscaping works along the north and north-eastern section of the first tee box as a result of the relocation of the covered buggy storage area.

    (e) Installation of two rainwater tanks, adjacent to the north-east corner of the covered buggy storage area.

    (f) Redesign of the teebox and beam structure reducing the tee off area to allow for a buggy circulation route and extend the beam structure towards the north-east of the tee box to provide golf buggy parking area.

48. The plans show no change to the proposed addition to the clubhouse.

49. The S57A plans were re-advertised under the provisions of Section 57B of the *Planning and Environment Act (1987)* by 88 letters sent to surrounding owners and occupiers (which included letters to objectors/supporters) and by a sign displayed on site.

50. Council received an additional 3 letters of objections, raising issues on:

    (a) the design of the clubhouse additions (being inconsistent with the architectural character and built form of the existing clubhouse).

51. A consultation meeting was held on 3 June 2019 and attended by two objectors, the Applicant (including the Golf Club President and Manager), a Councillor and Council Officers. The issues and concerns raised in the letters of objection were discussed. No resolution were achieved at the meeting.

52. The Applicant however later advised Council that they would be willing to accept the deletion of the 101m long fence in the lower car park (adjacent to the first teebox) as a condition of any planning permit issued, to assist in the reducing the ecological impacts to local wildlife (i.e. movement of wildlife) and ensure views to Darebin Creek remain unaltered.

Referrals

53. All referral comments are based on the original plans and the Section 57A plans.

    External Referral

54. The application was referred to Melbourne Water. Their referral response is included as an attachment to this report.

    Internal Referrals

55. The application was referred to the following units within Council:

    (a) Council Arborist

    (b) Biodiversity Strategy Project Officer

56. Referral comments are included as attachments to this report.

OFFICER ASSESSMENT

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

    (a) Policy and Strategic Policy;
    (b) Special Use Zone (SUZ);
    (c) Design and Development Overlay (DDO);
    (d) Significance Landscape Overlay (SLO);
    (e) Land Subject to Inundation Overlay (LSIO); and
    (f) Objections.

    Policy and Strategic Support

58. It is the objective of clause 11.02-1S of the Scheme *"to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses."* This is further complemented with clause 19.02-3R which seeks to *"Maintain and strengthen Melbourne's distinctiveness as a leading cultural and sporting city with world-class facilities"*

59. The subject site is an existing outdoor recreational facility (gold course) with good access to public transport (bus services along Heidelberg Road and Alphington Train Station located 450m and 780m to the north-west, respectively). The proposal does not increase the capacity of the golf course but proposes works to the clubhouse, buggy store, and first teebox with the intention of improving the facilities for members. It is also proposed to construct 2 new security fences adjacent to both of the car parks to secure the golf club from the Darebin Creek Yarra Trail link.

    Special Use Zone (SUZ)

60. The SUZ decision guidelines directs the Responsible Authority to focus on the provision of landscaping and the possible effect the proposed buildings and works have on the amenity of the neighbourhood.

61. In relation to landscaping, the subject site is heavily landscaped. The proposed works (associated with the replacement teebox and buggy store) will result in the loss of three trees adjacent to the first teebox. This has been reviewed and has been supported by Council's Arborist. The works have as far as possible been designed around trying to maintain existing landscaping on the site.

62. In relation to the impact on the amenity of the neighbourhood, the proposed works will have limited affect on the amenity of the neighbourhood. This will be discussed later in this report.

Design and Development Overlay (DDO)

63. The proposed works are generally confined to the first teebox and clubhouse. The works include infilling the existing first teebox with soil, the construction of a buggy storage area and construction of accessways associated with this, construction of a retaining wall and a concrete column/beam and lintel structure, a first floor terrace and screening to the north-facing windows of the clubhouse and the removal of vegetation (three trees). The remaining works are associated with fencing adjacent to the two car parks and will be discussed separately.

Clubhouse

64. The remaining works are associated with the clubhouse and include the construction of a first floor terrace along the building's eastern façade and alterations to the building's northern façade in the form of screens above the existing north-facing windows. The first floor terrace will extend/cantilever above the circulation area adjacent to the first teebox and will have a width varying between 6.6m to 14.1m. It will be accessed via the lounge room. The terrace will be open with no roof structure proposed above it.

65. With the exception of the terrace and screening, there are no additions proposed to the clubhouse. Given its open nature and retention of the glazed facade along the eastern portion of the building is considered that the terrace will not add any significant bulk to the presentation of the clubhouse itself. The screening will be confined to the first floor windows and provide shade from the northern sun. Overall, the architectural character of the clubhouse will generally remain intact and its footprint will remain generally unchanged (with the exception of the terrace). The façades (eastern and southern walls) of the clubhouse will remain untouched.

Buggy storage area and first teebox

66. The proposed buggy storage area is to be directly adjacent to the first teebox, along its north-eastern boundary. A retaining wall is to be constructed to separate the first teebox from the store and associated accessways. The storage area is to be partially underground, provide 39 buggy spaces and include a service and wash down area. The structure will be an open metal frame, with zinc cladding and a pitched zinc standing stem roof and will be a maximum height of 5.4m.

67. Adjacent to the buggy storage area is an accessway leading up to the new first teebox. The existing teebox will be infilled with between 0.6m to 1.4m of topsoil. Additional works to the new first teebox include the construction of a buggy parking area (to the north-west and extending above the accessway and partially covered by the zinc roof structure) and the construction of a prefabricated concrete column/beam and lintel structure. This column/beam and lintel structure is located along the north and north-western portion of the first teebox and parking area and will incorporate 9 columns spaces apart, with a beam constructed above. The structure will have a maximum height of 7.9m, measured from the lower level (buggy storage area).

68. The proposed works will be partially visible from Darebin Creek, which is located approximately 22m to the north (at the shortest point). The works will be partially screened by existing landscaping and an embankment to the Darebin Creek. Given the topography of approximately 2m and screening, it is unlikely that the buggy store will be visible Darebin Creek. The teebox, column/beam structure and works to the clubhouse will be visible from Darebin Creek but considered acceptable given the separation distance and the open nature of the terrace and column/beam structure.

    This setback will also allow for sufficient space between the creek and building to allow for sufficient plant growth (including canopy trees adjacent to the creek). Furthermore the column/beam structure will be below the maximum height of the existing clubhouse.

69. The proposed works will not create any additional overshadowing of public space. The open wall metal frame to the buggy storage area will result in no, or very limited, impacts on the Darebin Creek's/river's natural flood or watercourse.

70. The proposed works will not interfere with the aesthetics of the environment along the edge of the Darebin Creek as the site is a considerable distance from both areas (22m and 135m, respectively).

71. The viewlines along both Darebin Creek and the Yarra River will not be unreasonably interrupted by the proposed works due to their 32m distance from the creek and 134m distance from the river and the maximum height of the works being lower than the clubhouse. The proposed works will retain the majority of landscaping within the site which includes a number of significant canopy trees between the area of the proposed works and Darebin Creek and the Yarra River.

72. Given the setbacks from Darebin Creek and the Yarra River, it is not anticipated that the proposed works will impact on the river's/creek's natural flood or waterway characteristic. The buggy storage area however has been designed with a metal open framed wall to allow water to flow through in a flood event.

73. The heights of the proposed works are considered to be an appropriate design response, where the works will not exceed the height of the existing clubhouse. The scale of the works are therefore considered to complement the clubhouse's built form and the surrounding area. The heights of the works (column & beam, buggy storage area and terrace) are a maximum of 7.9 metres, which is below the existing maximum height of the clubhouse. In addition, the clubhouse will maintain all of its glazed first floor façade (eastern and southern elevations) which will further reduce the visual bulk, given their transparent nature.

74. Materials and finishes include an open metal framed wall, zinc roofing and screening to part of the first floor, northern façade of the clubhouse. These finishes are consistent with the mix of finishes found within the immediate context.

    Fencing

75. The final aspect to the proposed development is the construction of fencing. It is proposed to construct a 67m long fence along the southern portion of the upper car park and a 101m long fence along the southern portion of the lower car park. The fence type will be a 1.8m high defcon tubular spear top security fence in a black finish with 40mm by 40mm rails, 25mm by 25mm pickets spaced 140mm apart.

76. The rational for the proposed fencing is to provide security to LaTrobe Golf Club given the introduction of the Darebin Creek Yarra Trail (which as part of the trail has a fence constructed along the common boundary between the trail and the club).

77. The need for the proposed fencing is questionable given that existing fence constructed along the common boundary between the trail and the club already provides a level of security. Further, a decision guideline under the SLO requires the Responsible Authority to consider:

    (a) Whether the proposed fencing allows for the free movement of wildlife minimises visual intrusion and limits impact on the natural flood and watercourse characteristics.

78. A full assessment of the decision guideline will be discussed later in this report. However in relation to the fencing, it is considered that given that there is an existing fence provided along the Creek and the potential impacts to wildlife (i.e. restricting their movements), the proposed fencing is not considered essential and is not supported by policy. This is despite the rational for the proposed fence put forward by the applicant, which is for security.

79. Based on the lack of policy support for the fencing a condition will therefore be included on any planning permit issued, to delete all of the fencing to both car parks.

Significant Landscape Overlay

80. A full assessment of the proposed works (in other words the buggy storage area, alterations to the teebox, works to the clubhouse) has been discussed in paragraphs 64-74 of this report and deemed acceptable. This section of the report will therefore focus on the vegetation removal (the removal of three shrubs) and the construction of the proposed fences.

81. With regard to vegetation removal, it is proposed to remove three trees. This includes the removal of two Chinese Hawthorns (Photinia Serratifolia) and one Sweet Pittosporums (Pittosporum Undulatum) which are located to the east of the first teebox. The reason for their removal is to make way for the buggy storage area.

82. The arborist report submitted with the application identifies that the Sweet Pittosporums is a recognised 'weed' species. The two Chinese Hawthorns (Photinia Serratifolia) are 'common' species, with one in declining health.

83. A weed is defined as any plant that requires some form of action to reduce its effect on the economy, the environment, human health and amenity. Weeds are also known as invasive plants. Weeds typically produce large numbers of seeds, assisting their spread. They are often excellent at surviving and reproducing in disturbed environments and are commonly the first species to colonise and dominate in these conditions. A weed can be an exotic species or a native species that colonises and persists in an ecosystem in which it did not previously exist. Weeds can inhabit all environments; from our towns and cities through to our oceans, deserts and alpine areas.

84. A 'common' species is a plant that is 'common the surrounding area' and not classified as a 'weed'.

85. Given the nature of the golf club use, it is logical to have the buggy storage area close to the clubhouse / first teebox. Given the site constraints (which include the flood overlay affecting the site, proximity to Darebin Creek and possible impacts to efficiency and practicality for the golf course operations in locating the buggy storage area elsewhere) the proposed location of the buggy storage area and the resulting vegetation removal is deemed acceptable.

86. Council's Arborist has reviewed the arborist report submitted with the application and has no objection to the vegetation removal. While any vegetation loss is unfortunate, there is significant landscaping throughout the golf course to absorb the vegetation removal proposed and still provide sufficient habitat to wildlife and maintain the landscaped interface to the Darebin Creek and Yarra River. No trees immediately adjacent to the creek are proposed to be removed or disturbed, ensuring little if any effect on the habitat value, wildlife corridor and long term viability of remnant and revegetated areas along the Creek corridor. The proposed works will not affect the future enjoyment of the area by the community as all works will be contained with golf club lands and not along the creek (public land).

87. The proposed works associated with the first teebox and buggy storage area will be in close proximity to three maturing Victorian Blue Gums (Eucalyptus Bicostata). While these trees will be retained, the submitted Arborist report recommends that a Tree Protection Zone (TPZ) is provided during construction. The encroachment zone to these tress is shown to be less than 10% which complies with AS4970, and this suggests the continued health of these three trees during and post construction.

88. The submitted Arborist report was not updated with the submission of the s57A amendment. Given that the s57A plans show the relocation of the buggy storage area from directly underneath the first teebox to just north-east of the teebox, it is anticipated that these three

trees may be further impacted. In light of the possible risk to these trees and to ensure that their health is retained and maintained, a condition will be included on any permit issued, requiring an updated Arborist report to be submitted which must take into account the s57A (decision) plans and measures to protect said trees.

89. While the proposed location of the lower security fence is adjacent to the three maturing Victorian Blue Gums (Eucalyptus Bicostata), a condition is to be placed on the permit requiring all fencing to be deleted from the proposal. This will ensure there will be no risk to these trees from the fence.

90. With regard to the proposed fencing design, concerns have been raised by Council's Biodiversity Strategy Project Officer in relation to the impact it will have on wildlife to move freely and its impacts on the natural flood and watercourse characteristics of this area as it is located within a LSIO and can be subject to flooding in a storm event.

91. Firstly, with regard to the impact it will have on wildlife to move freely, Council's Biodiversity Strategy Officer in their referral response, requires the following design considerations to be taken into account:

    (a) Do not use barb wire.
    (b) Keep a 50 cm gap between ground level and the first rail or strand.
    (c) Keep 30 cm gaps between the rails or remaining strands.
    (d) Use box wire mesh (Pig Mesh) (with squares of no less than 15 cm).
    (e) Leave a 50 cm gap between the ground level and fence bottom, and ensure the fence is not more than 1.2 - 1.4 metres high.
    (f) A capping rail along the top also allows for easy movement.
    (g) Consider planting vegetation into, or adjacent, to the fence

92. The fencing will be constructed of 1.8m high defcon tubular spear top security fence in a black finish with 40mm by 40mm rails, 25mm by 25mm pickets and a spacing of 140mm. No gap is provided between the ground and first rail and the spacing between the rail is 140mm which is less than half of what is being recommended by Council's Biodiversity Strategy Project Officer.

93. The fence design in its submitted form is considered to have an unreasonable impact on the movement of wildlife, particularly between the golf course and creek and open space further to the north. This is contrary to the decision guideline of the SLO and policy at clause 65 of the Scheme in terms of orderly planning of the area. Combined with the rationale behind the need for the fencing at all, it is considered that the fence is not an acceptable design response for the site context. As such, a condition will be included on any planning permit issued requiring the deletion of both fences.

94. With regard to the flood impacts (being the second decision guideline of the SLO – Schedule 2) this will be discussed later in this report.

Land Subject to Inundation Overlay

95. The subject site is affected by the Land Subject to Inundation Overlay (LSIO). A planning permit is required under this overlay for the construction of the buggy storage area and retaining wall, infill of the first teebox, accessways associated with the revised buggy storage area layout and the construction of the fences. There are no triggers under the LSIO for the removal or planting of trees and there is no requirement under the LSIO to provide any replacement tree planting.

96. From a LSIO perspective the proposed fences are supported, and it is acknowledged that the application was referred to Melbourne Water who raise no objection subject to conditions. However as discussed earlier in this report, the fences will be required to be deleted from the proposal (by way of a condition of any planning permit issued) due to their lack of compliance with the SLO.

97. The decision guidelines under the LSIO Council must consider include:

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

(b) Any local floodplain development plan.

(c) Any comments from the relevant floodplain management authority.

(d) The existing use and development of the land.

(e) Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.

(f) The susceptibility of the development to flooding and flood damage.

(g) The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include.

(i) The frequency, duration, extent, depth and velocity of flooding of the site and accessway

(ii) The flood warning time available.

(iii) The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

(h) The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

(i) The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

(j) Any other matters specified in a schedule to this overlay.

98. With regard to the buggy storage area, it has been designed to incorporate a metal framed open wall which will allow for the free passage of flood water in the event of stormwater. Given the relatively small level of works (taking into the site as a whole) it is considered that the buggy storage area will not significantly alter the drainage potential on site or flood storage capacity of the site or the ability of water to flow across the site. Further, Melbourne Water raise no objection, subject to conditions on any planning permit issued.

99. Overall, the proposal is considered to comply with the relevant State and Local Planning Policy Framework and has been supported by Melbourne Water as the relevant referral authority.

Objections

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

(a) Design of clubhouse additions are inconsistent with the existing architectural character and built form of the clubhouse (paragraphs 64 to 65)

101. The concerns raised in the objections are discussed below, and relate to:

(a) Installation of a fence along Farm Road will prevent access by the community to Darebin Creek

Access is currently available to the Darebin Creek across the subject site. However the subject site is private property and there are currently no carriageways identified on the title or zoning of the land which would allow or permit access to the Creek via the subject site to the public (i.e. the land is not zoned for public usage, such as a park would be zone Public Park and Recreation Zone). As such, there is no access permitted across the subject site and no requirement in the Scheme either. As such, this objector concern is not a planning matter.

(b) Design of fence (including ecological impacts, it will block views to Darebin Creek, and the materials are not characteristic of the area).

Due to the ecological impacts relating to the possible impact on the movement of wildlife and with concerns relating to the rationale behind the need for the fence construction, a condition will be included on any planning permit issued requiring the deletion of the fences. As such the above concerns are no longer relevant.

The referral advice received from Council's Biodiversity Strategy Project Officer states that given the impacts to wildlife the proposed fences are not characteristic of the area and that any fencing proposed within the SLO must have a clear rationale for their construction and constructed in such a manner to not impact on the movement of local wildlife.

The decision guideline under the SLO requires consider to be given to "*whether he proposed fencing allows for the free movement of wildlife minimises visual intrusion and limits impact on the natural flood and watercourse characteristics*". As discussed earlier in this report, the fence design fails to meet this requirement of the SLO.

Conclusion

102. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies in the Scheme.

RECOMMENDATION

That having considered all relevant planning controls and policies, it is recommended that a Notice of Decision to Grant a Planning Permit PLN18/0517 be issued for buildings and works to an existing outdoor recreational facility (golf course) and vegetation removal at Farm Road, Alphington, generally in accordance with the decision plans (being the 57A plans received by Council on 27 February 2019) 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 the following:

   (a) The deletion of all proposed fencing within the upper car park and the lower car park.
   (b) Any requirements from conditions of this planning permit including:
      (i) Melbourne Water requirements pursuant to conditions 7 to 13; and
      (ii) any tree protection measures required as a result of condition 3.

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

3. Before the development commences, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by Treelogic dated 23 May 2018, but modified to include (or show):

   (a) protection measures for the three Victorian Blue Gums (*Eucalyptus Bicostata*) as a result of the proposed development.

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

5. The finished site levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

6. 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.

Melbourne water conditions (condition 7 to condition 13)

7. The layout of the site and size, design and location of buildings and works including the width of the openings to the 'open style' fence as shown on the submitted plans must not be altered without prior written consent from Melbourne Water.

8. The cut and fill plan 'TP09 Revision J dated 14 March 2019' must not be altered without the prior consent of Melbourne Water. The cut and fill plan shows the location and amount of cut and fill within the development

9. The development must be setback a minimum of thirty (30) metres measured from the top of bank of Darebin Creek.

10. The development must include a minimum five (5) metre landscape buffer zone to screen the development from the Darebin Creek.

11. Prior to the endorsement of plans, a detailed landscape plan must be submitted to Melbourne Water for approval. The plan must show:

    (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
    (b) details of surface finishes of pathways and driveways;
    (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
    (d) the location of the five (5) metre landscape buffer zone;
    (e) only local native plants should be used and shown on the landscape plans.

12. Flood depth indicators and flood warning signs must be erected around the development including at the main entrance points to ensure that the public are aware that the area will be inundated during a 100 year event.

13. Prior to the endorsement of plans, the existing Flood Response Plan must be amended by an accredited risk management professional to include the new development and be submitted to Melbourne Water for review and approval.

14. This permit will expire if:

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

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

Notes:

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

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

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5166.

Melbourne Water Notes

The applicable flood level is 18.22 metres to Australian Height Datum (AHD).

To access more information regarding other services or online applications that Melbourne Water offers please visit our https://www.melbournewater.com.au/planning-and-building

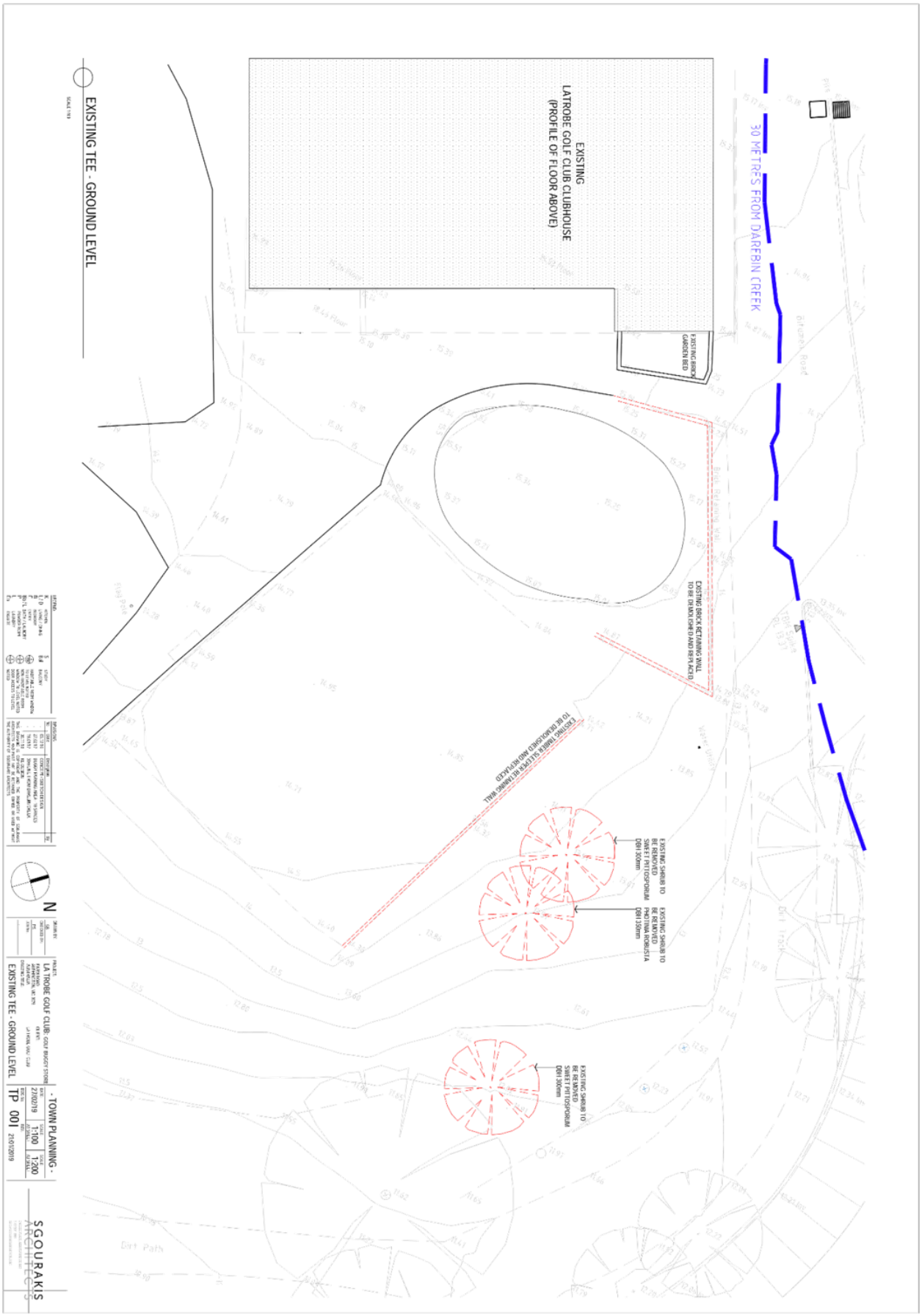
For general development enquiries contact Melbourne Water Customer Service Centre on 131722.

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

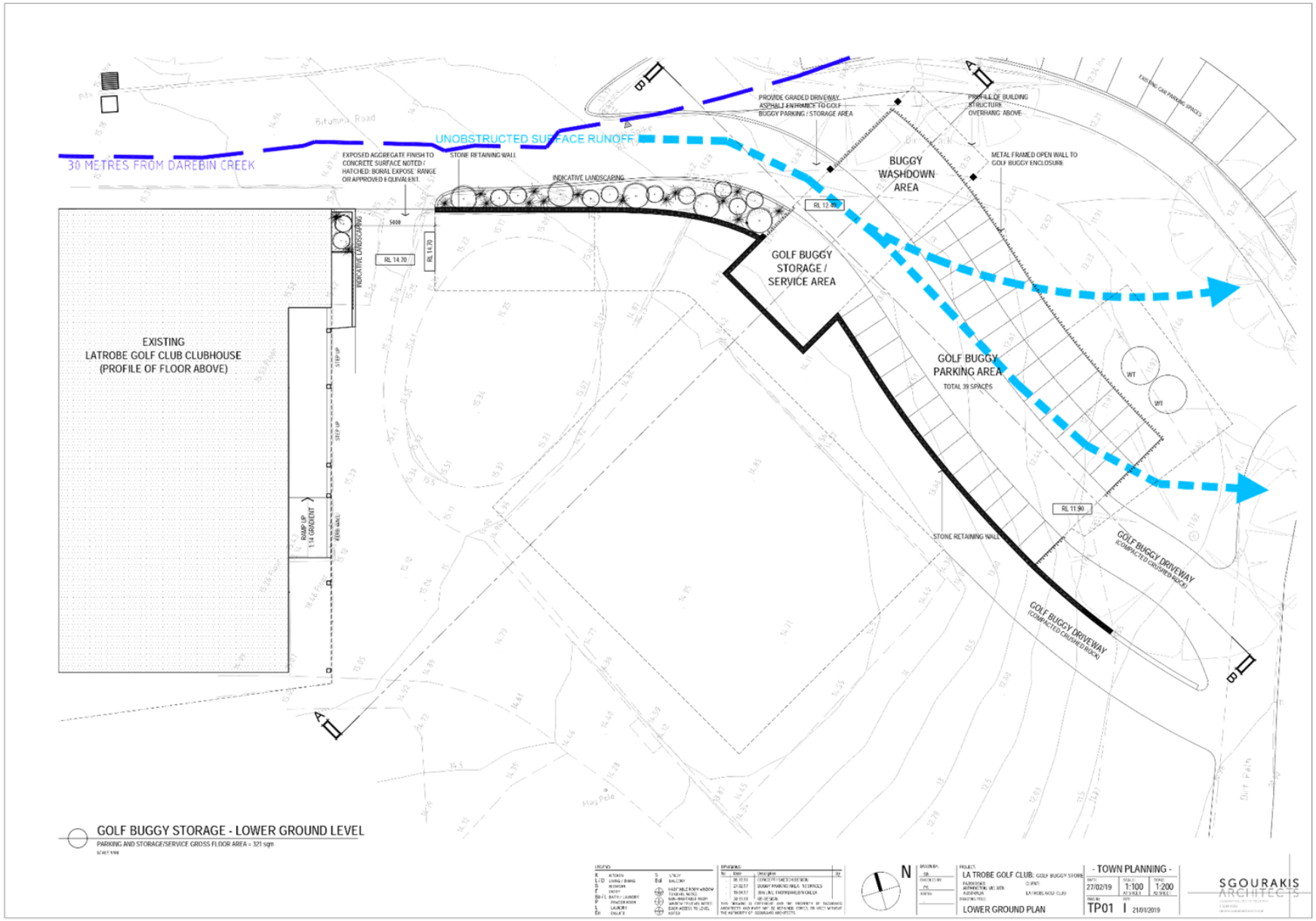
Attachments

1 PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 1
2 PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 2
3 PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 3
4 PLN170517 - Farm Road, Alphington - Melbourne Water Response - 2 May 2019
5 PLN17/0517 - Farm Road, Alphington - Bio-diversity Advisor Response
6 PLN17-0157 - Farm Road, Alphington (Latrobe Golf Course) - Arborist referral response

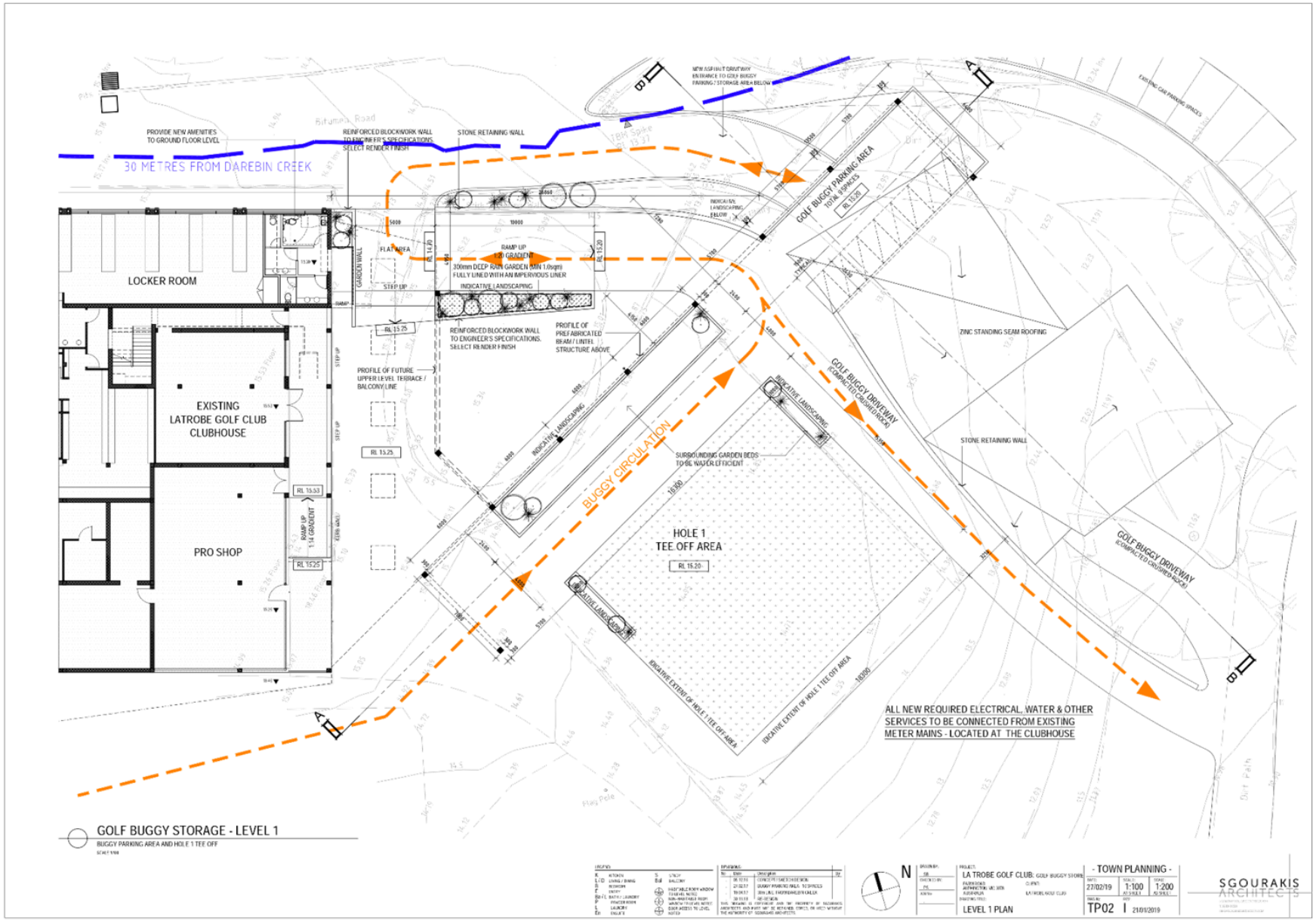
Attachment 1 - PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 1



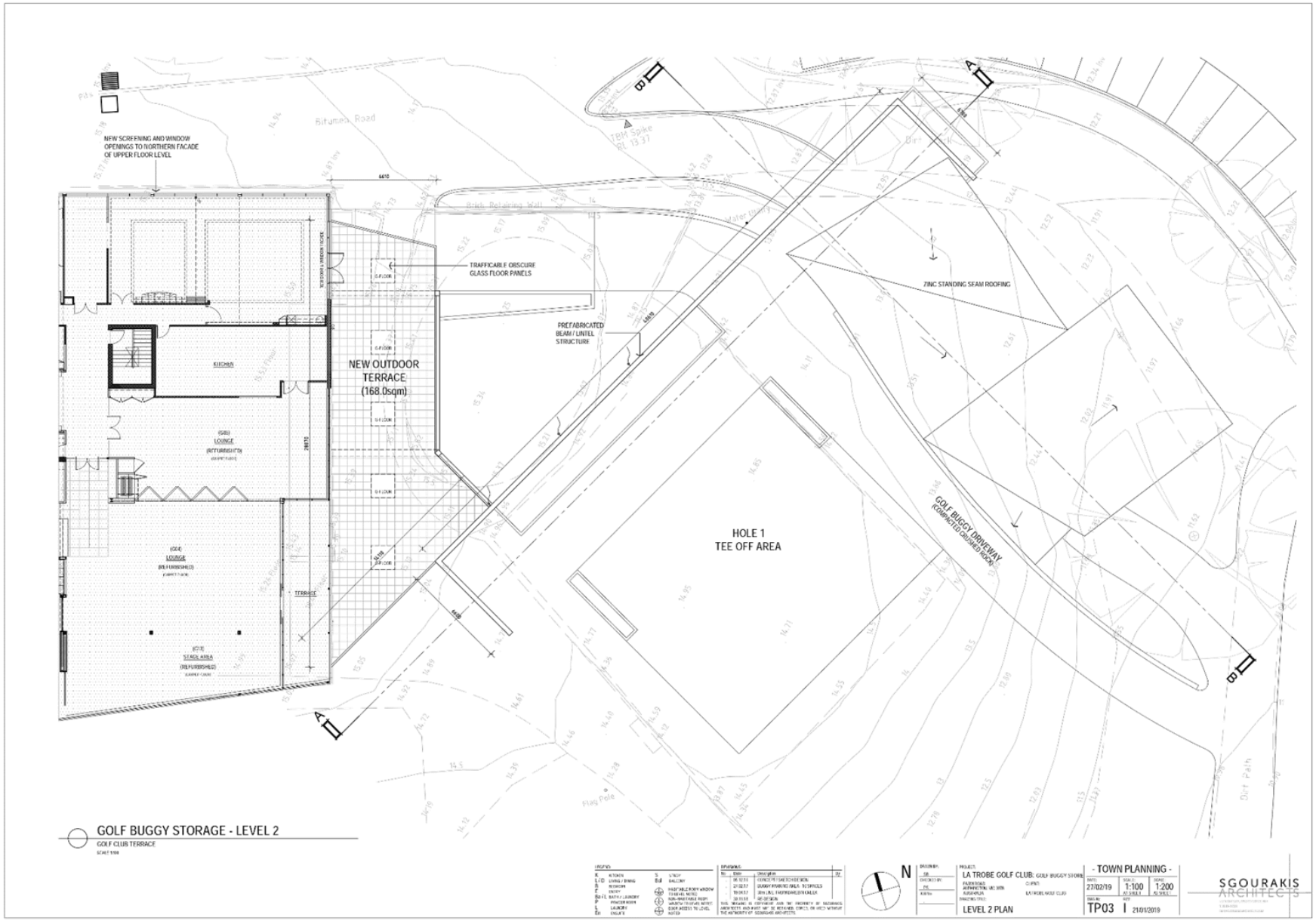
Attachment 1 - PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 1



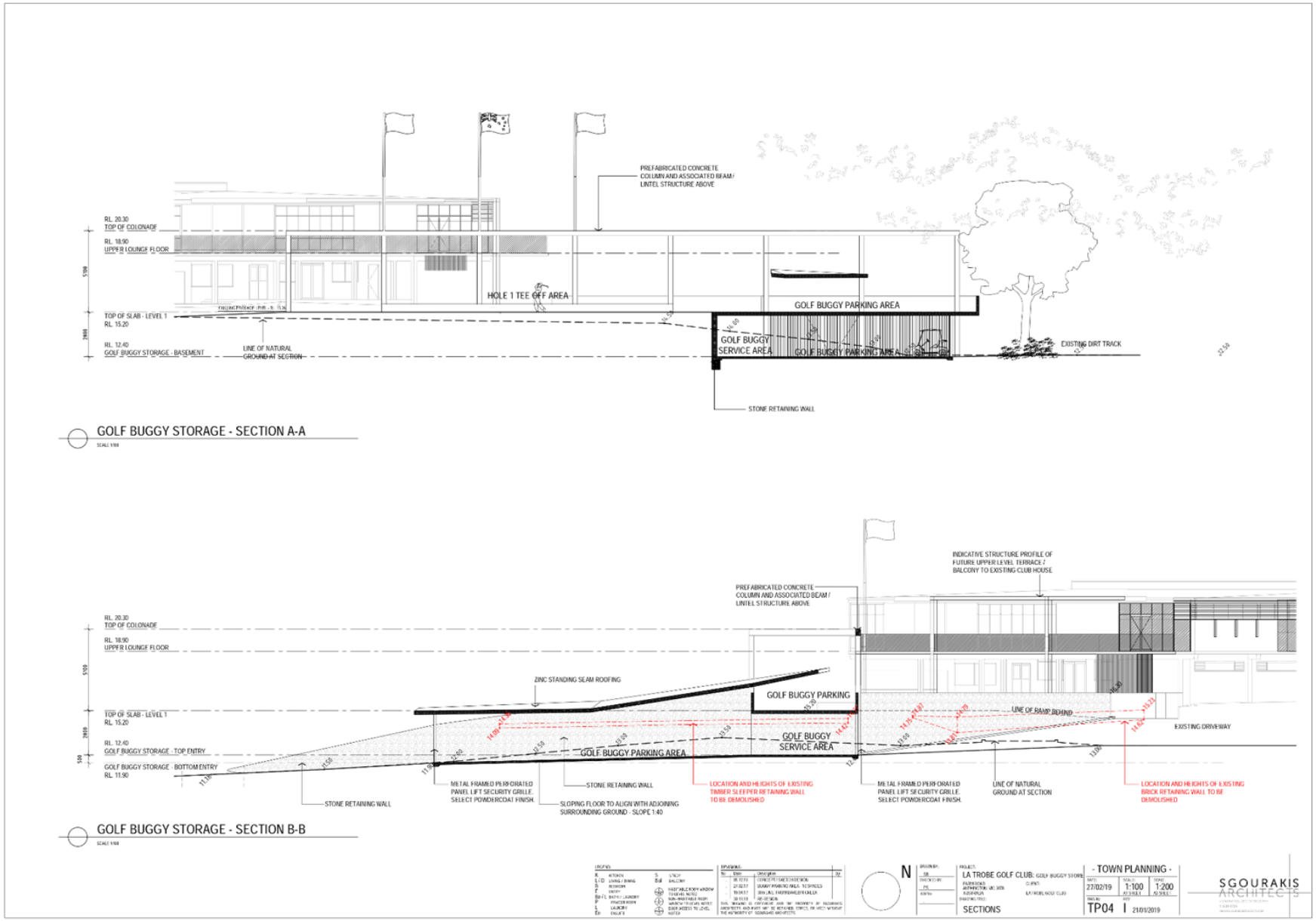
Attachment 1 - PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 1



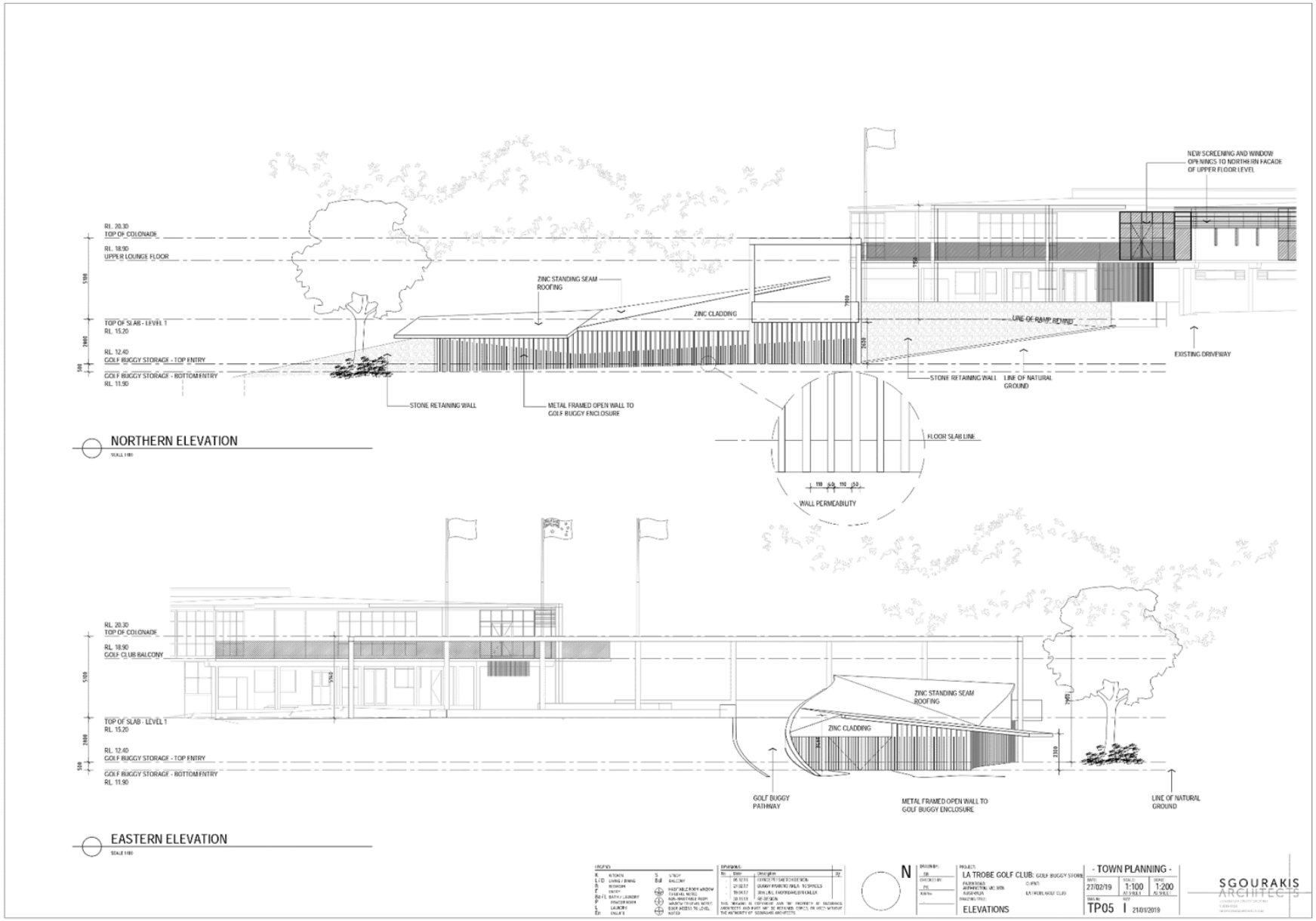
Attachment 1 - PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 1



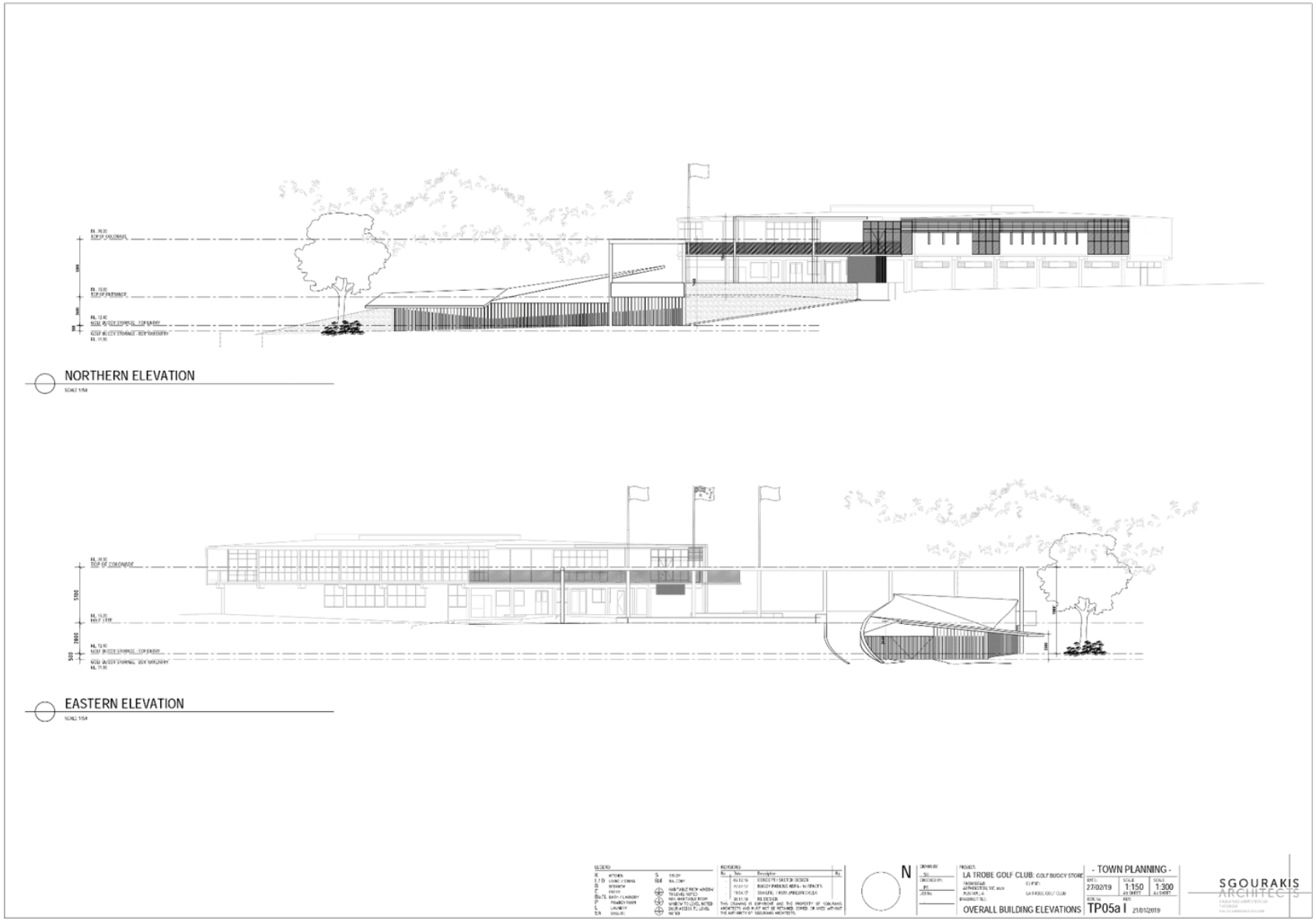
Attachment 1 - PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 1



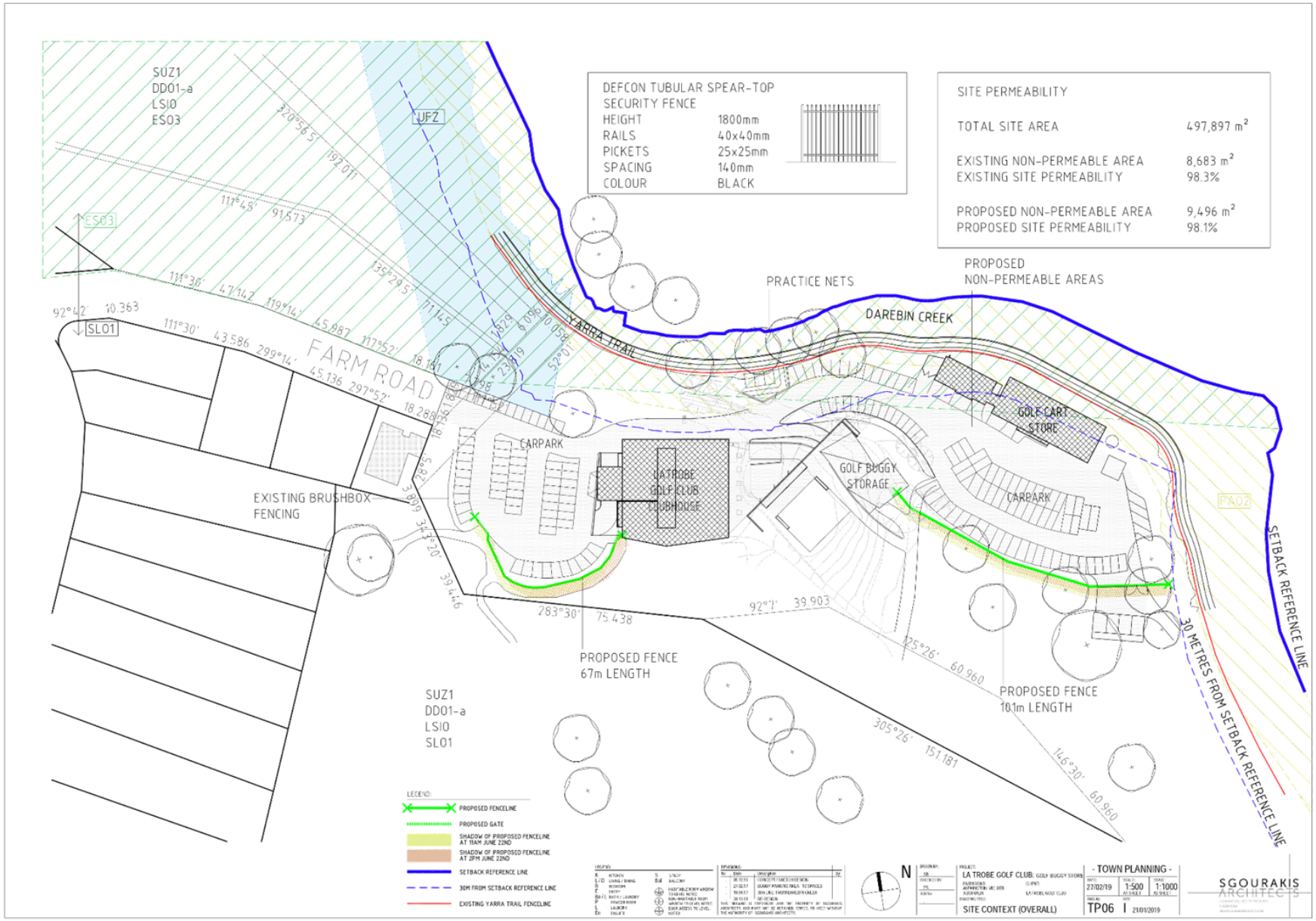
Attachment 1 - PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 1



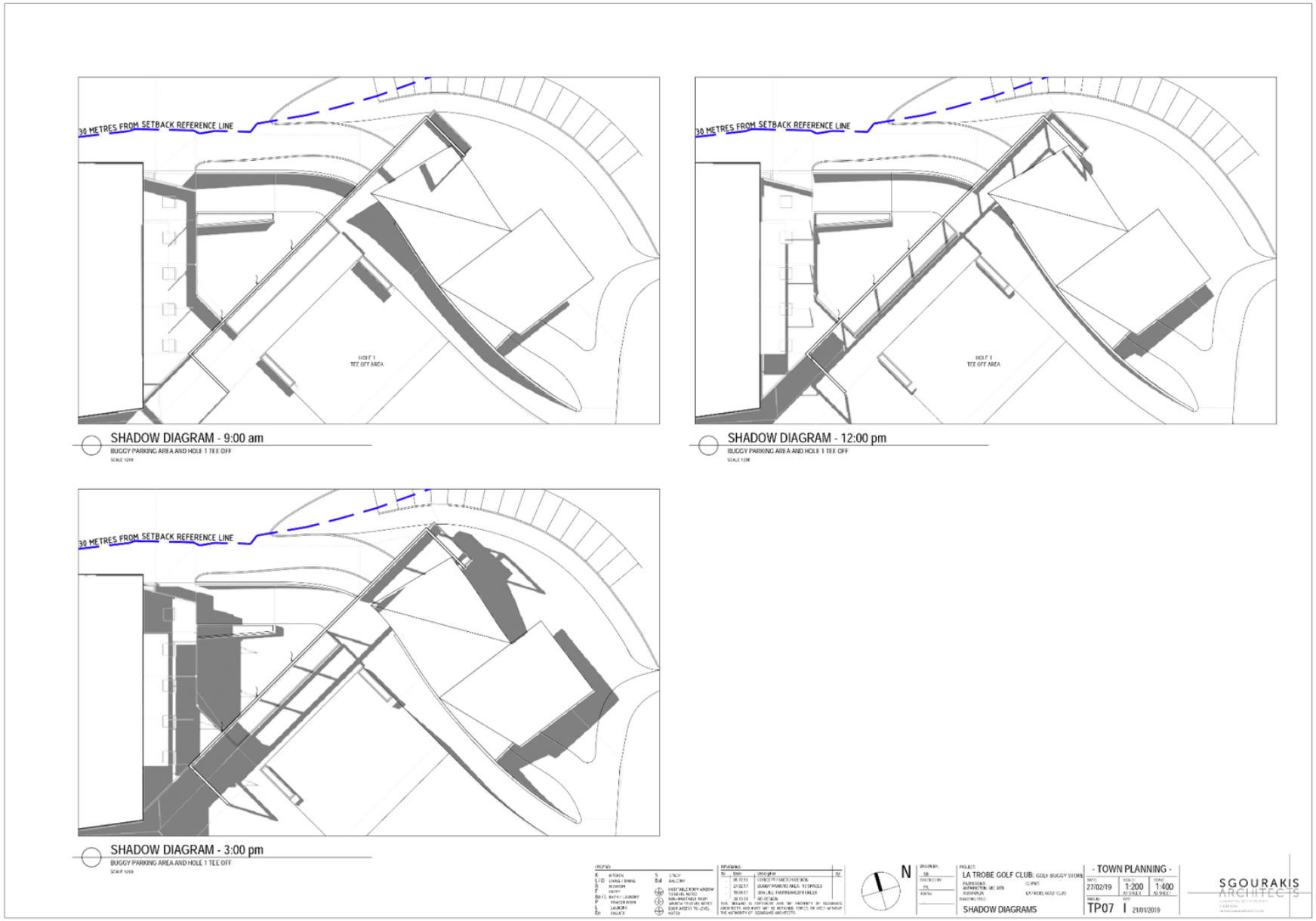
Attachment 1 - PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 1



Attachment 1 - PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 1



Attachment 1 - PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 1



Attachment 2 - PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 2



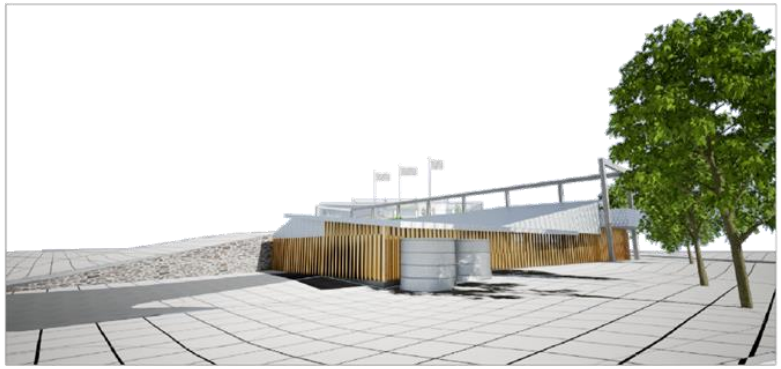
ISOMETRIC NORTH



AERIAL VIEW SOUTH



EYE LEVEL VIEW 1



EYE LEVEL VIEW 2

N

LA TROBE GOLF CLUB: GOLF BUGGY STORE

3D VIEWS

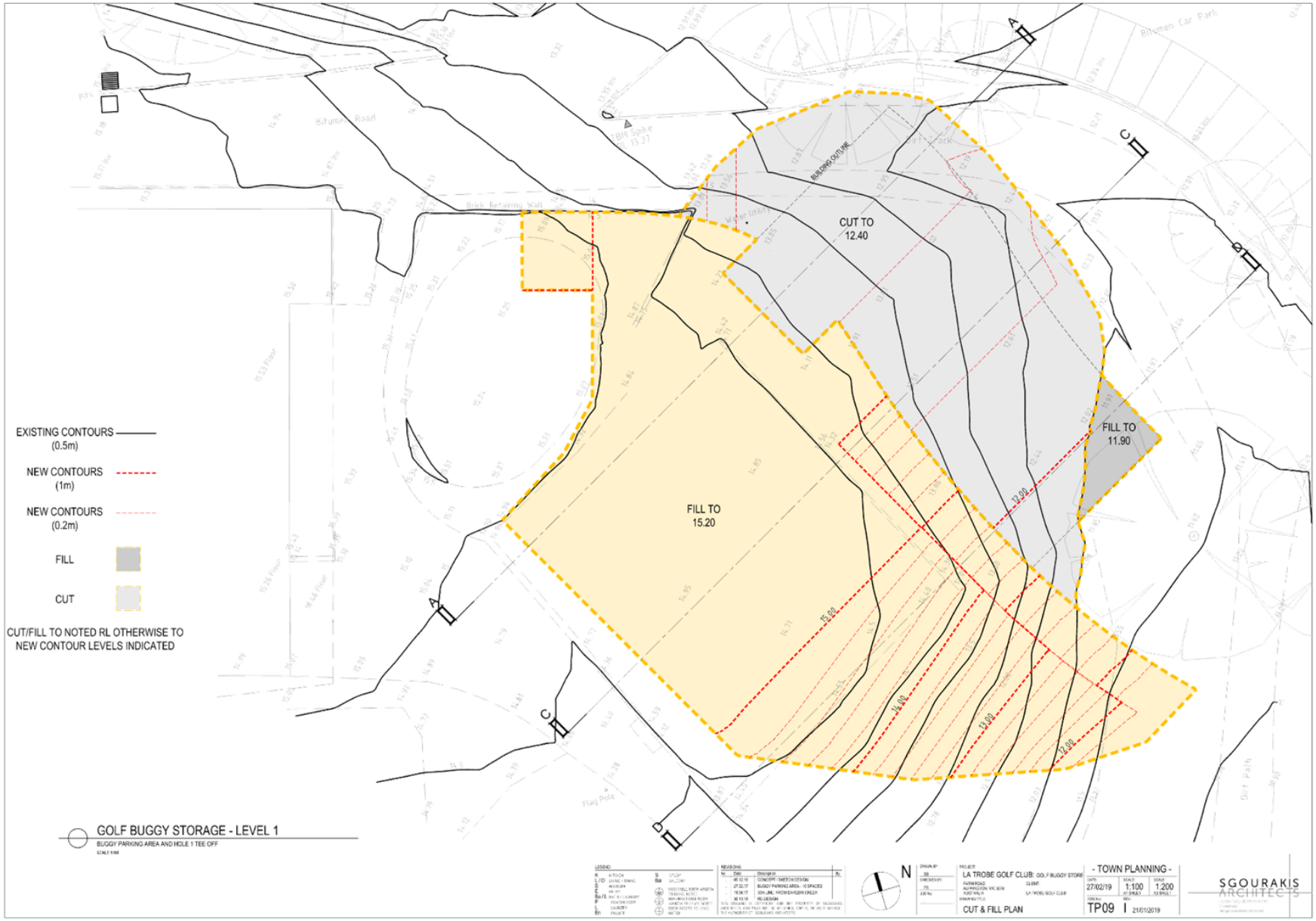
- TOWN PLANNING -

27/02/19

TP08 I 21/01/2019

SGOURAKIS ARCHITECTS

Attachment 3 - PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 3



Attachment 3 - PLN17/0517 - Farm Road Alphington (Latrobe Golf Course) - Advertising S57B - Plans Part 3



Attachment 4 - PLN170517 - Farm Road, Alphington - Melbourne Water Response - 2 May 2019

2 May 2019

Gary O'Reilly
Yarra City Council
P.O. Box 168
Richmond VIC 3121

Dear Gary,

Proposal: Proposed Golf Buggy Storage
Site location: Lot 2 FARM ROAD ALPHINGTON 3078 (LATROBE GOLF COURSE)

Melbourne Water reference: MWA-1087582
Council reference: PLN17/0517
Date referred: 08/10/2018

Our Decision

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:

Conditions

1. The layout of the site and size, design and location of buildings and works including the width of the openings to the 'open style' fence as shown on the submitted plans must not be altered without prior written consent from Melbourne Water.

2. The cut and fill plan 'TP09 Revision J dated 14 March 2019' must not be altered without the prior consent of Melbourne Water. The cut and fill plan shows the location and amount of cut and fill within the development.

3. The development must be setback a minimum of thirty (30) metres measured from the top of bank of Darebin Creek.

4. The development must include a minimum five (5) metre landscape buffer zone to screen the development from the Darebin Creek.

5. Prior to the endorsement of plans, a detailed landscape plan must be submitted to Melbourne Water for approval. The plan must show:
a. a survey (including botanical names) of all existing vegetation to be retained and/or removed;
b. details of surface finishes of pathways and driveways;
c. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
d. The location of the five (5) metre landscape buffer zone;
e. Only local native plants should be used and shown on the landscape plans.

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 4 - PLN170517 - Farm Road, Alphington - Melbourne Water Response - 2 May 2019

6. Flood depth indicators and flood warning signs must be erected around the development including at the main entrance points to ensure that the public are aware that the area will be inundated during a 100 year event.

7. Prior to the endorsement of plans, the existing Flood Response Plan must be amended by an accredited risk management professional to include the new development and be submitted to Melbourne Water for review and approval.

Advice

The applicable flood level is 18.22 metres to Australian Height Datum (AHD).

To access more information regarding other services or online applications that Melbourne Water offers please visit our website.

For general development enquiries contact our Customer Service Centre on 131722.

Regards,

L. Ripper

Louise Ripper
Customer and Planning Services

Attachment 5 - PLN17/0517 - Farm Road, Alphington - Bio-diversity Advisor Response

O'Reilly, Gary

Subject: FW: HPE CM: RE: Farm Road, Alphington VIC 3078 (LaTrobe Golf Course)
Attachments: RE: PLN17/0182 - 3 Panther Place Fairfield - fence query

Record Number: D19/96928

From: Lupton, Craig
Sent: Thursday, 6 June 2019 9:18 AM
To: O'Reilly, Gary <Gary.OReilly@yarracity.vic.gov.au>
Cc: Williames, Glen <Glen.Williames@yarracity.vic.gov.au>; Whitten, Paul <Paul.Whitten@yarracity.vic.gov.au>; Orr, Patrick <Patrick.Orr@yarracity.vic.gov.au>
Subject: HPE CM: RE: Farm Road, Alphington VIC 3078 (LaTrobe Golf Course)

Hi Gary

Please see the attached email regarding design considerations for fences to improve the ability for wildlife to move freely and to limit the impacts on the natural flood and watercourse characteristics.

Fence design considerations for wildlife should include:

- Do not use barb wire
- Keep a 50 cm gap between ground level and the first rail or strand.
- Keep 30 cm gaps between the rails or remaining strands.
- Use box wire mesh (Pig Mesh) (with squares of no less than 15 cm).
- Leave a 50 cm gap between the ground level and fence bottom, and ensure the fence is not more than 1.2 - 1.4 metres high.
- A capping rail along the top also allows for easy movement.
- Consider planting vegetation into, or adjacent, to the fence

Under Clause 42.03— Significant Landscape Overlay (SLO1) - Protection of waterway and the riparian zone, the decision guidelines relating to fences is:

- Whether the proposed fencing allows for the free movement of wildlife minimises visual intrusion and limits impact on the natural flood and watercourse characteristics.

I think Cr Stone's has a valid concern that the proposed fencing design is likely to have an adverse impact in relation to the movement of wildlife and ongoing protection of biodiversity values.

Its design does not allow for the free movement of wildlife and does not consider the design features listed above. The design should be modified to include the following:

- Leave a 50cm gap between the ground level and the first rail or strand and ensure the fence is not more than 1.2 - 1.4 metres high.
- A capping rail along the top also allows for easy movement.
- Gaps between pickets must be a minimum of 15cm
- Keep 30 cm gaps between the rails or remaining strands.
- Use box wire mesh (Pig Mesh or a product that is more aesthetically pleasing) (with squares of no less than 15 cm).

The existing design (see below) makes it difficult for wildlife to climb over the fence given the use of vertical pickets rather that horizontal rails. Is this fence actually being used to secure the site? If not, a complete change in design should be considered to achieve wildlife movement objectives and compliance with the decision guidelines.

Attachment 5 - PLN17/0517 - Farm Road, Alphington - Bio-diversity Advisor Response

DEFCON TUBULAR SPEAR-TOP SECURITY FENCE	
HEIGHT	1800mm
RAILS	40x40mm
PICKETS	25x25mm
SPACING	140mm
COLOUR	BLACK



Happy to discuss further as required.

Kind Regards

Craig Lupton
Project Officer – Biodiversity Strategy
City of Yarra
168 Roseneath Street
Clifton Hill 3068
M. 0419 099 547 I P. 9205 5727 I F. 8417 6666
E. craig.lupton@yarracity.vic.gov.au
W. www.yarracity.vic.gov.au

Attachment 6 - PLN17-0157 - Farm Road, Alphington (Latrobe Golf Course) - Arborist referral response

CITY OF YARRA

diverse
vibrant
exciting
inclusive

Memo

To: Gary O'Reilly

Cc: Glen Williames

From: Paul Whitten

Date: 4 July 2019

Subject: PLN17/0517 Farm Road Alphington

Hi Gary,

I have reviewed the report and provide the following comments:

The proposed removal of the 1x *Pittosporum* and 2x *Photinia* are supported.

Replacement plantings of 3x native trees should be shown on plan.

As per Arborist Report from Tree Logic dated 23 May 2018, the tree protection measures must be put in place for the duration of the development and monitored by a project arborist.

1.4 PLN11/0429.04 - 35-41 Argyle Street, Fitzroy - Section 72 Amendment (plans) to increase the approved size of the fourth floor balcony by extending it further south into common property and to extend the size of the roof garden and construct a pergola and services, all for Unit 6 dwelling

Executive Summary

Purpose

1. This report provides Council with an assessment of an amendment to planning permit PLN11/0429 and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) clause 15.01 – Urban Environment;
   (b) clause 22.02 – Development Guidelines for Sites Subject to a Heritage Overlay; and
   (c) clause 43.01 – Heritage Overlay of the Yarra Planning Scheme.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) built form, height and heritage;
   (b) amenity impacts; and
   (c) objector concerns.

Submissions Received

4. Ten objections were received to the application, raising issues which can be summarised as:
   (a) design (visual dominance, height and setbacks of balcony along the fourth floor and roof garden to Argyle Street and rear laneway);
   (b) heritage (balcony setbacks along the fourth floor and roof garden level a dominant features the heritage façade of the building);
   (c) off-site amenity (overlooking and loss of views, location and noise from air conditioning units (located in the north-east corner of the roof garden);
   (d) lack of compliance with approved plans (building height and form, and planting); and
   (e) risk of setting a precedence for the failure to enforce legal requirements for other developments within the neighbourhood.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to conditions.
6. In summary, and in relation to the 3 components that this proposal is seeking retrospective permission for, the following is provided:
   (a) The additional balcony at the fourth floor is supported subject to a condition requiring the removal of the obscure glazing to the balustrade along the southern and western elevations.
   (b) The rear addition and construction of the storage box, air conditioner railings and pergola is supported.
   (c) The addition roof terrace area within the southern setback is not supported. A condition on any amended planning permit issued will require the deletion of this section of roof

garden. Given that this has already been constructed a condition will require it to be removed within 1 month of the issue date of any amended planning permit.

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

1.4 PLN11/0429.04 - 35-41 Argyle Street, Fitzroy - Section 72 Amendment (plans) to increase the approved size of the fourth floor balcony by extending it further south into common property and to extend the size of the roof garden and construct a pergola and services, all for Unit 6 dwelling

Reference: D19/120673
Authoriser: Senior Co-ordinator Statutory Planning

Proposal:	Section 72 Amendment (plans) to increase the approved size of the fourth floor balcony by extending it further south into common property and to extend the size of the roof garden and construct a pergola and services, all for Unit 6 dwelling.
Existing use:	5 storey residential building (6 dwellings)
Applicant:	Jon Darnell
Zoning / Overlays:	Mixed Use Zone / Heritage Overlay (HO334) / Environmental Audit Overlay (EAO)
Date of Application:	26 September 2018
Application Number:	PLN11/0429.04

Planning History

1. Planning Permit No. PL03/0495 was issued at the direction of VCAT on 11 October 2004 for *the construction of six dwellings within a four storey building*. This permit was not acted on and has since expired.
2. Planning Permit No. PL06/0896 was issued at the direction of VCAT on 30 July 2007 for *the construction of three dwellings within a three storey building (plus roof deck)*. This permit was not acted on and has since expired.
3. Planning Permit No. PLN11/0429 was issued by Council on 07 September 2011 for *the development of the land for alterations and additions to the existing building, including a two storey addition (to a total of four storeys), plus roof decks and part demolition*.
4. Planning Permit No. PLN11/0429 was amended on 31 July 2012 (application PLN11/0429.01) to allow *a fire hydrant booster cupboard and a window lintel in the south-west corner of the façade*.
5. Planning Permit No. PLN11/0429 was further amended on 22 May 2013 (application PLN11/0429.02) to allow *for alterations and additions to the existing building, including a three storey addition (to a total of five storeys) and a reduction in the car parking requirement and part demolition*. No roof decks were proposed as part of this amendment.
6. Planning Permit No. PLN11/0429 was further amended on 04 April 2015 (secondary consent amendment) to allow *minor changes including alterations to the rear garage entry, windows and material finishes*. The permit was acted upon and the building has been completed.
7. Planning Permit No. PLN11/0429 was approved an extension of time for completion on 22 October 2013, so that were required to be completed by 7 September 2016.
8. Planning Permit No. PLN11/0429 was further amended on 29 May 2015 (application PLN11/0429.03) to allow for *the construction of a rooftop garden, amend the permit preamble to permit the rooftop garden and inclusion of conditions for relevant notation on the plans and for the rooftop terrace to be solely used by Unit 6*. The permit has been acted upon and works have been completed. These works also included additional unauthorised works which have resulted in a non-compliance with the endorsed plans and is the reason for this application.

9. Planning permit SP14/0092 was issued by Council on 14 December 2015 for a *six lot subdivision.* The plan of subdivision was later certified under SC14/0111 on the 15 December and a Statement of Compliance issued on 13 January 2016. The subdivision was registered (i.e. new titles issued by the Titles Office) on title on 18 February 2016.

Background

Enforcement action

10. Enforcement proceedings (relating to the works on the rooftop terrace and car parking not being in accordance with the endorsed plans) is pending the outcome of this amendment application.

The Proposal

11. This application proposes to amend the plans endorsed for Planning Permit PLN11/0429.04 pursuant to section 72 of the Act. The planning permit has been amended three times already and this is the fourth request to amend the planning permit pursuant to section 72 of the Act.

12. This application relates to Unit 6 which is one of six units (dwellings) within the building. Unit 6 is located at the third and fourth floors of the building and has sole access to the roof terrace. This application seeks retrospective permission to regularise the currently unlawful (as-constructed) built form.

13. This application seeks to make the following changes to the approved plans:

Southern interface

(a) The balcony on the southern side of the building increased in size by approximately 14sqm by extending it 1.399m closer to the southern (front) boundary of Argyle Street (the approved setback is 7.1m and the proposed setback is 5.6m to 5.7m).

(b) The spa and associated structures (raised platform) located on the southern balcony is to be increased in area and spa altered from a rectangular shape to a circular shape.

(c) The size and location of the piers which support the roof garden within the southern (front) setback changed from 0.3m wide and 1.1m long as shown on the approved plans to 0.3m wide to 0.55m long.

(d) Use of colourbond finish (monument) to the balustrade of Level 4 instead of the approved aluminium sandwich panel with a sealed copper veneer.

(e) The balcony on the southern side of the building increased in size by 27sqm by extending it 5.199m closer to the southern (front) boundary of the roof garden level. Resulting in the southern (front) setback being altered from 16.04m as shown on the approved plans to 10.77m.

(f) The installation of glass balustrade associated with the extended balcony within the southern setback of the building along the roof garden.

Roof garden northern (rear) interface

(g) The roof garden on the northern side of the building increased in size by 6.3sqm by extending it 0.72m closer to the northern (rear) boundary of the roof garden, resulting in a setback of 2.88m instead of the approved 3.6m setback.

(h) Construction of a storage box (1.35m wide by 4.328m long by 1.7m high) in the north-west corner of the roof garden.

(i) Installation of air conditioning units in the north-east corner of the roof garden, with 1.3m high by 1.595m wide by 3.7m long black railings surrounding it.

Roof garden alterations (internal & western boundary)

(j) Alterations to stairwell including:

(i) provision of an access door on the eastern side of the roof garden (the approved plans show the door along the northern side);

(ii) increase in size of the stairwell floor area by extending 1.5m by 2.6m in the south-east corner of the stairwell (the approved plans show this area as part of the terrace); and

(iii) a glass and aluminium sandwich panel with a sealed copper veneer finish to the external finish instead of the approved all glass finish.

(k) Construction of a BBQ area adjacent to the stairwell (width of 0.9m by 2.6m long).

(l) Construction of an open sided pergola (measuring 4.2m in width by 7.5m in length by 2.2m in height) with a roofed structure.

(m) Construction of a timber stud wall in a speedup with applied colourbond finish (monument) on the western side of the roof garden.

	Approved under the planning permit	**Proposed under this amendment application**	**Variation (reduced setback) sought under this amendment application**
Balcony setback to Argyle Street, Fourth Floor	7.1m	5.6m to 5.7m	1.399m
Balcony setback to Argyle Street, Roof Garden	16.04m	10.77m	5.2m
Roof garden setback to rear laneway, Roof Garden	3.6m	2.8m	0.72m

Existing Conditions

Subject Site

14. The subject site is located on the northern side of Argyle Street, approximately 42m east from the junction of Argyle Street and Spring Street in Fitzroy. The subject site is rectangular in shape with a southern frontage of 9.52m to Argyle Street and a northern frontage to unnamed laneway. It has a maximum depth of 33.49m and an overall site area of 318sqm.

15. The subject site is Unit 6 (Lot 6), which is one of 6 apartments (dwellings) within a five storey apartment building with a roof garden for the sole use of Lot 6. The subject site is a 5 bedroom dwelling located on the third and fourth floors of the building with sole access to the roof top level.

16. The five storey apartment building is constructed to the front, rear and side boundaries and retains the double storey heritage façade to Argyle Street. Vehicle access is gained via a bluestone crossover from Argyle Street as well as through a garage door from the rear laneway. Pedestrian entry to the building is via Argyle Street (south-west corner of the building).

17. The subject site is not affected by any restrictive covenants or easements.

Surrounding Land

18. Since the granting of the most recent amendment to the Planning Permit (PLN11/0429.03) in May 2015 there has been no significant change in the surrounding area or site context. The

following description is therefore taken from the officer's report for that amendment application:

19. *"The land surrounding the subject site is within a Mixed Use Zone. The subject site is located within a precinct containing a variety of building forms and uses. To the south, east and west are commercial precincts along Johnston Street, Brunswick Street and Nicholson Street (respectively).*

20. *Rear laneway access is provided to the north of the site off Spring Street. Beyond this laneway is a single storey warehouse with an at-grade car parking area accessed from this laneway. To the immediate east of this warehouse is a dwelling fronting Kerr Street, whilst to the west is a contemporary three-five storey building containing dwellings.*

21. *To the immediate east of the subject site is a three storey residential development. The private open space is in the form of terraces facing north, south and east. The boundary wall of this development that adjoins the subject site is a blank wall except at the top level, where there are three light wells. To the immediate west of the subject site is a two storey commercial building constructed in full to the common boundary with the subject site.*

22. *To the south, beyond Argyle Street, are two double storey terraces. To the east of these dwellings is a single storey building used as a mechanics garage, to the west is a three storey residential development containing three units."*

Planning Scheme Provisions

Zoning

23. Pursuant clause 32.04-6 of the Yarra Planning Scheme (the Scheme), a permit is required to construct or extend two or more dwellings on a lot. While a planning permit is triggered for the development of dwellings within the subject site, the requirements of Clause 55 of the Scheme (ResCode) are not applicable to this application given that ResCode does not apply to construct or extend a development of five or more storeys. As discussed earlier in this report, the land has been subdivided, with the plan of subdivision registered on the 18 February 2016.

24. Since the approval of the most recent amendment to the planning permit (PLN11/0429.03) on 29 May 2015, amendment VC136 has been introduced into the Scheme. The amendment introduced Clause 58 in the Scheme and new apartment standards to all new residential buildings of five or more storeys.

25. Clause 58 does not apply to a Section 72 amendment application when the original permit application was lodged before the introduction of the amendment (13 April 2017).

26. Given that the original Planning Permit PLN11/0429 was lodged to Council on 3 June 2011, and this is before the introduction of the amendment into the Scheme, the provisions of Clause 58 do not apply to this application.

27. So this application will be assessed against the provisions identified in paragraphs 35 to 58 of this report.

Overlays

Heritage Overlay

28. The subject site is located within a Heritage Overlay (Schedule 334). Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to:

    (a) *demolish a building; and*

    (b) *construct a building or construct or carry out works*.

    Given that buildings and works are proposed (as identified above), a planning permit is therefore triggered under this clause.

Environment Audit Overlay

29. Pursuant to Clause 45.03 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.*

30. The subject site is Unit 6 (Lot 6), which is one of 6 apartments (dwellings) within a five storey apartment. As it is residential, the above requirements are applicable.

31. The standard way to deal with this is to include a note on the permit informing the owner of their obligations under Clause 45.03 of the Scheme. Planning Permit PLN11/0429 (and subsequent amendment) already includes a note stating:

(a) *As the site is affected by an Environmental Audit Overlay, 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, the requirements of Clause 45.03-1 must be met.*

Particular Provisions

Clause 52.06 – Car Parking

32. Pursuant to Clause 52.06-2 of the Scheme, the car parking spaces required under Clause 52.06-5 must be provided on the land. Pursuant to the Car parking requirement table at clause 52.06-5 of the Scheme, dwellings are required to provide on-site car parking spaces as follows:

(a) 1 *space to each one or two bedroom dwelling, plus*

(b) *2 to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms).*

33. This application does not propose any no new bedrooms or studies to Unit 6 and therefore does not generate a further reduction in the car parking requirement which has already been approved under the Planning Permit PLN11/0429.

General Provisions

Clause 65 – Decision Guidelines

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

Planning Policy Framework (PPF)

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

Clause 11.03-1S – Activity Centres

36. The relevant objectives of this clause include:

(a) To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

Clause 11.03-1R – Activity Centres - Metropolitan Melbourne

37. The relevant strategies of this clause include:

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

(b) Locate new small scale education, health and community facilities that meet local needs in or around Neighbourhood Activity Centres.

Clause 15.01-1S – Urban Environment

38. The objectives 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 15.01-1R – Urban Design – Metropolitan Melbourne

39. The objectives of this clause is:

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

Clause 15.01-2S – Building Design

40. The objectives 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

41. The objectives 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

42. The objective of this clause is:

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

Clause 15.03-1S – Heritage Conservation

43. The objective of this clause is:

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

Clause 16.01-1S – Integrated Housing

44. The objective of this clause is:

(a) To promote a housing market that meets community needs:

Clause 16.01-1R – Integrated Housing – Metropolitan Melbourne

45. The strategies of 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

46. The objective of this clause is:

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

Clause 16.01-3S – Housing Diversity

47. The objective of this clause is:

    (a) To provide for a range of housing types to meet diverse needs.

    Clause 16.01-4S – Housing Affordability

48. The objective of this clause is:

    (a) To deliver more affordable housing closer to jobs, transport and services.

    Local Planning Policy Framework (LPPF)

    Clause 21 – Municipal Strategic Statements (MSS)

    Clause 21.04 – Land Use

49. The relevant objectives of this clause are:

    (a) To accommodate forecast increases in population.

    (b) To retain a diverse population and household structure.

    (c) To reduce potential amenity conflicts between residential and other uses.

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

    Clause 21.05 – Built Form

50. The relevant objectives of this clause are:

    (a) To protect and enhance Yarra's heritage places.

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

    (c) To retain Yarra's identity as a low-rise urban form with pockets of higher development. Strategy 17.2 – Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:

        (i) Significant upper level setbacks.

        (ii) Architectural design excellence.

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

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

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

        (vi) Provision of affordable housing.

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

    (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 21.06 – Transport

51. The objectives of this clause are:

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

    (b) To facilitate public transport usage.

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

    (d) To reduce the impact of traffic.

    Clause 21.07 – Environmental Sustainability

52. 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

53. Clause 21.08-7 describes the Fitzroy area in the following way:

    (a) *Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.*

    (b) *The Brunswick Street and Smith Street major activity centres run north south through the middle, while the Johnston and Gertrude Streets neighbourhood activity centres run east west through the neighbourhood. The Smith Street centre borders on Collingwood and is discussed in clause 21.08-5.*

Relevant Local Policies

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

54. 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

55. This policy applies to applications for use or development within Mixed Use zones (amongst others). The objectives of this clause is to enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes and to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

Clause 22.08 – Development Abutting Laneways

56. 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)

57. This policy applies to applications for new buildings and extension to existing buildings which are 50sqm in floor area or greater. The policy aims to achieve the best practice water quality performance objectives and to promote the use of water sensitive urban design, including stormwater re-use.

58. The proposed amendment will increase the floor area by approximately 50.7sqm. However the below assessment has concluded that the roof top garden extension towards the southern boundary (27sqm) is not an appropriate design response and is to be deleted. This brings the additional floor area to 23sqm. As such, the above provision is not applicable in this instance.

Advertising

59. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 57 letters sent to surrounding owners and occupiers and by a sign displayed on the site.

60. Council received 10 objections to the application, the grounds of which are summarised as follows:

    (a) design (visual dominance, height and setbacks of balcony along the fourth floor and roof garden to Argyle Street and rear laneway);

(b) heritage (balcony setbacks along the fourth floor and roof garden level a dominant features the heritage façade of the building);

(c) off-site amenity (overlooking and loss of views, location and noise from air conditioning units (located in the north-east corner of the roof garden);

(d) lack of compliance with approved plans (building height and form, and planting); and

(e) risk of setting a precedence for the failure to enforce legal requirements for other developments within the neighbourhood;

61. For an application with 5 or more objections a consultation meeting is held prior to any IDAC meeting with the purpose of discussing the proposed application and to facilitate any possible amendments to the plans to address objector concerns. It was agreed at Council's internal Development Advisory Panel (DAP) meeting on 21 June 2019 that a consultation meeting would not add any value to the application process in this instance because of the following reasons:

(a) The subject site appears to be central to current court proceedings occurring between the two owners.

(b) The application has been lodged following an enforcement investigation about the construction of the fourth floor balcony and roof terrace not being in accordance with the endorsed plans. Objectors have made it clear (in their objection letters and through telephone calls with the Planning Officer) that they believe the amendment application should not even be considered by Council. Moreover they request that enforcement proceedings be immediately brought against the two owners.

Referrals

External

62. The application does not trigger referral to any external authorities under the requirements of the Scheme.

Internal

63. The application was referred to Council's Heritage Advisor. Their referral advice is attached as an Appendix to this report.

OFFICER ASSESSMENT

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

(a) Built form and heritage
(b) Amenity impacts
(c) Objector concerns

Built form and heritage

Southern interface

65. The relevant objectives to built form and heritage are contained within Clause 15.01 *(Urban Design, Building Design & Neighbourhood Character), 15.03-1S (Heritage Conservation)* Clause 21.05-1 *(Built Form: Heritage),* Clause 21.05-2 *(Built Form: Urban Design Clause),* Clause 22.02 *(Development Guidelines for Sites Subject to the Heritage Overlay)* and Clause 43.01 (Heritage Overlay) of the Scheme.

66. The subject site and surrounding area was previously an industrial pocket. The area is now located within the Mixed Use Zone (MUZ) and is experiencing built form and land use changes as a result of its close proximity to two activity centres, services and employment opportunities. A number of these industrial uses still remain but there has been a clear emerging character with new higher density residential developments reusing existing buildings or constructing new residential buildings.

67. Along Argyle Street are a mix of built forms constructed of brick with buildings mainly constructed to the footpath with double storey heritage front facades being a dominant feature. Upper floor additions and higher built forms can be found at:

(a) Nos. 7, 9, 11, 13, 15, 30, 32, 33, 34 and 35 Argyle Street (two storey presentation to the street with a recessed third storey);

(b) Nos. 95-103 Johnston Street (Coles) which fronts Argyle Street and is a four storey building presenting as two storeys to the street with recessed upper levels.

(c) No. 21 Argyle Street (three storey hard edge to the street);

(d) Nos. 43-47 Argyle Street to the east of the side (three storey development);

(e) No. 32 Kerr Street to the rear of the subject site (five storey development);

(f) Nos. 81-83 Argyle Street (a six storey development at which has been recently completed and presents a sheer four storey street wall, with a recessed fifth and sixth storeys.

68. The subject site is an example of an old industrial building which has been converted into a residential use with new levels added increasing its height from two storeys to five storeys and providing 6 dwellings (apartments). To preserve the heritage fabric, the additional built form has been setback from the heritage façade along Argyle Street. This was all approved under Planning Permit PLN11/0429.

69. The current endorsed plans approve a 2.4m setback from Argyle Street of the built form at the first and second floor of the building (with the balconies to the respective apartments at these levels constructed to the front heritage façade). At the third floor, the balcony for Unit 6 is setback 2.4m from the front boundary (in line with the built form below), and the living room is setback 5.72m from the front boundary. At the fourth floor, the balcony for Unit 6 is setback approximately 7.1m, with the living room setback 10.6m.

70. The rational for the design response of the approved setbacks (as is described in the assessment section of the 62 and 63 report for the most recent amendment under permit application PLN11/0429.03) was to ultimately screen the fourth floor when viewed from standing on the opposite side of Argyle Street. Section TP06 shows that the third floor will being screened when viewed from the opposite side of Argyle Street. However, this sightline is taken from the roof ridge of the gable end roof, meaning that views are only partially blocking. As a result of the gable end, views of the third floor will only be partially blocked, with the building's built form constructed along both side boundaries visible, given the pitched nature of the gable.

71. This proposal seeks to decrease the approved fourth floor setback of the balcony from 7.1m to a minimum of 5.6m. This will result in the 1.2m balustrade being visible from the street.

72. This proposal seeks to alter the finish of the balcony's balustrade to incorporate a speedup with applied colourbond finish (monument) and obscure glazing within the south-west former adjacent to the spa. The endorsed plans show aluminium sandwich panel cladding with sealed copper veneer finish.

73. This proposal also seeks to extend the roof terrace for Unit 6 so that it is closer to the southern (front) of the building. It will incorporate a 5.19m by 5.2m area within the southern setback for the purpose of additional terrace space and be enclosed by a 1.3m high glass balustrade.

74. The relevant policy guidelines under clause 22.02-5.7.1 of the Scheme encourage alterations and additions to a heritage place to do the following:

(a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*

(b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*

(c) *Be visually recessive and not dominate the heritage place.*

(d) *Be distinguishable from the original historic fabric.*

(e) *Not remove, cover, damage or change original historic fabric.*

(f) *Not obscure views of principle façades.*

75. Clause 22.02-5.7.1 of the Scheme guidelines also "*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*".

76. Following is an assessment of each element against the above policy.

77. Firstly, in relation to the location of the balconies, policy supports works / additions that are visually recessive and do not dominant the heritage place. The endorsed plans achieve this by approving a fourth floor front setback that will be screened from street view by the third floor because of its setback. However, from oblique angles (i.e. travelling east or west Argyle Street) the balcony along the fourth floor would be visible.

78. This proposal reduces the approved fourth floor front setback by 1.3m from 7.1m to 5.6m which will result in the balustrade of 1.2m being partially visible when viewed from the opposite side of Argyle Street. The 5.6m setback is sufficient in making the fourth floor visually recessive to the building's double height (gable-end) brick heritage façade, This setback is deemed acceptable given the surrounding context where the upper levels are visible, location within a Mixed Use Zone, the limited variation in setbacks being requested (1.3m), limited encroachment of 1.2m within the sightline diagram and as the approved balcony would have been visible at oblique angles to the site anyway.

79. The glazing to the balcony is considered to detract from the heritage fabric and is a contemporary element not within the era of the building which is discouraged by policy. So while the solid balustrade is considered acceptable, the proposed glazing is not. Therefore a condition on any amended permit issued will require the deletion of the glazing to the southern and western sides of the balcony. This will result in a 1.2m high balustrade in lieu of the 1.7m high screening. This will also result in the balustrade extending approximately 0.6m into the sightline within TP06, in lieu of 1.2m. This will reduce the visual bulk to Argyle Street. In addition, a further condition will require the south-facing balustrade to be constructed from glass. Although not encouraged under the heritage overlay, this balustrade will be well setback from the street and not visible.

80. With regard to the additional terrace area along the roof garden, this section will not be visible when viewed from standing on the opposite side of Argyle Street due to the 10.7m setback of it. With a length of 5.199m and the incorporation of glass balustrades it will however be a prominent element when viewed at oblique angles along Argyle Street. The use of glass balustrades for a length of 5.199m detracts from the heritage fabric, and is not considered to be an appropriate design response for the site context. As such, a condition will be included on any amended planning permit issued for the deletion of this portion of the terrace. This will result in a setback of 16.04m, as per the setback approved in the original permit. Figure 1 below shows the extent of glass balustrade (top floor and clouded) which a permit condition will require is to be removed:

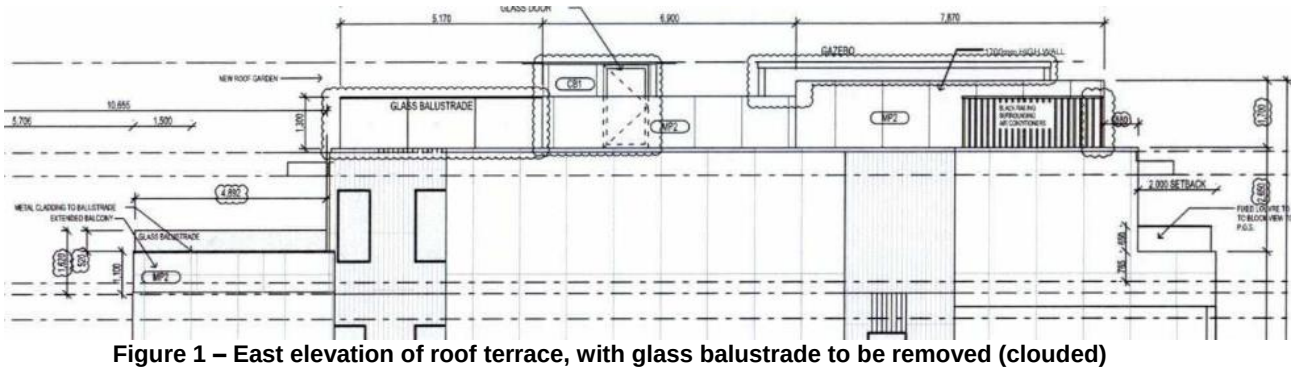


Figure 1 – East elevation of roof terrace, with glass balustrade to be removed (clouded)

Rear interface

81. Works to the rear interface are confined to the roof garden level and include an increased floor area towards the rear setback (i.e. reduced northern setback), construction of a pergola, a storage box and the installation of air conditioners and associated metal railings.

82. For additions within a heritage overlay, *Clause 22.02-5.7* provides direction as to the appropriate location for new works. It states (relevantly) that additions to a contributory dwelling should be located towards the rear of the site and should be encouraged to be sited within the 'envelope' created by projected sight lines. This is to ensure that the original heritage fabric is the dominant feature visible and that the new additions are hidden from view or setback so that they are a recessive feature of the building.

83. The proposal seeks to reduce the rear setback of the roof garden by 0.72m which will result in a setback of 2.88m in lieu of the approved 3.6m setback. Viewline diagrams submitted with the application demonstrate that the addition will not be visible when standing directly on the opposite side of the rear laneway (TP06). The pergola and storage box will however will be visible from oblique angles along the laneway and Argyle Street.

84. The built form at this roof level (from the pergola, storage box and railing to the air conditioners within the side setbacks) is acceptable and supported by heritage policy given that they are located to the rear of the front facade and setback a minimum of 26m into the boundaries and therefore away from the building's heritage frontage. With a height of 2.2m the pergola will also not exceed the height of the approved stairwell (2.2m) and both the pergola and railings are open which reduces the visual bulk and how it presents to the adjoining properties at Nos. 25 & 43 Argyle Street. The off-site amenity impacts associated with the built form at this roof level will be discussed later in this report.

Roof garden alterations (internal & western boundary)

85. With regard to the proposed works to the staircase and western wall (a speed panel with pre-applied colourbond finish in a monument finish) the material choice will match that at the lower levels of 2, 3 and 4 and allow the appearance of the upper floor to be more consistent and more comfortably absorbed into the overall design and appearance of the development approved under the original planning permit.

86. In summary therefore, and in relation to the 3 components that this proposal is seeking retrospective permission for, the following is provided:

    (a) The additional balcony along the fourth floor is supported subject to a condition requiring the removal of the obscure glazing to the balustrade along the southern and western elevations.

    (b) The rear addition and construction of the storage box, air conditioner railings and pergola is supported.

    (c) The addition roof terrace area within the southern setback is not supported and a condition will require the deletion of this section of the roof garden. Given that this has already been constructed a condition will require it to be removed within 1 month from the issue date of the amended permit.

Amenity impacts

Setbacks

87. As discussed earlier in this report, the front and rear setbacks of the fourth floor balcony and roof garden are considered appropriate and are sufficiently setback to not dominant the heritage façade.

88. The proposal includes the construction of a storage box (1.35m wide by 4.328m long by 1.7m high) within the north-west corner of the roof garden. It also proposes a screen (1.595m wide by 3.6m long by 1.7m high black railing) to screen air conditioning units within the north-eastern corner of the roof garden. The storage box will be setback 0.239m from the western site boundary and the screen setback 0.234m from the eastern site boundary.

89. While the storage box and the screen will add built form on the eastern and western sides of the roof garden they are considered acceptable given their setbacks (which will ensure that

there are no sheer walls), the fact that the interface to the roofs of the two adjoining buildings are non-sensitive, and the fact that their heights will not exceed 1.7m (which is the height of the boundary walls along the eastern and western portions of the roof garden).

In addition, the screening is black railings and transparent so reduce the visual bulk when viewed from the surrounding streets and adjoining properties.

Overshadowing

90. Shadow diagrams submitted with the proposal show increased overshadowing to the east and west adjoining properties at 9am and 3pm as a result of the reduced rear setback of the roof garden, the storage box, screening to the air conditioning unit, pergola and glazed balustrade within the front setback of the roof garden along the fourth floor and roof garden levels.

91. As a result of the works associated with the proposed amendment, part of the roof associated with No. 25 Argyle Street will received increased shadowing at 9am by a total of approximately 5.8sqm.

92. At 12pm part of the roof associated with No. 43-47 Argyle Street will received increased shadowing by a total of approximately 0.7sqm.

93. At 3pm, part of the car parking area within the front setback of No. 49 Argyle Street will received increased shadowing by a total of approximately 0.37sqm.

94. The extent of overshadowing is considered reasonable given that the shadowing will only affect adjoining roof forms, car parking spaces and Argyle Street. For reasons outlined earlier in this report, a condition will be included on any amended planning permit issued requiring the deletion of the additional roof terrace within the southern setback of the roof garden level. As such, shadowing created by this element onto Argyle Street and No. 49 Argyle Street will be removed.

95. The overshadowing created by the storage box, screens and pergola is contained to the adjoining roof forms, with no secluded private open spaces or habitable room windows affected. As such, while there is an increased level of overshadowing from these elements, it is considered reasonable as it will not cause any unreasonable off-site amenity impacts.

96. Shadow diagrams submitted show that the three, north-facing first floor balconies associated at No. 43-47 Argyle Street (located to the rear of this property) will not receive any additional overshadowing as a result of the proposed amendment.

Overlooking

97. The fourth floor balcony will be extended in size and get 1.3m closer to Argyle Street (southern boundary). At present this balcony is not screened and is not required to under the Scheme given its outlook to Argyle Street. The nearest identifiable open spaces are located at the second floor of Nos. 43-47 Argyle Street to the east (which also front Argyle Street and as such are not screened) and are partially blocked from view from the subject site because of their gable roofs. The proposed pushing forward of the fourth floor balcony will increase the possibility of overlooking from the subject site to the balconies within the southern setback of No. 43-47 Argyle Street. However given that these balconies are not screened and can already be viewed from Argyle Street they are already compromised to an extent by views from Argyle Street. Overlooking would also be more prevalent from the existing third floor balcony (not part of this amendment) given they are not screened, their reduced setback to Argyle Street and their height above the adjoining balconies.

98. The proposed pushing forward of the balcony will also result in overlooking from the balcony to the lower balcony on the third floor. However, as both balconies are for the same apartment (the subject site, Unit 6), there is no concern.

99. With regard to the roof garden, a condition will require the deletion of the front portion of the terrace with the glazed balustrade. The remaining area of the terrace to the rear will be screened with a 1.7m high wall along the northern, western and part of the eastern sections of the terrace, to limit overlooking into adjoining properties.

100. The proposal includes a 6.9m section of the eastern portion of the roof garden to have 1.3m high balustrading. This height is below the 1.7m high industry standard which is considered to limit overlooking.

This section of the roof does not however interface any adjoining secluded private open spaces or habitable room windows and so would not require screening to a height of 1.7m.

Daylight

101. None of the proposed works will be directly adjacent to any existing habitable room windows or lightcourts due to their location at the upper levels. Therefore daylight to adjoining properties will not be affected including to the two adjoining lightcourts at No. 43-47 Argyle Street to the east, where no works associated with the amendment are proposed and therefore no additional overshadowing will occur.

Objector concerns

102. The majority of the issues raised by objectors have been addressed throughout the assessment section within this report, as follows:

(a) Design (visually dominant, height, setbacks) at paragraphs 65-86.

(b) Heritage (balconies dominant over the heritage façade) at paragraphs 65-86.

(c) Amenity (off-site, overlooking) at paragraphs 87-101.

103. The outstanding concerns raised by objectors are discussed below:

(a) Loss of views

Objectors raise concern with regard to the built form impinging upon the sky views of the neighbouring properties to the north and south.

While the Victorian Civil and Administrative Tribunal (VCAT) recognise 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 in the Scheme in relation to views or view loss. The only applicable policy within the Scheme relates to views to landmarks. However this policy is not applicable to the assessment of this proposal as the subject is not with proximity to any landmark buildings identified in the Scheme.

This proposal will alter the appearance of the approved building (through the balcony extensions, a pergola, storage box and screening). The appropriateness of the proposed built form at the roof level has been fully assessed at paragraphs 79 to 86 of this report. For the site context, it is not considered that the extent of loss of view as a result of the increased balcony and terrace area (in this case along Argyle Street) is unreasonable, particularly considering the existing built form in the immediate area.

(b) Building exceeds originally approved height and form, in contrast to what residents had been led to believe will occur

It is acknowledged that this application has been lodged as a result of an enforcement investigation by Council's Planning Enforcement Unit and Building Department given that the works proposed under this application have already been built, and retrospective approval is therefore being sought for the as-constructed works. In other words, Council acknowledges that the existing works at Unit 6 have not been built in accordance with the plans endorsed for the permit and that the permit holder is therefore currently in breach of the planning permit.

Under the *Planning and Environment Act 1987* (the Act) an owner has the right to amend a planning permit pursuant to Section 72 of the Act. As a result of the enforcement investigation a Section 72 amendment to the permit has been lodged to obtain retrospective approval for the works described in the proposal section of this

report. All adjoining properties have been notified in accordance the requirements of the Act and objections have been received.

(c) Precedent set for failure to enforce legal requirements for other developments within the neighbourhood

Any alleged breaches of a planning permit which are brought to the attention of Council are investigated by Council's Planning Enforcement Unit and Building Department who take appropriate action, depending on the breach. As part of the alleged breach of Planning Permit PLN11/0429, the applicant was directed by Council's Planning Enforcement Unit and Building Department to either bring the development in line with the endorsed plans or lodge a Section 72 Amendment to seek retrospective approval for the currently unauthorised works. The owner of the site elected to lodge a Section 72 Amendment (being this application before Council).

(d) Location and noise from air conditioning units (north-east corner)

A full assessment of the proposed air conditioning units is at paragraphs 81 to 84 of this report. The proposed location and screening has found that they are sufficiently setback into the site so that they are recessive within the development and not dominant to the streetscape or heritage place. Their location within the side setback of the building is a common design response for developments of this type. Furthermore, they are located along the fifth floor, within the side setback (i.e. recessed from the neighbouring properties) and enclosed by railings, which provide some screening. Given all of the above, they are considered to be appropriately located.

Noise associated with an air conditioning unit are administered by Council's Health Department. Using the Public Health and Wellbeing Act and EPA guidelines, Council will seek to ensure no unreasonable noise impacts to adjoining residents and ensure that the hours stipulated by the EPA are adhered to (7am to 10pm Monday to Friday & 9am to 10pm, Weekends and Public Holidays).

(e) Approved planting not in accordance with the endorsed plans

There are no landscape plans endorsed under Planning Permit PLN11/0429. While the endorsed plans show some indicative planting in the roof garden there are no details on the endorsed plans showing the species type, number of plants or mature heights. As such, there is no approved landscape plan / planting schedule for the permit holder to work to or for Council to enforce.

For a development of this type, and in an inner city context, limited landscaping (and no endorsed landscape plan) is not uncommon.

Conclusion

104. The proposal, subject to the conditions recommended throughout the report, is considered to be an acceptable planning outcome for the site context that demonstrates compliance with the relevant policies in the Scheme.

105. In summary, and in relation to the 3 components that this proposal is seeking retrospective permission for, the following is provided:

(a) On level 4, the additional balcony is supported subject to a condition requiring the removal of the obscure glazing to the balustrade along the southern and western elevations.

(b) On the roof garden, the rear addition and construction of the storage box, air conditioner railings and pergola is supported.

(c) On the roof garden, the additional roof terrace area within the southern setback is not supported.

(d) Conditions on any amended planning permit issued will require the deletion of the obscure glazing referenced at (a) and the section of roof garden referenced at (c) above. Given that the works have been unlawfully constructed a separate condition will

require these all to be removed within 1 month of the date of amendment of any amended planning permit issued.

106. Within the Recommendation below, the following is provided:

(a) Existing (and unchanged) conditions of the original permit are shown in normal font.

(b) New wording / conditions added to the original permit are shown in **bold**.

(c) Amended conditions of the original permit are shown in **bold and underline**.

(d) Redundant conditions of the original permit are shown as ~~deleted~~.

RECOMMENDATION

1. 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 decision plans received by Council on ~~7 April 2015~~ **10 September 2018** but modified to show the following:

   (a) A demolition plan.
   (b) Residential door on Argyle Street to open within title boundaries.
   (c) Revised material schedule.
   (d) The location of bin storage in the garage to be clearly annotated.
   (e) The full extent of demolition, including the removal of brickwork to allow for the conversion of the ground floor western window to a door.
   (f) An increase in roller door width and/or an increased roller door setback from the laneway to provide access for an 85th percentile vehicle to the garages of units 2 and 3.
   (g) The provision of a water tank(s). A note must detail:
      (i) the expected amount of water to be collected;
      (ii) the capacity of the tank(s); and
      (iii) how the water will be reused.
   (h) The location of pits and meters.
   (i) Replacement of all relevant plan notations from the previously endorsed plans.
   (j) Notation that the roof terrace be used solely by Unit 6.
   (k) On Level 4, the deletion of the glass balustrade on the southern and western sides of the balcony.
   (l) On the roof garden, the deletion of the additional roof terrace area (measuring 5.19m by 5.2m approximately) located within the southern (front) setback.
   (m) On the roof garden, the balustrade on the southern side of the roof garden to be constructed of glass.

2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

3. Any damaged road(s) and footpath(s) and other infrastructure adjacent to the development site as a result of the construction works must be reinstated by the Permit holder, at their cost, to the satisfaction of the Responsible Authority.

4. Before the development starts, a Waste Management Plan must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be to the satisfaction of the Responsible Authority and must detail who will undertake waste collection, the location and size of the storage area, hours when collection will occur, and the method of presentation of bins for collection (with particular emphasis on Units 2 and 3). Waste collection from the development must be undertaken in accordance with the endorsed Waste Management Plan, to the satisfaction of the Responsible Authority.

5. Before the development starts, an acoustic report, prepared by a suitably qualified expert must be submitted and endorsed to the satisfaction of the Responsible Authority. The endorsed report will then form part of the permit. The report must:
   (a) detail any industrial and commercial uses within close proximity of the site;

   (b) if necessary due to the nature of the uses surrounding the site, include sound monitoring to establish noise levels; and
   (c) recommend any acoustic treatments to ensure the internal amenity of future residents.

6. Before any development starts, 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 as evidence of its approval. The plan must provide for or include the following:
   (a) a pre-conditions survey of all adjacent Council roads and footpaths;
   (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
   (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
   (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
   (e) on site facilities for vehicle washing;
   (f) methods for management of noise and general nuisance;
   (g) site security;
   (h) waste and stormwater treatment;
   (i) construction program;
   (j) preferred routes for trucks delivering to the site;
   (k) parking facilities for construction workers;
   (l) delivery and unloading points and expected frequency;
   (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
   (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
   (o) traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

7. 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 – 3.00 pm, Saturday and public holidays. No work is to 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.

8. This permit will expire if:

   (a) the development is not commenced within two (2) years from the date of this permit;
   (b) the development is not completed within four (4) years from the date of this permit.

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

9. Unless a further planning permit is issued by the Responsible Authority, the owner of the land must remove the unlawful structures identified at condition 1(k) and condition 1(l) and carry out the works required at condition 1(m), within one (1) month from the date of amendment of the planning permit.

NOTES:

A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

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

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

As the site is affected by an Environmental Audit Overlay, 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, the requirements of Clause 45.03-1 must be met.

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

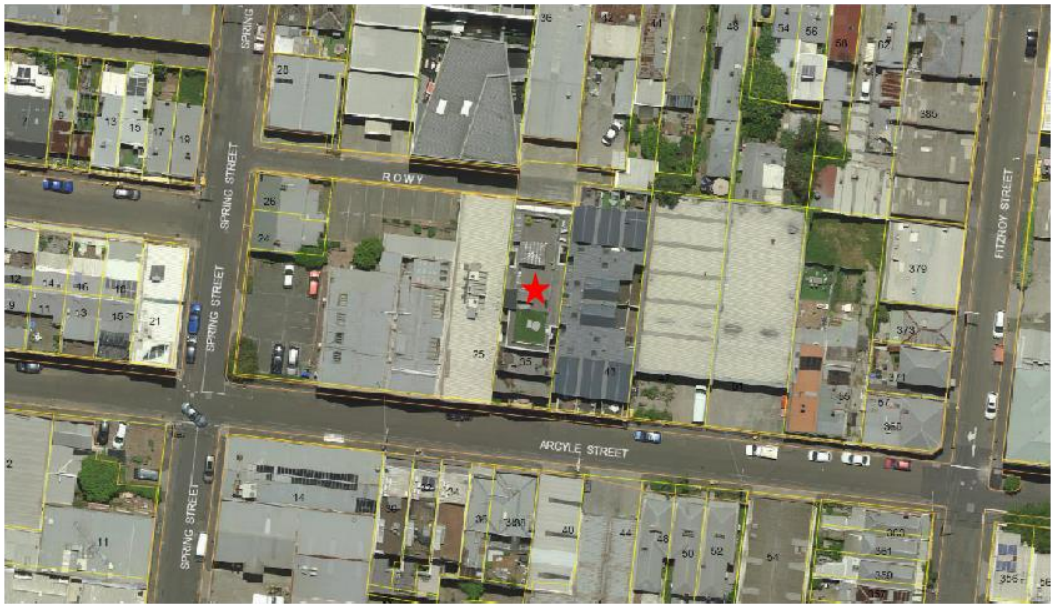
Attachments

1 PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Site plan
2 PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf
3 PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Heritage advice
4 PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Planning Permit (Amended)
5 PLN110429.03 - 35 - 41 Argyle Street, Fitzroy - Endorsed Plans

Attachment 1 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Site plan

ATTACHMENT 1

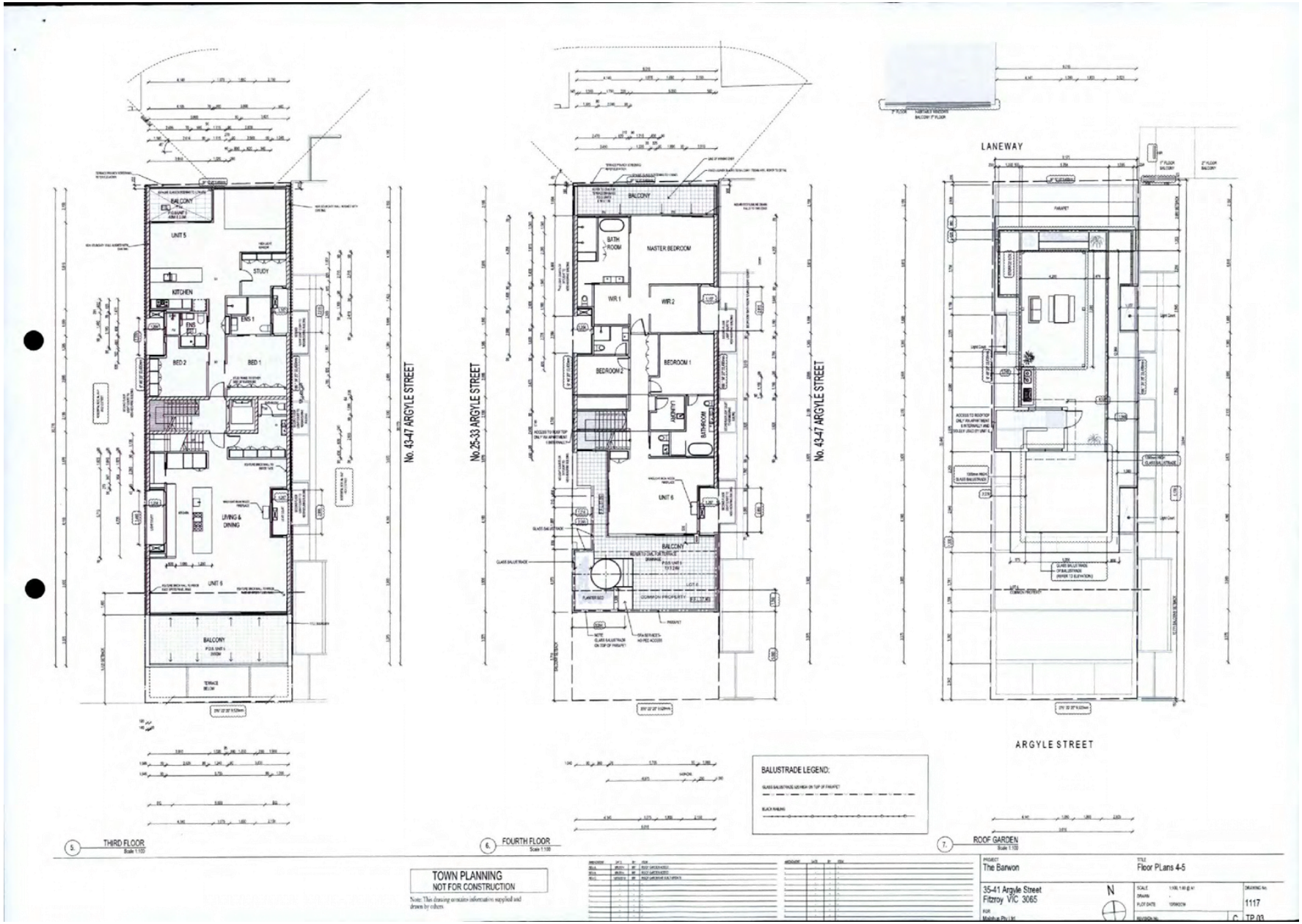
SUBJECT LAND: 35-41 Argyle Street, Fitzroy



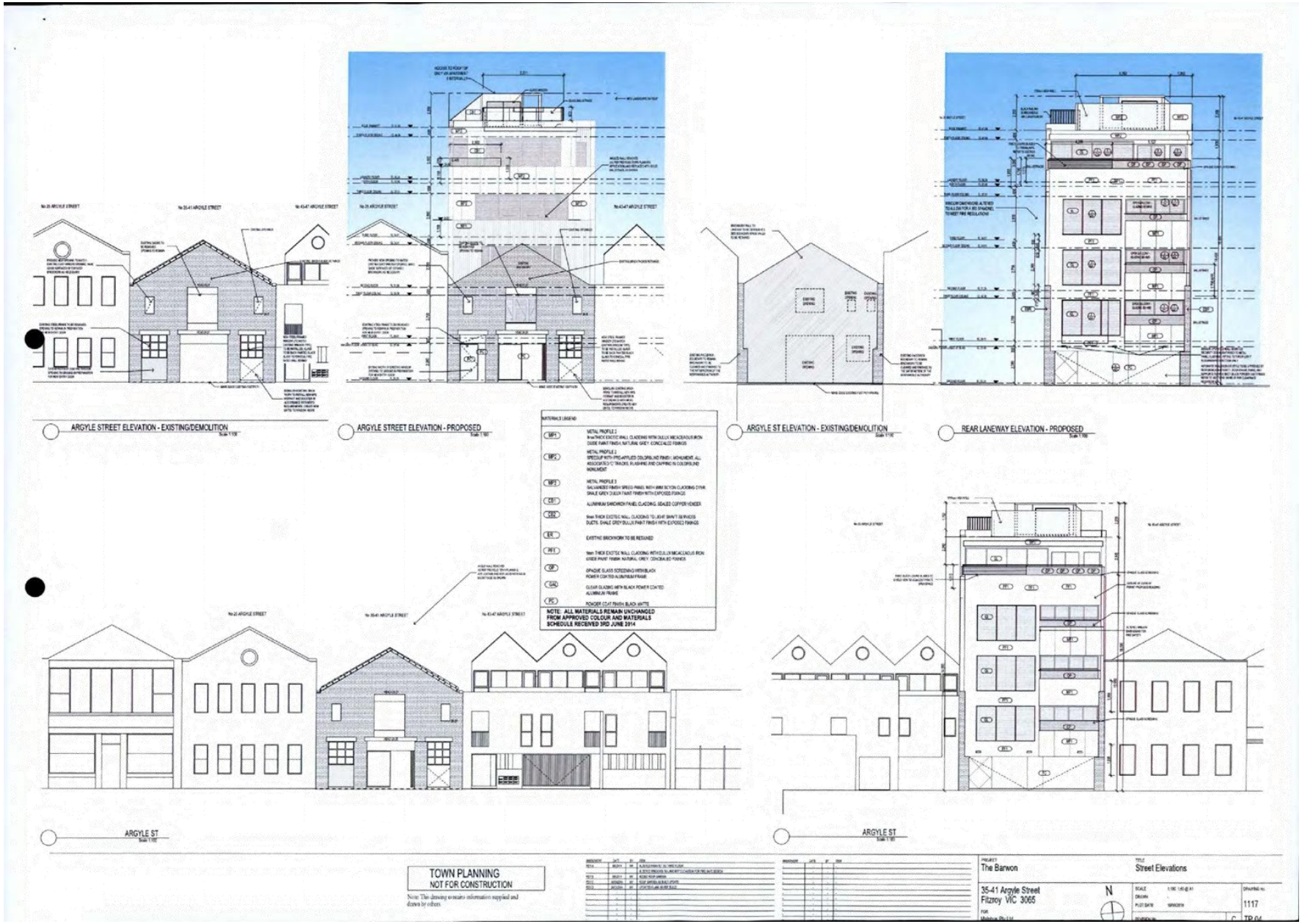
North

Subject Site

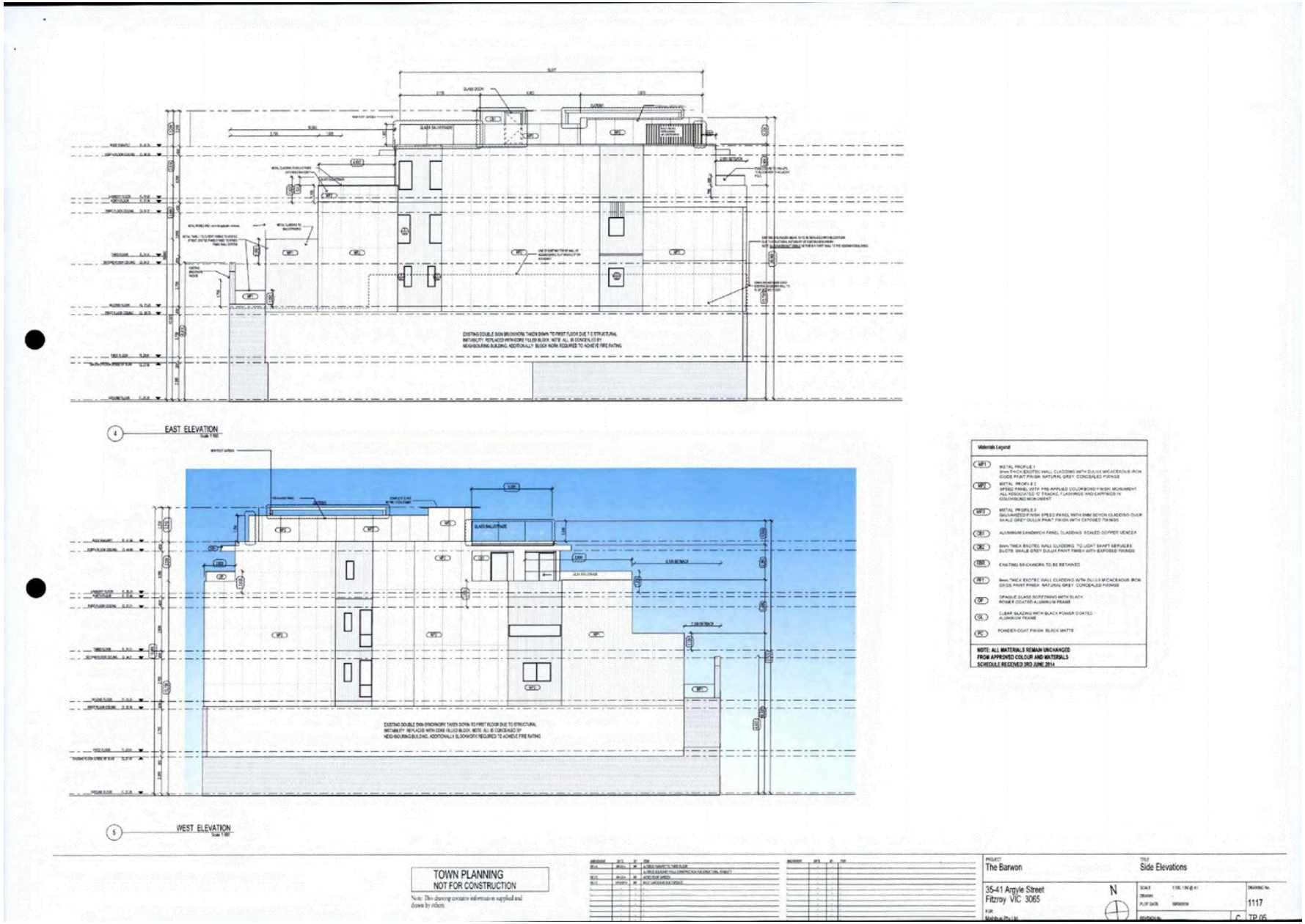
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



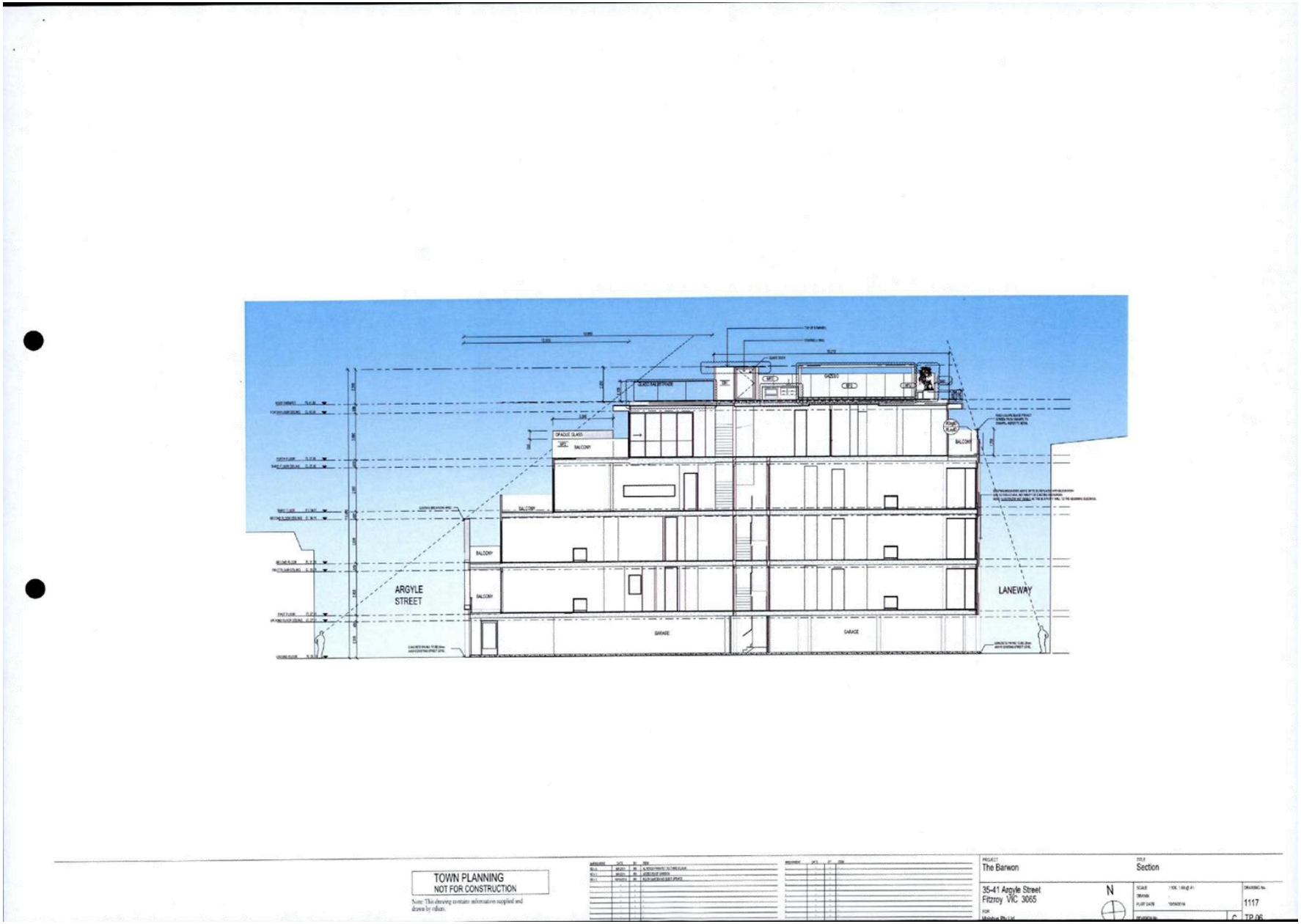
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



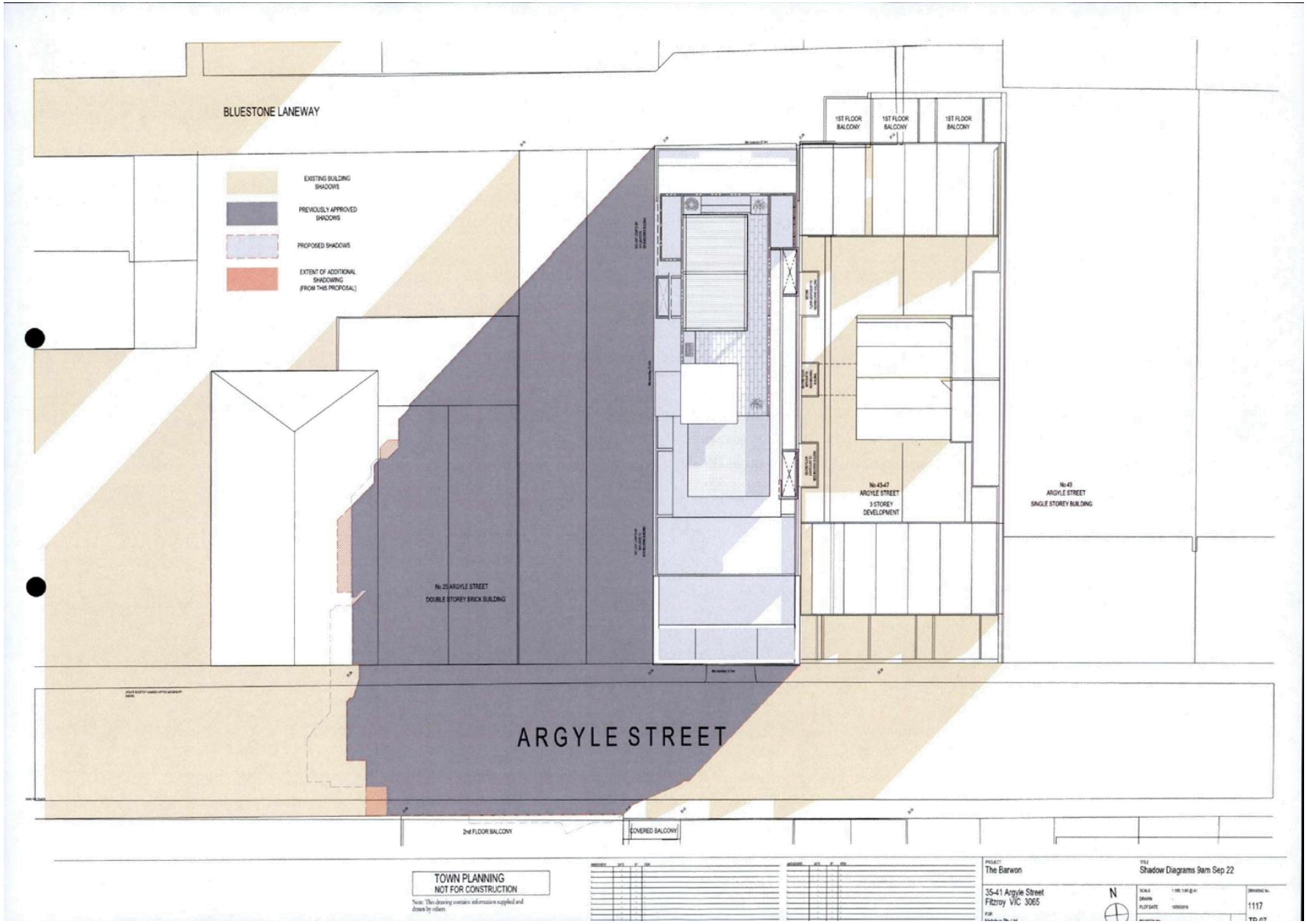
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



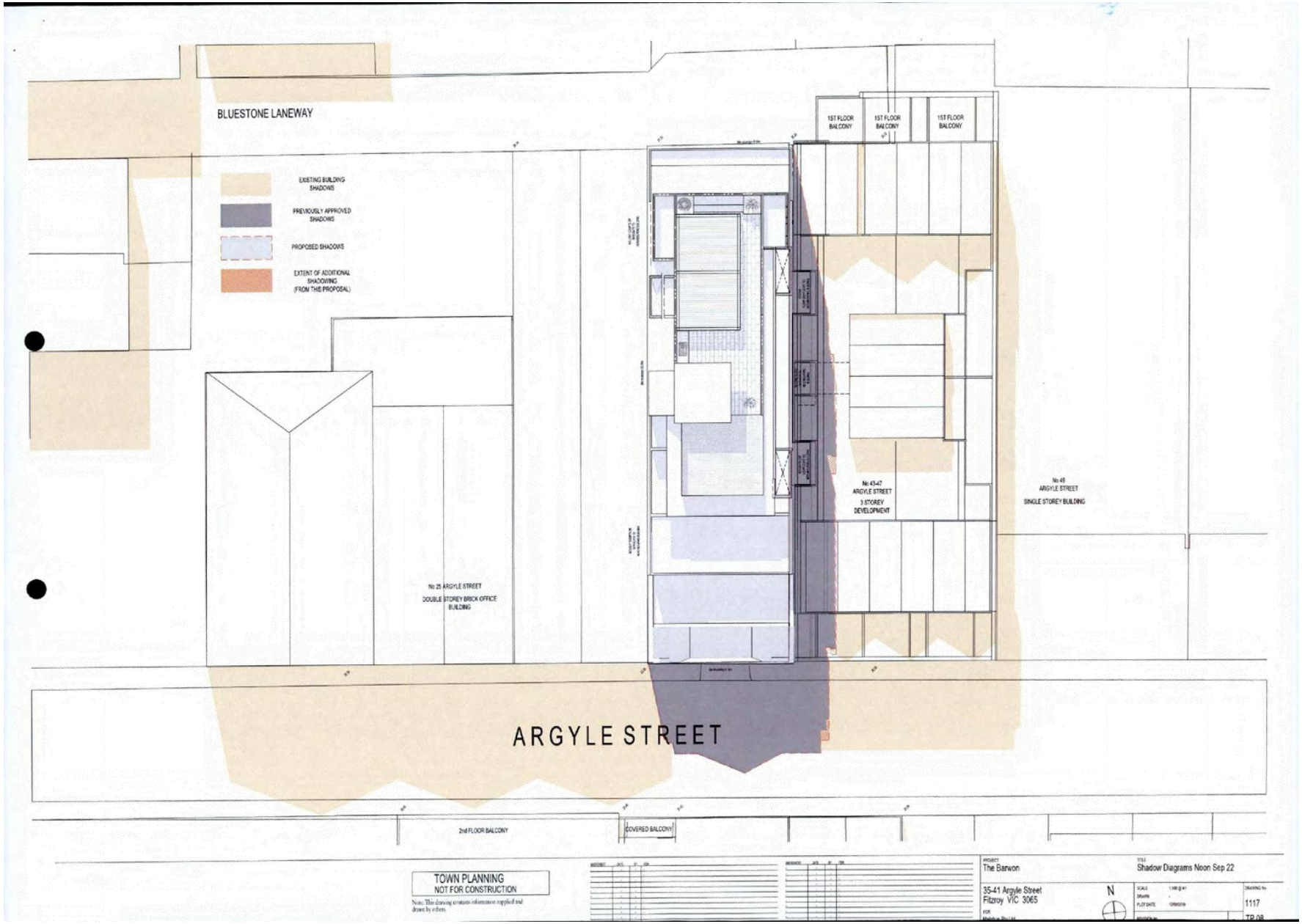
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



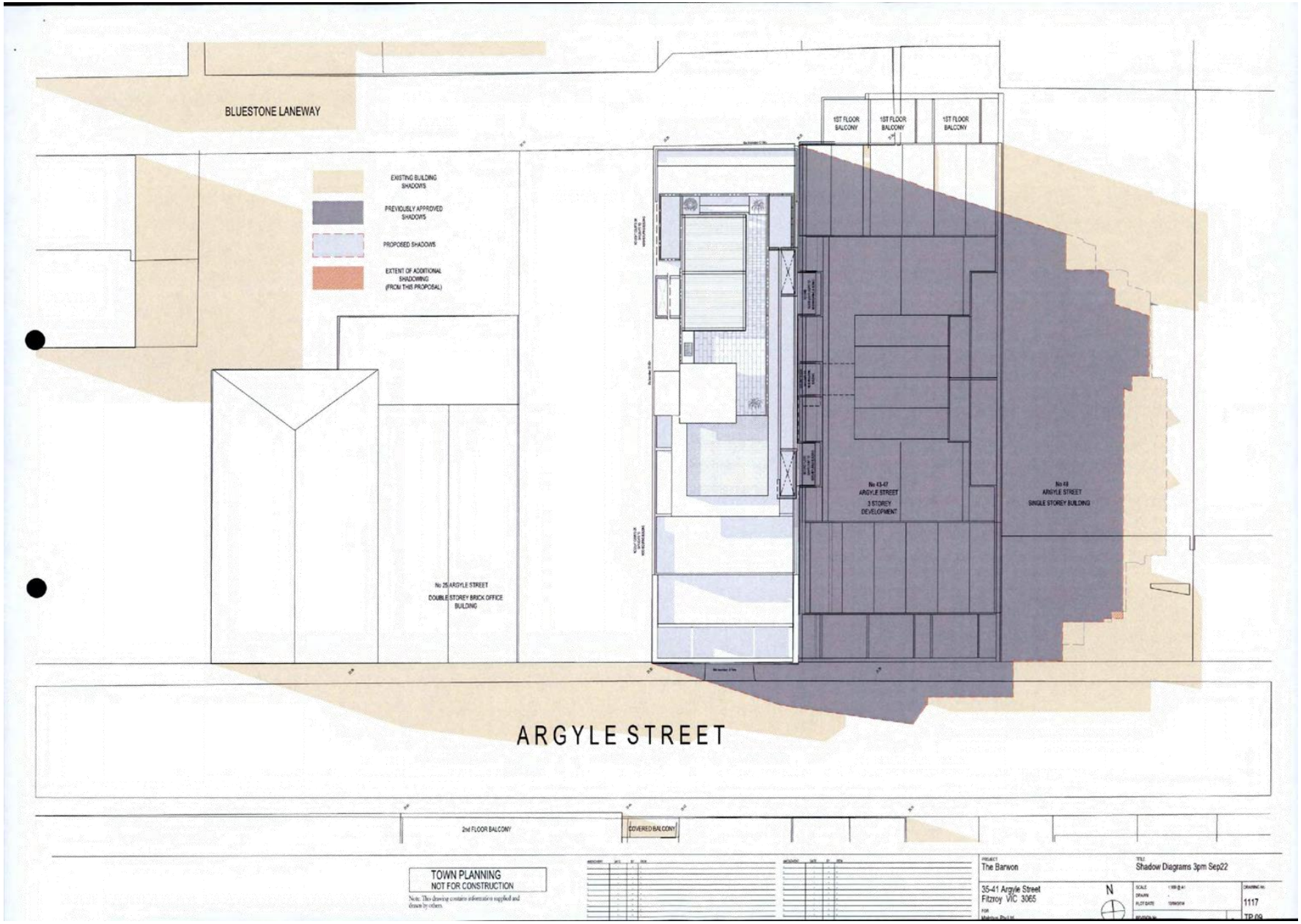
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



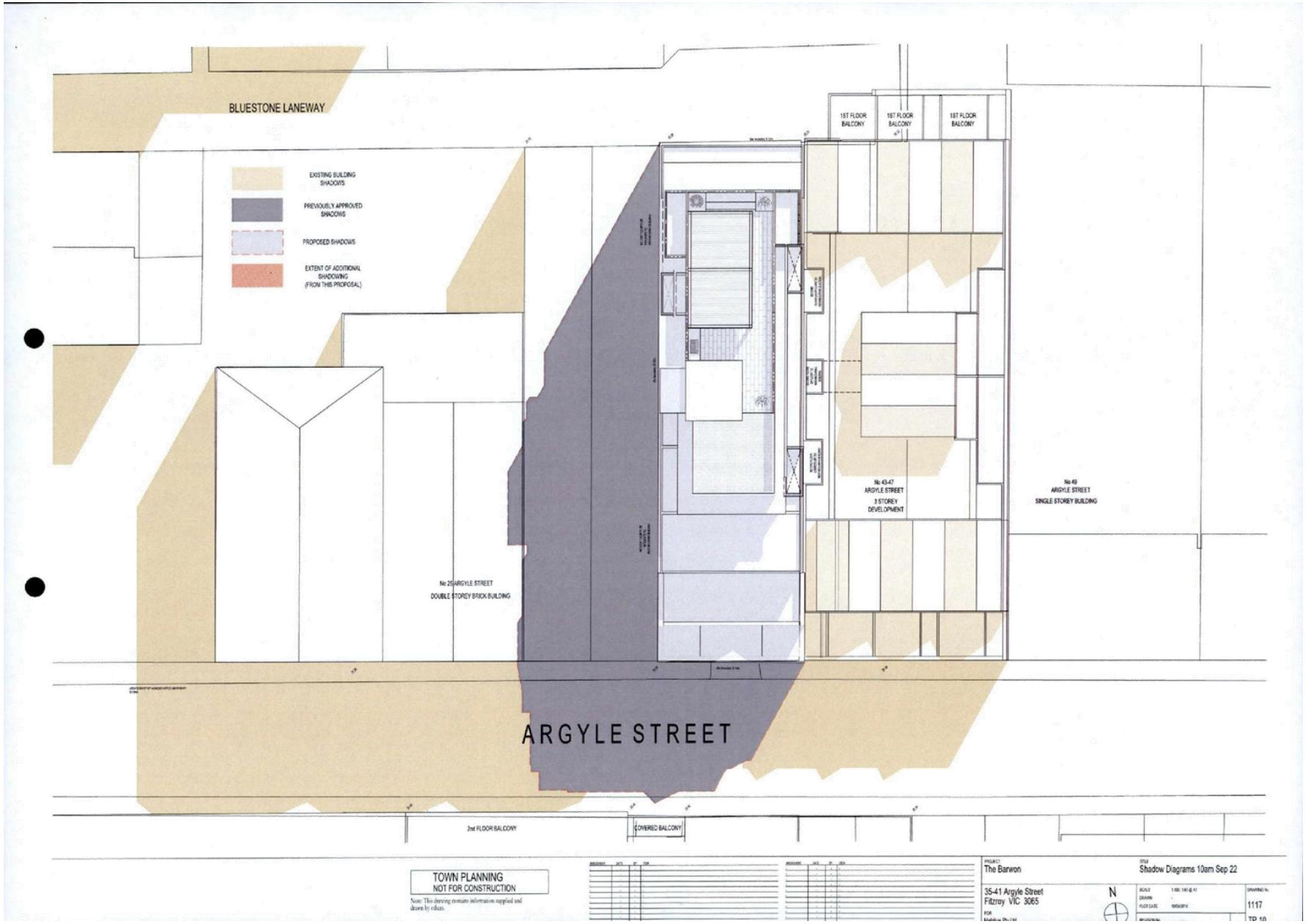
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



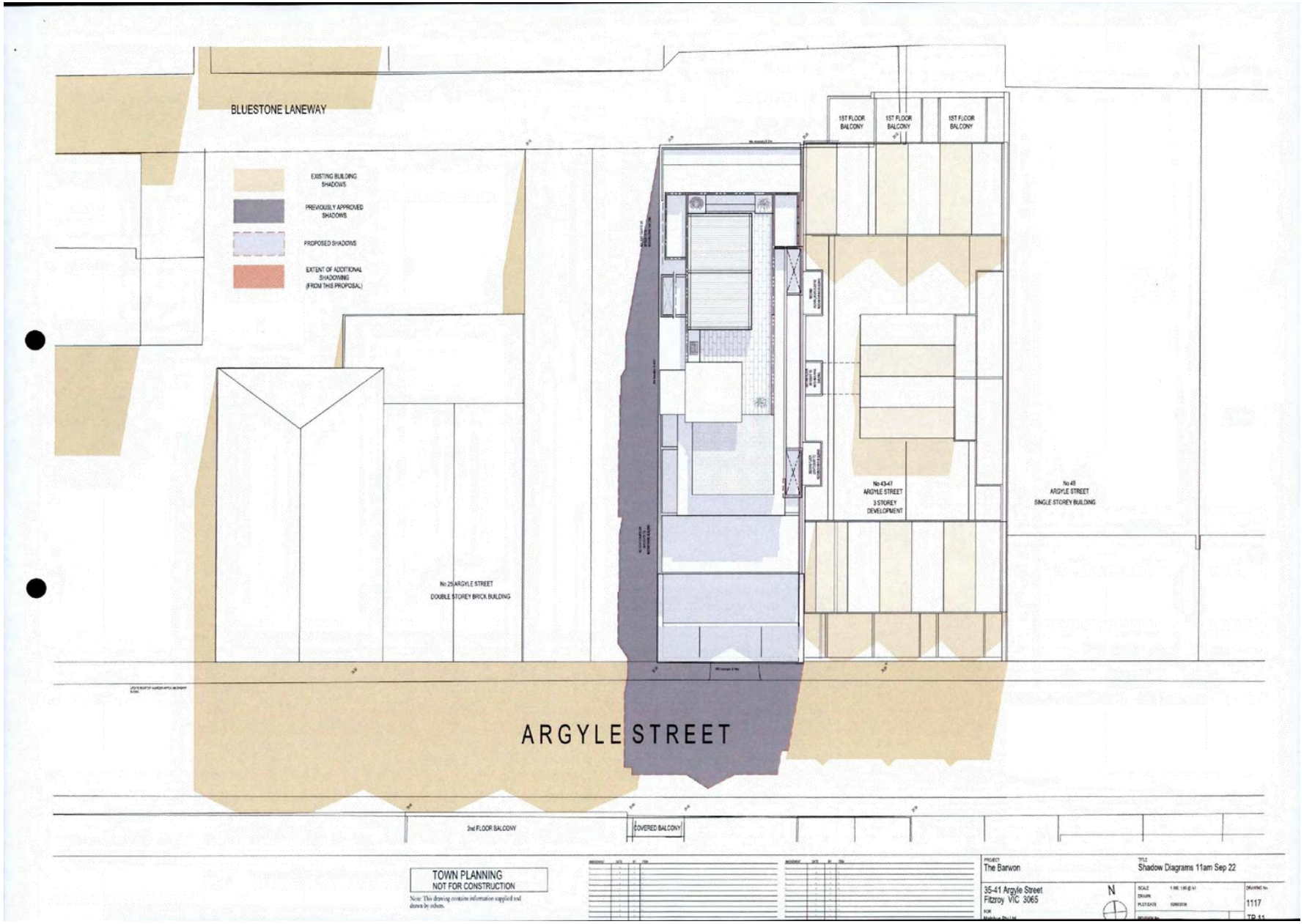
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



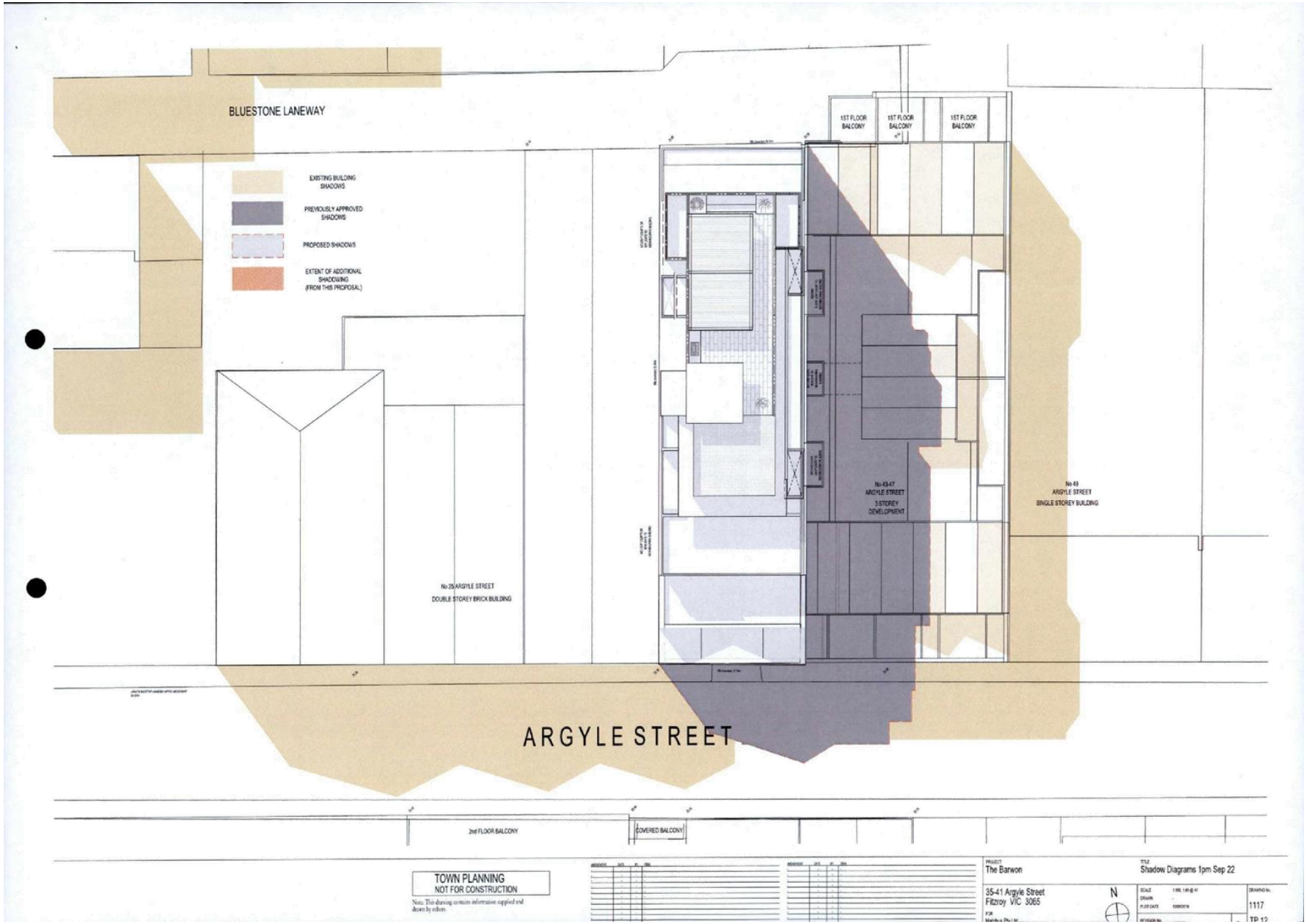
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



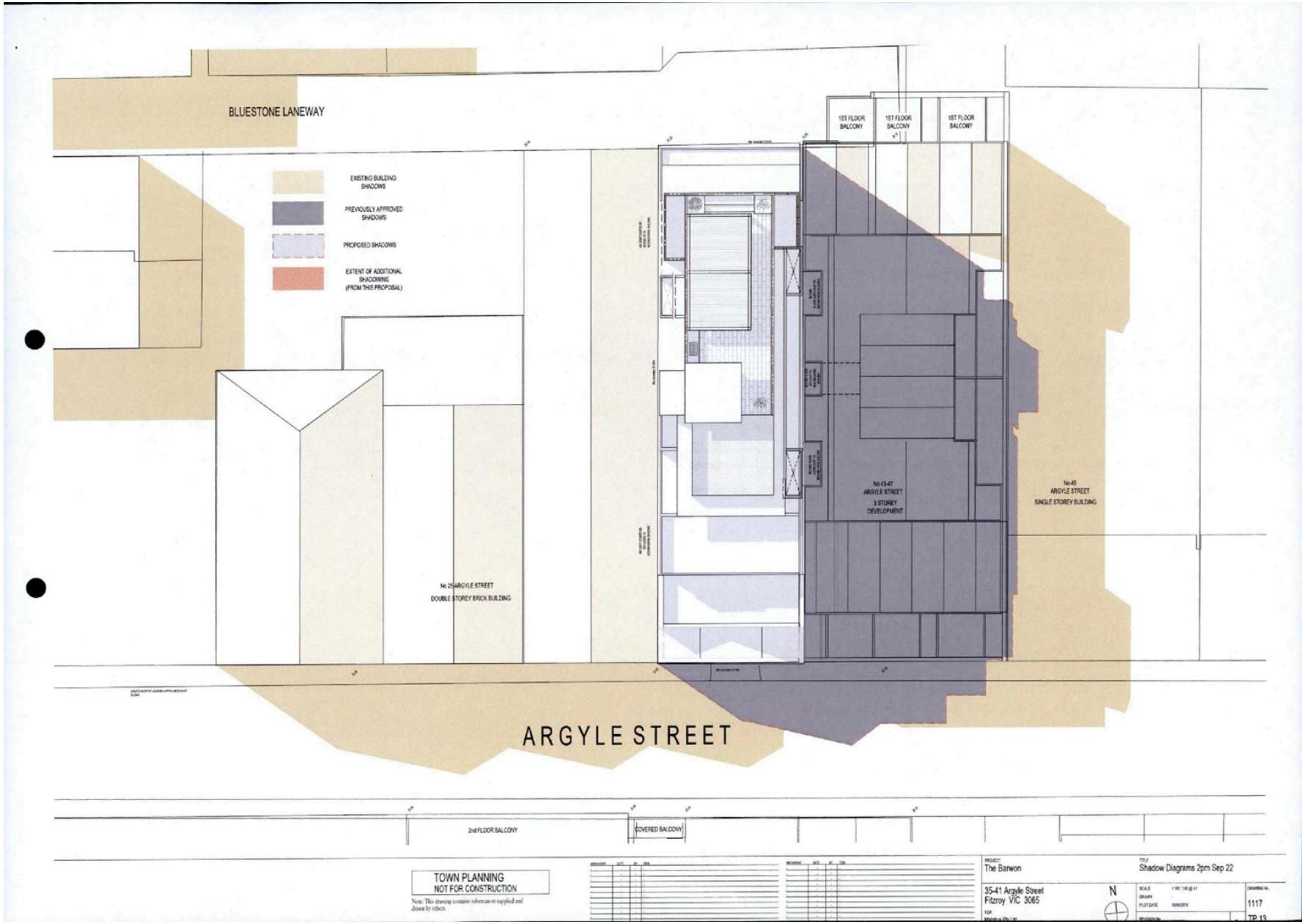
Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



Attachment 2 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Advertising Plans.pdf



Attachment 3 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Heritage advice

City of Yarra
Heritage Advice – s.72 Amendment

Application No.:	*PLN11/0429.04*
Address of Property:	***35-41 Argyle Street, Fitzroy***
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:	*HO334 South Fitzroy Precinct*
Level of significance:	*Warehouse/workshop, Contributory, constructed 1870-1910 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007)*
General description:	*Amendment to previously approved proposal involving alterations to balcony at level 4 and roof deck*
Drawing Nos.:	*Set of four drawings entitled "The Barwon, 35-41 Argyle Street Fitzroy", received by Council and date stamped 20 Mar 2019*

PERMIT BACKGROUND:

The original planning permit for development of this site was issued 07 September 2011. In February 2013 approval for an additional floor level was granted however the balustrading associated with the floor level was to be setback 1.5m from the façade of the floor level below. No roof decks were proposed as part of that amendment. An outline of the approved scheme is shown in red on the image below.

In February 2015 an amendment for a roof terrace was lodged. The balustrading for the roof deck was approved on the basis that it would be setback about 16 metres from the front boundary of the site and therefore concealed from the street.



Above: Amendment for additional roof terrace submitted Feb 2015. Previously approved scheme (Feb 2013) outlined in red.

Demolition works on the site commenced in early 2014. Construction on the approved works was carried out over a few years. By November 2016 it appears that the balcony to Level 4 did not include the 1.5m front setback for the balustrading or the 4.15m front setback for the roof deck balustrading as shown on the endorsed drawings.

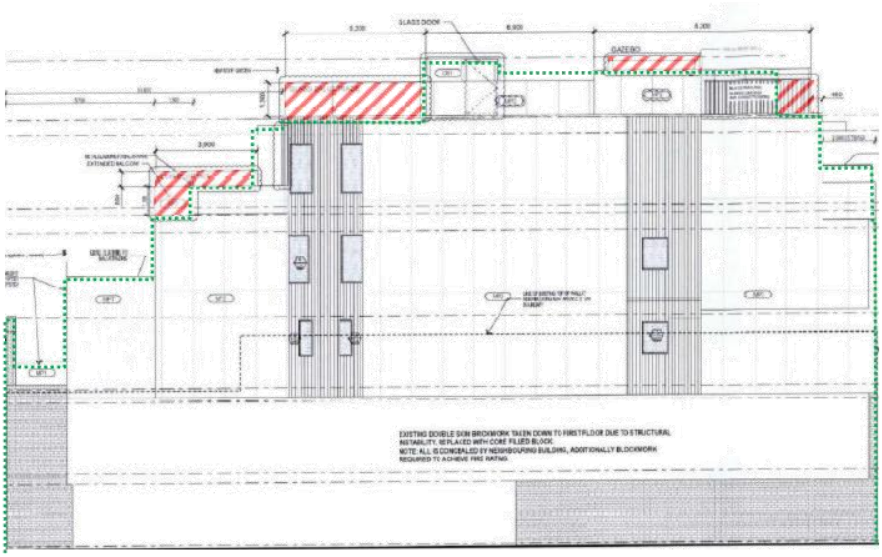


Above: February 2015 *Above July 2016* *Above: November 2016*

ASSESSMENT OF AMENDED WORKS:

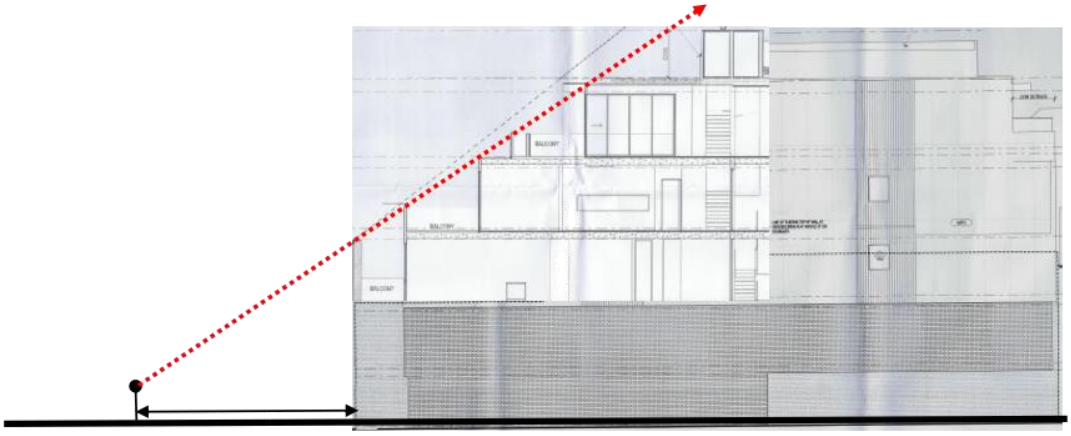
The proposed amendments are as follows:

- **Level 4**: Extension of previously proposed front balcony, including new balustrading materials and minor change to size and location of supporting piers
- **Roof level**: new storage box, timber stud frame, change to stair egress, extension of terrace towards the front, new pergola/barbeque area to the north, extension of northern wall and air conditioning units

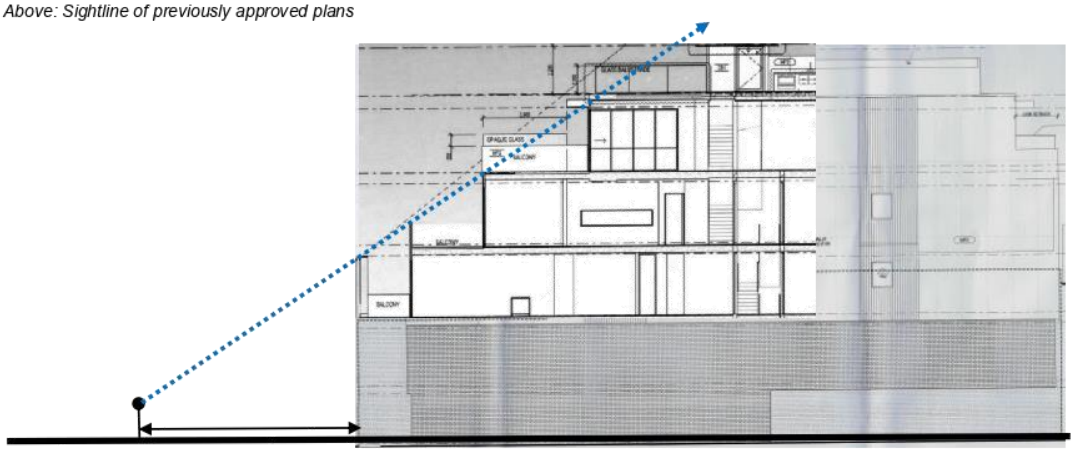


Above: Current side elevation. Green building outline has been approved. Red hatched areas are new works

Attachment 3 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Heritage advice



Above: Sightline of previously approved plans



Above: Sightline of currently proposed plans

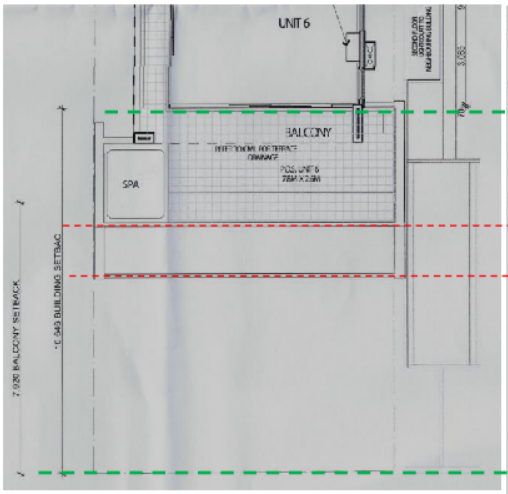
Comments regarding Level 4 front balcony;

The image below shows the extent of additional balcony area and associated balustrading shaded yellow.

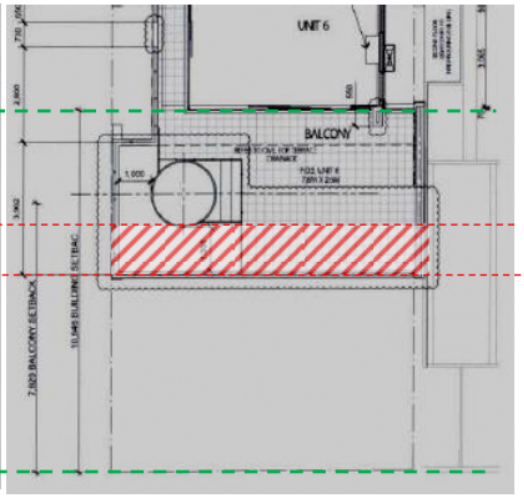


Above: April 2019 (current conditions) with area of additional balcony and balustrading shown hatched in yellow

The plans below show the extent of addition floor area hatched in red.



Above: Previously approved plans



Above: Currently proposed plans

The extent of additional balcony proposed was previously proposed as part of Amendment PLN11/0429.03. At that time it was identified that the extent of built form was excessive and would result in an addition that would overwhelm the scale of the remaining portion of the original building.

The original building proposal was approved on the basis that it was almost entirely within the envelope of acceptable development for contributory buildings. The previously approved amendment (no. 3) was approved on the grounds that despite being of different appearance, the proposed development continued to be essentially within the envelope for appropriate development.

Due to the construction of the additional balcony at level 4 and the associated balustrading, the scale of level 3 appears to have increased substantially. It is no longer concealed by level 2 as it was originally intended.

Given that the terrace associated with level 4 is in the same ownership as the expansive roof deck, the need for additional floor space seems unjustified (even more so considering the additional floor area proposed for the rooftop deck above).

It is already evident on the balcony of level 3, large pot plants and other paraphernalia can often be seen over balustrading of normal height. The aim of setting the level 4 balcony back in amendment no. 3 was to mitigate against the visible clutter that can be created when movable items are visible from the street. Although there is currently no visible vegetation on the level 4 balcony, the positioning of a garden bed immediately adjacent to the front could, in time, easily result in more vegetation being visible from the street. As the aim of any addition to a heritage building should be to minimise its visual impact, the appearance of vegetation, combined with a very bulky form, will not be recessive and instead will further dominate the remains of the heritage building.

On the grounds that the setback of the level 4 balcony has been previously considered in amendment 3, the current amendment for the same additions to level 4 is considered unacceptable.

Changing the external materials of the balustrading associated with the additional balcony area will not diminish the negative impact of the addition built form.

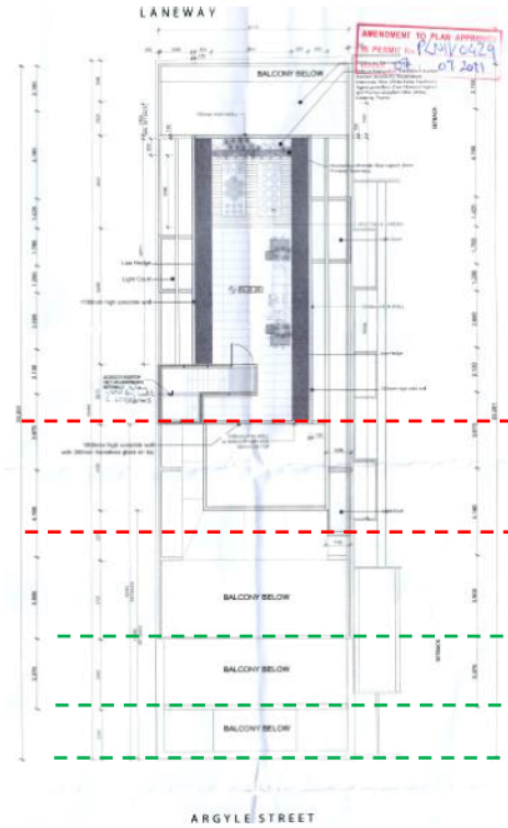
Comments regarding proposed roof deck:

The currently proposed amendment involves extending the previously approved roof deck forward and increasing the bulk of the stair access structure.

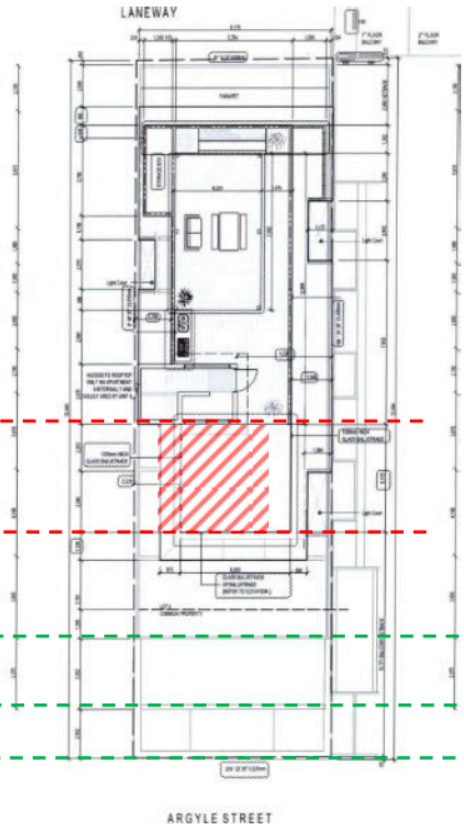
The previously approved amendment (no. 3) required the balustrading of the roof deck to be setback about 16 metres from the front boundary of the site. At that setback it was considered that the visibility of any movable and non-movable elements located on the roof terrace would be very limited, even from oblique angles.

The 16 metre setback and the reduced bulk of the stair enclosure structure were both negotiated outcomes from the previous amendment which was originally proposed to be much the same as the current proposal.

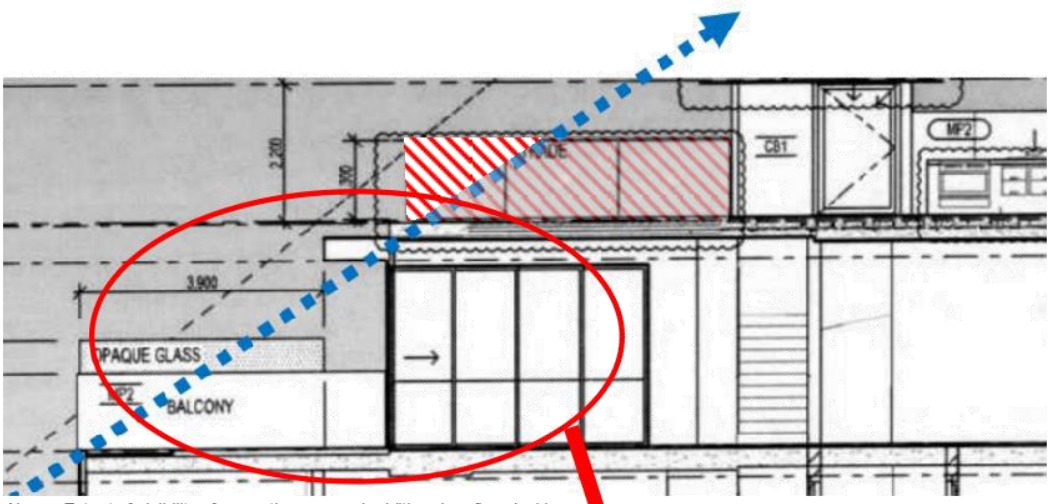
Based on the current situation, it appears that despite having submitted modified drawings to show the negotiated outcome of amendment no.3, the applicant proceeded to construct the larger rooftop deck as was originally proposed.



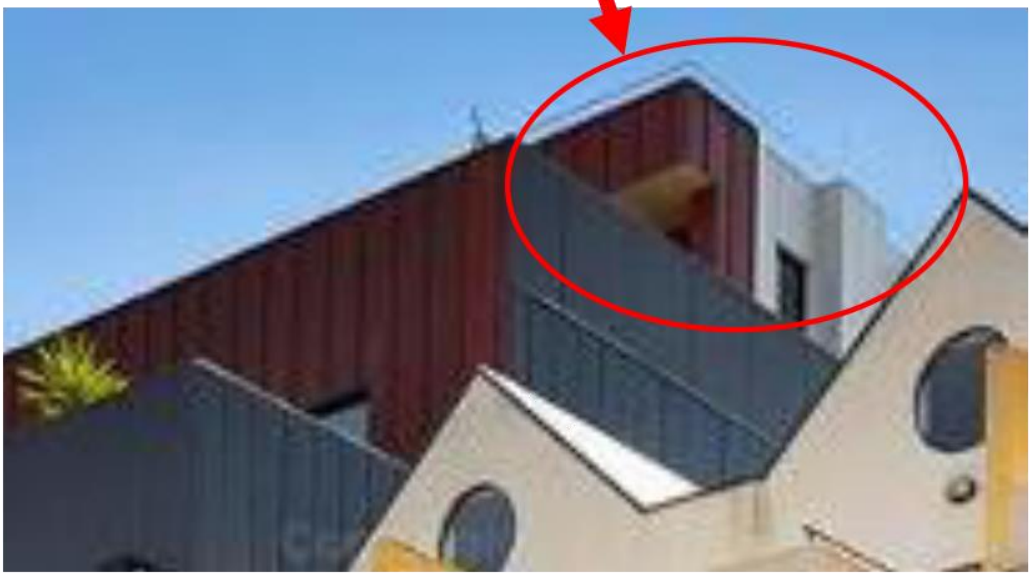
Above: Previously approved plans



Above: Currently proposed plans



Above: Extent of visibility of currently proposed additional rooftop decking



A comparison of the diagram (above) and a photo of the current street view (below) seem to indicate that what has been constructed is not consistent with the drawings submitted.

Based on the drawing extract above it appears that the extent of floor level 4 that is visible from the street should be little more than a narrow eave. The drawing also indicates that the front portion of floor level 4 should be lightweight and glassy in appearance.

What is currently visible from the street is a chunky eave and a built form that is bulky and solid in appearance. This change in appearance, together with the addition balcony area, is making the overall addition to the heritage building appear substantially more dominating in appearance than was originally intended when first approved.

Attachment 3 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Heritage advice

RECOMMENDATION:

1. The entire front section of floor level 4 including the balustrading to the balcony, façade detailing and eaves must be reconstructed in accordance with the plans approved in Amendment 3.
2. The proposed balustrading associated with the rooftop deck must be constructed and setback in accordance with the plans approved in Amendment 3.

SIGNED:



Diahnn McIntosh

DATED: 15 May 2019

Attachment 4 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Planning Permit (Amended)

Helping you understand your planning needs

PLANNING PERMIT (Amended)

Permit No: PLN11/0429

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

COPY

ADDRESS OF THE LAND:

35-41 Argyle St Fitzroy VIC 3065

THE PERMIT ALLOWS:

Development of the land for alterations and additions to the existing building, including a three storey addition (to a total of five storeys plus roof top terrace), a reduction in the car parking requirements of the Scheme and part demolition.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. 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 decision plans received at Council on the 27 February 2012 but modified to show:
   a) *A demolition plan;
   b) *Residential door on Argyle Street to open within title boundaries;
   c) *Revised material schedule;
   d) *The location of bin storage in the garage to be clearly annotated;
   e) the full extent of demolition, including the removal of brickwork to allow for the conversion of the ground floor western window to a door;
   f) an increase in roller door width and/or an increased roller door setback from the laneway to provide access for an 85th percentile vehicle to the garages of units 2 and 3
   g) the provision of a water tank(s). A note must detail:
      i. the expected amount of water to be collected;
      ii. the capacity of the tank(s); and
      iii. how the water will be reused;
   h) the location of pits and meters;
   i) *Replacement of all relevant plan notations from the previously endorsed plans; and
   j) *Notation that the roof terrace be used solely by Unit 6.

2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

Date: 07 September 2011

Danielle Connell
Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

3. Any damaged road(s) and footpath(s) and other infrastructure adjacent to the development site as a result of the construction works must be reinstated by the Permit holder, at their cost, to the satisfaction of the Responsible Authority.

4. Before the development starts, a Waste Management Plan must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be to the satisfaction of the Responsible Authority and must detail who will undertake waste collection, the location and size of the storage area, hours when collection will occur, and the method of presentation of bins for collection (with particular emphasis on Units 2 and 3). Waste collection from the development must be undertaken in accordance with the endorsed Waste Management Plan, to the satisfaction of the Responsible Authority.

5. Before the development starts, an acoustic report, prepared by a suitably qualified expert must be submitted and endorsed to the satisfaction of the Responsible Authority. The endorsed report will then form part of the permit. The report must:
   a) detail any industrial and commercial uses within close proximity of the site;
   b) if necessary due to the nature of the uses surrounding the site, include sound monitoring to establish noise levels; and
   c) recommend any acoustic treatments to ensure the internal amenity of future residents.

6. Before any development starts, 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 as evidence of its approval. The plan must provide for or include the following:
   a) a pre-conditions survey of all adjacent Council roads and footpaths;
   b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
   c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
   d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
   e) on site facilities for vehicle washing;
   f) methods for management of noise and general nuisance;
   g) site security;
   h) waste and stormwater treatment;
   i) construction program;
   j) preferred routes for trucks delivering to the site;
   k) parking facilities for construction workers;
   l) delivery and unloading points and expected frequency;
   m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
   n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
   o) traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

7. 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 – 3.00 pm, Saturday and public holidays. No work is to 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.

Date: 07 September 2011

Danielle Connell
Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

8. This permit will expire if:
   a) the development is not commenced within two (2) years from the date of this permit;
   b) the development is not completed within four (4) years from the date of this permit.
   The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within three months afterwards.

NOTES:
A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

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

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

As the site is affected by an Environmental Audit Overlay, 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, the requirements of Clause 45.03-1 must be met.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
31 July 2012	Pursuant to Section 74 of the *Planning and Environment Act* (1987) the following amendments were made; • Endorsed plans amended to include a fire hydrant booster cupboard and window lintel in the south-western corner of the façade.
22 May 2013	Pursuant to Section 74 of the *Planning and Environment Act* (1987) the following amendments were made; • Endorsed plans amended to include an additional fifth storey, the rearrangement of the second, third and fourth storey and the rearrangement of the garage. • An amended preamble which formerly read as follows: *Development of the land for alterations and additions to the existing building, including a two storey addition (to a total of four storeys), plus a roof deck and part demolition.* • Deletion of condition 1 b) (ii) and 1 c) which read as follows:

Date: 07 September 2011

Danielle Connell
Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

	1. *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 decision plans (TP01-TP08 prepared by Antarctica) but modified to show:* *b) floor plans and elevations with the correct laneway width and subsequently provide:* *ii. a separate pedestrian entry to units 2 and 3 despite the above condition;* *c) the provision of lighting to the northern ground level facade to provide safety for the pedestrian entry points. A note must confirm that the lights will be located and baffled so as not to result in unreasonable light spill to adjoining properties.* • Amended condition 1 requirements to read as follows: 1. *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 decision plans received at Council on the 27 February 2012 but modified to show:* *a) A demolition plan,* *b) Residential door on Argyle Street to open within title boundaries,* *c) Revised material schedule,* *d) The location of bin storage in the garage to be clearly annotated.* • And subsequent re-numbering of conditions.
29 May 2015	Pursuant to Section 74 of the *Planning and Environment Act* (1987) the following amendments were made; • Amendment to allow for the construction of a roof top garden. • Amended permit preamble which formerly read as follows: *The development of the land for alterations and additions to the existing building, including a three storey addition (to a total of five storeys) and a reduction in the car parking requirements of the Scheme and part demolition.* • New conditions 1 i) and j) included on the permit.

Date: 07 September 2011

Danielle Connell
Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

Page 4 of 4

Attachment 4 - PLN110429.04 - 35 - 41 Argyle Street, Fitzroy - Planning Permit (Amended)

PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit; or

* if no date is specified, from—

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or

(ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.

2. A permit for the use of land expires if—

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or

* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or

* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or

* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—

* the use or development of any stage is to be taken to have started when the plan is certified; and

* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

* The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.

* An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.

* An application for review is lodged with the Victorian Civil and Administrative Tribunal.

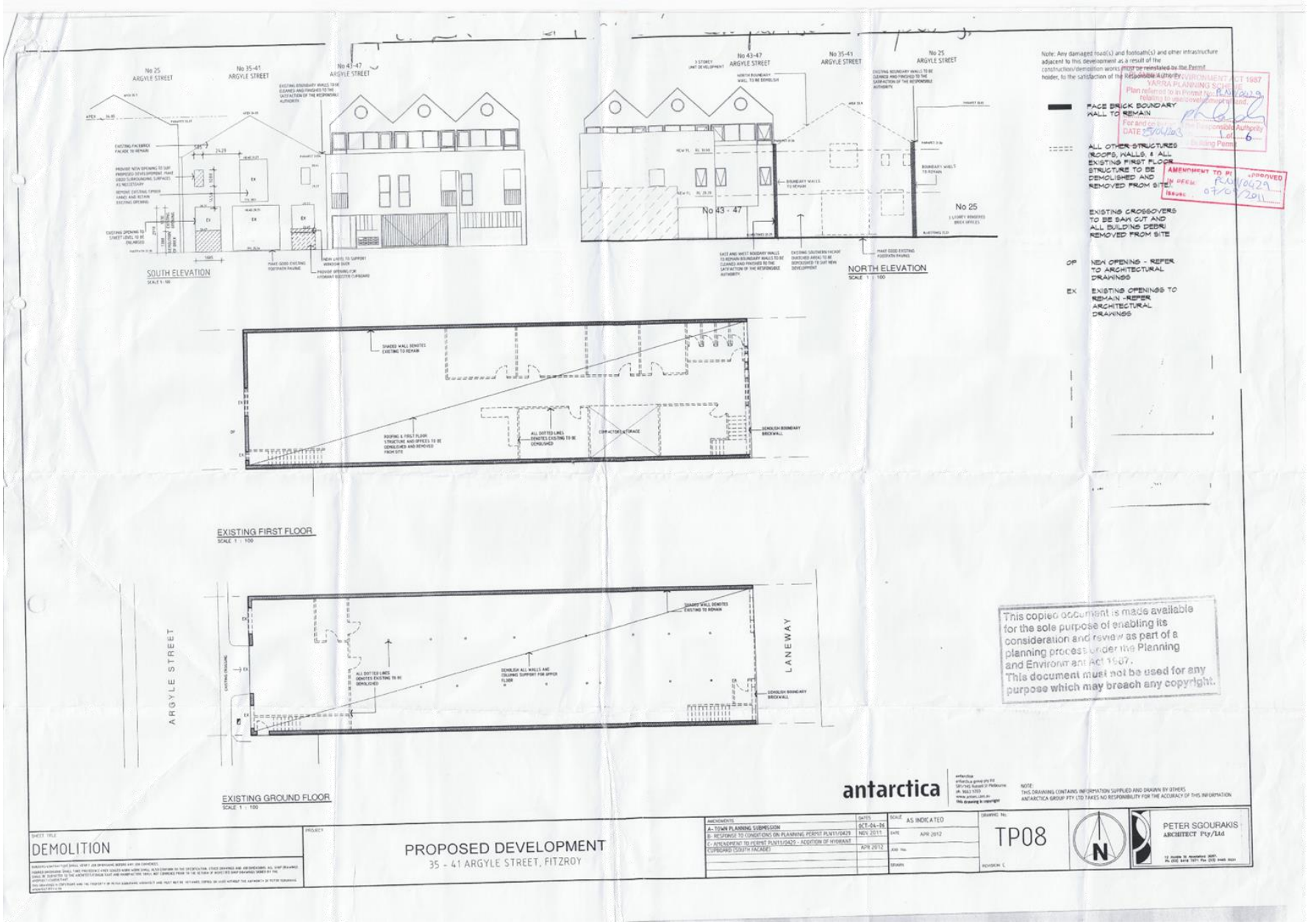
* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.

* An application for review must state the grounds upon which it is based.

* An application for review must also be served on the Responsible Authority. Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

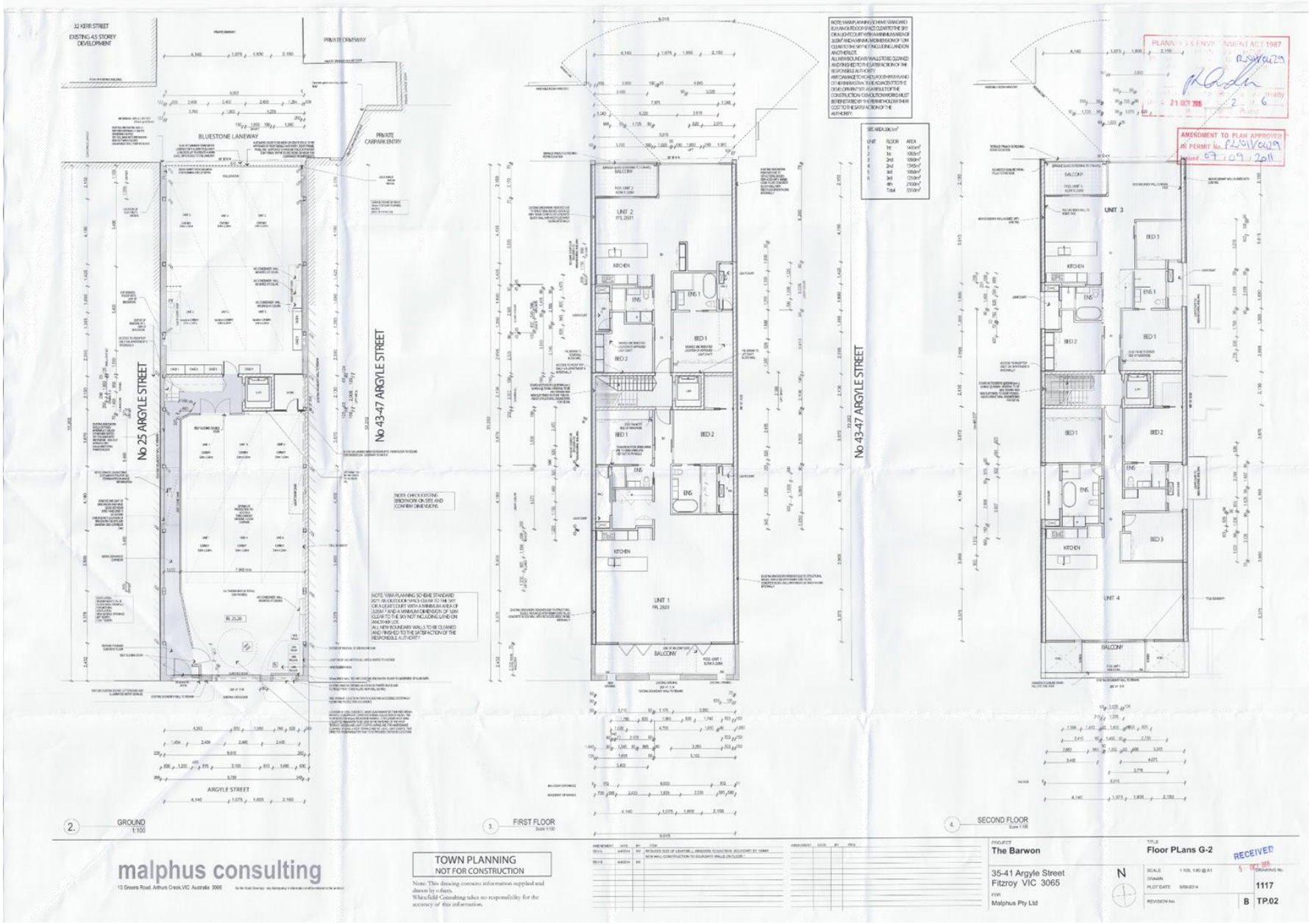
Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

Attachment 5 - PLN110429.03 - 35 - 41 Argyle Street, Fitzroy - Endorsed Plans

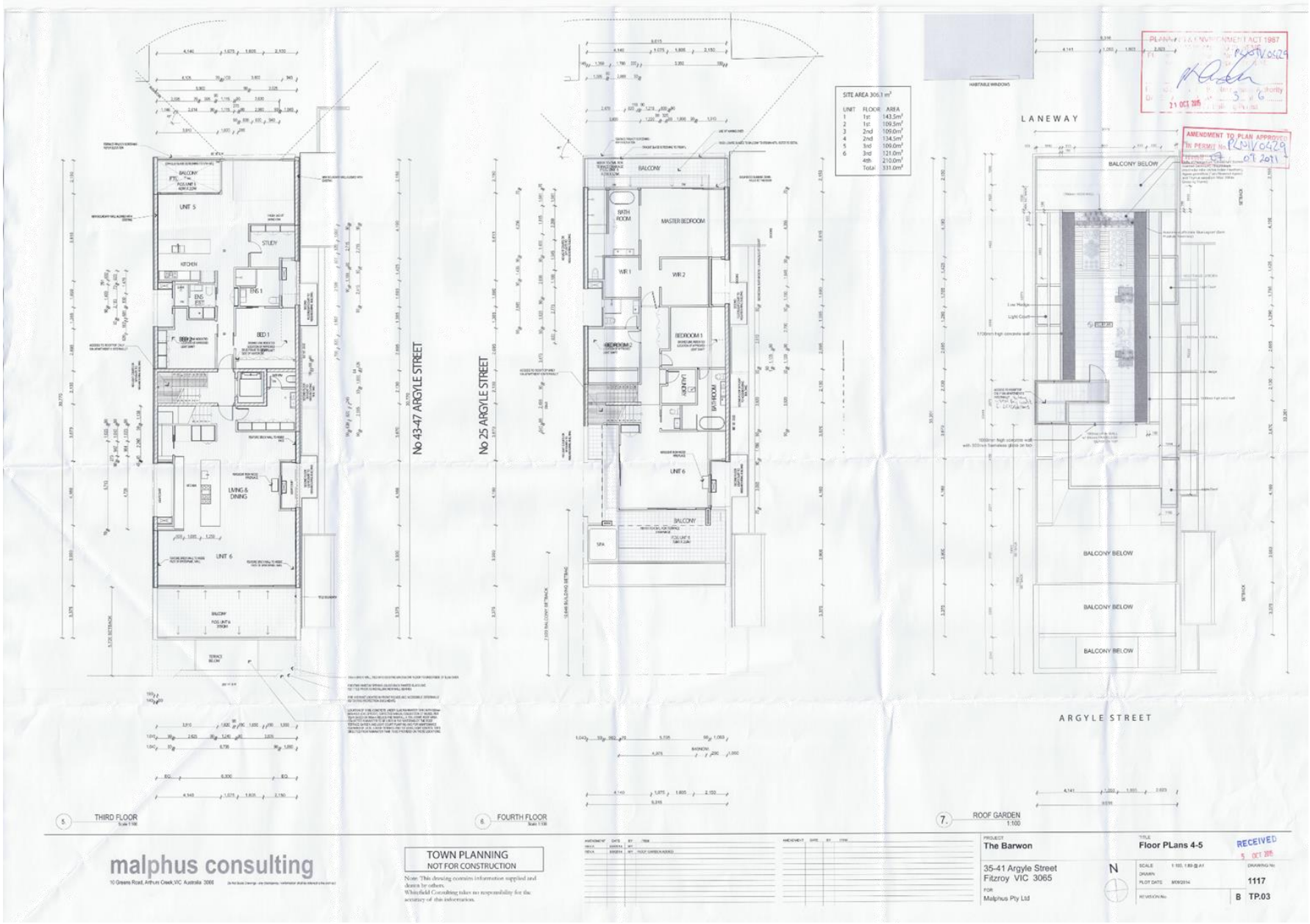


This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. This document must not be used for any purpose which may breach any copyright.

Attachment 5 - PLN110429.03 - 35 - 41 Argyle Street, Fitzroy - Endorsed Plans



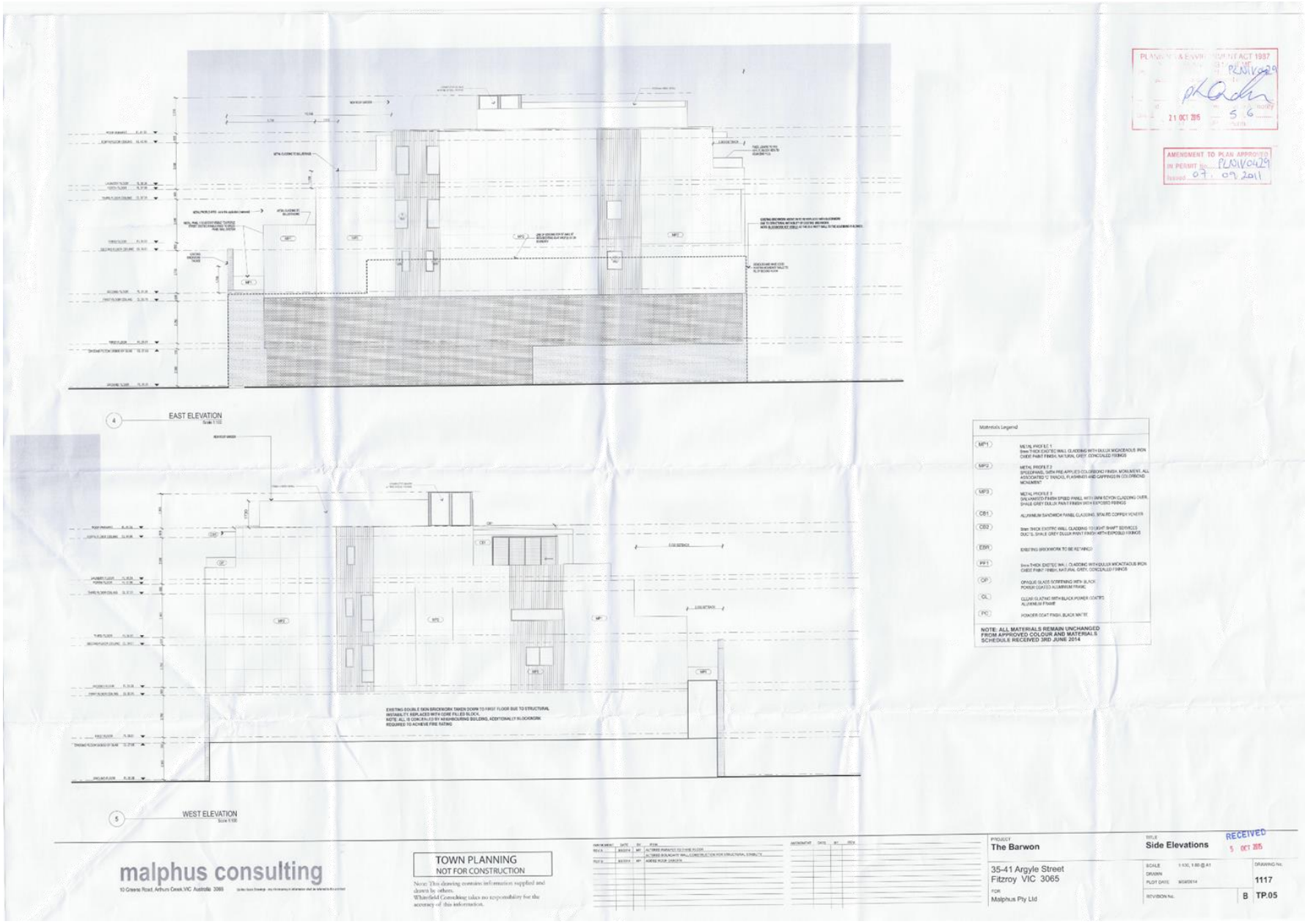
Attachment 5 - PLN110429.03 - 35 - 41 Argyle Street, Fitzroy - Endorsed Plans



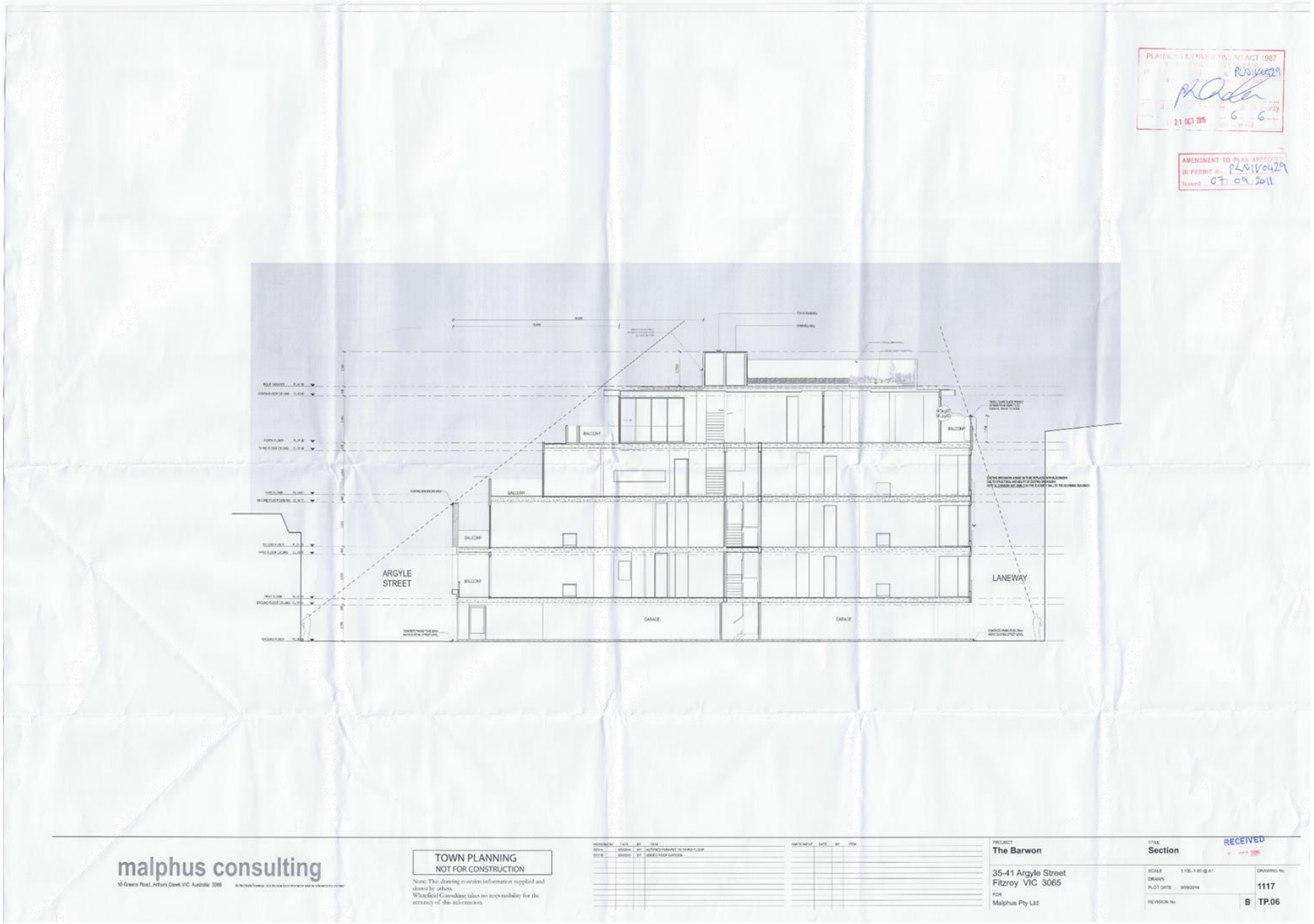
Attachment 5 - PLN110429.03 - 35 - 41 Argyle Street, Fitzroy - Endorsed Plans



Attachment 5 - PLN110429.03 - 35 - 41 Argyle Street, Fitzroy - Endorsed Plans



Attachment 5 - PLN110429.03 - 35 - 41 Argyle Street, Fitzroy - Endorsed Plans



1.5 PLN18/0584 - Langridge Ward - 79-89 Wellington Street, Collingwood - Use and development of the land for a multi-storey building containing a residential hotel and office and a reduction in car parking and visitor bicycle facilities

Executive Summary

Purpose

1. This report provides Council will an assessment of Planning Application PLN18/0584, which affects the land at No. 79-89 Wellington Street, Collingwood. The application seeks approval for use and development of the land for a multi-storey building containing a residential hotel and office and a reduction in car parking and visitor bicycle facilities.

Key Planning Considerations

2. Key planning considerations include:
   (a) Use (Clauses 11, 02-1S, 17.02, 21.04, 32.04)
   (b) Built Form (Clauses 15.01, 21.05, 22.10 and 43.02)
   (c) Car Parking and Bicycle facilities (Clauses 18.02, 21.06, 52.06 and 52.34)

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Policy and strategic support;
   (b) Use
   (c) Built Form and Design
   (d) Internal Amenity
   (e) Environmental sustainability;
   (f) Public realm
   (g) External amenity impacts
   (h) Equitable development
   (i) Car parking, bicycle facilities and movement;
   (j) Objector concerns

Submissions Received

4. Ten (10) objections were received to the application, these can be summarised as:
   (a) Excessive height and massing
   (b) Poor architectural quality and internal amenity
   (c) Amenity Impacts (overshadowing, daylight to windows, visual bulk)
   (d) Noise from hotel guests
   (e) Increased traffic and insufficient car parking
   (f) Loss of ‘heritage’ fabric

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) Changes to the materiality to improve the quality and have greater connection with the surrounding area

(b) Provision for screening to the west facing balconies

CONTACT OFFICER: **Amy Hodgen**
TITLE: **Coordinator Statutory Planning**
TEL: **9205 5330**

1.5 PLN18/0584 - Langridge Ward - 79-89 Wellington Street, Collingwood - Use and development of the land for a multi-storey building containing a residential hotel and office and a reduction in car parking and visitor bicycle facilities

Trim Record Number: D19/105261
Responsible Officer:

Proposal:	Construction of a multi-storey building containing a residential hotel and office and a reduction in car parking and visitor bicycle facilities
Existing use:	Vacant (previously office)
Applicant:	Wellington Property Holdings Pty Ltd
Zoning / Overlays:	Mixed Use Zone/Design and Development Overlay (Schedule 2 & 23), Environmental Audit Overlay
Date of Application:	14 August 2018
Application Number:	PLN18/0584

Planning History

1. Planning Permit PL02/0306 was issued on 19 September 2003 for *construction of a six (6) storey building for dwellings, offices and 62 car parks generally in accordance with the application plans, with a waiver of the balance of car spaces pursuant to clause 52.06 and demolition of the existing building.*
2. The commencement date of PL02/0306 was extended 5 times, with the last extension of time expiring on 19 September 2010. This permit was never acted upon and has subsequently expired.
3. Given the changes in planning policy and the surrounding context that have occurred since the expiry of this permit, it has limited relevance in the assessment of the current application.

Background

Planning Scheme Amendments

4. On 22 November 2018, 3 months after the application was lodged, Planning Scheme Amendment C250 was gazetted into the Yarra Planning Scheme (the Scheme) introducing Schedule 23 to the Design and Development Overlay. Schedule 23, which relates to the Collingwood South (Mixed Use) Precinct introduced preferred built form outcomes for the site including height and setbacks. Further detail of the relevant built form outcomes is provided throughout this report.
5. The original application did not comply with these requirements, specifically the proposal exceeded the preferred height limit of 30m, with 37.9m proposed. Amended plans were subsequently lodged via Section 57A of the *Planning and Environment Act 1987* (the Act). These are discussed below.

Lodgment of S57A plans or sketch plans

6. On 15 May 2019, the applicant submitted amended plans via Section 57A of the Act that primarily sought to address the new DDO23 built form guidelines and officer concerns. The key changes to the plans are summarised as follows:
   (a) Reduction in the height of the building from 12 to 9 storeys
   (b) Reduction in the street wall height from 24.6m (8 storeys) to 22.6m (7 storeys)
   (c) Increased setbacks from the southern boundary (western section)
   (d) Reduced upper level setbacks from the northern boundary

(e) Deletion of the third basement level

(f) Modification to façade and roof design treatment (original design in figure below)

(g) Residential hotel rooms reduced from 100 rooms to 83 rooms

(h) Reduced office floor area from 1,936sqm to1,096sqm

(i) Reduced retail tenancy from 87sqm to 82.5sqm

(j) Reduced car spaces from 77 spaces to 47 spaces



Figure 1: Original scheme submitted 14 August 2018

7. These plans have been readvertised and form the decision plans to this current application and are the basis for the following assessment.

Characterisation of use

8. It is necessary to explore the characterisation of the use for the 'temporary accommodation' proposed. The application documentation refers to the proposed use as both serviced apartments and residential hotel. However, most importantly, the description used on the application form references 'residential hotel'.

9. 'Serviced apartments' are not a defined use within the Scheme, and therefore it takes on its ordinary meaning, which can infer both short-term and long-term stay.

10. The characterisation of 'serviced apartments' has been raised in various VCAT decisions as to whether they should be defined as 'dwellings', a 'residential hotel' or its own use within the broader definition of 'accommodation'. This discussion was described as a 'red herring' in the case of *Australian Conservation Foundation Inc. and Surrowee Pty Ltd v Melbourne CC and Anor [2002] VCAT 1,* with the Tribunal concluding that internal amenity concerns relating to long-term stay could be readily resolved through conditions that require the use to be confined to short stay accommodation.

11. The classification of use was also explored in *Tribe v Whitehorse CC [2014] VCAT 212,* with the Tribunal determining 'Serviced Apartments' to be a use in their own right, albeit not defined in the Planning Scheme.

(a) *'Serviced Apartments' have their own specific qualities and characteristics, distinguishing them from other defined land uses. These include the provision of self-contained accommodation, serviced and controlled under central management regime, suitable for travellers or other persons seeking short term stays away from their usual place of residence. The alternative is that this use falls within the broader definition of 'Accommodation'*

12. Having regard to these decisions, it would not be unreasonable to define the proposed use as 'serviced apartments', provided that internal amenity concerns were addressed by controlling the length of stay. However, based on the information supplied, it is also considered reasonable to define the proposed use as a 'residential hotel'. While the rooms are relatively self-contained, with cooking facilities (stove tops) provided, the proposed development also includes facilities akin to a residential hotel including:

    (a) Generous reception area

    (b) Ancillary staff offices

    (c) Luggage room

    (d) Conference room

    (e) Business lounge

    (f) Gymnasium

13. As discovered through the previous VCAT decisions, whether the use is described as 'serviced apartments' or 'residential hotel' appears to have very little impact on the activities permitted provided that adequate planning permit conditions are included to control the use. Notwithstanding this, it is considered that 'residential hotel' more clearly articulates the temporary nature of the permitted use. In the current application, it is the temporary nature that is sought to be highlighted.

14. Given description of the proposal in the application form and Council's documents have referenced a 'residential hotel', this will be carried over onto the permit preamble description. However to clearly articulate the intended use of the site, 'serviced apartments' will be added in parenthesis after 'residential hotel'.

The Proposal

15. The application seeks approval for use and development of the land for a multi-storey building containing a residential hotel (serviced apartments) and office and a reduction in car parking and visitor bicycle facilities. The following description is based on the 'decision plans' received 15 May 2019, prepared by Fenton Design Group dated 26 April 2019:

    <u>Use</u>

    (a) A food and drink (café) tenancy of 82.5sqm is proposed at ground floor in the north-eastern corner adjacent to Wellington Street. This use is as of right.

    (b) Residential hotel accommodating a maximum of 83 rooms from Levels 1 to 6. (**N.B.** The plans indicate there will be 46 rooms. This is based upon the capacity of rooms to be joined via internal doors. The following assessment is based upon the maximum capacity of the residential hotel (i.e. 83 rooms)).

    (c) Based on the maximum capacity of 83 rooms, the room size break down is:

        (i) 38 studios

        (ii) 37 one bedroom rooms

        (iii) 8 two bedroom rooms

    (d) Through internal room connections, it is possible to provide a maximum of 35 two bedroom rooms and 5 three bedroom rooms (with 1 studio and 5 single bedrooms remaining)

    (e) The residential hotel also provides various amenities including:

        (i) Ground level lobby area

        (ii) Conference room

        (iii) Business lounge

        (iv) Gym and

(v) back-of-house staff areas

(f) Office tenancies are proposed to Levels 7 & 8 comprising a total net floor area of 1,248sqm (and leasable floor area of 1,096sqm – i.e. excluding common areas).

General form and materials

(g) The building comprises 9 storeys with a maximum height of 29.15m excluding roof top services.

(h) The proposal will present a 7 storey street wall expressed by two projecting framed balcony elements.

(i) The materials proposed include:

(i) Paint finish "*white watsonia*" to precast concrete to the framed balcony elements to Wellington Street and the western elevation and the north and south boundary walls, with small sections in a "*monument*" paint finish.

(ii) "*Low E Green*" coloured glass with "*monument*" glass spandrels to vertical sections of the curtain walls.

(iii) Exposed concrete aggregate proposed to the ground level pedestrian area with a powder coat entrance canopy in a "*Previous Silver Pearl Kinetic*" metallic finish.

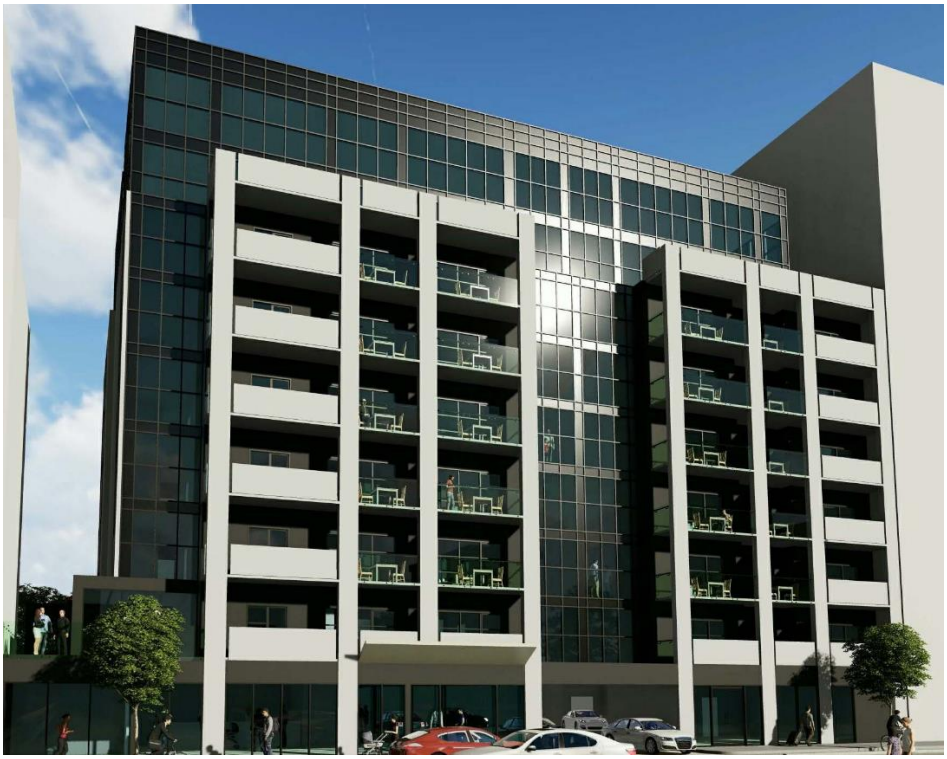


Figure 2: Wellington Street render image

Basement levels

(j) Two levels of basement are proposed accommodating 45 car spaces. Also contained within the basement is a 20kL rainwater tank and other various building services including a substation on the upper basement level.

(k) Vehicle access to the basement levels is provided via a two-way ramp.

(l) The upper level basement contains bicycle storage for up to 12 bikes and two unisex showers/bathroom change areas.

(m) A loading bay is also proposed within the upper level basement.

(n) The basement levels extend to all boundaries.

Ground level

(o) The reception area for the residential hotel is proposed toward the south-eastern corner of the ground floor facing Wellington Street, with two ancillary offices adjacent to the southern boundary.

(p) The pedestrian entrance to the residential hotel and the lift lobby to the levels above is located to the north of the reception area.

(q) A café tenancy is proposed in the north-eastern corner facing Wellington Street with direct pedestrian access from the street.

(r) Between the café and lobby entrance is the vehicle access to the site, which is to be 6.4m wide. This will require a new crossover to be created and removal of the existing 7m crossover further to the north. The vehicle crossover works do not trigger a planning permit.

(s) The ground floor also contains 2 short term parking spaces for guests of the residential hotel (e.g. for check in), a turning area for vehicles and a loading bay.

(t) The bin storage area is provided adjacent to the loading bay area.

(u) Visitor bicycle facilities accommodating 6 bicycles.

(v) Separate lift access is provided for the office and residential hotel, with one lift servicing office, and two lifts for the residential hotel.

(w) A fire booster is proposed in front of the café tenancy in the northern corner adjacent to Wellington Street.

(x) The ground level extends to all boundaries.

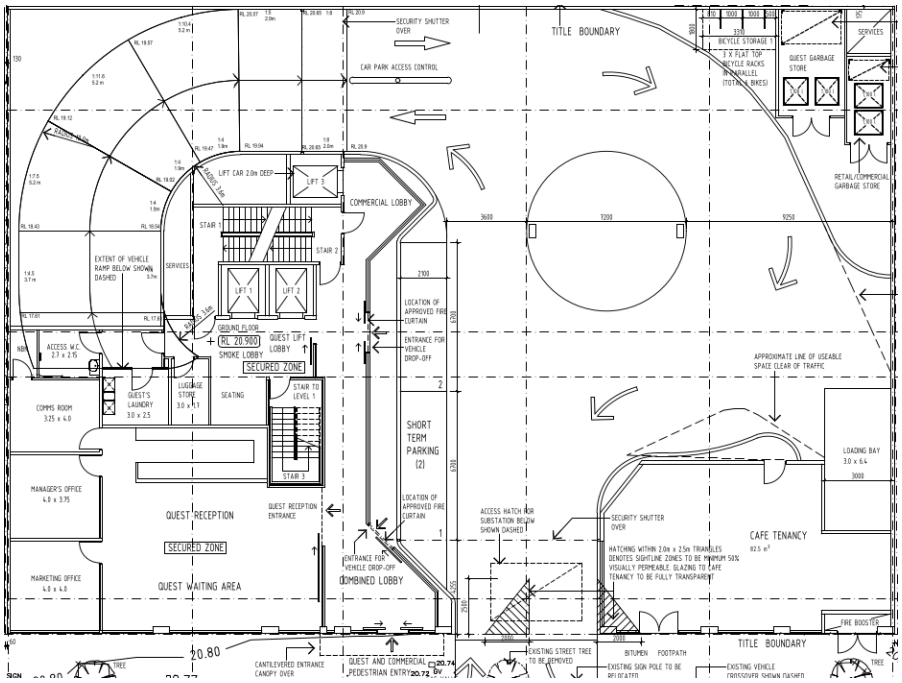


Figure 3: Ground level treatment (TP06)

Level 1

(y) The amenities for the residential hotel are provided at the southern portion of the first floor including a conference room, business lounge and gym.

(z) The business lounge contains bi-folding doors opening onto a terrace along the eastern half of the southern boundary and returning along the eastern boundary facing Wellington Street.

(aa) A linen store and a conference room store is provided to the west of the lift core.

(bb) Fire tanks and a fire pump room are proposed along the southern portion of the western setback.

(cc) The northern portion of the first floor contains 10 hotel rooms, including 5 studio rooms, 4 x 1 bed rooms and a two bed DDA compliant room.

(dd) The first floor provides a setback of 1.53m to 2.17m from Wellington Street, however contains balconies extending to the boundary line in two sections (which frame the "podium").

(ee) The business lounge is set back 2.25m, from the southern boundary, with the terrace occupying the setback area.

(ff) The fire tanks are set back 3.35m from the southern boundary.

(gg) The residential hotel rooms are set back 4.68m from the western boundary, with the balconies encroaching into this setback, 3.16m from the boundary.

(hh) The first floor extends along the northern boundary with the exception for a centrally located light court 2m wide and 3.76m in depth.

Level 2 & 3

(ii) This level contains 6 studio rooms, 6 one bed rooms and 2 x 2 bed rooms.

(jj) A linen store is provided to the west of the lift core.

(kk) At these levels the building is set back:

  (i) 1.53m to 2.17m from Wellington Street, except for balconies in two sections which extend to the title boundary (matching Level 1)

  (ii) 3.33m to 3.57m from the southern boundary

  (iii) 4.79m to 5.47m from the western boundary, with the exception for balconies, which are set back 3.25m from the western boundary.

  (iv) 0.0m from the northern boundary with the exception of the central light court 2m wide and 3.76m in depth (matching Level 1)

Levels 4 to 6

(ll) These levels match Levels 2 and 3 below except for the replacement of a two bed room with a studio and a single bed room.

(mm) The boundary setbacks are the same as Levels 2 and 3

Levels 7 & 8

(nn) These levels contain the office tenancies; with Level 7 having a leasable floor area (LFA) of 542sqm (83.3sqm of common areas) and Level 8 having an LFA of 551sqm (72sqm of common areas)

(oo) Level 7 will have two communal terraces within the northern boundary setback and wrapping around the east and western side of the building with a total area of 71.4sqm.

(pp) These levels are set back:

  (i) 3m from Wellington Street

  (ii) 3.33m to 3.57m from the southern boundary

  (iii) 6.27m from the western boundary, excluding the Level 7 terrace, which is set back 4.68m from the boundary

(iv) 3.13m from the northern boundary, excluding the Level 7 terrace, which extends to the boundary.

Existing Conditions

Subject Site

16. The subject site is located on the western side of Wellington Street, within the block between Langridge Street (south) and Peel Street (north). The site is a rectangular shaped lot with a frontage of 40.24m to Wellington Street and a depth of 28.47m, yielding an overall site area of 1,143sqm.

17. The site previously contained a two storey office building with a setback from its northern boundary and otherwise built to all boundaries. The northern setback was used for car parking within an uncovered concreted area. A 7.08m wide crossover to Wellington Street provided access to the car parking area.



Figure 4: Google Street view image dated Nov 2017

18. At the time of last inspection (15 June 2019), the site was under demolition (see image below).



Figure 5: subject site taken 15 June 2019

19. The Certificate of Title does not contain any easements or agreements, nor are there any easements burdening the subject site. However the site benefits from a 1.83m wide light easement within the property to the south, which extends along part of the southern boundary. This appears to align with the windows within the southern boundary wall visible on the 2017 Google Street view image in the figure above.

Surrounding Land

20. The surrounding area has undergone rapid change in the past 5 years, with a significant number of buildings approved, under construction or recently developed. These are typically in the range of 7 to 11 storeys.



Figure 6: Aerial of the subject site (source: Nearmaps 7 April 2019)

21. Land immediately surrounding the subject site is described as follows:

    North

22. Immediately to the north of the site is No. 93 Wellington Street, Collingwood. Planning Permit PLN17/0512 was issued on 19 July 2018 for a 10 storey building containing 9 dwellings (one on each level).

23. Plans were endorsed on 24 May 2019, with the approved development proposed to be built along the shared boundary for the full length of the building except for a 4.5m wide and 2.75m deep light court midway along the boundary. This is to provide light to bedrooms on Levels 1 and 2 and to corridors, butler's pantries/laundries and bathrooms on the levels above.

24. The development has not yet commenced, however a sales office has been set up on the land operating from the existing single storey building.

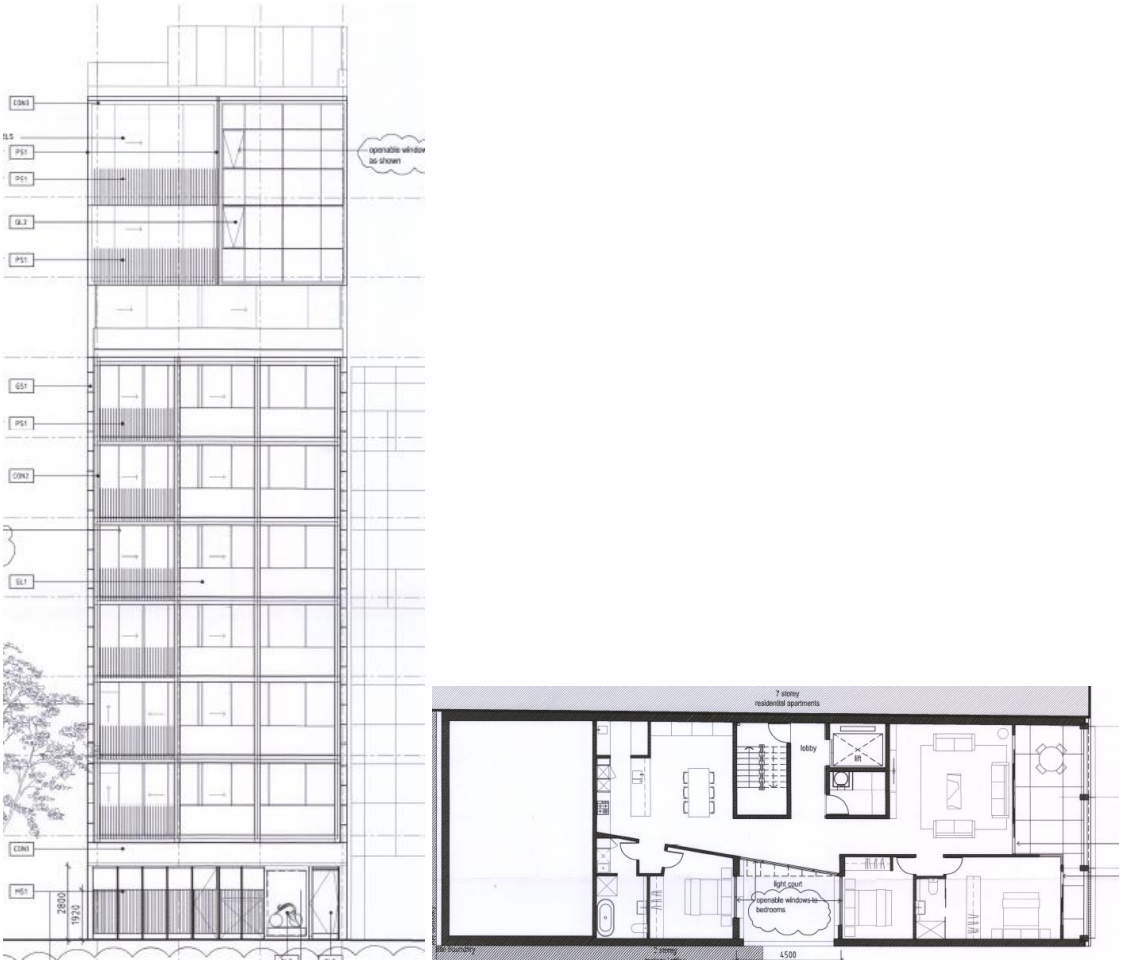


Figure 7: Wellington St (east) elevation and Level 1 Plan

25. Further to the north at No. 95-105 Wellington Street is a 7 storey building occupied by community housing. Further north again on the south-west corner of Peel and Wellington Streets is No. 47-49 Peel Street (formally 109 Wellington Street), which has been developed with a 10 storey apartment building with a ground floor food and drink premises under Planning Permit PLN14/0739.



Figure 8: 95-105 Wellington Street



Figure 9: 47-49 Peel Street, Collingwood

East

26. Wellington Street is immediately to the east of the site. This street has been upgraded with 'Copenhagen' style bicycle lanes on either site. There are also two street trees along the frontage of the site. On the eastern side of Wellington Street is No. 82-86 Wellington Street – a two storey office building to the north of Waterloo Road. Immediately behind this is the former Yorkshire Brewery site, which contains a predominately residential development up to 17 storeys. The permit for this development was issued at the direction of the Tribunal on 27 March 2013.



Figure 10: view of the Yorkshire Brewery as viewed from Cambridge Street (across recently cleared site at No. 72-92 Cambridge Street and the subject site)

27. To the south of Waterloo Road is No. 70-80 Wellington Street, developed with a 6 storey office building on the north-east corner of Wellington Street and Langridge Street.



Figure 11: 70-80 Wellington Street

28. On the southern side of Langridge Street to the south-east of the subject site is No. 51 Langridge Street. This site is currently under construction associated with PLN17/0332 for an 11 storey office building with a ground floor food and drink premises.



Figure 12: 51 Langridge Street, Collingwood

South

29. Immediately to the south of the site at No. 73-77 Wellington Street is a recently completed 10 storey development containing dwellings with ground floor retail. This building has been developed under Planning Permit PLN15/1138, which was issued 4 October 2016. The front portion of the site abuts the shared boundary. The rear portion of the site is set back 1.82m from the shared boundary and 4.56m from the western boundary. There are two windows per level that abut the subject site; one which relates to a bedroom and the other is a secondary window to the main living area, with primary outlook to the west. A typical floor plan is provided in the figure below.

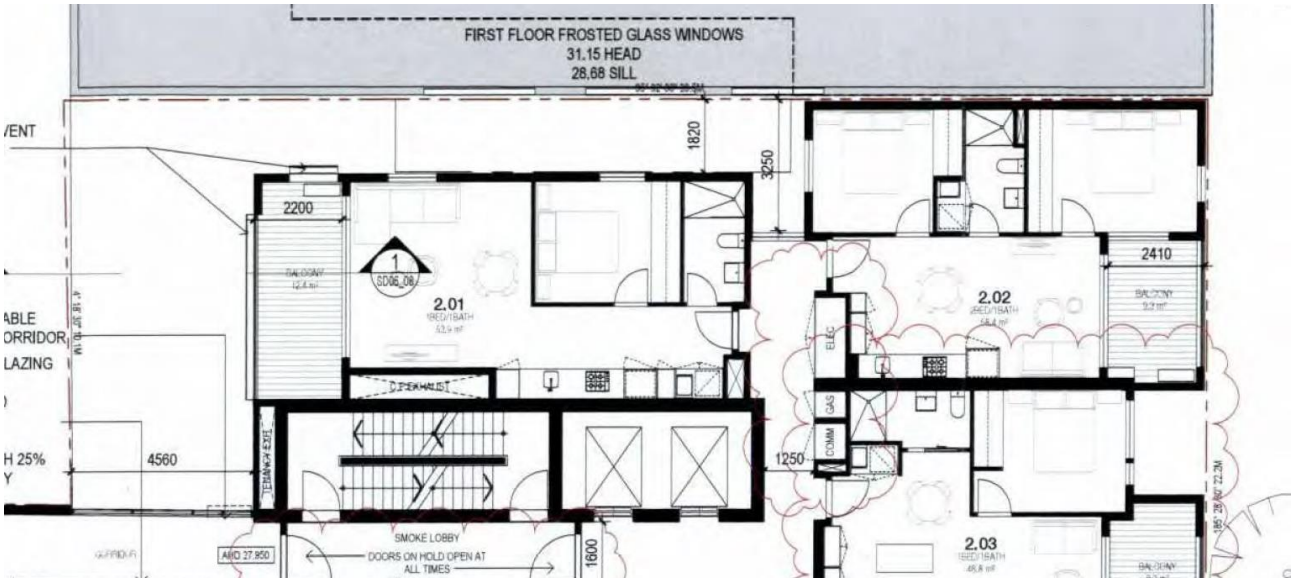


Figure 13: Typical floor layout (Level 2) of No. 73-77 Wellington Street, Collingwood

30. Further to the south of Langridge Street at No. 61-71 Wellington Street and 37-39 Langridge Street is a 14 storey development currently under construction. Development of the site was approved on 1 September 2016 under Planning Permit PLN15/0641.



Figure 14: 73-77 Wellington Street, with 61-71 Wellington Street behind

West

31. Immediately to the west of the site is No. 72-94 Cambridge Street. Planning Permit PLN15/1083 was issued on 25 October 2016 for a 10 storey apartment building with ground floor retail and a gallery. The plans were endorsed on 18 April 2019. The development is set back a minimum of 5m from the shared boundary from Level 1. There is a secondary consent application currently under consideration which seeks minor changes to the endorsed plans. Given that these have not yet been endorsed, the following assessment will be based upon the current endorsed plans. Notwithstanding this, the amendments are minor and would not be noticeably impacted by the proposal.

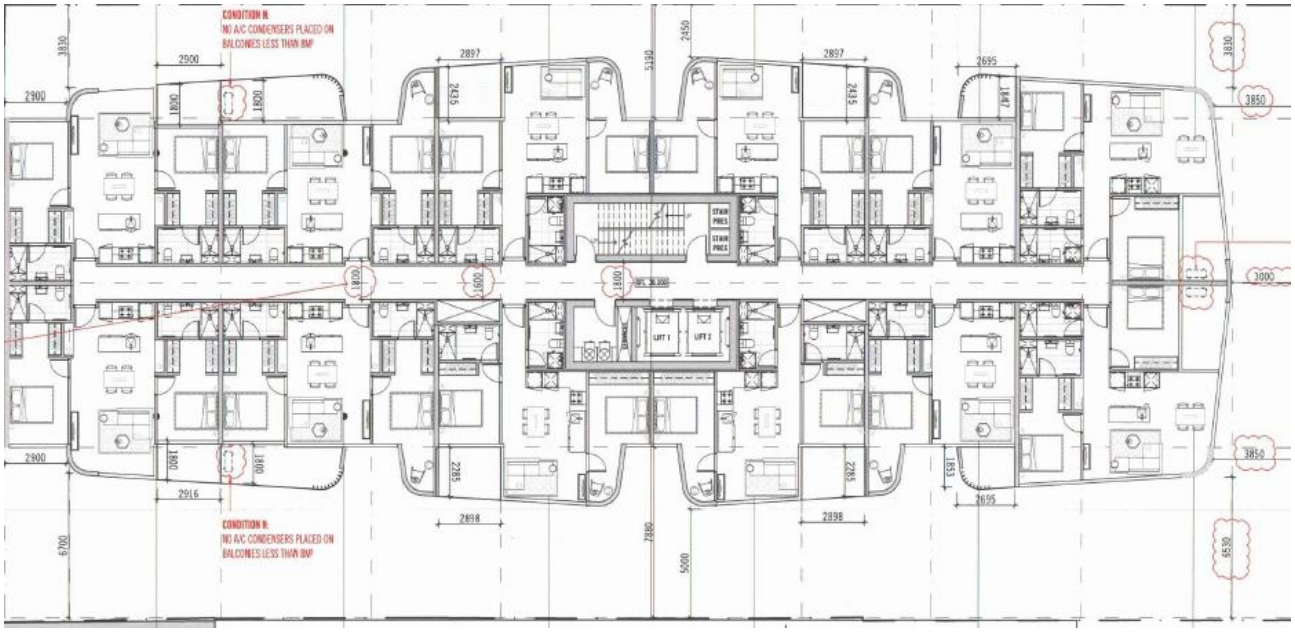


Figure 15: 72-94 Cambridge Street PLN15/1083 endorsed L4-5 plan (subject site to the bottom)

32. This site has since been cleared of buildings with temporary fencing erected along the Cambridge Street frontage.



Figure 16: 72-94 Cambridge St (image taken from the north-west corner)

33. Further to the west, on the western side of Cambridge Street is No. 42-44 Oxford Street, 61-63 Cambridge Street and 16-20 Langridge Street. Planning Permit PLN18/0497 was recently issued on 15 May 2019 for a 9-10 storey building containing dwellings, a residential hotel, ground floor retail. Plans have not yet been submitted for endorsement.

34. A previous application PLN16/1050 was sought for a 14 storey scheme containing a similar mix of uses. VCAT determined to refuse the application. Further discussion regarding this decision will be contained in the report as relevant.

Planning Scheme Provisions

Zoning

35. The subject site is within a Mixed Use Zone, the following triggers apply:

Use

36. Pursuant to clause 32.04-2, a planning permit is not required for a food and drink premises (includes café), provided that the leasable floor area (LFA) does not exceed 150sqm. The LFA of the café is 82.5sqm, as such, a planning permit is not required for the use.

37. Pursuant to clause 32.04-2, a planning permit is not required to use land as an office provided that the LFA does not exceed 250sqm. The LFA is 1,096sqm and therefore the use of the land for an office triggers a planning permit

38. Pursuant to clause 32.04-2, a planning permit is required to use land for Accommodation not otherwise listed in Section 1. Residential Hotel, which is nested under Accommodation, is not listed in Section 1 and as such, a planning permit is required for this use.

Buildings and works

39. Pursuant to clause 32.04-6, a permit is required to construct a residential building. A residential hotel is nested under residential building.

40. Pursuant to clause 32.04-9, a permit is required to construct a building or construct or carry out works for a use in Section 2.

Overlays

41. The site is affected by the following overlays:

Design and Development Overlay – Schedule 2 & Schedule 23

42. Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.

Schedule 2 - Main Roads & Boulevards

43. This schedule contains design objectives and decision guidelines for ensuring high quality streetscapes. There are no mandatory controls contained within Schedule 2.

Schedule 23 - Collingwood South (Mixed Use) Precinct

44. In addition to design objectives and decision guidelines, this schedule contains the following built form requirements relevant to the subject site:

45. Pursuant to section 2.2, a permit cannot be granted to vary the building height or street wall height specified in Plan 1: Building Heights Framework Plan (below), unless various requirements are met. The required building height for the subject site is 30m. This has been met, with a maximum height of 29.13m proposed. The street wall height however slightly exceeds the requirement of 20m, measuring at 22m above the footpath.

46. Upper levels for non-heritage sites within Area 3 are to be setback 3m. This is met, with the top two levels set back 3m from Wellington Street.

47. Schedule 23 also contains requirements relating to:

    (a) Overshadowing and solar access (public realm)

    (b) Building separation, amenity and equitable development

    (c) Vehicle access and car parking

48. These requirements are not mandatory and will be discussed within the assessment section of this report.



Figure 17: Plan 1 – Building Heights Framework Plan of DDO23

Environmental Audit Overlay

49. Pursuant to clause 45.03-1, before a sensitive use (includes residential), 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 Park 1XD of the *Environmental Protection Act 1970,* or

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

50. A note will be added to any permit that issues to remind the permit applicant of their obligations under clause 45.03-1.

Particular Provisions

Clause 52.06 – Car Parking

51. Clause 52.06-1 requires that a new use must not commence until the required car spaces have been provided on the land. A permit is required to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.

52. Under clause 52.06-5, the following parking rates are required

Proposed Use	Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated

Residential hotel	83 rooms	Rate not specified in Clause 52.06-5	To the satisfaction of the responsible authority	28 and 2 x short stay spaces
Office	1,096.3sqm	3.0 spaces per 100m^2 of leasable floor area	32	16
Café (food and drink premises)	82.5sqm	3.5 spaces per 100m^2 of leasable floor area	2	1
		Total	**34**	**47**

53. While the total number of spaces exceeds the statutory requirement, the allocation of spaces for office and the café tenancies is less than the specified rates for these uses. This will be discussed further within the assessment section of this report.

Clause 52.34 – Bicycle Facilities

54. Pursuant to clause 52.34, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces

55. Under the provisions of Clause 52.34-5 of the 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**
Residential building	83 rooms	In developments of four or more storeys, 1 resident space to each 10 lodging rooms	8 resident spaces	12 employee spaces 6 visitor spaces
		In developments of four or more storeys, 1 visitor space to each 10 lodging rooms	8 visitor spaces	
Office (other than specified in the table)	1,096.3sqm	1 employee space to each 300sqm of net floor area if the net floor area exceeds 1000sqm	4 employee spaces	
		1 visitor space to each 1000sqm of net floor area if the net floor area exceeds 1000sqm	1 visitor spaces.	
Retail premises (other than specified in this table)	82.5sqm	1 employee space to each 300sqm of leasable floor area	0 employee spaces	0 spaces
		1visitor space to each 500sqm of leasable floor area	0 visitor spaces.	
		Bicycle Parking Spaces Total	**12 resident/ employee spaces**	**12 resident/ employee spaces**
			9 visitor spaces	**6 visitor spaces**
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**1 showers / change rooms**	**2 showers / change rooms**

56. The proposed development has a shortfall of 3 visitor bicycle spaces. A planning permit is required pursuant to 52.34-2 to vary the requirements of clause 52.34-5.

57. Clauses 52.34-6 and 52.34-7 provides design standard for bicycle spaces and signage.

Clause 53.18 – Stormwater Management in Urban Development

58. These provisions were introduced via Amendment VC154 on 26 October 2018. While there are transitionary provisions for applications received prior to Amendment VC154, this is not applicable for the current application as the application was amended after Amendment VC154.

59. Pursuant to clause 53.18-3, applications to construct a building or construct or carry out works must meet the objectives of Clauses 53.18-5 and 53.18-6 and should meet the standards these clauses. These matters will be discussed within the assessment section of this report.

General Provisions

60. Pursuant to clause 66.02-11, an application to construct a building or construct or carry out works for a residential building comprising 60 or more lodging rooms must be referred to the Head, Transport for Victoria. Further detail is provided within the referral section of this report.

61. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework, 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 contained in this report

Planning Policy Framework (PPF)

62. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

63. The objective is:

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

Clause 13.04-1S (Contaminated and potentially contaminated land)

64. The objective is:
(a) *To ensure that potentially contaminate4d land is suitable for its intended future use and development, and that contaminated land is used safely.*

Clause 13.07 (Amenity)

Clause 13.07-1S (Land use compatibility)

65. 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 (Built Environment and Heritage)

Clause 15.01-1S (Urban design)

66. The relevant objective of this clause is:

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

Clause 15.01-1R (Urban design - Metropolitan Melbourne)

67. The objective is:

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

Clause 15.01-2S (Building design)

68. 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.*

69. Relevant strategies of this clause are:

    (a) *Require a comprehensive site analysis as the starting point of the design process.*
    (b) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
    (c) *Ensure development responds and contributes to the strategic and cultural context of its location.*
    (d) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
    (e) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
    (f) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
    (g) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
    (h) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
    (i) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
    (j) *Encourage development to retain existing vegetation.*

70. This clause also states that planning must consider as relevant:

    (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

Clause 15.01-4S (Healthy neighbourhoods)

71. The objective is:

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

Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)

72. The strategy is:

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

    Clause 15.01-5S (Neighbourhood character)

73. The relevant objective of this clause is:

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

    Clause 15.02 (Sustainable Development)

    Clause 15.02-1S (Energy Efficiency)

74. 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 – (Employment)

    Clause 17.01-1S – (Diversified economy)

75. The objective of this clause is:

    (a) *To strengthen and diversify the economy.*

76. The relevant strategies of this clause are:

    (a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
    (b) *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
    (c) *Improve access to jobs closer to where people live.*

    Clause 17.02 – (Commercial)

    Clause 17.02-1S – (Business)

77. The relevant objective of this clause is:

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

78. The relevant strategies of this clause is:

    (a) *Plan for an adequate supply of commercial land in appropriate locations.*
    (b) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
    (c) *Locate commercial facilities in existing or planned activity centres.*

    Clause 17.04-1S – (Facilitating Tourism)

79. The relevant objective of this clause is:

    (a) *To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.*

80. The relevant strategy of this clause is:

    (a) *Maintain Metropolitan Melbourne's position as a global, national and local destination in its own right and as a gateway to regional Victoria by:*
        (i) Developing city precincts and promenades.
        (ii) Revitalising the retail core of the Central City.
        (iii) Supporting artistic and cultural life.
        (iv) Improving public facilities, amenities and access.
        (v) Maintaining city safety.
        (vi) Providing information and leisure services.
        (vii) Improving transport infrastructure.

    Clause 18.01 (Integrated Transport)

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

81. The objective of this clause is:

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

82. Relevant strategies to achieve this objective include:

    (a) *Develop transport networks to support employment corridors that allow circumferential and radial movements.*

    (b) *Plan urban development to make jobs and community services more accessible by (as relevant):*

        (i) *Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*
        (ii) *Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.*
        (iii) *Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*

    (c) *Integrate public transport services and infrastructure into new development.*

    Clause 18.02 (Movement Networks)

    Clause 18.02-1S – (Sustainable personal transport)

83. The relevant objectives of this clause is:

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

84. Relevant strategies of this policy are:

(a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
(b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
(c) *Ensure cycling routes and infrastructure are constructed early in new developments.*
(d) *Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.*
(e) *Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.*
(f) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
(g) *Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.*
(h) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

Clause 18.02-1R – (Sustainable personal transport- Metropolitan Melbourne)

85. Strategies of this policy are:

(a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
(b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

Clause 18.02-2S (Public Transport)

86. 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)

87. A relevant strategy of this clause is to:

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

Clause 18.02-4S – (Car Parking)

88. The objective of this clause is:

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

89. A relevant strategy is:

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

<u>Municipal Strategic Statement</u>

90. The relevant policies in the Municipal Strategic Statement can be described as follows:

Municipal Strategic Statement (MSS)

91. Relevant clauses are as follows:

Clause 21.04-3 (Industry, office and commercial)

92. The objective of this clause is:

(a) To increase the number and diversity of local employment opportunities.

Clause 21.05-2 – (Urban design)

93. The relevant objectives of this Clause are:

(a) *Objective 16 - To reinforce the existing urban framework of Yarra;*

(b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*

(i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
1. Significant upper level setbacks
2. Architectural design excellence
3. Best practice environmental sustainability objectives in design and construction
4. High quality restoration and adaptive re-use of heritage buildings
5. Positive contribution to the enhancement of the public domain
6. Provision of affordable housing.

(c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
(d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
(i) Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.
(ii) Strategy 20.2 Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.
(iii) Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.
(iv) Strategy 20.4 Apply the Built Form and Design policy at clause 22.10.

Clause 21.05-3 – (Built form character)

94. The general objective of this clause is:

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

95. The subject site is located within a non-residential area, where the built form objective is to *"improve the interface of development with the street"*.

96. The strategies to achieve the objective are to:

(a) *Strategy 27.1 - Allow flexibility in built form in areas with a coarse urban grain (larger lots, fewer streets and lanes).*
(b) *Strategy 27.2 - Require new development to integrate with the public street system.*

Clause 21.05-4 (Public environment)

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

(a) *Objective 28 - To a provide a public environment that encourages community interaction and activity:*

(i) *Strategy 28.1 - Encourage universal access to all new public spaces and buildings*
(ii) *Strategy 28.2 - Ensure that buildings have a human scale at street level.*
(iii) *Strategy 28.3 - Require buildings and public spaces to provide a safe and attractive public environment.*
(iv) *Strategy 28.5 - Require new development to make a clear distinction between public and private spaces.*
(v) *Strategy 28.8 - Encourage public art in new development.*

Clause 21.06 – (Transport)

98. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. Relevant objectives and strategies of this Clause are as follows:

(a) *Objective 30 – To provide safe and convenient pedestrian and bicycle environments.*
(i) *Strategy 30.2 – Minimise vehicle crossovers on street frontages.*
(ii) *Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.*

(b) *Objective 31 – To facilitate public transport usage.*

(c) *Objective 32 – To reduce the reliance on the private motor car.*

(d) *Objective 33 To reduce the impact of traffic.*
(i) Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.

Clause 21.07-1 – Ecologically sustainable development

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

(a) *Objective 34 – To promote ecologically sustainable development.*

(i) *Strategy 34.1 – Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.*

Clause 21.08-5 Neighbourhoods (Collingwood)

100. This clause outlines the Collingwood neighbourhood as follows;

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

(b) *To the south of Johnston Street development is Victorian overlaid with subsequent periods of development. This part of Collingwood is varied in built form and character, ranging from large Victorian factory buildings to small pockets of low rise residential development. The most outstanding feature of this precinct is the Foy and Gibson complex of retail and warehouse of buildings which below to the suburb's commercial past. The buildings have large dominating built forms with rhythmic façade design. They are imposing and visually cohesive.*

101. Figure 14 of Clause 21.08-5, shows the subject site as being within a non-residential built form character area where the objective is to improve the interface of development with the street.

Relevant Local Policies

Clause 22.05 – Interfaces Uses Policy

102. This policy applies to applications within the Mixed Use Zone (among others), and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.

103. It is policy that:

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

104. Decision guidelines at clause 22.05-6 include:

(a) *Before deciding on an application for non-residential development, Council will consider as appropriate:*

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

Clause 22.10 – Built form and design policy

105. This policy applies to all new development not included in a Heritage Overlay. The relevant objectives of this policy are to:

(a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
(b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
(c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
(d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
(e) *Create a positive interface between the private domain and public spaces.*

(f) *Encourage environmentally sustainable development.*

106. The Clause includes various design objectives and guidelines that can be implemented to achieve the above objectives. The design elements relevant to this application relate to:

(a) *urban form and character;*
(b) *setbacks and building height;*
(c) *street and public space quality;*
(d) *environmental sustainability;*
(e) *site coverage;*
(f) *on-site amenity;*
(g) *off-site amenity;*
(h) *landscaping and fencing;*
(i) *parking, traffic and access; and*
(j) *service infrastructure.*

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

107. Clause 22.16-3 requires the use of measures to *"improve the quality and reduce the flow of water discharge to waterways"*, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

Clause 22.17 – Environmentally Sustainable Design

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

Other relevant documents

109. Clause 15.01-2S states that planning must consider as relevant:

(a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017). (UDG)*

Advertising

110. The application was advertised under the provisions of Section 52 of the Act by 1,262 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council initially received 7 objections, the grounds of which are summarised as follows:

(a) Excessive height and massing

(b) Poor architectural quality and internal amenity

(c) Amenity Impacts (overshadowing, daylight to windows, visual bulk)

(d) Noise from hotel guests

(e) Increased traffic and insufficient car parking

(f) Loss of 'heritage' fabric

111. The Section 57A amended plans were readvertised pursuant to Section 57B of the Act to the existing objectors and the adjoining properties to the north and west. While the amended plans result in a reduction in scale and largely an improvement to the original proposal, they also resulted in a reduced setback from the northern boundary at the upper levels. It was on this basis that the application was readvertised to those affected (i.e. north and west).

The amended application was not readvertised to the property to the south (other than those who had initial objected) on the basis that the changes did not result in any material detriment to this interface.

112. Council received a further 3 objections, bringing the total number of objections to 10. These objections did not raise any new matters.

113. A planning consultation meeting was held on 3 June 2019 and attended by the Applicant, Council Officers and four residents of 73-75 Wellington Street, one whom later objected to the proposal. The discussion centred around potential daylight impacts on the windows to the south.

114. In response to the concerns raised by the applicants, the permit applicant obtained a daylight analysis to study the impact on the apartments identified by the residents including both the proposed development and the approved development to the west at No. 72-94 Cambridge Street. This was subsequently circulated to the residents that had attended the meeting. The results on the daylight analysis will be further discussed within the assessment section of this report.

Referrals

External Referrals

115. The original application was referred to Head, Transport for Victoria (TfV) as a determining referral authority pursuant to Clause 66.02-11 of the Scheme. In correspondence dated 24 December 2018, TfV confirmed that it did not object to the proposal (unconditionally). The S57A Amended Plans were not re-referred to TfV on the basis that the changes resulted in a scaling down of the proposal and would not impact TfV's original advice.

Internal Referrals

116. The original application was referred to the following Council units/officers and external consultants:

    (a) Urban Design consultant (Rob McGauran of MGS)

    (b) Engineering Services Unit

    (c) Environmental Sustainable Development (ESD) consultant

    (d) Strategic Transport Unit

    (e) Streetscapes and Natural Values Team (Street trees)

    (f) Strategic Planning

    (g) City Works (Waste Management)

117. The amended application was re-referred back to the following:

    (a) Urban Design Consultant (Rob McGauran)

    (b) Environmental Sustainable Development (ESD) consultant

    (c) Engineering Services Unit

    (d) Strategic Transport Unit

118. The amended application was not re-referred to the remaining advisers and internal departments as the changes did not require further review. In regard to the Strategic Planning Department, their advice was initially sort given the variations to the DDO23 controls, in light of the amendments and the general consistency with DDO23, re-review of the amended proposal was not required.

119. In light of the significant changes, the original Urban Design Comments and the Strategic Planning comments are no longer relevant and have not been attached. All other referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

    (a) Policy and strategic support;

    (b) Use

    (c) Built Form and Design

    (d) Internal Amenity

    (e) Environmental sustainability;

    (f) Public realm

    (g) External amenity impacts

    (h) Equitable development

    (i) Car parking, bicycle facilities and movement;

    (j) Building services, loading and waste management

    (k) Objector concerns and

    (l) other matters

    Policy and Strategic Support

121. Pursuant to State policy at clause 17, economic development is to be fostered by *'…providing land, facilitating decisions and resolving land use conflicts, so that each region may built on its strengths and achieve its economic potential'.* At a local level, the Municipal Strategic Statement at Clause 21.04-3 seeks to *'increase the number and diversity of local employment opportunities'.* As will be discussed in further detail within this report, the proposal will support economic opportunities in a highly accessible, service-rich area. The uses proposed will increase employment opportunities in hospitality and through the future tenants of the office levels. The proposed uses are complementary to the surrounding area and are not expected to pose interface conflict issues. This will be explored in greater detail within the report.

122. Clause 17.04-1R seeks to maintain and develop Metropolitan Melbourne as a desirable tourist destination. The provision for a residential hotel will contribute to the availability of accommodation within the locality, while concurrently supporting the local economy through additional visitors to the area. Given the proximity to the Brunswick and Smith Street Activity Centres, this is considered an appropriate location for temporary accommodation. Furthermore, the proximity of the site to the Gipps Street employment precinct is likely to support proximate accommodation for business travellers.

123. Overarching State policy at clause 15.01-1S (urban design) seeks to *create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.* This is reinforced at clause 15.01-2S (building design) which encourages '…*building design outcomes that contribute positively to the local context and enhance the public realm*.' Council's Municipal Strategic Statement seeks to *'ensure that new development contributes positively to Yarra's Urban fabric'* (Objective 20) and also *'maintain and strength the identified character of each type of identified built form within Yarra.'* (Objective 23). The key considerations in relation to these policies relates to the consistency of the proposed development with Schedule 23 of the Design and Development Overlay, Collingwood South (Mixed Use) Precinct, which applies to the western side of Wellington Street and further beyond to the west.

124. Both State and local polices (clause 15.02-1S, 21.07-1) support energy and resource efficiency through environmentally sustainable development, consolidation and integration of urban development and supporting low energy forms of transport.

125. Both State and local policy directives seek to promote the use of sustainable personal transport (Clauses 18.02-1R, 18.02-2R, and 21.06). In regard to car parking, Clause 18.02-

4S encourages an adequate supply of car parking to be provided with consideration to existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.

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

Use

127. Within the Mixed Use Zone, a permit is required to use the land for a residential hotel (accommodation) and office, as the floor area exceeds 250sqm (1,096sqm proposed). Both uses however are considered to align with the purpose of the Mixed Use Zone, which seeks to support '… *a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality.'*

128. There are no specific decision guidelines within the MUZ for a new use other than industry and warehouse. However, guidance for assessing new uses in the MUZ is provided within Council's Interfaces uses policy at Clause 22.05 of the Scheme. Having regard to clause 22.05, the appropriateness of the discretionary uses are assessed in turn below.

Office

129. While the site exceeds the as-of-right LFA for an office within a mixed use zone, this exceedance is considered reasonable given the generous land size. The site is also on the edge of the Mixed Use Zone, with Commercially 2 zoned land directly to the south-west of the site, which encourages commercial areas for office. Therefore the office use will be complementary to the existing office activity within the immediate surrounds.

130. Office is a passive land use that generates minimal external impacts such as noise, odour or visual appearance. Amenity impacts from the proposed buildings and works will be discussed in greater detail through the report, however it is noted that the built form outcomes are not adversely impacted by the use of the land as office (as opposed to an alternative as of- right use). The office is not anticipated to place an excessive demand on services, including loading/unloading or waste generation. The proposed development has accommodated sufficient loading areas and waste storage areas to support the future office use. These matters will be discussed in greater detail later within this report.

131. The hours of operation for the offices have not been nominated by the permit applicant. It is recommended that the hours of operation are restricted to 7am to 10pm, reflecting the day and evening hours pursuant to EPA's State Environmental Protection Policy (SEPP). This will be included as a condition accordingly.

Residential Hotel

132. As outlined within the Strategic justification section earlier, the subject site is considered an appropriate location for a residential hotel based on its proximity to key activity centres (Smith and Brunswick Streets) and the Gipps Street Employment Precinct.

133. A management plan has been prepared by Quest Apartment Hotels detailing matters relating to security and management of the facility. Key details include:

(a) Reception hours between 7am to 11pm daily, with all guest checked into the computer reservations system.

(b) On-site live in manager available outside reception hours and is responsible for enforcing noise control

(c) Swipe-only access between 10pm and 7am

(d) Pre-organised after-hours check in available via a key safe

(e) CCTV surveillance across the premises

(f) Staff to be trained in emergency evacuation and First Aid

134. However, the management plan does not detail how the conference room, business lounge and adjacent terrace will be used, including their hours of operation. Given the proximity of these areas to the apartments to the south at No. 73-77 Wellington Street, it is possible that unregulated use of these areas could adversely impact the amenity of the adjacent residential properties. It is suggested that use of the outdoor terrace should be limited to 10pm. This aligns with EPA's SEPP night time period, which commences at 10pm. This would also be consistent with Council's Licenced Premises policy at clause 22.09 of the Scheme for use of outdoor areas for the sale and consumption of liquor. While the current application does not seek approval for a liquor license on the land, this policy provides guidance on suitability of outdoor area activity within a mixed use context.

135. To minimise noise spill from the adjacent conference room and business lounge, it is appropriate windows and external doors to these areas to be shut after 10pm. Given that the management plan indicates that visitors of the residents will be required to leave the premises by 11pm, it is considered appropriate that the use of the conference room and business lounge also cease by 11pm. These matters can be addressed through an amended management plan. The management plan already indicates that music played on site will be limited to background noise only, this would apply to these areas as well.

136. Subject to the additional inclusions identified above, the policies and procedures outlined within the management plan will ensure that external amenity impacts from the residential hotel, such as noise and guest behaviour, are appropriately managed. The amended management plan will be required by condition accordingly on any permit issued.

137. Interface matters relating to the proposed buildings and works will be discussed later within the assessment of amenity impacts. Other matters relating to the operation of the residential hotel, such as waste management, loading and unloading and car parking generation, will be discussed in greater detail within the relevant sections of this report.

Built Form and Design

Building Height

138. Specific building height guidance is contained within Schedule 23 of the Design and Development Overlay, which applies to the site. As described in the planning controls section, a 30m height control applies to this site. The proposal has met this, with a maximum height of 29.13m proposed (as shown on the eastern elevation). As such, the overall height of the development is considered acceptable and consistent with the strategic direction for the site.

139. A roof top service area (and screening) is depicted on the cross sections (TP40 & TP41) to marginally projects above 30m from the natural ground level (uppermost dashed horizontal line as shown on the image below).

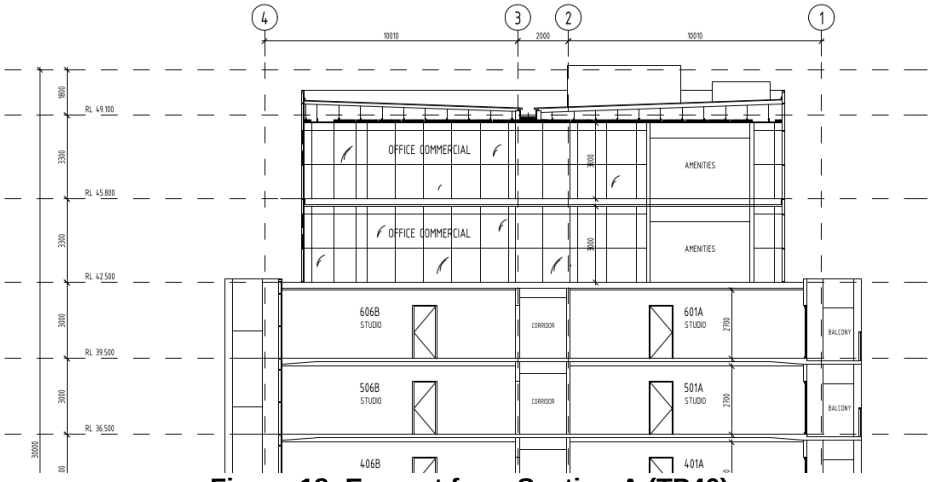


Figure 18: Excerpt from Section A (TP40)

140. The height to the top of the roof top services has not been clearly dimensioned, however the roof plan (TP20) indicates that a 1.8m high screen is proposed around the perimeter of the roof services platform. The definition of building height at clause 2.1 of DDO23 excludes screens to service areas or such equipment provided that the following criteria is met:

    (a) *Less than 50% of the roof area is occupied by the equipment (other than solar panels)*

    (b) *Any equipment is located in a position on the roof so as to avoid additional overshadowing of either public or private open space, or windows to habitable rooms of an adjacent property*

    (c) *Any equipment does not extend higher than 3.6m above the proposed height of the building and*

    (d) *Any equipment and any screening is integrated into the design of the building to the satisfaction of the responsible authority.*

141. The above criteria for the services area is met in the following manner:

    (a) Equates to approximately 10% of the overall roof area.

    (b) Is located in a relatively central area of the roof area, with services to be readily concealed by the louvered screen.

    (c) Is sufficiently set back from the site boundaries to ensure that the services area will not create overshadowing impacts on adjoining sites.

    (d) The services screen is 1.8m height, as such will be comfortably less than 3.6m above the building height.

    (e) The services screen is sufficient subordinate to the roof profile and is unlikely to be readily visible from the public realm

142. For clarity, a condition will require the roof top services screen to be shown on the elevations, as well as dimensions of the maximum height to be clearly shown on elevations and sections. A further condition will also require the RL measurement to the roof parapet to be dimensioned as this detail has been omitted.

    Street wall & upper level setbacks

143. Schedule 23 of the DDO stipulates a street wall height of 20m, with levels above to be set back 3m from the street wall. The proposed development slightly exceeds the preferred street wall height at 22.6m, however levels above are set back the requisite 3m. The street wall height is not dimensioned on the plans, with Council officers deriving the measurement from scaling the plans in Council's plan software (Trapeze).

144. Schedule 23 states that a street wall height cannot be exceeded unless all of the following are met:

    (a) *The built form outcome, as a result of the proposed variation satisfies the Design Objectives at Clause 1.0 and the Heritage Building Design Requirements in this schedule*

    (b) *The proposed street wall height provides a transition, scaling down to the interface with heritage building, and is no more than two storeys higher than the street-wall height of the adjacent heritage building*

    (c) *The proposed street wall height does not overwhelm the adjacent heritage building.*

145. Having regard to the above, neither (b) nor (c) are relevant given that the site does not have an interface with a Heritage Building, nor is it within a Heritage Overlay. Similarly, the Heritage Building design requirements as referenced in (a) are also not relevant.

146. The relevant consideration is whether the slightly higher street wall is consistent with the five design objectives at clause 1.0. These are discussed below in turn.

147. The first design objective seeks: '*To foster an emerging, contemporary, mixed use character with a prominent street wall edge, incorporating upper level setbacks and design features*

that create a distinction between lower and upper levels.' The difference between a 20m and a 22m high street wall is considered inconsequential to this design objective. The street wall will be prominent and clearly distinguishable from the upper levels due to the material variations and the 3m upper level setback.

148. The second objective is seeking to achieve a mid-rise form that responds to the topography of the area whilst minimising amenity impacts on existing residential properties through visual bulk, overlooking and overshadowing. The proposed mid-rise form relates to the overall height and is not considered to be affected by the 2m difference in the street wall height. The additional height of the street wall is also considered inconsequential from an amenity perspective, with the tallest section of the street wall set back 3.1m from the southern boundary (being the only existing residential interface).

149. The third objective is to maintain the prominence of corner buildings on Wellington Street and to provide a responsive design where adjacent to heritage buildings. The second part of the objective is not relevant as there are no heritage buildings immediately surrounding the site. Noting that the corner site to the south (73-77 Wellington Street) has a podium height stepping down from 7 storeys at the corner to 6 storeys along Wellington Street, Council's Urban Design advisor stated that it would be desirable if the street wall height was lowered from 6 to 5 storeys. It is suggested that this could be achieved by removing the proposed framing and soffit areas to the projecting balconies at Level 5 (i.e. 504A to 507A).

    This suggestion has not been included within the officer recommendation for the following reasons:

    (a) The podium as proposed is not considered to present a more dominate street wall compared to that to its south. As illustrated in the image below, the proposed podium height will sit at a height between the higher and lower elements of the development to the south.

    (b) The proposed podium height would also sit comfortably alongside the podium height associated with the approved development to the north, with a similar street wall height of 22.23m.

    (c) Reducing the height of the street wall would also emphasis the upper levels, consequently making them appear more prominent. This is not a preferred outcome given the breadth of the upper levels.

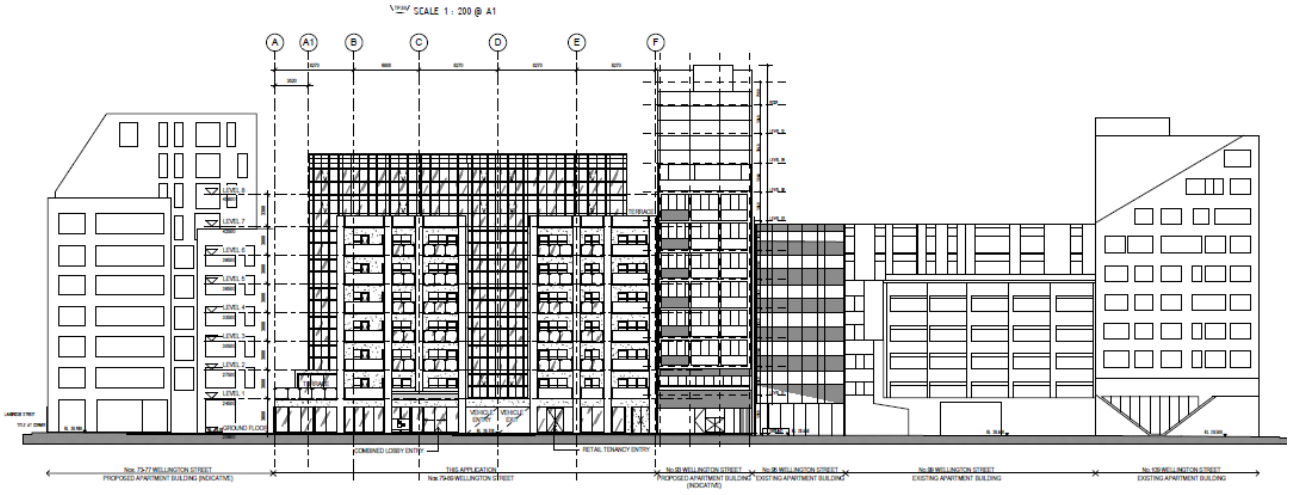


Figure 19: Wellington Streetscape between Langridge St (South) and Peel St (North)

N.B. Proposed development to the north (right) is shown one storey higher than approved

150. The fourth design objective is: '*To promote and encourage pedestrian activity through street edge activation and the protection of footpaths and public open spaces from loss of amenity through overshadowing*'. The additional height of the street wall does not impact upon the

street edge activation. Furthermore, the shadow diagrams submitted with the amended application also clearly show that the additional height will not affect solar access on the opposite side of Wellington Street before 2pm. As the sunlight period between 10am-2pm is nominated elsewhere in DDO23 as the basis for assessing overshadowing impact on the public realm, the absence of shadows at this time demonstrates the consistency with this design objective.

151. The final design objective relates to ensuring equitable development through building separation and a design response that considers the development opportunities. This objective is not influenced by the podium height.

152. Based on the above analysis, it is determined that the podium height is acceptable.

Building separation

153. Schedule 23 of the DDO provides the following guidance for upper levels building separation where development shares a common boundary:

(a) Be setback a minimum 4.5m from the common boundary where a habitable window or balcony is proposed

(b) Be setback a minimum of 3m from the common boundary where a commercial or non-habitable window is proposed

South

154. This is not met along the southern boundary for the residential hotel levels 2 to 6, with setbacks of 3.3m to 3.57m proposed where habitable room windows face a common boundary. The variation is considered acceptable in this case based upon the following:

(a) The internal amenity of these hotel rooms will not be unreasonably impacted. None of the main living areas have their principal outlook toward the southern boundary. While there are bedroom windows that rely on this window for light, given the temporary nature of the accommodation, this is considered an acceptable outcome.

(b) The setbacks do not result in inequitable development opportunities or unreasonable amenity impacts based on existing conditions, as will be discussed in greater detail later within this report

(c) From a streetscape perspective (refer to Figure 19 above), a reduction in the side setback is inconsequential, noting that the surrounding developments are built boundary to boundary along Wellington Street.

155. The upper two levels of office are set back a minimum of 3.33m from the southern boundary in accordance with the preferred building setback.

West

156. From the western boundary, a setback of 4.5m or greater is provided for all habitable windows, however balconies to the residential hotel rooms at Levels 1 to 6 are within 3.16m from the boundary. While this would not meet the building separation requirements, it is considered acceptable on the following basis:

(a) Screening can be applied to the balconies without unreasonably compromising the internal amenity of the hotel rooms, given that they are for temporary accommodation.

(b) A minimum separation of 8.61m will be achieved from the adjacent residential apartments to the west based on the endorsed plans for 72-94 Cambridge Street, resulting in a difference of 0.4m from the anticipated 9m building separation between sites.

(c) The variation of 0.4m is not expected to be perceivable from a daylight or visual bulk perspective.

157. The windows to the upper office levels are set back a minimum of 6.72m, well in excess of the minimum 3m setback requirement.

North

158. The only windows along the northern boundary to the residential hotels are associated with the internal shared corridor. This window is set back 3m from the boundary and therefore complies with the building separation requirement.

159. The upper office levels are set back 3.13m from the boundary, meeting the preferred building setback.

Materials and design

160. DDO Schedule 2 recognises Wellington Street as one of importance to the image of the City of Yarra. Specifically, the design objectives within Schedule 2 include:

    (a) *To recognise and reinforce the pattern of development and the character of the street, including the traditional lot width, in building design;*

    (b) *To encourage high quality contemporary architecture'.*

161. These objectives are considered particularly important for the subject site given its substantial frontage to Wellington Street.

162. The original façade composition has been significantly improved through the amended plans, which is now much more responsive to the street rhythm. This is achieved by expressing the street wall with two framed balcony modules comparable to the typical grain size of the street.

    This is reflected in the streetscape elevation above at Figure 19. Council's urban design consultant also no longer raises any concern with the composition of the eastern elevation.

163. While the response to the streetscape pattern has been improved, the material quality remains unsatisfactory given the prominence of the site. The street wall balcony modules are composed of precast concrete with a paint finish. Council's urban design consultant raised concern with the use of this material and recommended the use of a masonry finish, reflecting materials characteristic in the area. Council officers consider a masonry finish such as a textured brick snap cladding to the front façade in a brown/red colour would improve its relationship with the Collingwood area and the materials typical of the remnant heritage brick warehouse buildings.

164. The rest of the façade comprises dark grey "*Monument*" glass spandrels and "*Low E Green*" glazing. Concern is raised with the green tint of the "*Low E Green"* glass, which presents poorly to the streetscape and the emerging contemporary developments. It is subsequently recommended that this be replaced with either clear glazing, light grey or a more 'neutral' bronze colour. For continuity, this should apply to all sides of the building, including glazed balcony balustrades. At ground level however, the glass will be required to be clear to maximise activation and passive surveillance.

165. Detailed perspectives will be requested by way of condition to ensure that the revised composition is appropriate. To ensure that the alternative materials are of a sufficient quality, a condition will require a material board with physical samples of materials to confirm the development is of sufficient quality.

Internal Amenity

166. It has been well established by VCAT that residential hotels and serviced apartments do not require the same standard of internal amenity as a dwelling given the short term, temporary nature of the accommodation type.

167. In the matter of *Tribe v Whitehorse CC* [2014] VCAT 212, the Tribunal made the following observations at paragraphs 59 and 62 regarding the serviced apartments, which could equally apply to a residential hotel:

    (a) *The proposed apartments do not have layouts or facilities consistent with what would typically be provided for dwellings. As noted by the objectors, some apartments do not have balconies or ground level courtyards for open space, living spaces rather than some bedrooms are 'internalised' within the unit layout and facilities like storage and*

areas to dry clothes are not provided. The 'apartments' are, in many cases small, and more akin to a motel unit with cooking facilities.

(b) *By and large, I do not see any difficulty with apartments of the size and type proposed being used for temporary accommodation. However, I would not approve them for dwellings providing permanent accommodation given the standard of amenity they provide. The absence of open space for some apartments, the internal layouts and absence of facilities do not make the proposed units suitable for permanent accommodation*

168. However, whilst serviced apartments and residential hotels are not expected to provide the same level of internal amenity as permanent accommodation, a level of amenity commensurate with the expectations of temporary accommodation still needs to be considered. This was explored through the recent VCAT decision of nearby site at Nos. 42-44 Oxford Street, 61-63 Cambridge Street and 16 Langridge Street, Langridge and Cambridge Funding Development Pty Ltd v Yarra CC [2018] VCAT 703, which at paragraph 126 stated that:

(a) *We accept there is limited guidance in the scheme as to the benchmarks that would demonstrate that a hotel room provides acceptable amenity. Clearly daylight, ventilation, safety and communal spaces are necessary starting points.*

169. In this case, the Tribunal was not persuaded that the daylight or size of the hotel rooms were adequate. The smaller rooms dimensioned at 2.2m by 4.9m and failed to provide enough chairs for the occupants of the room. In contrast, the hotel rooms in the current proposal are of a reasonable size. There are three layouts; a studio, a one bedroom and a two bedroom, with opportunities to connect adjacent rooms in some instances. The studio, being the smallest of the hotel rooms measures at 3.1m by 9.2m. The furniture layout illustrates there is sufficient room for a bed, bedside tables, a kitchenette, a desk with two chairs and a shelving unit in addition to and separate bathroom and balcony.

170. The one and two bedroom room types are also of a reasonable size, with bedrooms measuring at a minimum of 3m x 3.25m in addition to built-in-robes, hallway galley kitchens and living/dining areas with a minimum dimension of 4m and area of 16sqm. While not applicable, it is acknowledged that bedrooms and living areas would largely meet the Functional Layout Standard D24 at Clause 58.07-1, with a 20cm shortfall of the minimum 3.4m depth for main bedrooms.

171. While the layout of the hotel rooms is acceptable, the level of daylight for bedrooms is significantly below what would be acceptable for long term accommodation. Most of the one bedroom and all two bedroom room types rely on borrowed light and ventilation from the living areas. To facilitate borrow light, walls between the bedrooms and living areas contain glazing to 2.65m above the finished floor level (see image below).

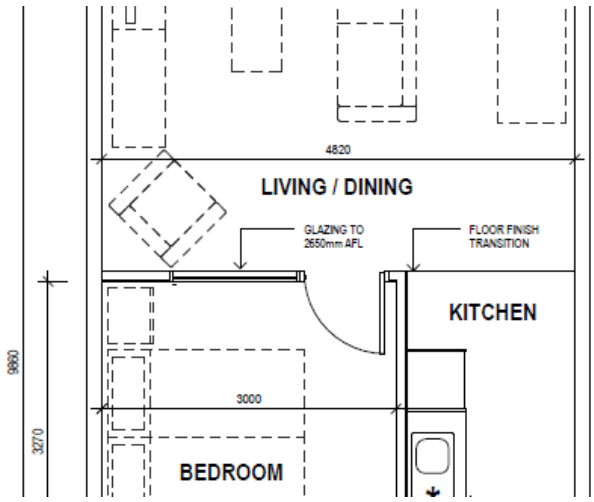


Figure 20: Except of typical single bedroom layout

172. While this would not be an acceptable arrangement for long-term accommodation, it is considered suitable for short stay accommodation. A notable difference between a hotel room and an apartment is that significantly less time is spent inside the rooms, particularly in bedrooms, during the day. While the reliance on borrowed light was criticised by the Tribunal in *Langridge and Cambridge Funding Development Pty Ltd,* in contrast to that proposal, all living rooms will have excellent access to natural light and ventilation with half of the rooms facing Wellington Street and the remainder facing the western boundary with a minimum setback of 4.5m (excluding the balcony).

173. The basis for supporting the extent of borrowed light is the temporary nature of the accommodations. The Quest Management Plan submitted with the application indicates that the average length of stay would be 2.7 nights (based on data from other Quest accommodations). To ensure that guests are only occupying rooms for a short period of time, a condition of any permit issued will require the owner of the land to enter into a Section 173 Agreement stipulating a maximum duration for guests will be 30 days. This is considered a reasonable timeframe to accommodate short business trips and holidaying guests. A duration beyond 30 days is considered to denote a more established living arrangement (albeit still temporary), where the internal amenity is likely to cause a greater imposition on the resident of the rooms.

Environmental Sustainability;

174. An amended Sustainability Management Plan (SMP) was submitted with the amended plans prepared by JBA Consulting Engineers Pty Ltd and dated 24 March 2019 to reflect the amended plans and address some of the initial comments from Council's ESD advisor. An assessment of the environmental sustainability of the development is provided in the following sections.

Indoor Environmental Quality

175. The SMP indicates that outdoor air quantities will achieve a minimum 50% improvement on the minimum AS1668.2.

176. Council's ESD advisor had recommended in their initial advice that the hotel rooms should be reconfigured to provide breezeways to at least 30 percent of apartments. As a consequence of the amended plans, 10 hotel rooms (12%) now have windows to two sides of the main living area, providing a breezeway. A further three apartments would also be able to receive cross ventilation via the bathroom windows, increasing the opportunities for breezeways to 15% of rooms. While falling short of the Council's ESD advisors initial targets, the plans have sought to improve the breezeways to a number of rooms and given the temporary nature of the dwellings, this is considered an acceptable outcome.

Energy

177. The SMP commits to a 15% improvement above NCC energy efficiency requirements for heating and cooling through enhanced envelope insulation. In the initial advice, Council's ESD advisor requested a JV3 energy modelling report be provided before occupancy to demonstrate that the 15% improvement in the NCC requirements has been achieved. The applicant has sought to provide a greater assurance of its commitment of 15% improvement by providing a DTS Preliminary Section J assessment as part of the Section 57A amendment.

178. Council's ESD advisor has reviewed this document and has raised concerns with the assessment. In particular, the report is reliant on very low Solar Heat Gain Coefficient (SHGC) glazing on the major facades, however no evidence has been provided regarding the glazing selection. Additionally, the U-level glazing qualities are very low. There also appears to be inconsistency between this modelling and the daylight assessment, which relies on high visual Transmittance glazing. On this basis, the ESD advisor has recommended that the heat loads be improved through changes to the facades, such as raising window sill levels or introducing additional vertical fins.

179. Furthermore, as discussed within the assessment of the materials, it is sought to replace the '*Low E Green*' glass to improve the appearance of the development. It is acknowledged that these changes may also impact the internal heat loads. However, additional screening devices or higher solid to void ratios (i.e. higher window sills) could be explored to achieve acceptable levels for both daylight and reduced heat loads. This will be included as a condition on permit accordingly.

180. In the original advice, Council's ESD advisor recommended that a PV array be introduced to contribute to onsite electricity demands. This was included as part of the amended proposal and now shown on the roof plan.

181. The proposed development is not expected to impact on solar energy facilities on adjoining sites. There are no solar panels shown on the endorsed plans for No. 73-77 Wellington Street to the south, however given that the proposed development would not cast shadow across the roof of this development, any solar energy facilities would be unaffected by the proposed development.

182. There are solar energy facilities proposed to the roof of No. 72-94 Cambridge Street to the west. This will not be overshadowed by the proposed development and as such, would not be impacted. Matters relating to daylight of adjoining properties will be discussed within the assessment of offsite amenity impacts.

Water

183. Best practice STORM rating of 103% is achieved with a 20kL rainwater tank collection from the roof of the building, redirecting to toilet flushing for 30% of toilets within the development. Water efficient fixtures and taps are also proposed. This is considered an acceptable response to both Clauses 22.16 and 53.18.

Other initiatives

184. In addition to the above, the following initiatives are highlighted:

    (a) Metering and monitoring strategy applied

    (b) Commissioning and tuning plan to nominated building systems

    (c) At least 90% of construction and demolition waste to be diverted from landfill

    (d) 2 x electric vehicle (EV) charging points within the basement

185. Council's ESD advisor has also recommended provision for organic waste. This is considered appropriate, with food scrap bins within office developments becoming common place. Furthermore, given that the hotel rooms come with kitchenettes, it is likely that these may also generate food waste that could be disposed of more sustainably. As such, this suggestion will be conditioned accordingly within a revised SMP and Waste Management Plan.

186. The provision for EV charging points are supported, however their location away from car spaces would affect their usability. This will be rectified via condition requiring the EV charging points to be provided adjacent to car spaces.

Public Realm Environment

Ground level treatment

187. Schedule 23 of DDO encourages active street frontages and design elements/features that contribute to an engaging streetscape. Where services are required along the frontage, these are required to be sensitively designed.

188. Given that Wellington Street is the only street abuttal for the subject site (e.g. no rear or side access), service functions along the Wellington Street façade are unavoidable. This includes provision for vehicle access and a fire booster. The remainder of the frontage will provide an active interface, consisting of full height glazing to the café tenancy, lobby/entrance, residential hotel reception and marketing office. Having regard to the site constraints, the proposed development has achieved a high level of activation with Wellington Street. However, as discussed with the assessment of materiality, it is suggested that the green tint glazing is replaced with clear glazing to maximise the visibility and integration with the streetscape. This will be conditioned accordingly.

189. A small canopy is provided above the lobby entrance for the office and residential hotel. This will provide weather protection for pedestrians transitioning in and out of the building. The remainder of the façade does not provide a canopy. This is acceptable given that the other existing or proposed developments along Wellington Street also have not provided canopies to the street, therefore the absence of a canopy for the remainder of the frontage will be consistent with the existing and emerging streetscape character.

Solar access

190. Schedule 23 of DDO states that: '*for streets that extend in a north-south direction, development must not overshadow:*

    (a) *the eastern footpath to a distance of 2m from the kerb between 10am and 2pm on September 22;*

    (b) *The eastern footpath to a distance of 2.0m from the kerb from 10am to 2pm on September 22.'*

191. Whilst not explicit in the above requirement, it is not feasible for development of any scale to avoid overshadowing the same side of the street between the nominated times. It is understood that the intent of the requirement is to avoid development overshadowing the opposite site of the street. Shadow diagrams submitted with the application have adequately demonstrated that shadow cast by the development would not impact the eastern side of Wellington Street between 10am and 2pm on September 22.

Wind impacts

192. A decision guideline of DDO23 is to consider the wind effects created by the development. A wind impact assessment was submitted with the original proposal. A revised wind report has not been provided. The original report indicated that the ground level footpath areas would be expected to meet walking criteria, with entrance areas being within standard criteria, noting that the most significant northerly and westerly winds would be blocked by other developments.

193. However, in order to satisfy the design guidelines of DDO23, a condition of any permit that issues will require a wind impact assessment to be provided based on the amended scheme.

External amenity impacts

Overshadowing

194. Shadowing on the public realm has been discussed previously. Shadows cast by the proposed development will impact the future development to the west and the recently constructed development to the south. These will be discussed in turn.

West

195. The shadow diagrams submitted with the application indicate that the development will cast a shadow on the proposed development to the west between 9am to 11am. However, sectional shadow diagrams have been provided that demonstrate that the shadows will not impact the entire building, with shadows at 9am impacting apartments up to Level 4 only and by 10am, only the apartments on Levels 1 and 2 will be affected. By 11am, the shadows will fall within the shadows already created by the proposed boundary wall of the site to the west. The extent of shadows cast by the proposed development are considered reasonable given the development expectations for the subject site. Additionally, the occupants of No. 72-94 Cambridge Street will also have access to a communal rooftop terrace with uninterrupted solar access throughout the day. On this basis, the reasonable amenity expectations from the proposed development are not unduly compromised.

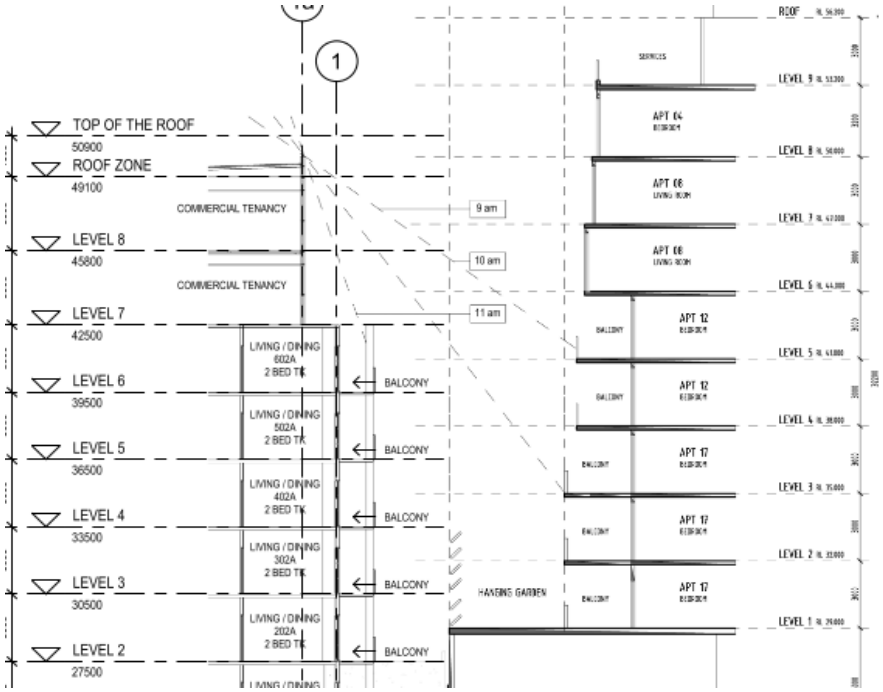


Figure 21: Section shadow diagrams cast from the subject site (left) to No. 72-94 Cambridge Street (right) at 22 September

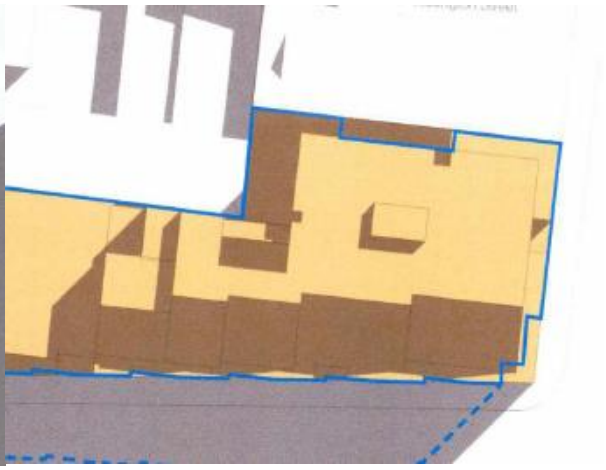
South

196. To the south, adjacent the south-western corner at Level 1 is a terrace associated with the apartment adjacent to the south. There are also balconies to the levels above. These balconies have a solid wall facing the subject site with a window cut-out. There are no other open space areas immediately abutting the subject site. The shadow diagrams submitted with the application indicate that the development will overshadow this area up until midday. However, on review of the shadow diagrams submitted with the application for No. 73-77 Wellington Street (below), this area will already be overshadowed by its own development. It is not anticipated that the shadows cast by the proposed development would be noticeably greater than existing conditions.

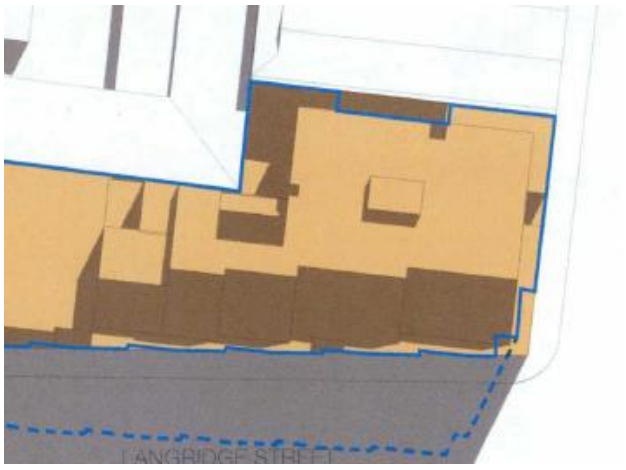
197. To offset the limited solar access provided to this terrace, the adjoining development also includes a communal podium terrace at Level 7 facing Cambridge Street. This would receive uninterrupted solar access. Given that the occupants of the development would continue to have access to an outdoor area with good sunlight access, the impact on this development is considered acceptable.



9am



10am



11am



12noon

Figure 22: Shadow diagrams provided with PLN15/1138 – 73-77 Wellington Street, Collingwood

Daylight impacts

North

198. The land to the north at No. 93 Wellington Street presently contains a single storey commercial building, however as identified in the surrounds description, a planning permit has been issued for construction of a 10 storey apartment building on this site . The endorsed plans provide a mid-block light court along the southern boundary with a length of 4.5m and a depth of 3.05m. This provides daylight to bedrooms at Levels 1 and 2. Other windows to this lightcourt are associated with bathrooms, laundries/butlers pantries and corridors.

199. The approximate location of the proposed lightcourt is shown below (blue hatch). As illustrated below, the development has responded by providing its lightcourt directly opposite this area, however it will be approximately half the width. While the urban design advice has raised concern with the potential impact on the daylight access to the development to the north, it is considered that further modification is not necessary on the following basis:

    (a) The lightcourt largely provides daylight access to non-habitable windows with the exception for Level 1 and 2 of the building. On level 1, the lightcourt provides daylight to 2 of 3 bedrooms, with the master bedroom located adjacent to Wellington Street, with uninterrupted daylight access. On level 2, this relates to 1 of 3 bedrooms, with the two remaining bedrooms having uninterrupted access to Wellington Street and to the west (respectively).

(b) Given the significant change that has occurred within the immediate surrounds, and the generous size of the site, it was to be expected that the subject site would be developed in future.

(c) There are no requirements under the Scheme which direct that a larger light court is provided. The subject site does not seek to rely on this light court for amenity, with it servicing bathrooms and common corridors only.

(d) While the officer report for No. 93 Wellington Street (PLN17/0512) suggested that the daylight access would be acceptable if the subject site were to mirror the light court, this reliance upon the adjoining site to develop in a certain manner beyond what should be reasonably expected is considered inequitable.

(e) It is also noted that the light court to the north is not an existing site condition. While plans have been endorsed, the development to the north has not commenced and therefore, less weight can placed on the amenity impacts.

200. While it is not considered reasonable or necessary to require the lightcourt to be increased to match that to the north, it is suggested that the boundary walls to either side of the light court on the subject site have a white paint finish (rather than black) to improve the daylight levels within the adjacent light court. This will be conditioned accordingly.

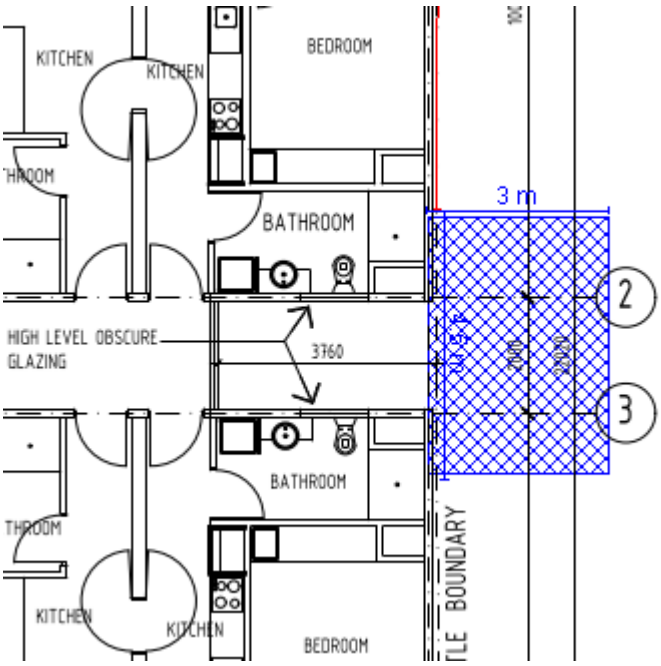


Figure 23: Interface with proposed light court to the north (blue hatched)

West

201. Land to the west has recently been cleared of buildings, suggesting that construction for the approved 10 storey apartment development is likely to shortly commence. The plans for the subject site have included details of the future development on this site. This shows that a 5m to 7.96m setback will be provided from the common boundary from Level 3 and above.

The subject site provides a minimum 3.16m setback to balconies and a 4.68m to the building line. This results in a combined separation of 8.28m to 11.9m. This separation is considered sufficient to ensure that adequate daylight access can be maintained for all dwellings.

South

202. The property to the south at No. 73-77 Wellington Street contains bedroom and secondary living room windows facing the subject site within 1.82m from the shared boundary. In the officer report for 73-77 Wellington Street, in relation to the daylight from the northern

boundary, stated at paragraph 194 that *'…should the abutting sites develop with similar setbacks it would be an acceptable outcome'*

203. In responding to this interface, the proposed development is set back 3.3m from the southern boundary and 4.79m from the western boundary to align with the western balcony of the building to the south. The setback from the southern boundary will be almost double the setback provided by the property to the south. Furthermore, the southern walls are proposed to have a white paint finish which will assist in daylight levels through light transmittance.

204. It is acknowledged that the ground and first floor levels are constructed on the boundary. This is considered an acceptable outcome and an improvement on existing conditions given that the proposed wall will be 4.9m lower than the existing two storey brick building currently constructed to this boundary. The current interface is shown in the image below (as viewed from Cambridge Street).



Figure 24: Existing interface between subject site (red brick) and 73-77 Wellington St

205. As outlined earlier in the report, at the public consultation meeting residents of No. 73-77 Wellington Street to the south-west of the proposed development raised concern with the daylight impact on their apartments. The applicant has undertaken a daylight modelling analysis that models the future impact of both the subject site and the approved development to the west at No. 72-94 Cambridge Street. This confirms that the lightcourt to the south will continue to receive an acceptable level of daylight.



Figure 4 Dwelling 108 Bedrooms & Kitchen/living



Figure 5 Dwelling 207 Bedrooms & Kitchen/living

Figure 25: Daylight modelling for 108 & 207, 73-77 Wellington St

Overlooking

206. There are potential overlooking opportunities to the north, west and south. These will be addressed in turn within the paragraphs below.

North

207. While the approved development to the north is yet to be developed, in the interests of orderly planning, future overlooking opportunities have been considered. West-facing balconies are proposed to the hotel rooms adjacent to the northern boundary. The lower levels would have direct views into the terrace on Level 2 of the adjoining development to the north. This could be readily resolved by screening along the northern boundary of these terraces. This will be included as a condition accordingly.

208. Windows proposed to the northern lightcourt on the subject site are to non-habitable (bathrooms and corridors) and therefore are not considered to result in any unreasonable

overlooking opportunities to the proposed bedroom windows on Levels 1 and 2 of No. 93 Wellington Street within its lightcourt.

West

209. While the development to the west has not yet commenced, in the interest of orderly planning, overlooking opportunities have been considered. Borrowing from the ResCode overlooking standard, views within 9m of the boundary are considered to compromise the reasonable privacy expectations of the future residents. As mentioned previously, the minimum separation between the balconies of the subject development and the development to the west is slightly less than 9m, with an 8.3m separation proposed, therefore overlooking opportunities would potentially compromise the reasonable amenity expectations of the future occupants. To address this concern, it is recommended that screening devices are provided to the balconies of the residential hotels. The screening devices could be applied at an angle so to maintain oblique views to the south and/or north whilst restricting a direct westerly outlook. This will be addressed via condition accordingly.

South

210. Windows to living rooms and bedrooms along the southern boundary are highlight windows will minimum sill heights 1.7m above the respective finished floor level. This will sufficiently minimise potential overlooking from these windows.

211. The west-facing balconies appear to have balustrades 1.7m high along the southern side of the balconies. The height and visual permeability of these screens has not been clearly shown, with this detail also omitted from the floor plans. To ensure that there will not be any overlooking opportunities into the Level 1 terrace or balconies above, a condition will require that the southern side of the southernmost west-facing balconies to provide 1.7m high obscure glazed screening or otherwise limited to a maximum 25% openings.

Visual Bulk

212. The proposed development is not considered to cause any unreasonable visual bulk impacts to the existing development to the south or the proposed development to the north given that neither development have their primary outlooks facing the subject site. The western wall has also been setback from the western boundary generally in line with the adjoining developments to the north and south, as such oblique views from the private open space areas within the western setbacks will also not be unreasonably impacted.

213. The primary outlook for a number of the apartments within the proposed development to the west is toward the subject site, therefore there should be greater care applied in its presentation. The current presentation with the exposed balconies has an overwhelming utilitarian presentation and would create an undesirable outlook for these apartments.



Figure 26: Excerpt from Proposed Western elevation (TP34)

214. Council's Urban Design consultant has also raised concern with the presentation of this elevation describing it as '*underworked and requiring greater levels of care and articulation in its interface with neighbours.'* As discussed within the overlooking assessment, screening is also required to prevent unreasonable overlooking. With careful application, the screening could also be used to improve the visual presentation of the western façade and reduce its utilitarian appearance. It is suggested that decorative screening such as fixed blade or semi operable screens could be used to provide a curtain-wall like appearance, whilst maintaining privacy. This has been used within the podium levels of No. 72-94 Wellington Street as shown in the image below:



Figure 27: Marketing images associated with 72-94 Cambridge Street

215. Another similar example of screening is provided below:



Figure 28: No. 2 St Georges Road

Equitable development

216. As has been discussed throughout this report, all adjoining sites have either been recently developed or have planning permits for their future development. These developments have been considered in the assessment of the current application. Subject to additional modifications as discussed above, the proposed development will not compromise the equitable development opportunities of any adjoining properties.

Car parking, bicycle facilities and traffic;

Car Parking Demand

217. A total of 47 spaces are proposed for the development, with 28 spaces allocated to the residential hotel, 16 spaces allocated to the office component and 1 space for the retail. As detailed within the planning controls, there is no statutory rate specified for a residential hotel. The office and retail car parking requirements are 32 spaces and 2 spaces respectively, therefore a reduction in the car parking requirements is triggered for these uses.

218. Having regard to the decision guidelines for assessing the provision of car parking, the following is noted of relevance to the current application:

(a) The site has excellent access to public transport including trams along Smith Street and Victoria Parade within 350m and Collingwood Station within a 10 minute walk. It is also reasonably close to the CBD.

(b) Copenhagen bicycle lanes along Wellington Street provide safe and efficient access to the site by bike.

(c) As identified by Council's Traffic Engineers, the parking demand for the office component is typically long-stay parking for employees and up to 2 hours for visitors. As on-street parking is largely restricted to 2hr parking, employees are unlikely to drive to the site unless they have an allocated space on site. Given the alternative access to the site available, additional onsite car parking is not considered necessary.

(d) Similarly for visitors to the office, given the proximity to the CBD, it is likely that the majority of the visitors would travel to the site by public transport, bike, taxi or similar hire car service.

(e) The ground floor café would likely attract a local catchment who would already be in the area and therefore would be accessing the site by foot.

(f) Given that a residential hotel does not have a rate within the Yarra Planning Scheme, Council's Engineers have had regard to the NSW Roads and Maritime's *Guide to Traffic Generating Developments v.2.2,* which is 0.25 spaces per bedroom room. Ratio

Consultants has suggested a rate of 0.3 spaces per room based on their empirical data. The on-site parking rate is provided at a rate of 0.34 spaces per apartment. This is supported by Council's Engineers as an appropriate rate.

(g) Council's Traffic Engineers have also identified that the proposed development also aligns with the objectives contained within Council's Strategic Transport Statement given that; *'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.'*

219. Furthermore, a Green Travel Plan has been submitted to demonstrate measures to encourage future occupants of the development to either walk or take other forms of transport. This has been reviewed by Council's Strategic Transport Unit who have requested that the following amendments be made:

(a) Updated to reflect the final set of plans

(b) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;

(c) security arrangements to access the employee bicycle storage spaces;

(d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and

(e) Provisions for the Green Travel Plan to be updated not less than every 5 years.

220. These matters will be addressed via conditions of permit.

Traffic

221. Ratio anticipate a maximum of 20 movements per hour during the morning and afternoon peaks. Council's Engineers agree with the anticipated traffic generation rates from the proposed development and are satisfied that this should no adversely impact upon the traffic operations of Wellington Street.

Car Parking Design and Access

222. Schedule 23 of the DDO provides the following guidance in relation to vehicle access and car parking requirements:

(a) Avoid providing vehicle access from Wellington Street

(b) Provide car parking within a basement

(c) Avoid recessed parking spaces at ground floor level

223. Vehicle access via Wellington Street is unavoidable given that there is no alternative access point to the site. There is also an existing crossover approximately 7m wide that will no longer be required and can be reinstated as footpath. This will also require the Copenhagen lanes to be modified. These matters will be addressed via condition.

224. The parking is largely accommodated within the basement, with the exception of two short term car parking spaces on the ground level adjacent to the residential hotel reception area. Given the limited on street parking, on-site parking is considered necessary for guests 'checking-in' to the hotel. The spaces have been appropriately designed and located within the building to minimise their visibility from Wellington Street. This is considered an acceptable outcome and ensures car parking does not detract from the street frontage.

225. Council's traffic engineers have reviewed the car parking access and layout. The following items have been identified that will need to be addressed via conditions of permit, should one issue:

(a) Sightlines triangles need to be kept clear at all times. It is not clear on the plans how this will be achieved given that it cuts across the south-eastern corner of the café tenancy.

(b) The internal ramped access ways need to be dimensioned.

(c) A ground clearance check for the ascending (inside) lane of the curved ramps is required using a B99 design vehicle to demonstrate that such vehicle can adequately traverse the inside lane of the curved ramp without scraping.

(d) Car spaces 20 to 24 on Basement B2 must be lengthened from 4.84m to 4.9m.

(e) Car spaces less than 2.6 metres wide are to be designated as "Small Car" spaces and clearly depicted on the drawings. Their widths are also required to be dimensioned.

226. Council's engineers also recommended that the internal ramps demonstrate compliance with AS/NZS 2890.1:2004. However due to the geometry of the curved ramps (being a compound curve rather than circular), the design will not meet the standard. However, the applicant's traffic engineers have prepared swept path diagrams that demonstrate adequate vehicle passing movements for a B85 and a B99 vehicle. Council's engineers have confirmed that they no longer require the ramps to achieve compliance with AS/NZS 2890.1:2004.

Bicycle Parking

227. The proposed development provides storage for 12 bicycles within Basement L1 for staff and 3 hoops (accommodating 6 bikes) within the ground floor back of house area for visitors. As outlined within the Planning Scheme Provisions section, the statutory requirement is for 12 employee/resident spaces and 9 visitor spaces. The required employee/residential spaces is met, however there is a shortfall of 3 visitor bicycle spaces.

228. Council's Sustainable Transport Officer has reviewed the location and design of the bicycle facilities and is comfortable with the visitor bicycle space provision. However, while the statutory bicycle parking requirement is met for staff and residents, Council's Sustainable Transport Officer has recommended that the staff bicycle provision is increased to a minimum of 15 spaces (based on BESS best practice).

229. Exploring the visitor bicycle parking requirement further, the rate is a combination of 1 visitor space for the office and 8 spaces for the residential hotel. The rate for the residential hotel derives from the rate for any residential building, which would also include apartment buildings. Unlike a residential apartment building however, the proposed residential hotel would be expected to generate a much lower demand for visitor parking. On this basis, fewer on-site visitor bicycle spaces are considered acceptable.

230. It was explored with Council's Sustainable Transport Officer whether it would be appropriate to install new hoops along Wellington Street adjacent to the site frontage, however given the narrowness of the footpath, this was not considered a viable alternative. It was suggested by Council's Strategic Transport Officer that there are sufficient hoops available within the immediate surrounding area to accommodate any overflow visitor bicycle parking demand.

231. With respect to the staff bicycle parking, while the minimum statutory requirement is met, a larger number of staff bicycle spaces is warranted given the proposed car parking reduction will place a greater demand on staff to cycle to work, thereby increasing the demand for on-site bicycle spaces. As such, a condition will require a minimum of 15 staff bicycle spaces (i.e. increase of 3 spaces) to be provided in accordance with the advice from Council's Strategic Transport Officer and BESS best practice.

232. The design of the employee spaces is also not compliant with AS2890.3, which requires a minimum of 20% horizontal spaces and for all spaces to be located within a lockable secure area of the basement e.g. cage or similar. Council's Strategic Transport Officer has also requested that lockers are provided for each employee space. These matters, in addition to the provision for 3 additional staff spaces, will be included as conditions accordingly.

Building services, loading and waste management

Building services

233. Building services typical of a development of this scale have been shown on the plans. As discussed earlier within the report, services have been appropriately designed and located to minimise their visual impact on the public realm at street level. However, air condenser units are shown on balconies facing Wellington Street. Given that more than half the balconies consist of glazed balustrades, these units would likely be visible from the street. The visibility of these services from Wellington Street would adversely impact the presentation of the building. It is therefore recommended that all air condenser units to balconies with glazed balustrades to be relocated either internally within the development or within the rooftop services area, where their visibility is concealed.

234. The plans do not clearly show whether the air condensers for the balconies with solid balustrades facing Wellington Street would also be concealed i.e. whether they are to be mounted on the ground below the balustrade height. This will need to be confirmed on the plans via condition.

235. While the urban design advice raised concern with the potential visibility of the air condenser units on the western balconies from the adjoining development to the west, given that a condition will require screens to be applied to these balconies to improve the presentation and prevent overlooking, these will also effectively conceal air conditioning units on the balconies.

Loading

236. The proposed development provides two loading bay areas; one on the ground floor capable of supporting a small rigid vehicle e.g. for waste collection and small truck deliveries. A second loading bat is proposed within the Basement 1 level, which can support a B99 vehicle. This is likely to be used for smaller deliveries in vans or similar, such as linen deliveries. The provision for two loading areas is expected to adequately address the loading area demand for the future uses of the site.

Waste management

237. A waste management plan (WMP) prepared by Leigh Design and dated 3 August 2018 has been submitted with the application outlining expected waste generation, waste storage and collection processes. The WMP outlines that waste will be stored and collected within the site via a private contractor. The WMP has been reviewed by Council's City Works Unit who were satisfied with the report. However, given the plans have changed, the WMP will need to be updated to reflect the amended plans. As discussed in the ESD section earlier, it is also recommended that organic/green waste is provided on site. These matters will be addressed through an amended WMP accordingly.

Civil works/Street trees

238. Council's Engineering Services Unit has provided advice in relation to civil works required as a consequence of the proposed development. Other than the modifications to the Copenhagen Lane, these matters are largely addressed through standard permit conditions.

239. As a result of the new vehicle crossover, an existing street tree will need to be removed/relocated. This has been reviewed by Council's Streetscape and Natural Values Unit who has recommended that an additional 2 street trees are planted along the street frontage in lieu of the tree to be removed. The cost associated with the removal and replacement (including establishment) of the trees will be included as a condition on permit.

Objections

240. The following matters raised within the objections have been addressed within the body of the report:

    (a) Excessive height and massing (para 138 to 159)

    (b) Poor architectural quality and internal amenity (para 160 to 173)

    (c) Amenity Impacts (overshadowing, daylight to windows, visual bulk) (para 194 to 215)

    (d) Noise from hotel guests (para 132 to 137)

(e) Increased traffic and insufficient car parking (para 217 to 221)

241. The remaining matter not covered within the report relates to the loss of 'heritage' fabric. As the site is not within a Heritage Overlay, there is no protection of the existing buildings on the site. A planning permit is not required for demolition of the existing buildings, hence the demolition of the existing building has been able to commence prior to the determination of the current application.

Conclusion

242. Based on the above report, the proposal is considered to substantially comply with the relevant planning policy and therefore should be approved and subject to the conditions contained within the recommendation below.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Internal Development Approvals Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0584 for the use and development of the land for a multi-storey building containing a residential hotel (serviced apartments) and office and a reduction in car parking and visitor bicycle facilities at 79-89 Wellington 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 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 Fenton Design Group dated 26 April 2019 but modified to show:

   General

   (a) Services screen to be clearly depicted on elevations.

   (b) 'RL' level to the top of the building parapet and the services screen to be shown on cross sections and elevations

   (c) Height of the 'street wall' measured from natural ground dimensioned on the north, east and south elevations and sections, including an 'RL' measurement to the uppermost point.

   (d) Full height screens either fixed or with restricted openings to the west facing balconies angled to prevent direct overlooking within 9m to the proposed balconies and habitable room windows of No. 72-94 Cambridge Street as shown on the endorsed plans for PLN15/1083.

   (e) Northern side of the northern-most west-facing balconies treated to prevent overlooking into the proposed west facing Level 2 terrace at No. 93 Wellington Street as shown on the endorsed plans for PLN17/0512.

   (f) Southern side of the southern-most west facing balconies to provide a 1.7m high obscure glazed privacy screen, or otherwise restricted to a maximum of 25% openings.

   (g) Relocation of the air condensers on the balconies with glazed balustrades to internally within the building or within the roof top services area

   (h) Demonstrate (e.g. through plan notations) that air condensers to balconies with solid balustrades will not be visible from Wellington Street.

   ESD

   (i) Additional external shading systems applied on all east, west and north facing facades

and/or reduction in glazing to achieve acceptable cooling loads as determined by the revised DTS Preliminary Section J assessment pursuant to condition 3(c) ;

(j) Provision for organic/green waste system

Materials

(k) 'P1' paint finish to precast concrete to the columns and balconies facing Wellington Street replaced with a masonry finish such as brick-snap cladding with a brown/red colour finish

(l) 'G1 – Low E Green' glass replaced with a clear, light grey, 'neutral' bronze colour or similar.

(m) Clear glazing (or similar) in lieu of Low E Green (G1) to the glazed sections at ground level to Wellington Street.

(n) Details of privacy screens to the west facing balconies pursuant to Condition 1(d), including a light colour finish;

(o) 'P2' (*Monument*) paint finish to the northern boundary walls to either side of the lightcourt replaced with 'P1' (*White watsonia*)

(p) an updated schedule of external colours and materials, including samples (where appropriate). The schedule must show:

(i) thumb nail sketches of key elements of the façade for all buildings;

(ii) coloured elevations including coloured perspectives reflective of the proposed colours and materials;

Bike and Car Parking

(q) Splay the retail tenancy so that it does not obstruct the vehicle sightline triangle or alternatively demonstrate the measures to ensure that the sightline will be kept clear at all times.

(r) Dimensions of the internal ramped access ways.

(s) Ground clearance check for the ascending (inside) lane of the curved ramps using a B99 design vehicle demonstrating that a vehicle can adequately traverse the inside lane of the curved ramp without scraping.

(t) Swept path diagrams to confirm the extent of modification required to the raised concrete barriers associated with the Copenhagen bicycle lanes along Wellington Street in order to accommodate vehicle access in and out of the subject site.

(u) Construction/extension of the raised concrete barrier for the Copenhagen Lane adjacent to the redundant vehicle crossover.

(v) Length of car spaces 20 to 24 on Basement B2 increased to a minimum of 4.9m.

(w) Car spaces less than 2.6 metres wide to be dimensioned and designated as "Small Car" spaces and clearly depicted on the drawings.

(x) Relocation of electric vehicle (EV) charging points adjacent to car spaces.

(y) Provision for a minimum of 15 employee bicycle spaces designed in accordance with AS2890.3 by:

(i) A minimum 20% horizontal spaces

(ii) All spaces within a secure lockable area (i.e. cage or similar)

Reports

(z) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 3 to be shown on plans;

(aa) any requirements as a result of the endorsed wind assessment report pursuant to

condition 5 to be shown 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.

Sustainability Management Plan

3. Before the development commences, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by JBA Consulting Engineers and dated 24 March 2019, but modified to include or show/include:
   (a) Updated to reflect the amended plans pursuant to condition 1, including:
      (a) Description of the site
      (b) Rainwater catchment areas
   (b) Revised daylight modelling based on the amended plans pursuant to condition 1, including accurate glazing types;
   (c) Revised DTS Preliminary Section J assessment based on the amended plans pursuant to condition 1 including accurate glazing types;
   (d) Provision for organic/green waste;

4. 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 including:
   (a) Completed JV3 energy modelling report (or equivalent) demonstrating at least 15% improvement in the heating and cooling requirements of the NCC

Wind Report

5. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.

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

Waste Management Plan

7. 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 3 August 2018, but modified to include:

(a) Any changes as required by the amended plans pursuant to condition 1
(b) Provision for organic/green waste

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

Green Travel Plan

9. 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 JBA Consulting Engineers and dated April 2019, but modified to include or show:

(a) Updated to reflect the amended plans pursuant to condition 1

(b) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;

(c) security arrangements to access the employee bicycle storage spaces;

(d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and

(e) Provisions for the Green Travel Plan to be updated not less than every 5 years.

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

Uses

11. Except with the prior written consent of the Responsible Authority, the office uses authorised by this planning permit may only operate between the hours of 7:00am to 10:00pm, seven days a week.

12. 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.

13. 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).

14. 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).

15. The provision of music and entertainment on the land must be at a background noise level

16. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

17. Before the use of the residential hotel commences, an amended Residential Hotel Operation Management Plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The Residential Hotel Operation Management Plan must be generally in accordance with the Management Plan prepared by Quest Hotels submitted with the original application on 23 November 2018 but updated to include/show:

    (a) Date and version of the management plan

    (b) Use of the outdoor terrace restricted to 10pm, with all external doors/windows from the business lounge and conference room closed thereafter;

    (c) The use of the business lounge and conference area restricted to 11pm.

Section 173 Agreement – Residential Hotel

18. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act* 1987, which provides for the following:

    (a) The guests of the residential hotel (serviced apartments) to be restricted to maximum stay of 30 days; and

    (b) The residential hotel (serviced apartments) must be managed by a single operator and not disposed of as individual lots.

General

19. 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.

20. All buildings and works must be maintained in good order and appearance 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, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

22. 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.

23. 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.

24. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

25. 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) Line-marked or provided with some adequate means of showing the car parking spaces.

    to the satisfaction of the Responsible Authority.

Copenhagen Bicycle lanes

26. Before the building is occupied, or by such later date as approved in writing by the responsible authority, the following works to the Copenhagen bicycle lanes along Wellington Street are required to be undertaken to the satisfaction of the Responsible Authority and at the full cost of the permit holder:

    (a) the raised concrete barrier for the Copenhagen lane extended across the reinstated vehicle crossing.
    (b) Modification to the raised concrete barrier as determined by the swept path diagrams submitted pursuant to condition 1(t) of this permit
    (c) Any subsequent lane marking/painting

Civil Works

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

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

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

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

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

30. 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.

31. 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.

Street trees

32. Before the development commences, the permit holder must make a one off contribution to the Responsible Authority to cover the cost for the removal of the existing street tree as

required as a result of the development and replacement of two new street tree plantings along the site frontage, including 2 years' maintenance.

Construction Management Plan

33. 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.

34. 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.

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

36. 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.

Permit Expiry

37. 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:

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

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 5095 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.

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.

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.

CONTACT OFFICER: **Amy Hodgen**
TITLE: **Coordinator Statutory Planning**
TEL: **9205 5330**

Attachments

Attachment 1 - Decision Plans

PROPOSED MIXED-USE DEVELOPMENT

79 -89 WELLINGTON STREET, COLLINGWOOD
TOWN PLANNING APPLICATION

DWG No.	DESCRIPTION	SCALE
TP.00	DRAWING LIST, LOCATION PLAN AND 3D IMAGE	NTS
TP.01	SURVEY OF EXISTING SITE	1:200
TP.02	SITE PLAN AND SITE ANALYSIS	1:200
TP.03	NOT USED	1:100
TP.04	LEVEL B2 BASEMENT FLOOR PLAN	1:100
TP.05	LEVEL B1 BASEMENT FLOOR PLAN	1:100
TP.06	GROUND FLOOR PLAN	1:100
TP.07	LEVEL 1 FLOOR PLAN	1:100
TP.08	LEVEL 2 FLOOR PLAN	1:100
TP.09	LEVEL 3 FLOOR PLAN	1:100
TP.10	LEVEL 4 FLOOR PLAN	1:100
TP.11	LEVEL 5 FLOOR PLAN	1:100
TP.12	LEVEL 6 FLOOR PLAN	1:100
TP.13	LEVEL 7 FLOOR PLAN - COMMERCIAL OFFICE	1:100
TP.14	LEVEL 8 FLOOR PLAN - COMMERCIAL OFFICE	1:100
TP.15	NOT USED	1:100
TP.16	NOT USED	1:100
TP.17	NOT USED	1:100
TP.18	SERVICED APARTMENTS ROOM LAYOUTS	1:50
TP.20	ROOF PLAN	1:100
TP.30	STREETSCAPE ELEVATION AND SITE SECTION	1:200
TP.31	NORTH ELEVATION	1:100
TP.32	EAST ELEVATION	1:100
TP.33	SOUTH ELEVATION	1:100
TP.34	WEST ELEVATION	1:100
TP.40	SECTION A-A	1:100
TP.41	SECTION B-B	1:100
TP.60	SHADOW DIAGRAM - SEPTEMBER 22nd - 9am	1:200
TP.61	SHADOW DIAGRAM - SEPTEMBER 22nd - 10am	1:200
TP.62	SHADOW DIAGRAM - SEPTEMBER 22nd - 11am	1:200
TP.63	SHADOW DIAGRAM - SEPTEMBER 22nd - 12 NOON	1:200
TP.64	SHADOW DIAGRAM - SEPTEMBER 22nd - 1pm	1:200
TP.65	SHADOW DIGRAM - SEPTEMBER 22nd - 2pm	1:200
TP.66	SHADOW DIAGRAM - SEPTEMBER 22nd - 3pm	1:200
TP.70	SITE SECTIONS - SHADOW PROJECTION	1:200



3D IMAGE 1
NOT TO SCALE



3D IMAGE 2
NOT TO SCALE



LOCATION MAP
NOT TO SCALE

TOWN PLANNING APPLICATION
WITHOUT PREJUDICE

rbv

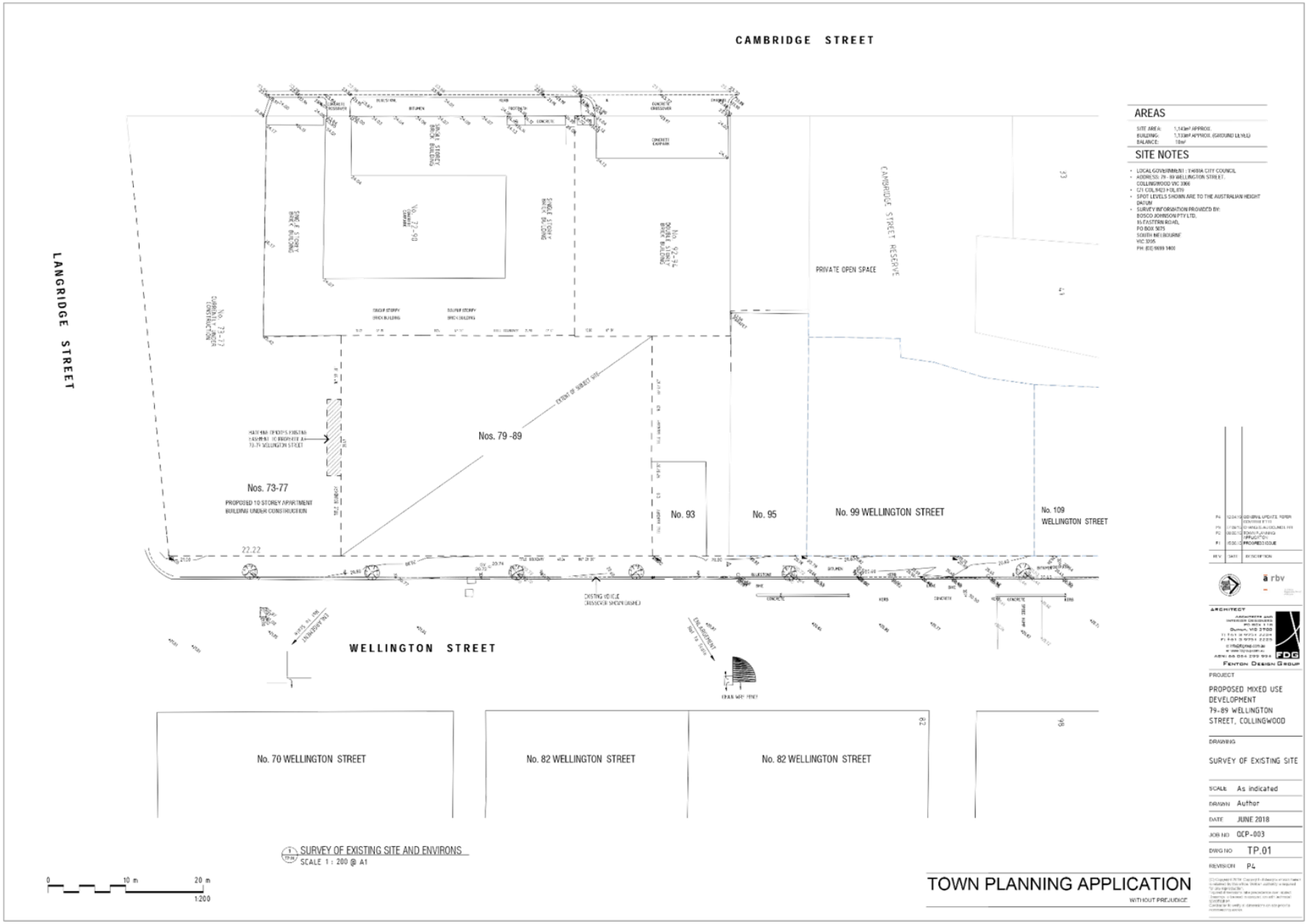
ARCHITECT
FDG
FENTON DESIGN GROUP

PROJECT
PROPOSED MIXED USE DEVELOPMENT
79-89 WELLINGTON STREET, COLLINGWOOD

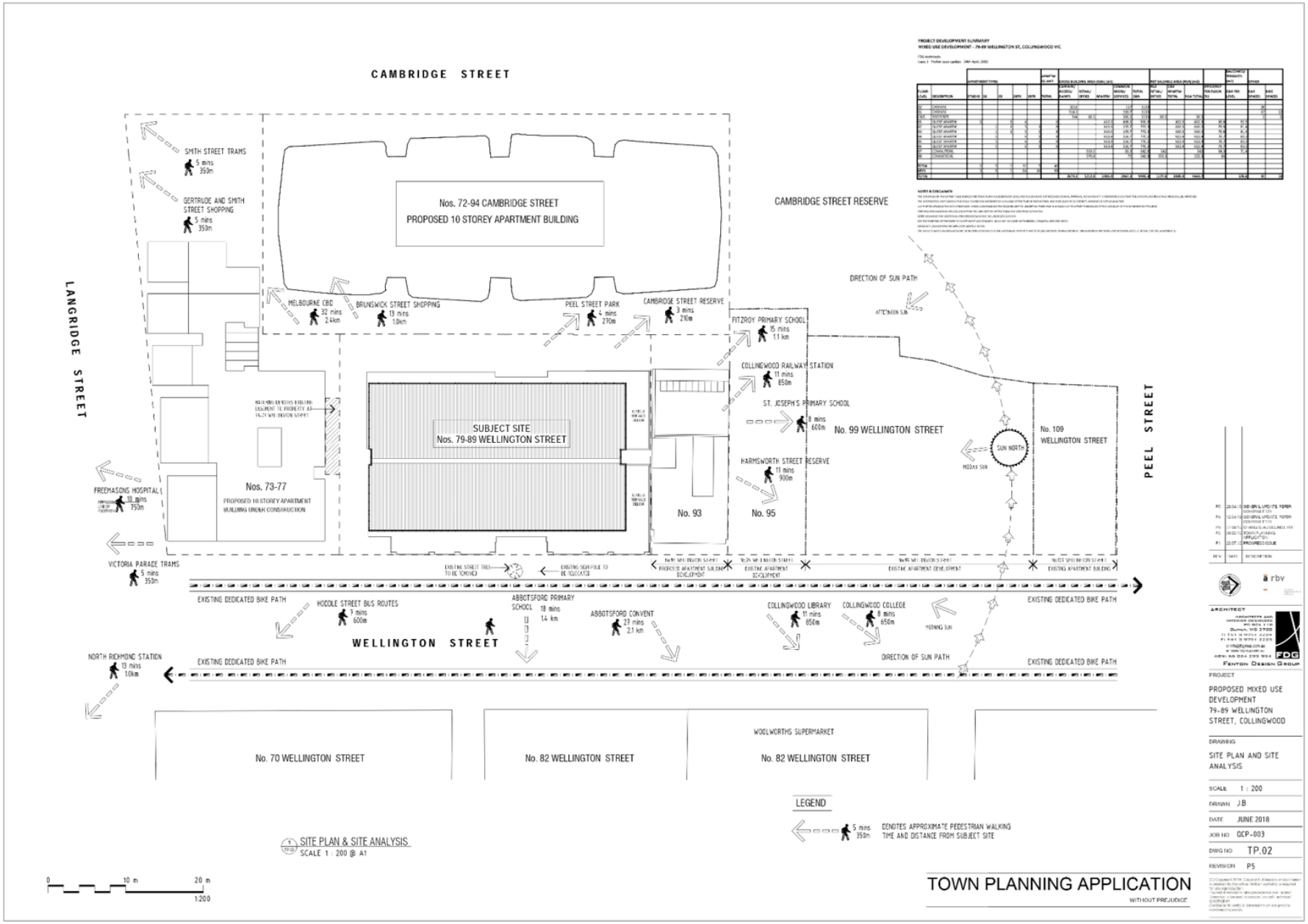
DRAWING
DRAWING LIST, LOCATION PLAN AND 3D IMAGE

SCALE As indicated
DRAWN GW
DATE NOV 2018
JOB NO OCP-003
DWG NO TP.00
REVISION P8

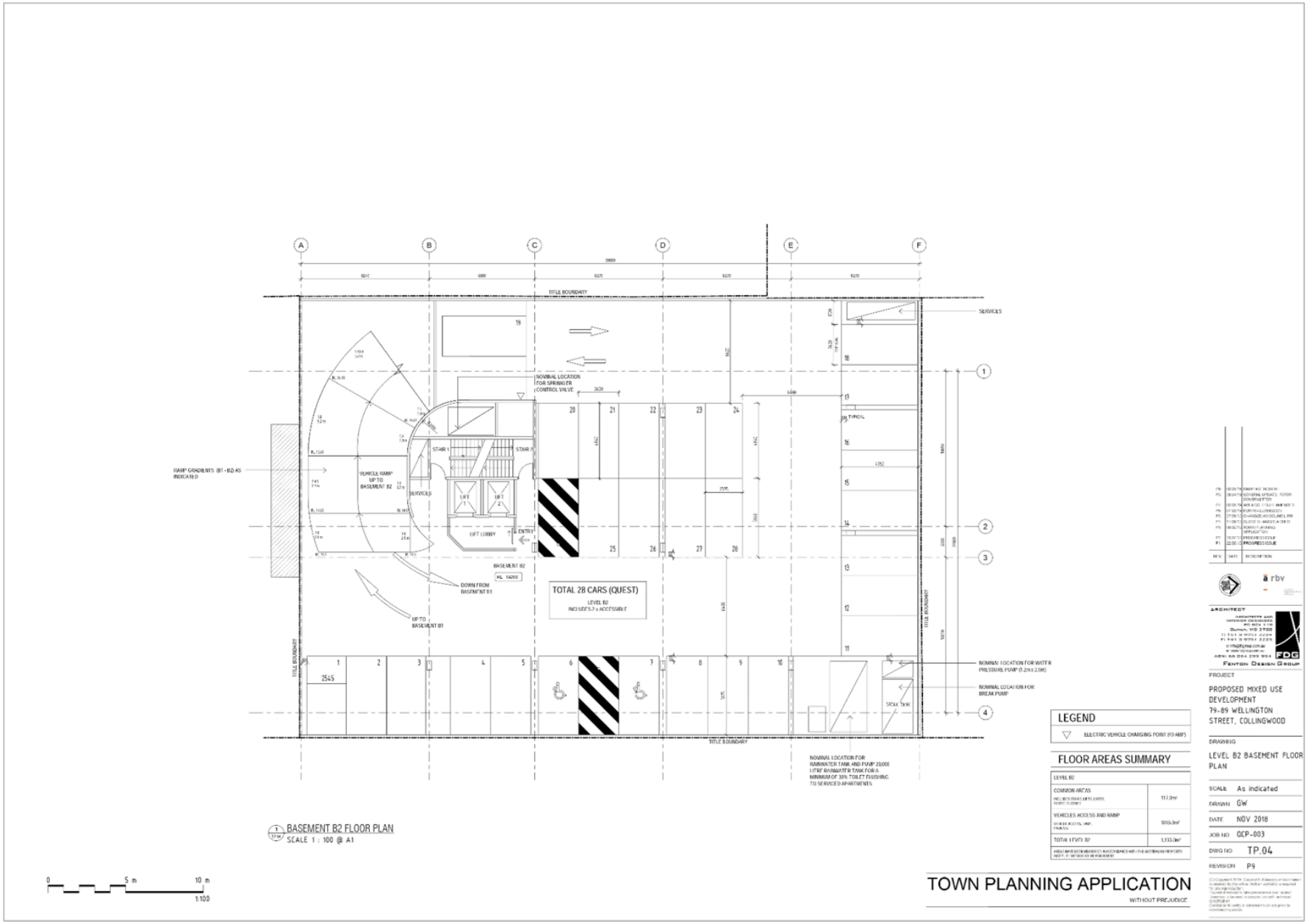
Attachment 1 - Decision Plans



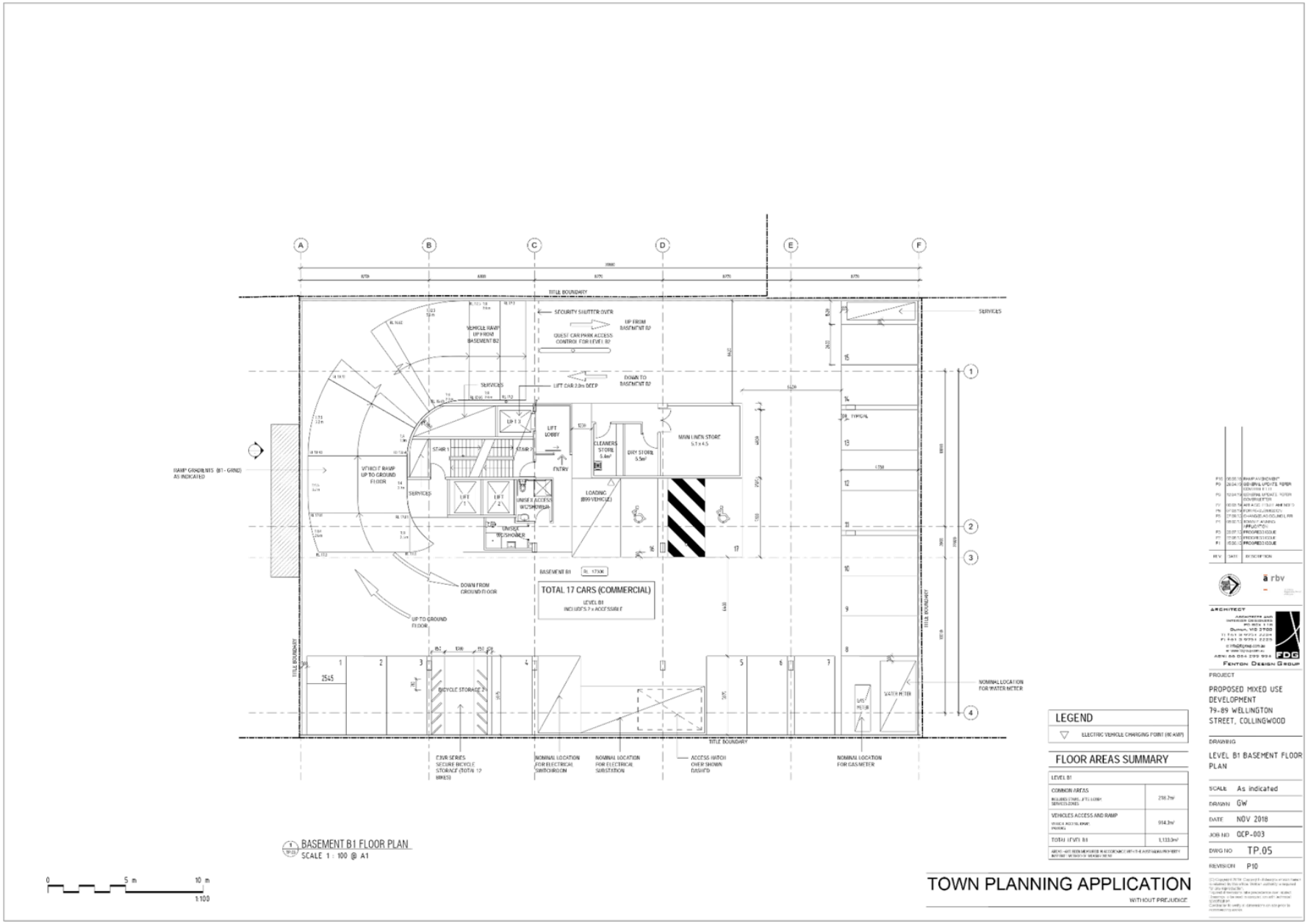
Attachment 1 - Decision Plans



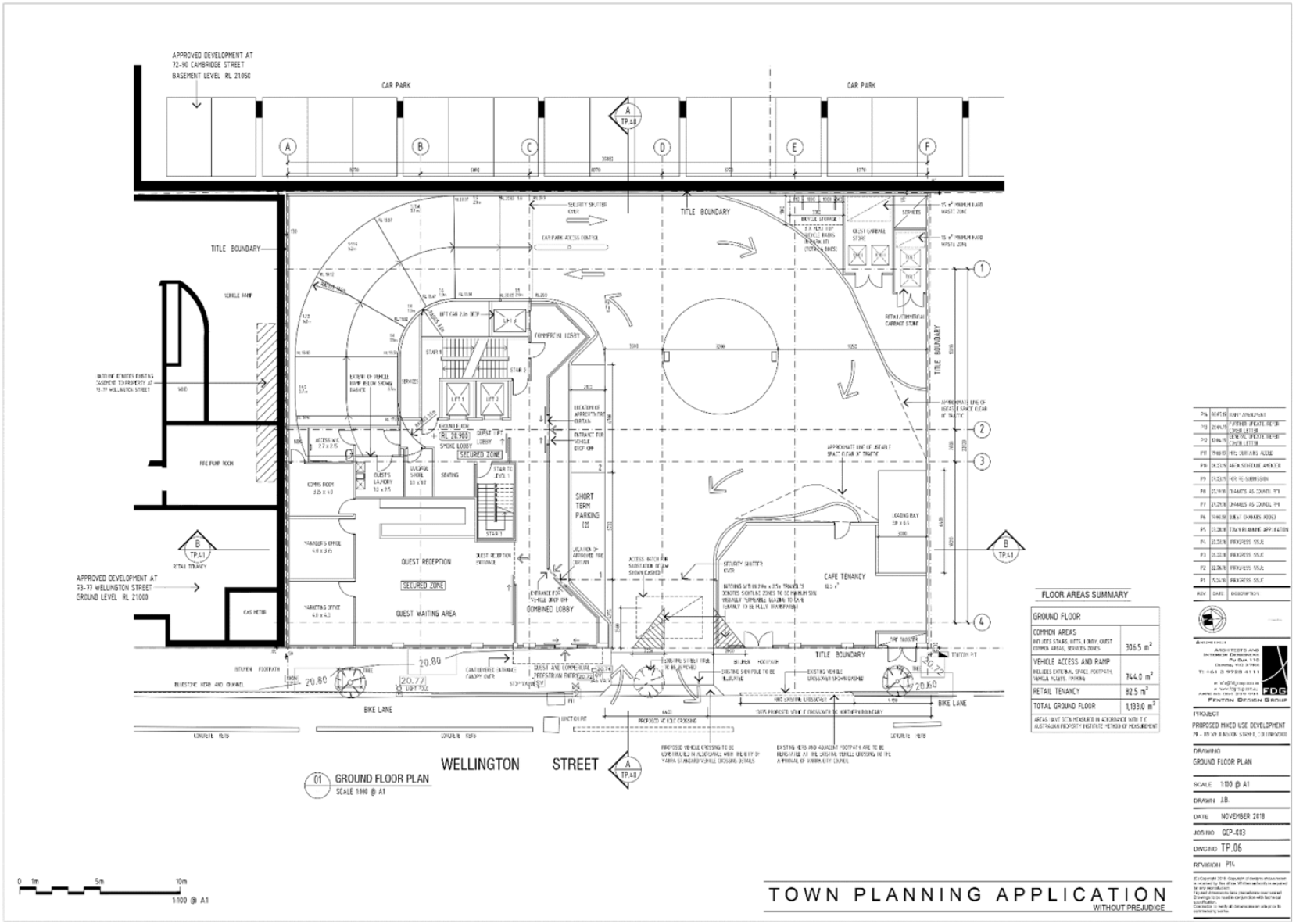
Attachment 1 - Decision Plans



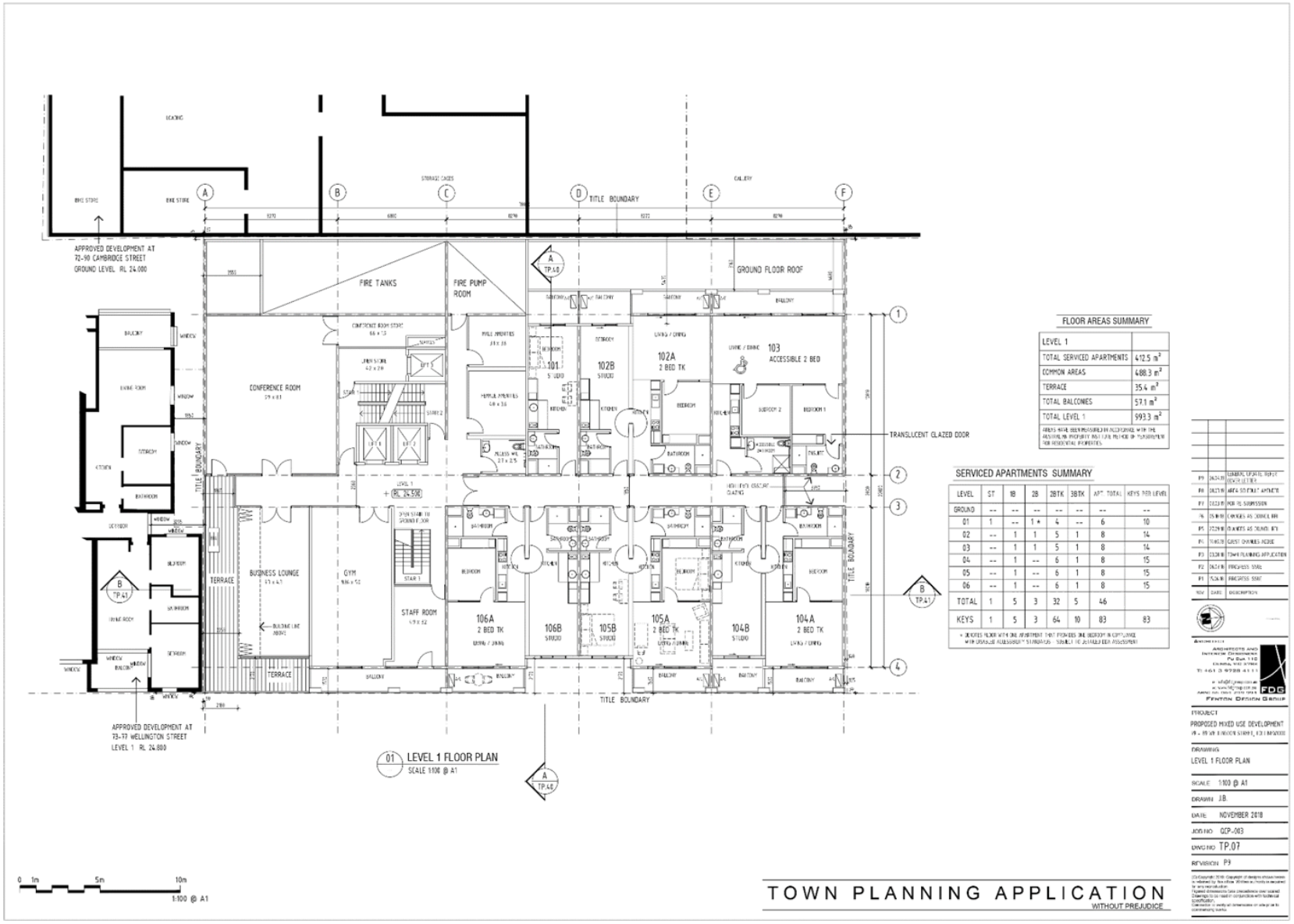
Attachment 1 - Decision Plans



Attachment 1 - Decision Plans



Attachment 1 - Decision Plans



FLOOR AREAS SUMMARY

LEVEL 1	
TOTAL SERVICED APARTMENTS	412.5 m²
COMMON AREAS	488.3 m²
TERRACE	35.4 m²
TOTAL BALCONIES	57.1 m²
TOTAL LEVEL 1	993.3 m²

AREAS HAVE BEEN MEASURED IN ACCORDANCE WITH THE ASSESSING PROPERTY RATING METHOD OF TAXATION FOR RESIDENTIAL PROPERTIES

SERVICED APARTMENTS SUMMARY

LEVEL	ST	1B	2B	2BTK	3BTK	APT. TOTAL	KEYS PER LEVEL
GROUND	--	--	--	--	--	--	--
01	1	--	1 *	4	--	6	10
02	--	1	1	5	1	8	14
03	--	1	1	5	1	8	14
04	--	1	--	6	1	8	15
05	--	1	--	6	1	8	15
06	--	1	--	6	1	8	15
TOTAL	1	5	3	32	5	46	
KEYS	1	5	3	64	10	83	83

* DENOTES FLOOR WITH ONE APARTMENT THAT PROVIDES ONE BEDROOM IN COMPLIANCE WITH USABLE ADELAIDE STANDARDS - SUBJECT TO DETAILED DDA ASSESSMENT

P9	26.11.19	PLANNING UPDATE - REPORT COVER LETTER
P8	04.11.19	AREA SCHEDULE AMENDED
P7	22.10.19	FOR TPA SUBMISSION
P6	15.10.19	CHANGES AS REQUIRED BY
P5	27.09.19	CHANGES AS REQUIRED BY
P4	19.09.19	CLIENT CHANGES REVIEW
P3	23.08.19	TOWN PLANNING APPLICATION
P2	06.08.19	PROGRESS ISSUE
P1	15.04.19	PROGRESS ISSUE
NOW	DATE	DESCRIPTION

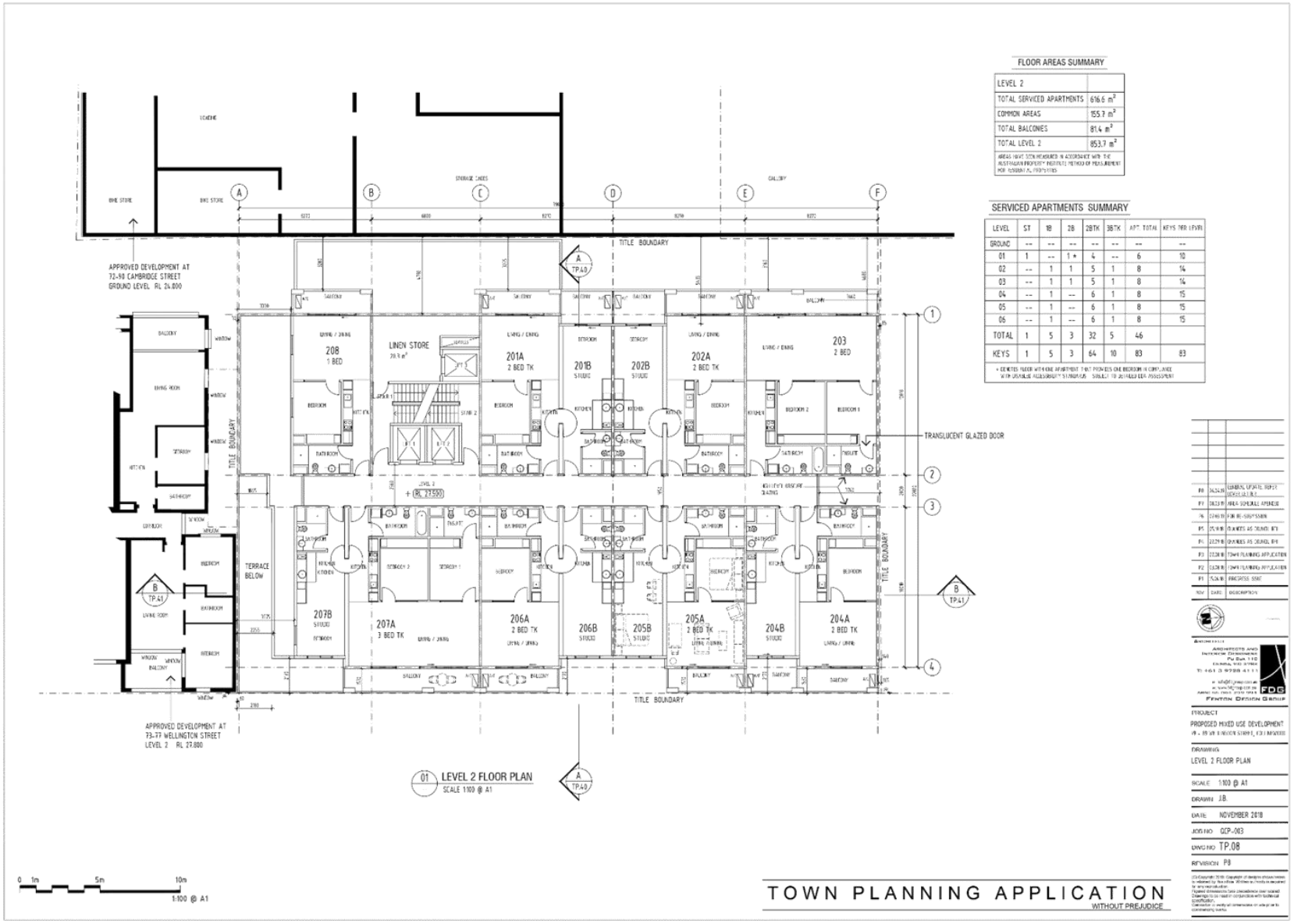
PROJECT
PROPOSED MIXED USE DEVELOPMENT
78 - 90 CAMBRIDGE STREET, COLLINGWOOD

DRAWING
LEVEL 1 FLOOR PLAN

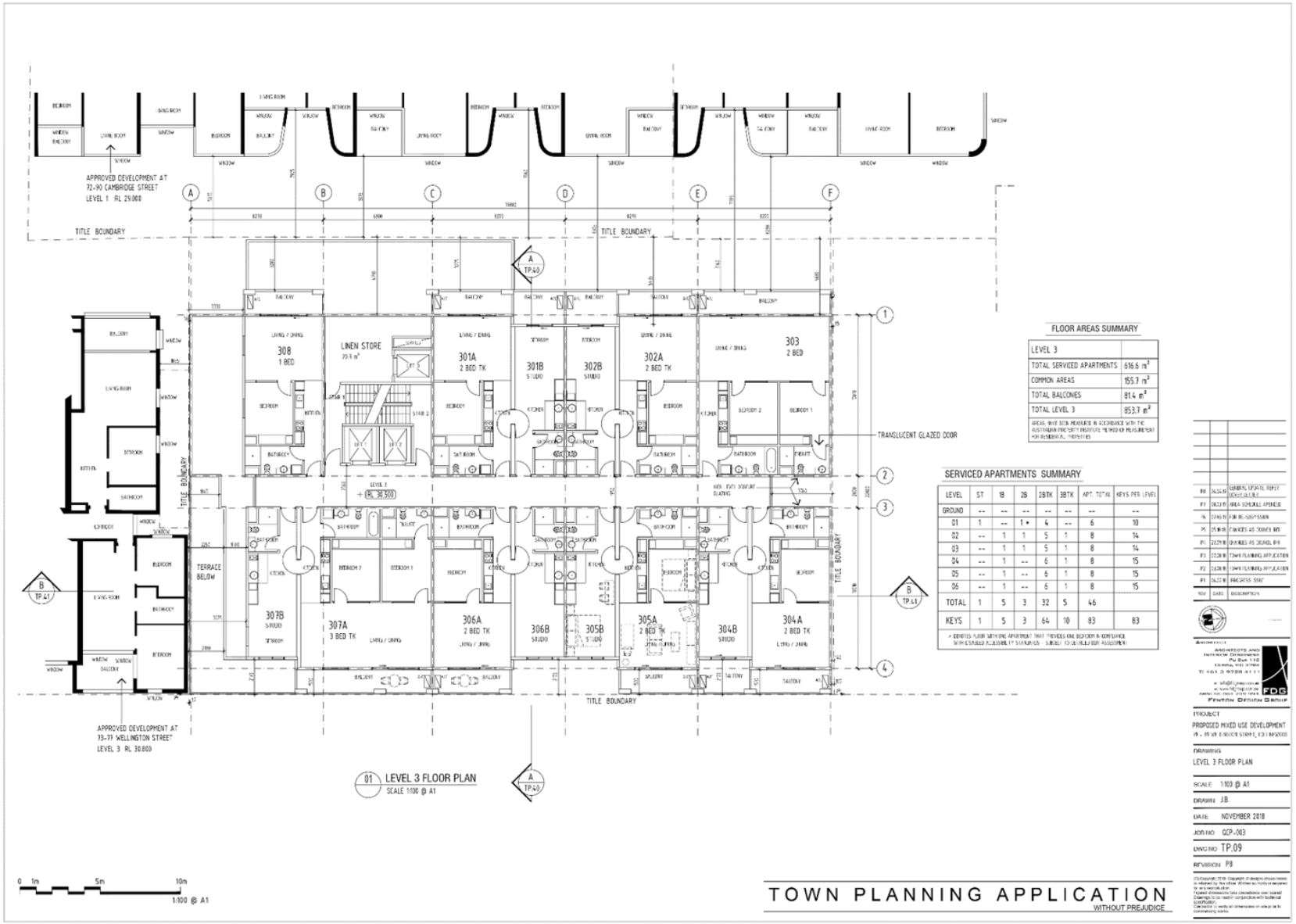
SCALE 1:100 @ A1
DRAWN J.B.
DATE NOVEMBER 2018
JOB NO GCP-003
DWG NO TP.07
REVISION P9

© Copyright 2019. Copyright of designs shown herein is retained by the author. All rights reserved. No part may be reproduced by any means without permission.
Figured dimensions to take precedence over scaled dimensions. Do not scale off drawings. Contractor to verify all dimensions on site prior to commencement of work.

Attachment 1 - Decision Plans



Attachment 1 - Decision Plans



FLOOR AREAS SUMMARY

LEVEL 3	
TOTAL SERVICED APARTMENTS	616.6 m²
COMMON AREAS	155.7 m²
TOTAL BALCONIES	81.4 m²
TOTAL LEVEL 3	853.7 m²

AREAS HAVE BEEN MEASURED IN ACCORDANCE WITH THE AUSTRALIAN PROPERTY INSTITUTE "METHOD OF MEASUREMENT FOR RESIDENTIAL PROPERTIES"

SERVICED APARTMENTS SUMMARY

LEVEL	ST	1B	2B	2BTK	3BTK	APT. TOTAL	KEYS PER LEVEL
GROUND	--	--	--	--	--	--	--
01	1	--	1 *	4	--	6	10
02	--	1	1	5	1	8	14
03	--	1	1	5	1	8	14
04	--	1	--	6	1	8	15
05	--	1	--	6	1	8	15
06	--	1	--	6	1	8	15
TOTAL	1	5	3	32	5	46	
KEYS	1	5	3	64	10	83	83

* DENOTES FLOOR WITH ONE APARTMENT THAT PROVIDES ONE BEDROOM IN COMPLIANCE WITH ESSENTIAL ACCESSIBILITY STANDARDS - SUBJECT TO DETAILED DDA ASSESSMENT

P8	26.04.19	PLANNING UPDATE REPORT
P7	26.03.19	AREA SCHEDULE AMENDED
P6	22.03.19	FOR RE-SUBMISSION
P5	05.03.19	FLOORS AS DRAWN
P4	22.02.19	FLOORS AS DRAWN
P3	12.02.19	TOWN PLANNING APPLICATION
P2	24.01.19	TOWN PLANNING APPLICATION
P1	24.12.18	PRELIMINARY ISSUE
NOW	DATE	DESCRIPTION

FDC
FENTON DESIGN GROUP

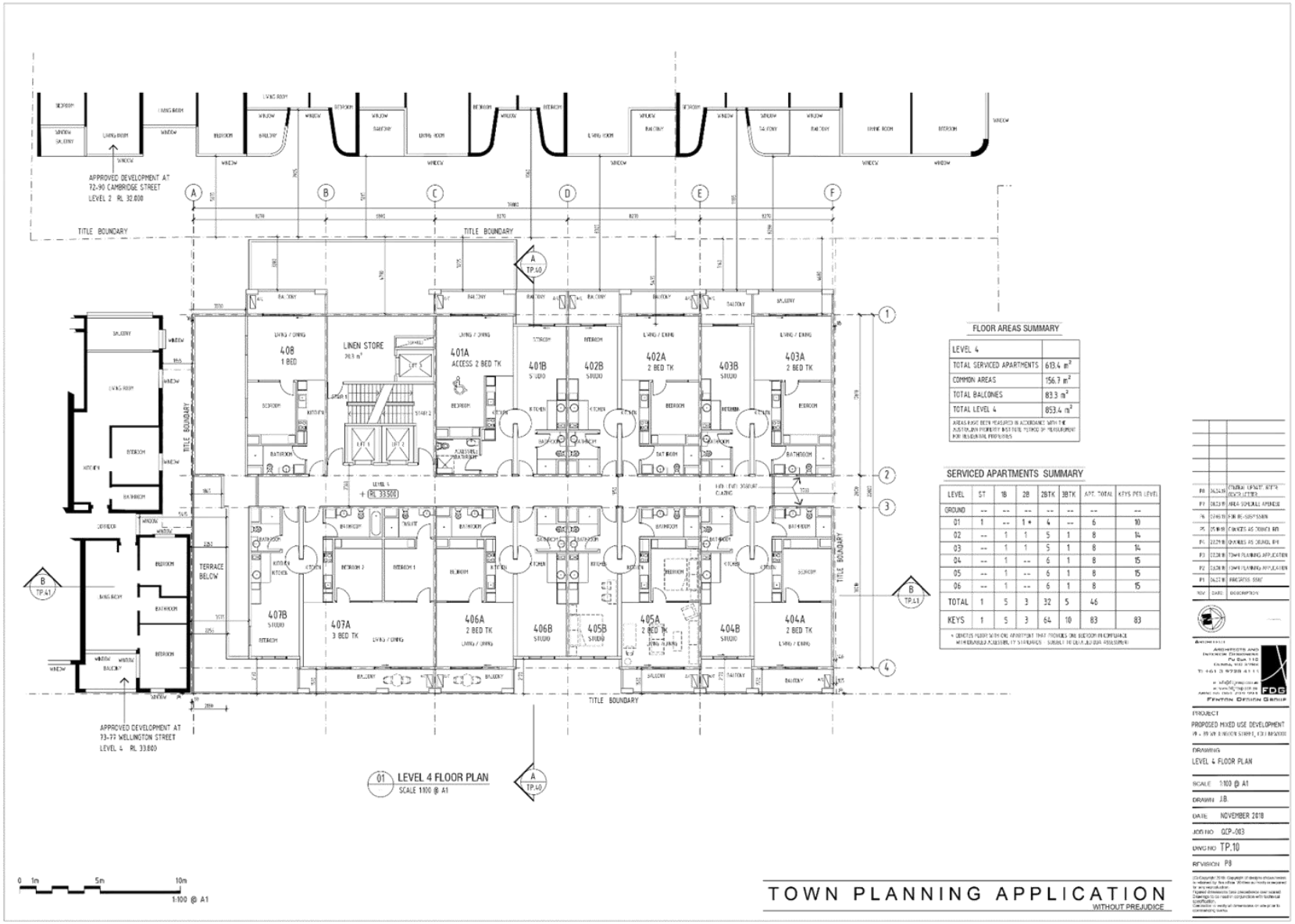
PROJECT
PROPOSED MIXED USE DEVELOPMENT

DRAWING
LEVEL 3 FLOOR PLAN

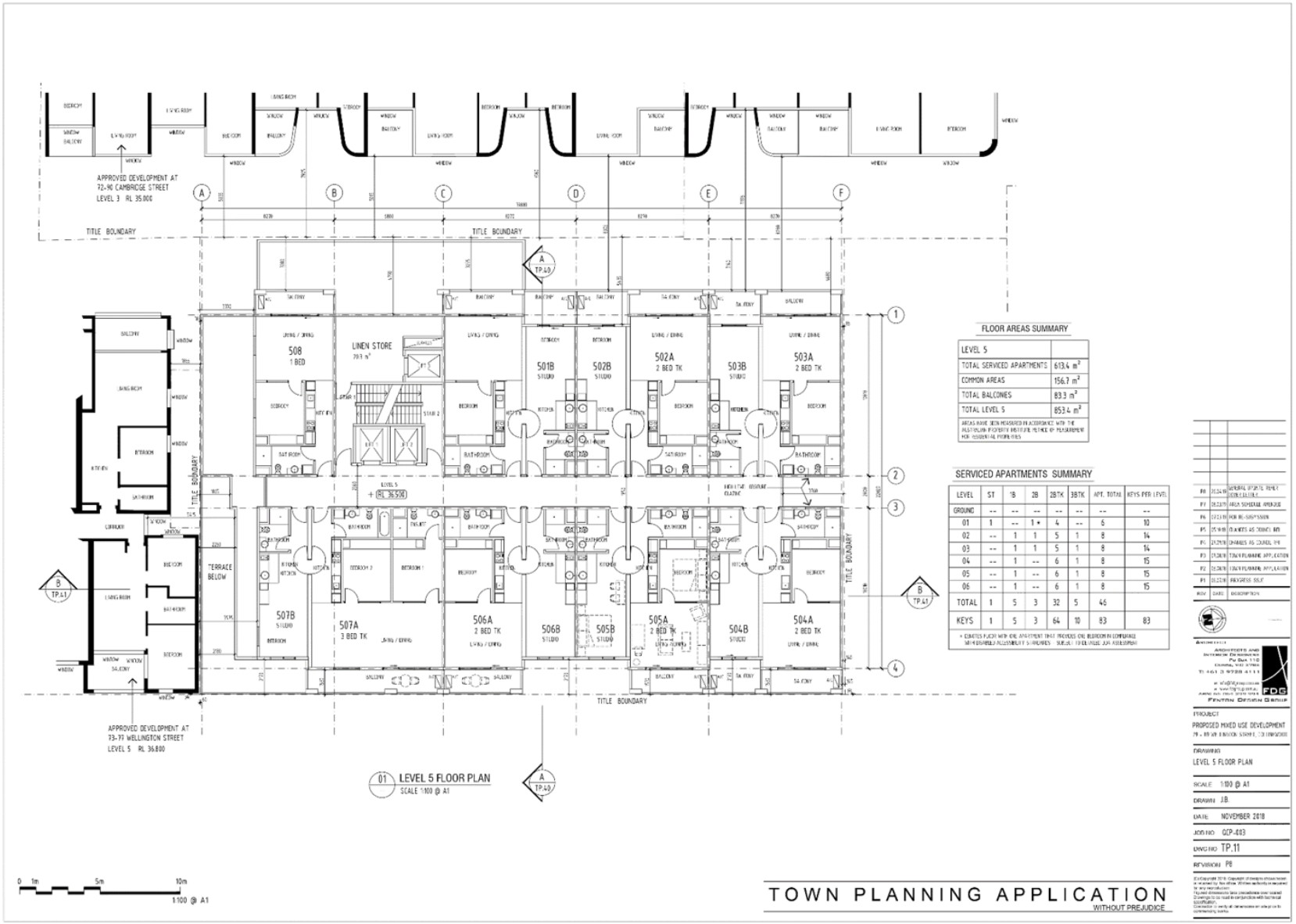
SCALE 1:100 @ A1
DRAWN J.B.
DATE NOVEMBER 2018
JOB NO GCP-003
DWG NO TP.09
REVISION P8

© Copyright 2018. Copyright of designs shown herein is retained by the author. All rights reserved. No part may be reproduced by any reproduction.
Figured dimensions take precedence over scaled. Drawings to be read in conjunction with all relevant specification.
Contractor to verify all dimensions on site prior to commencement of any work.

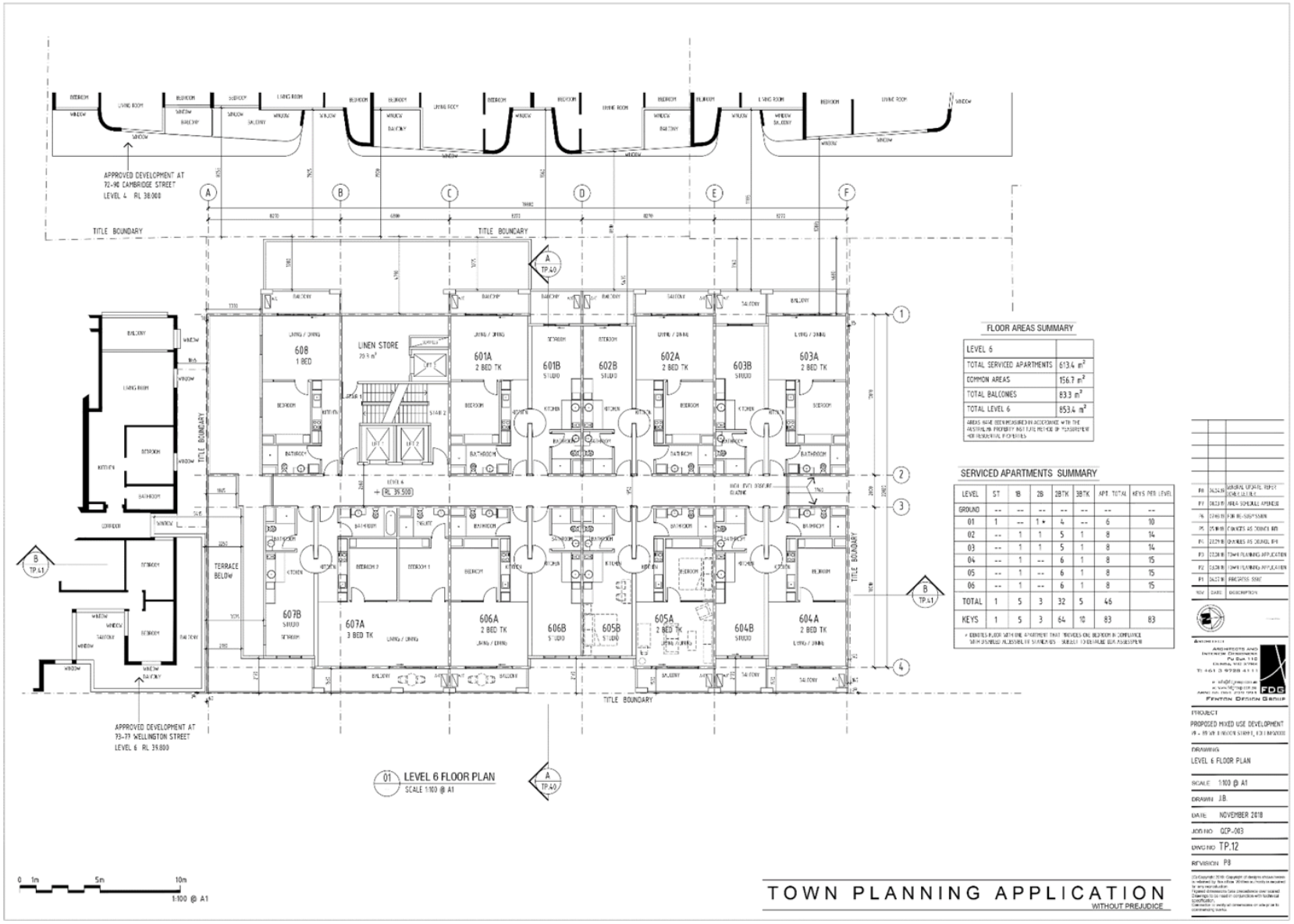
Attachment 1 - Decision Plans



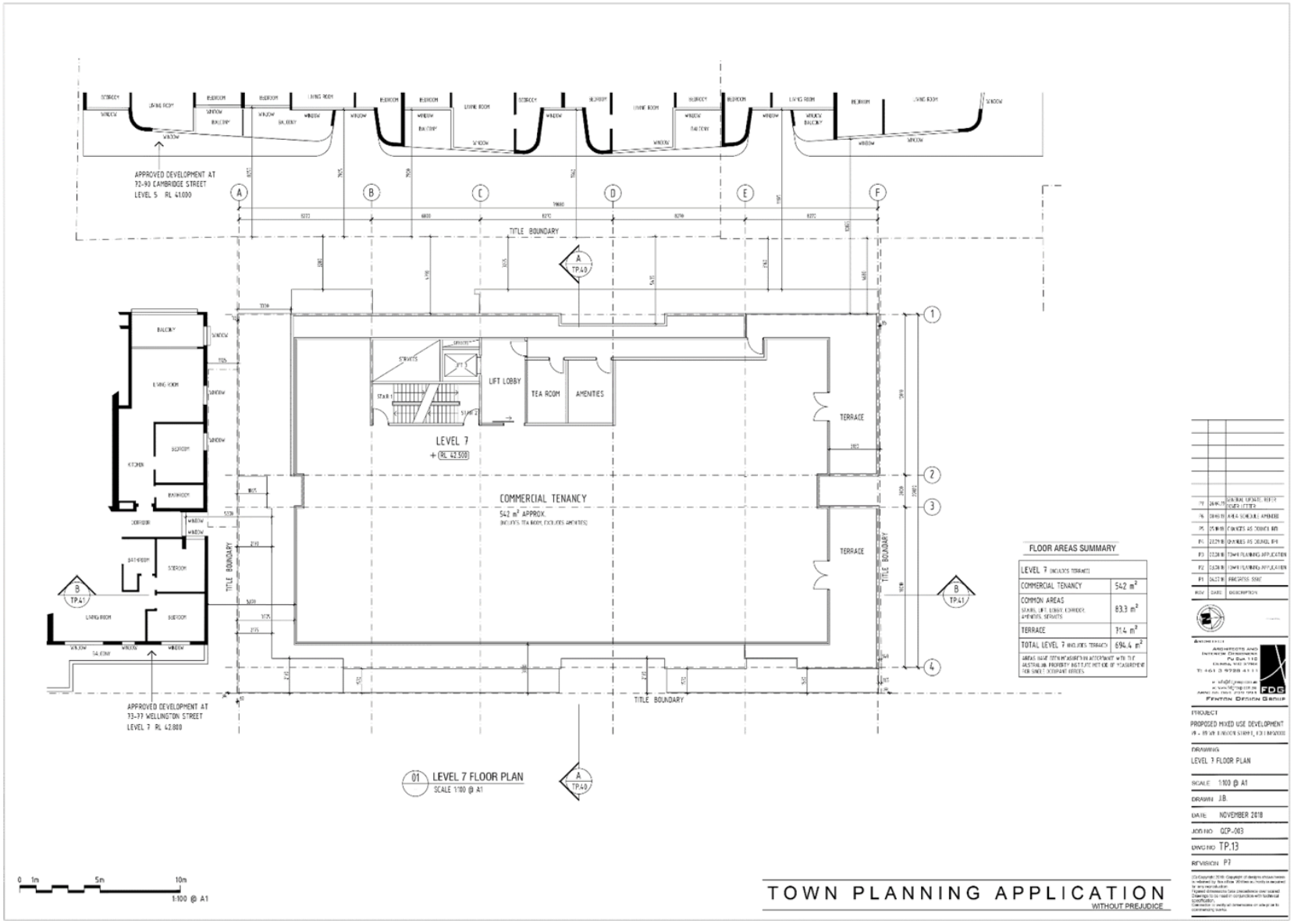
Attachment 1 - Decision Plans



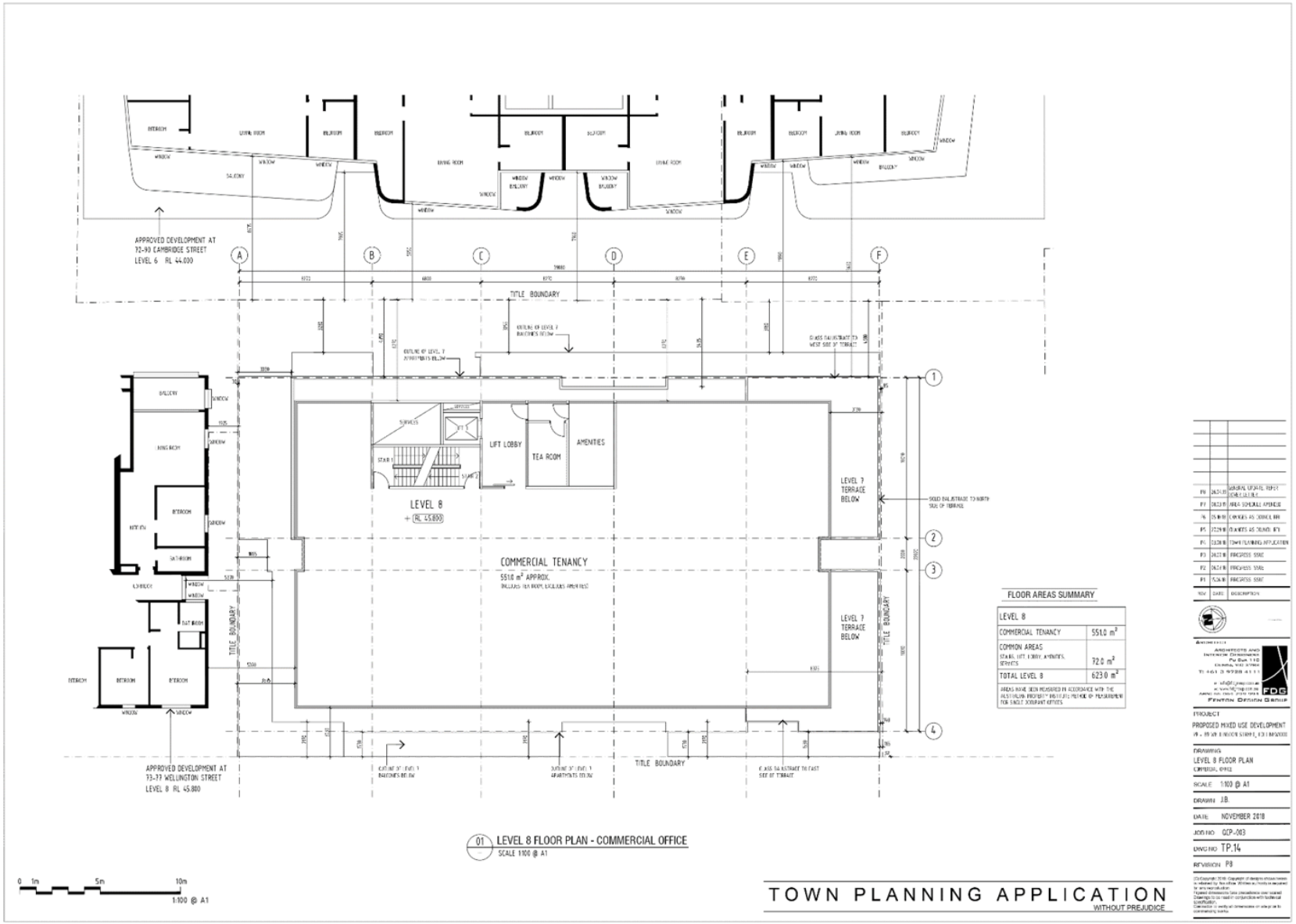
Attachment 1 - Decision Plans



Attachment 1 - Decision Plans



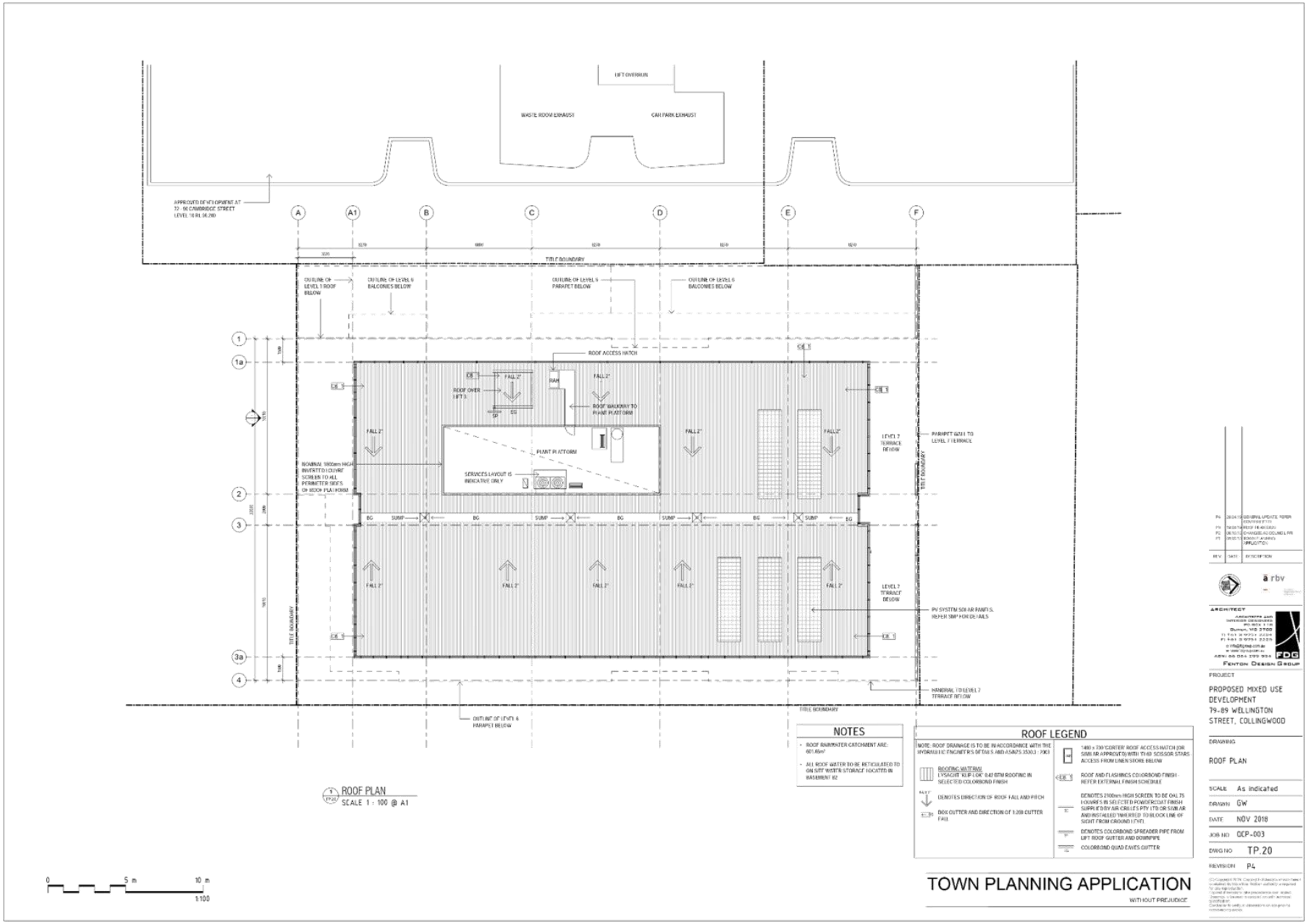
Attachment 1 - Decision Plans



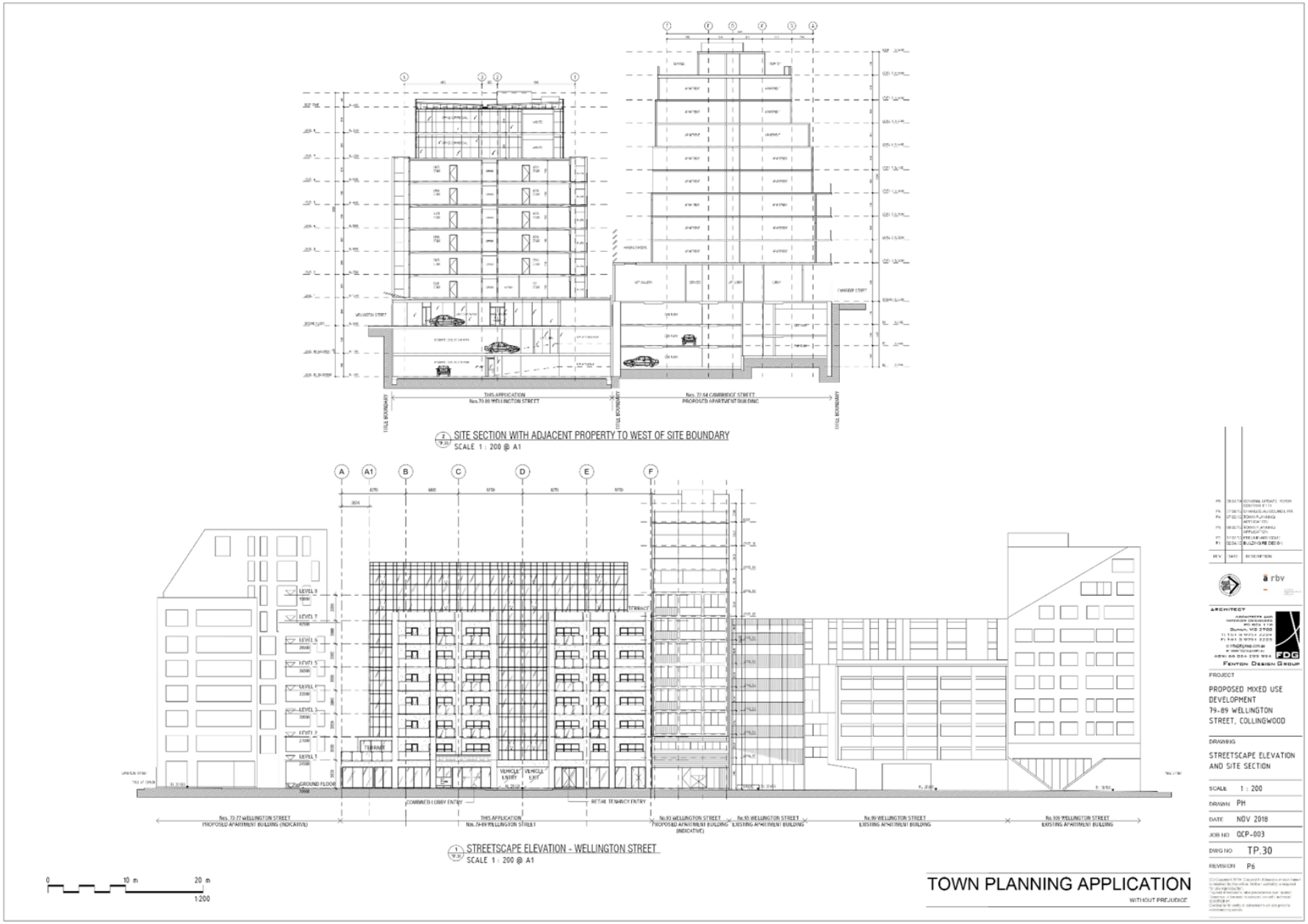
Attachment 1 - Decision Plans



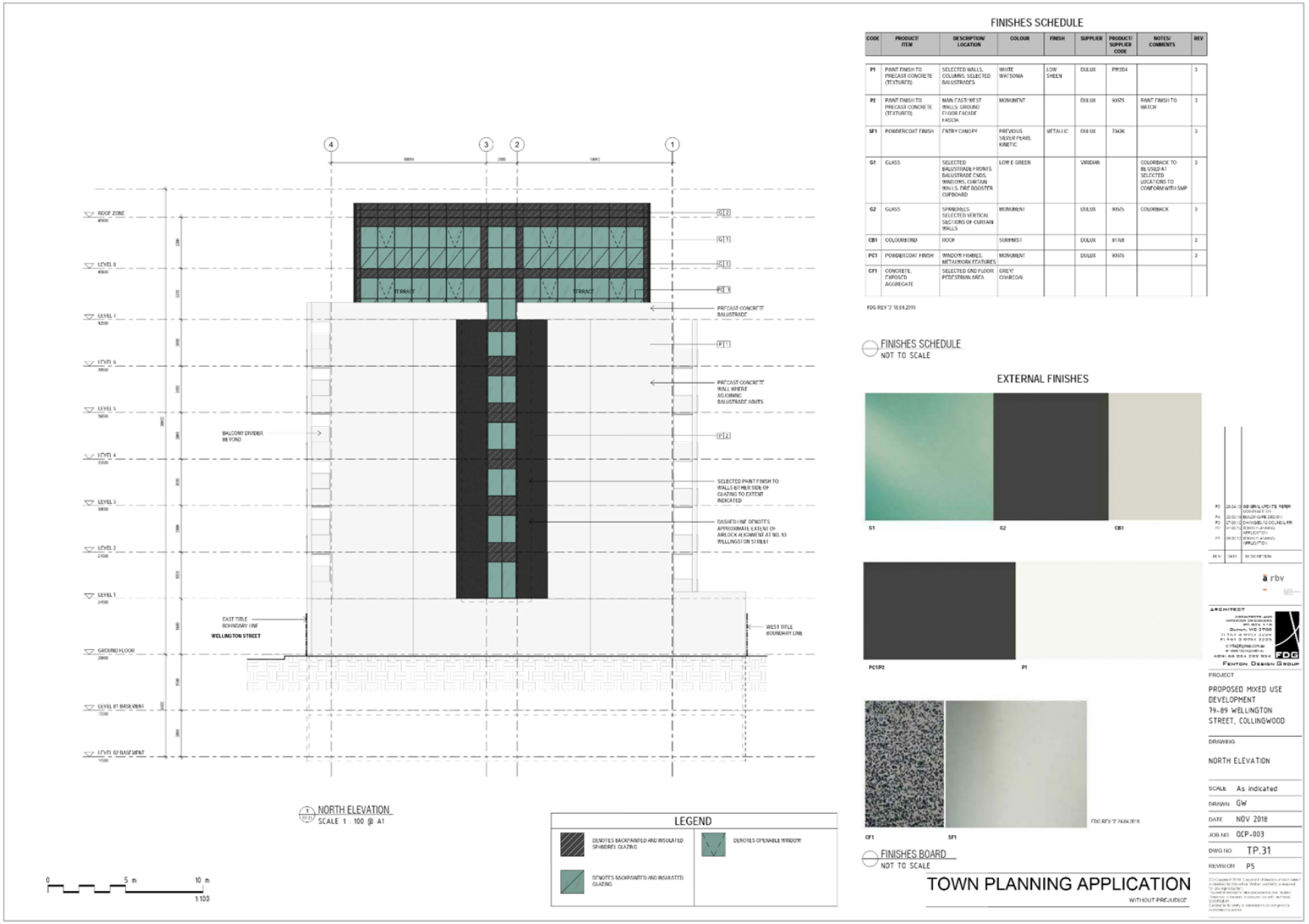
Attachment 1 - Decision Plans



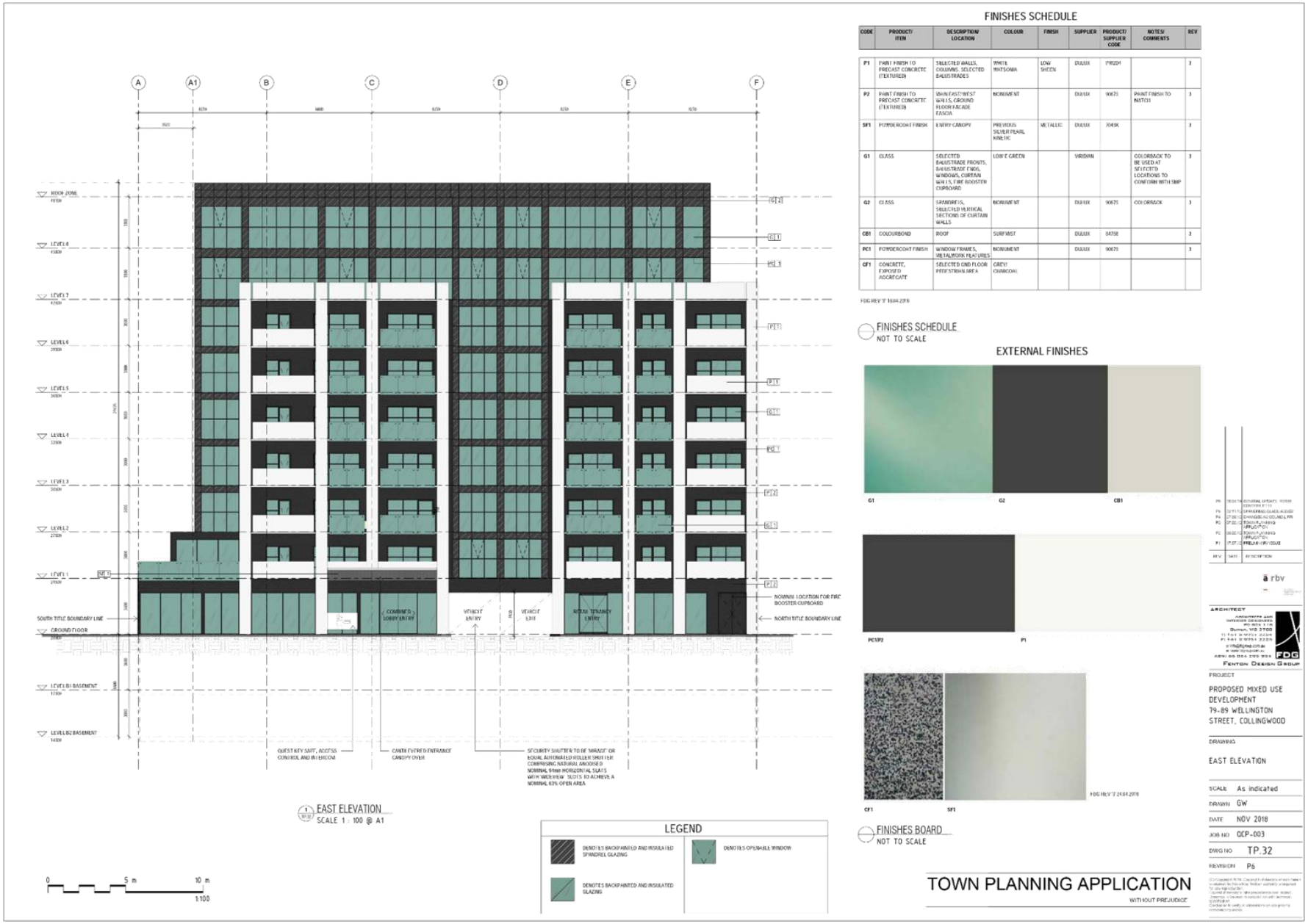
Attachment 1 - Decision Plans



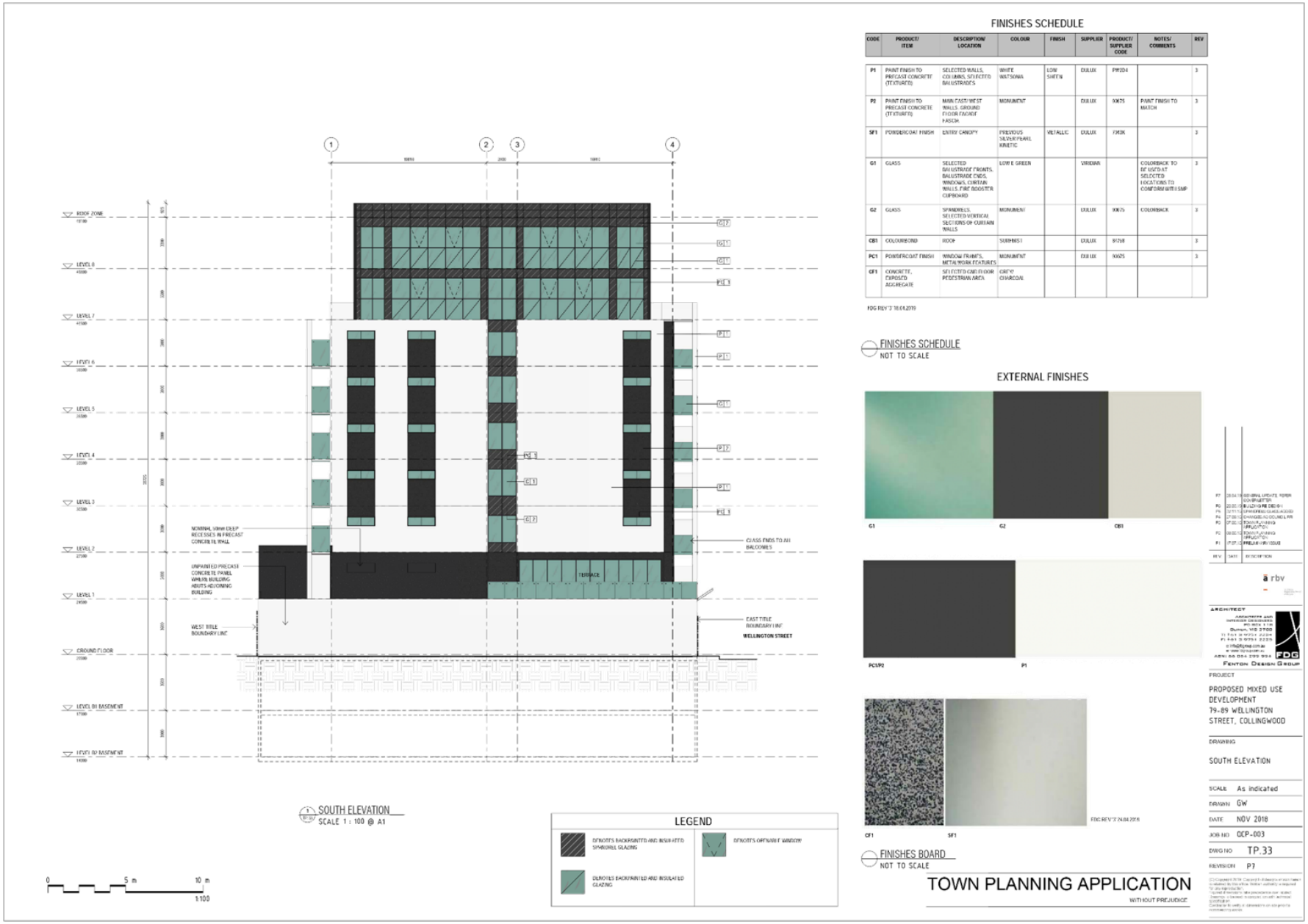
Attachment 1 - Decision Plans



Attachment 1 - Decision Plans



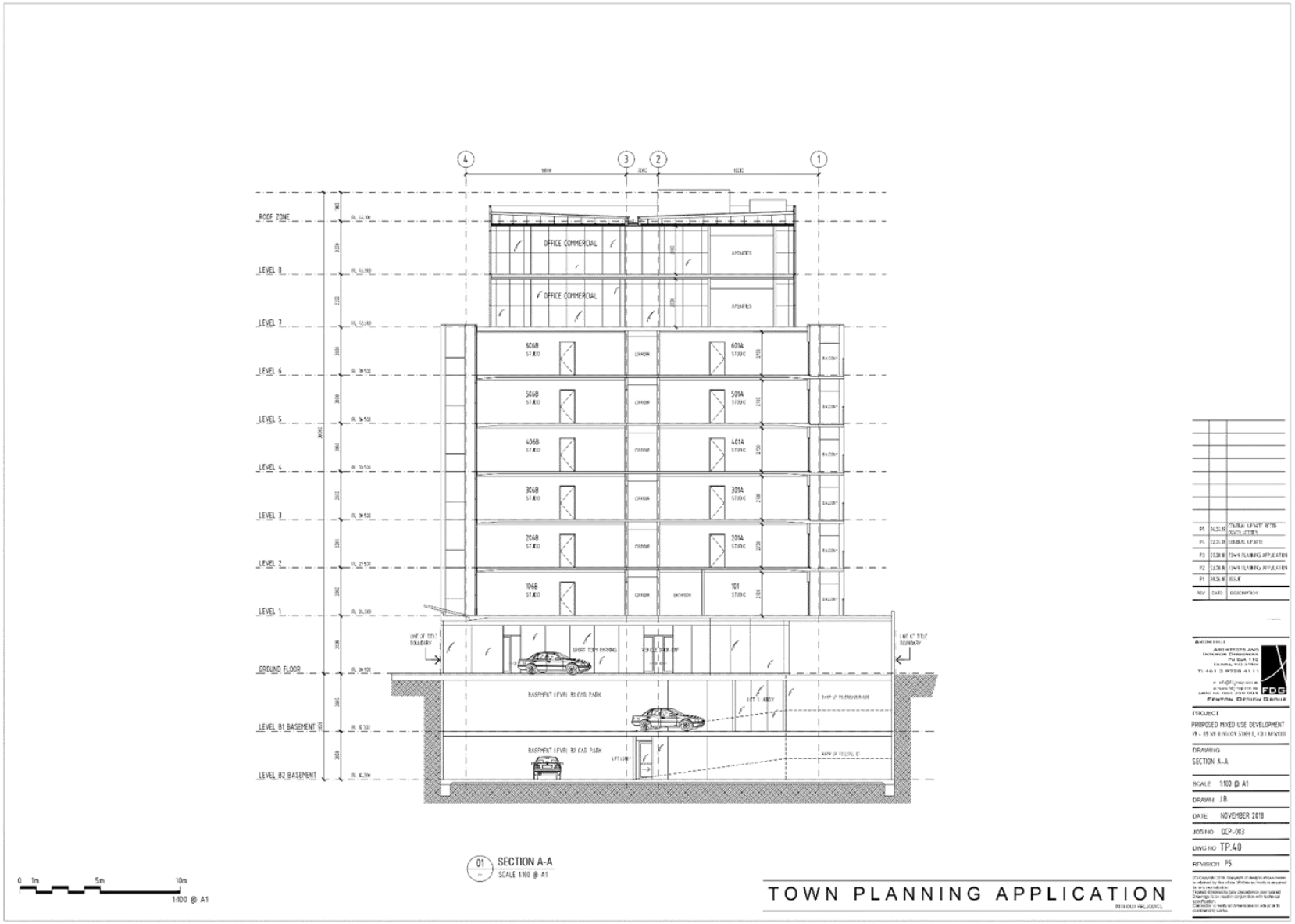
Attachment 1 - Decision Plans



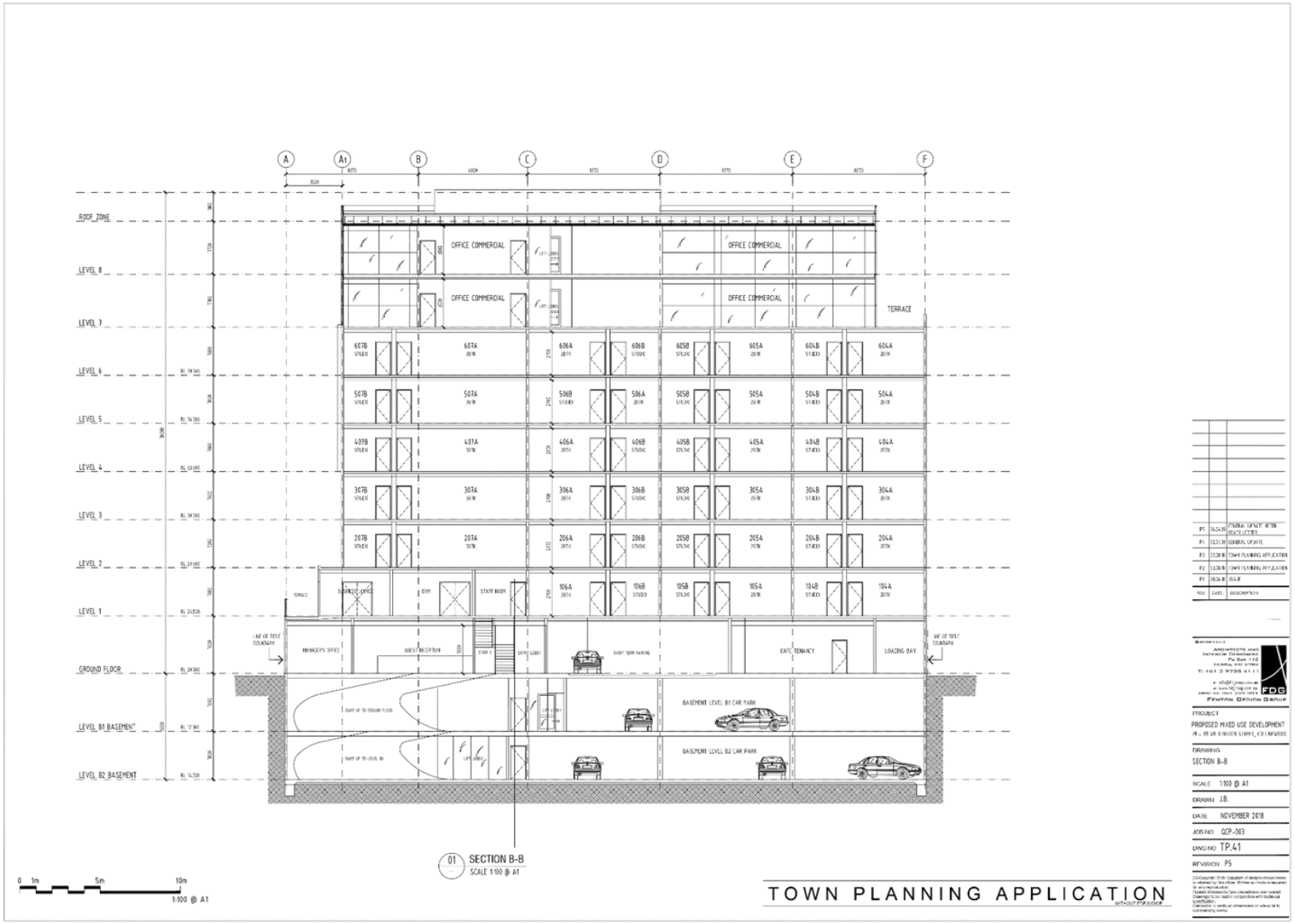
Attachment 1 - Decision Plans



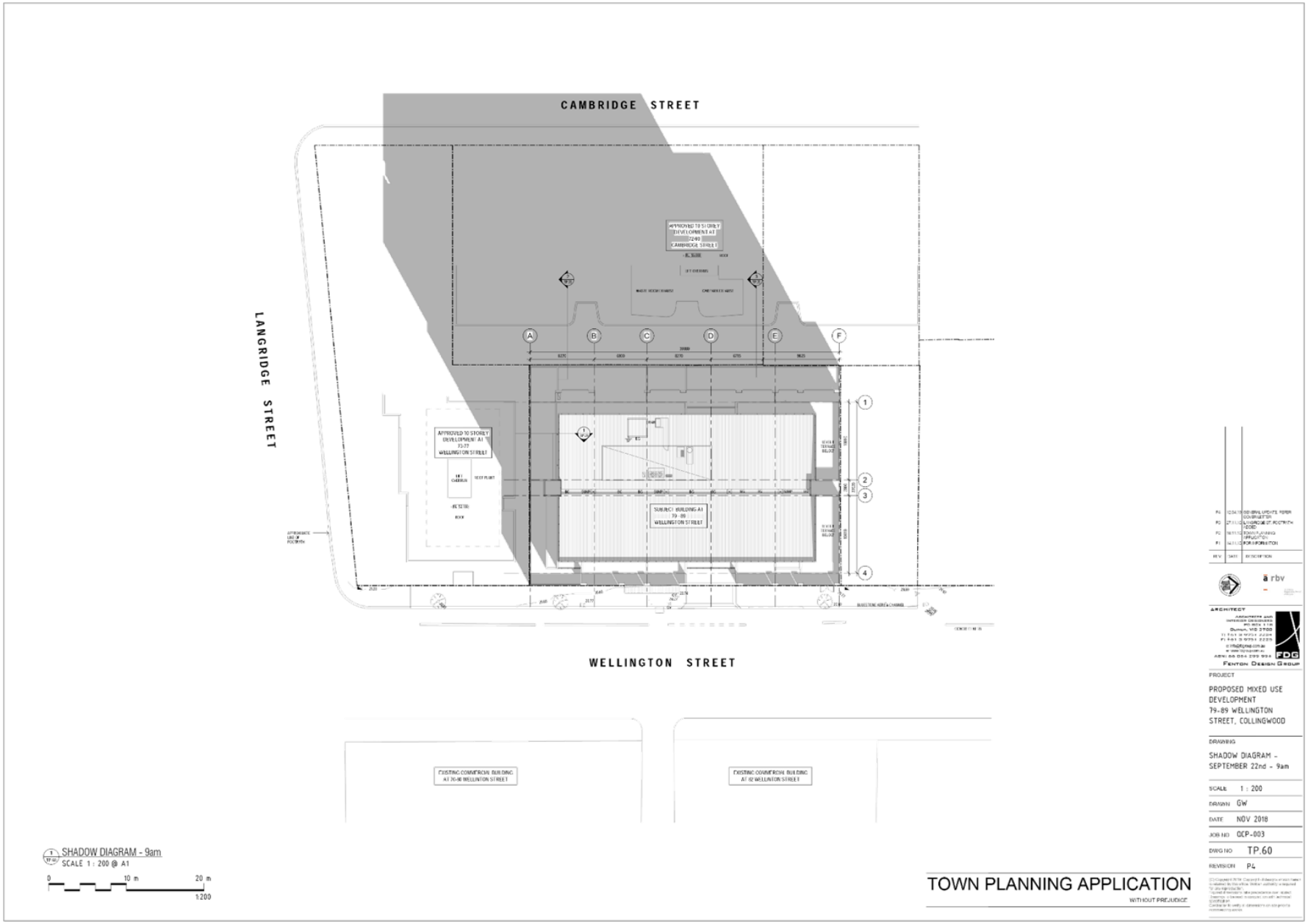
Attachment 1 - Decision Plans



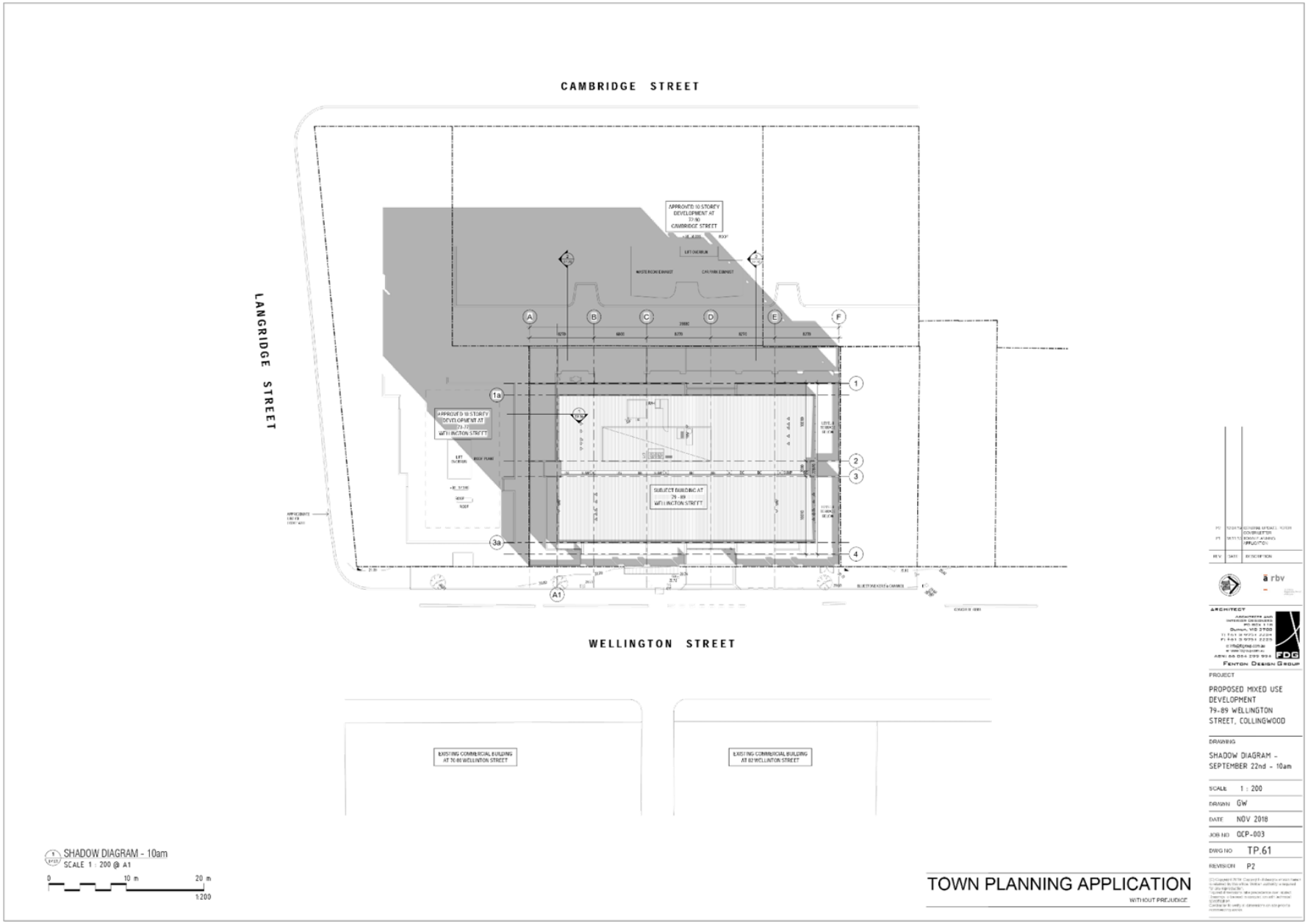
Attachment 1 - Decision Plans



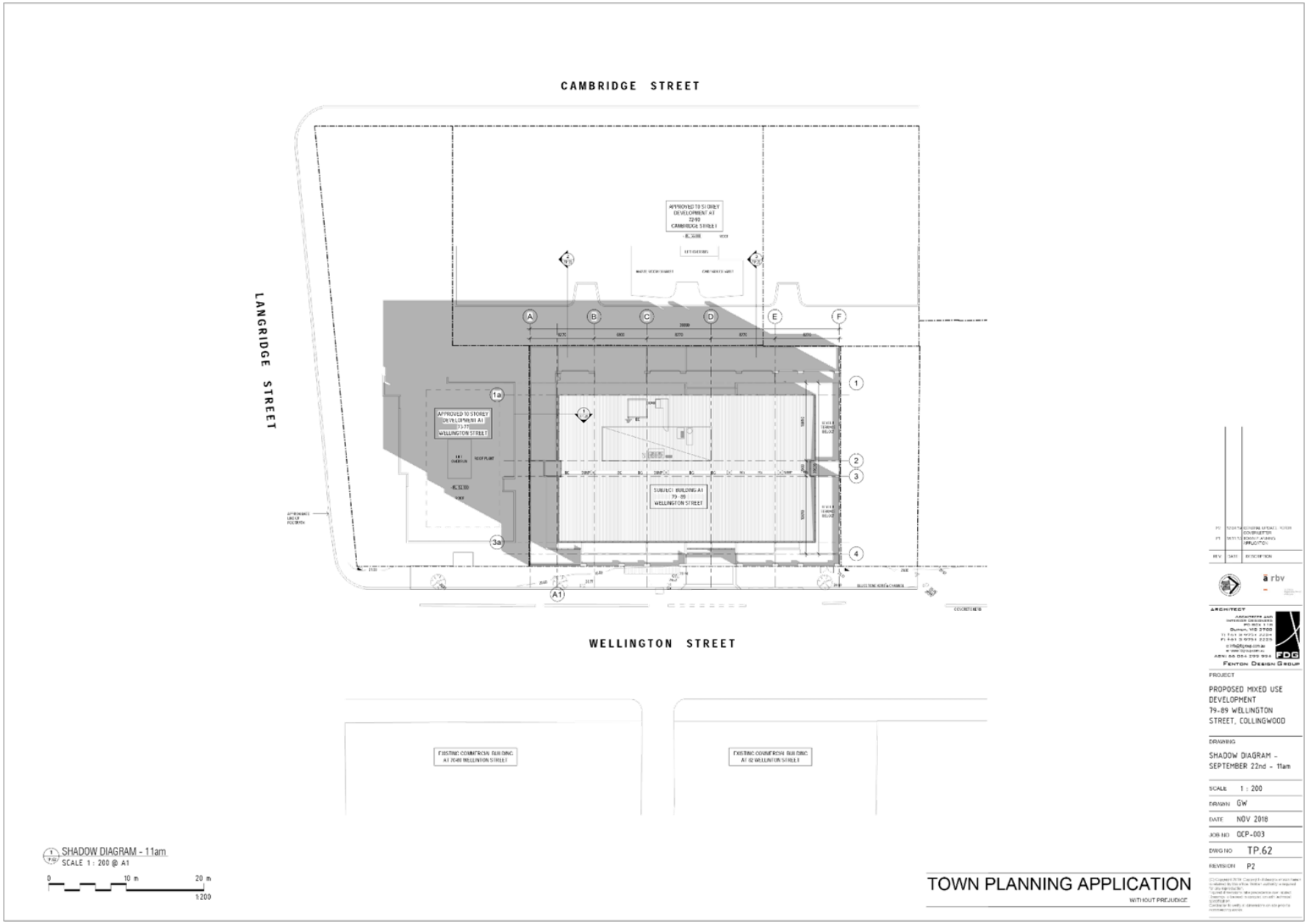
Attachment 1 - Decision Plans



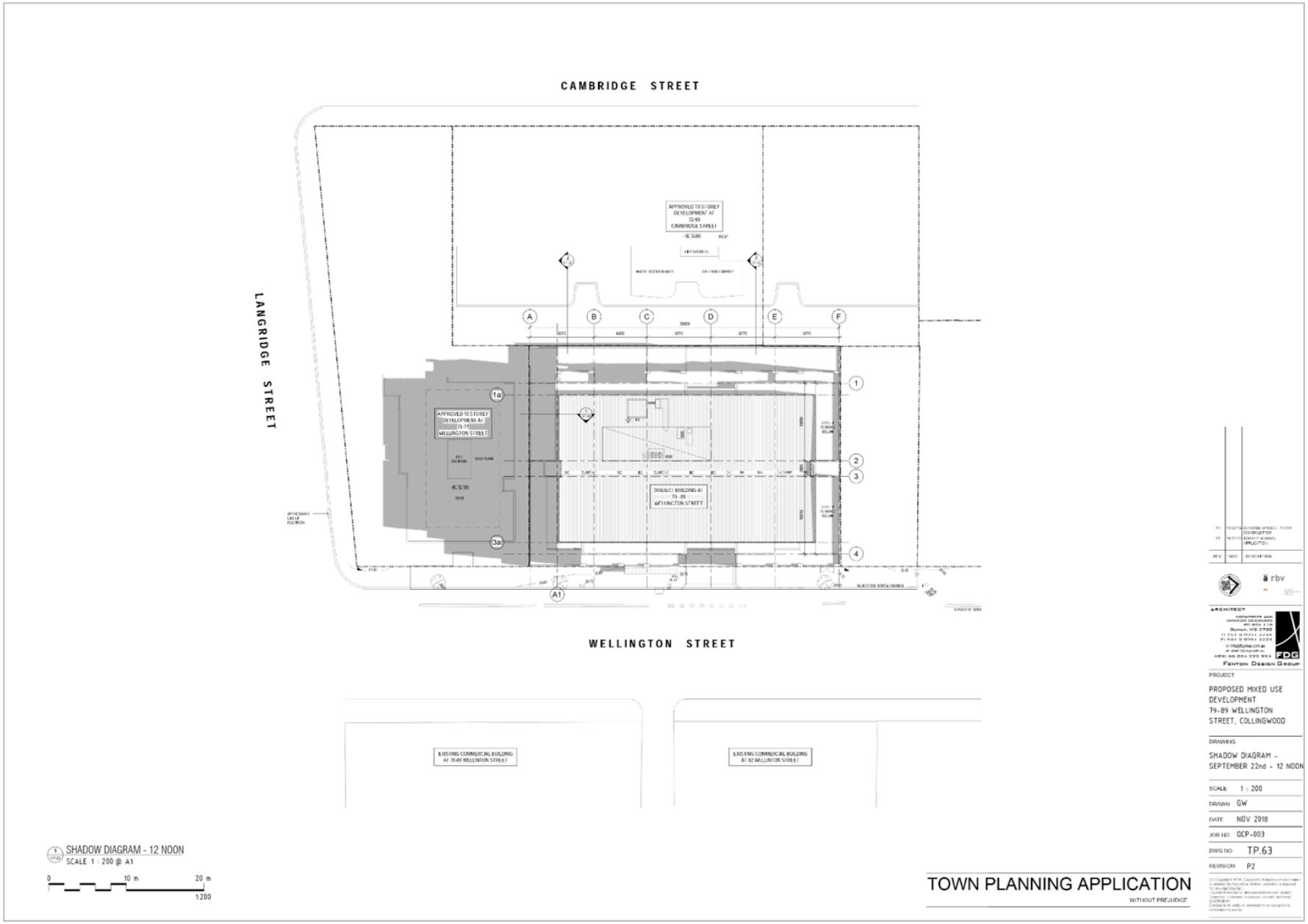
Attachment 1 - Decision Plans



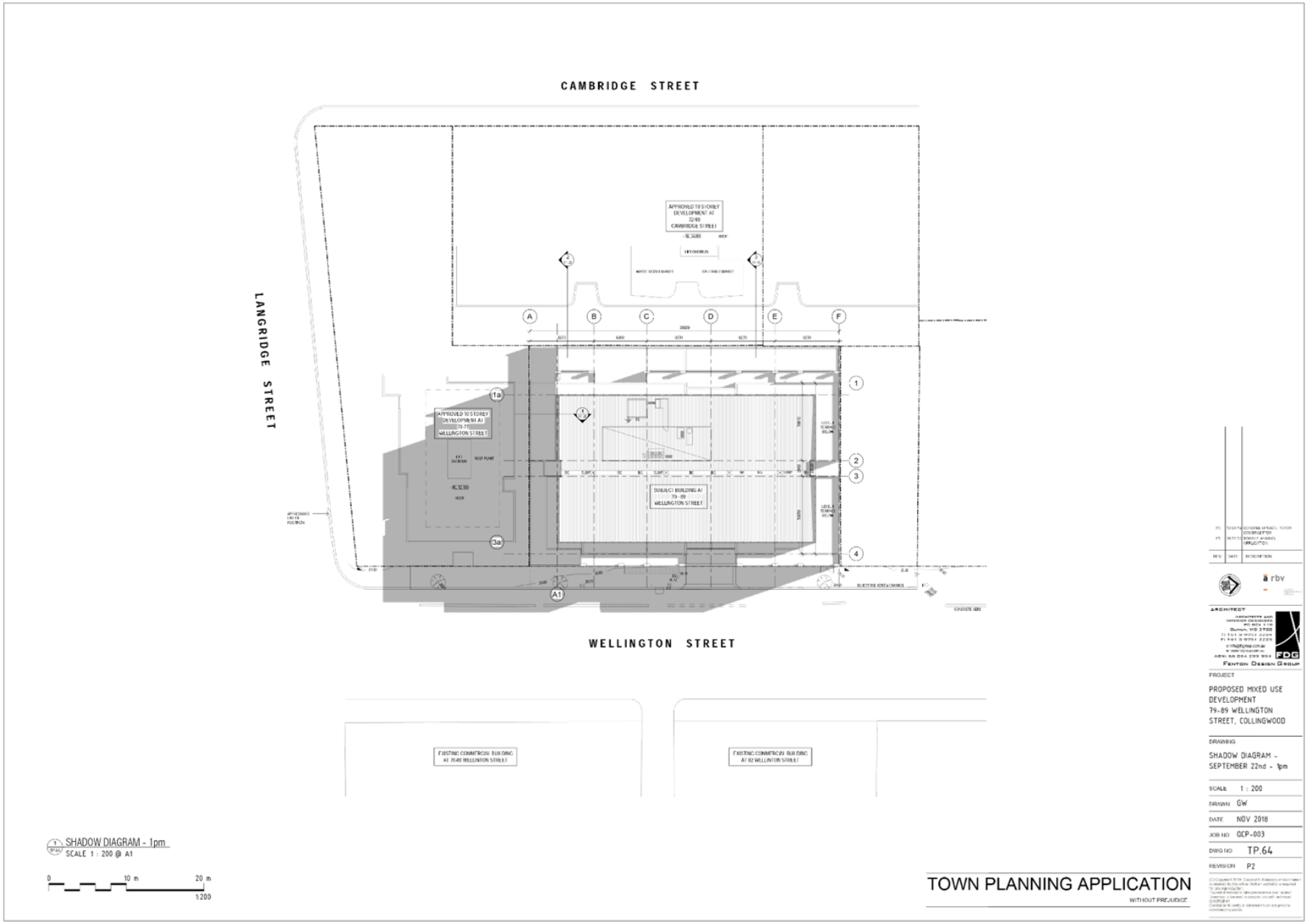
Attachment 1 - Decision Plans



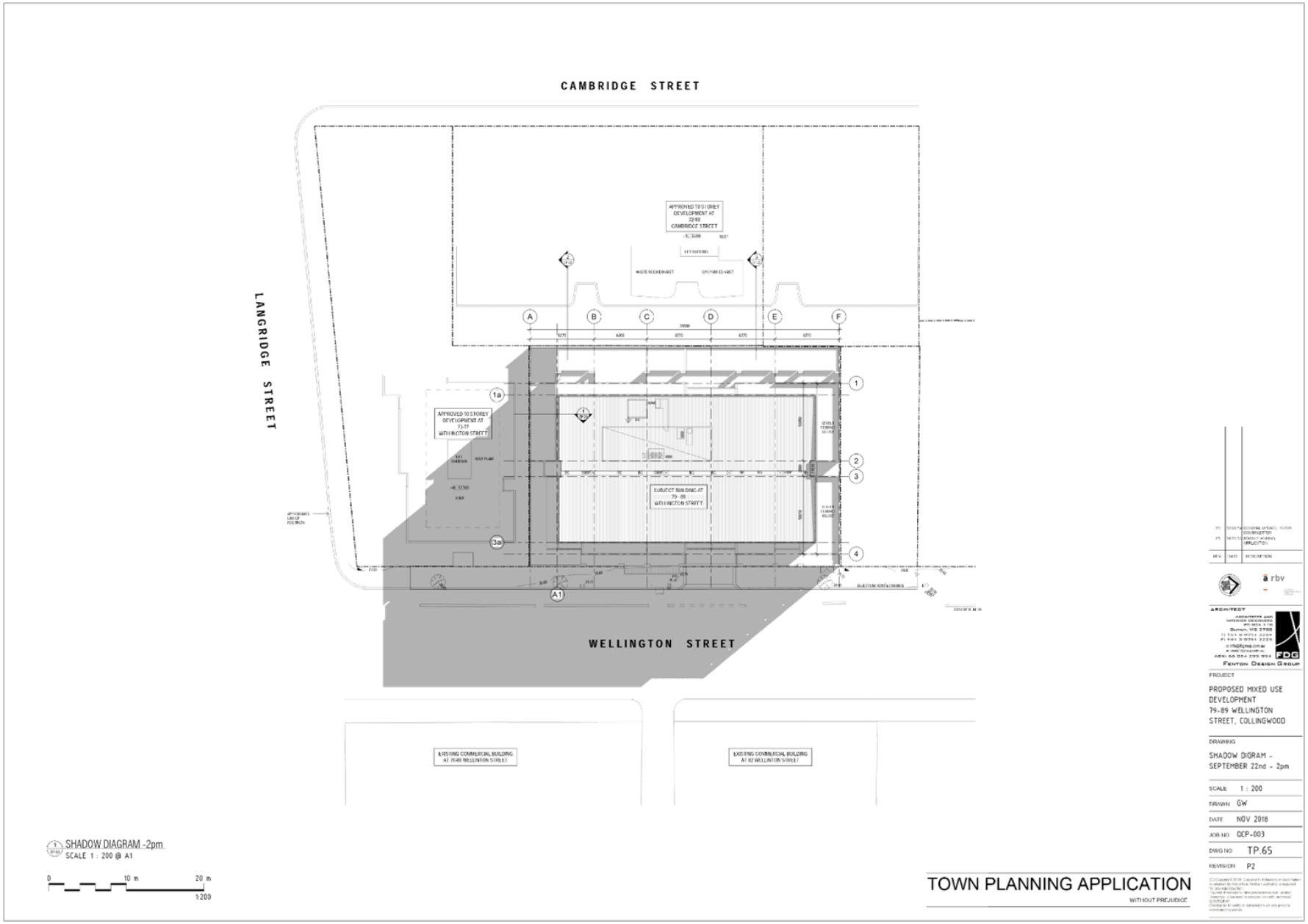
Attachment 1 - Decision Plans



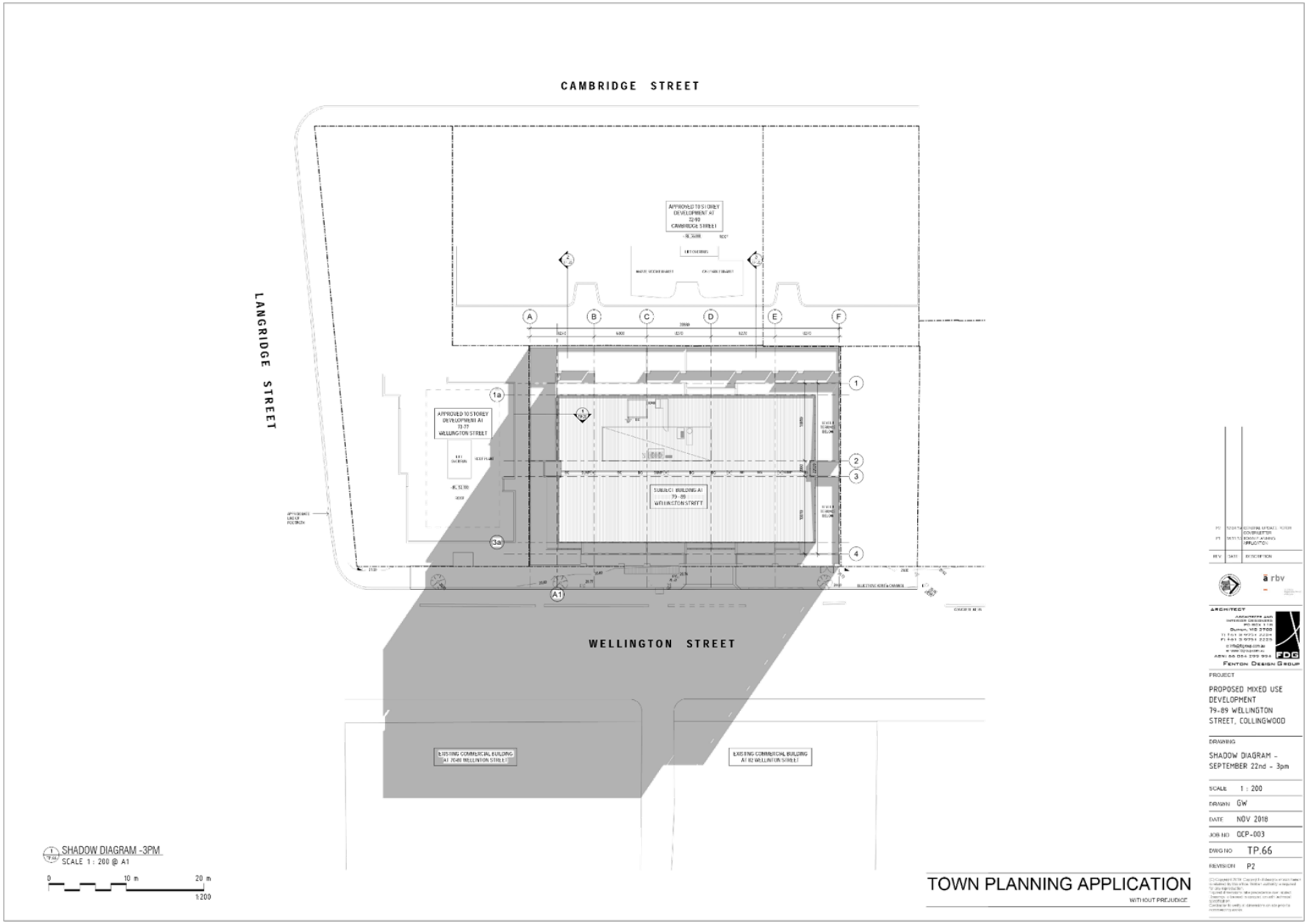
Attachment 1 - Decision Plans



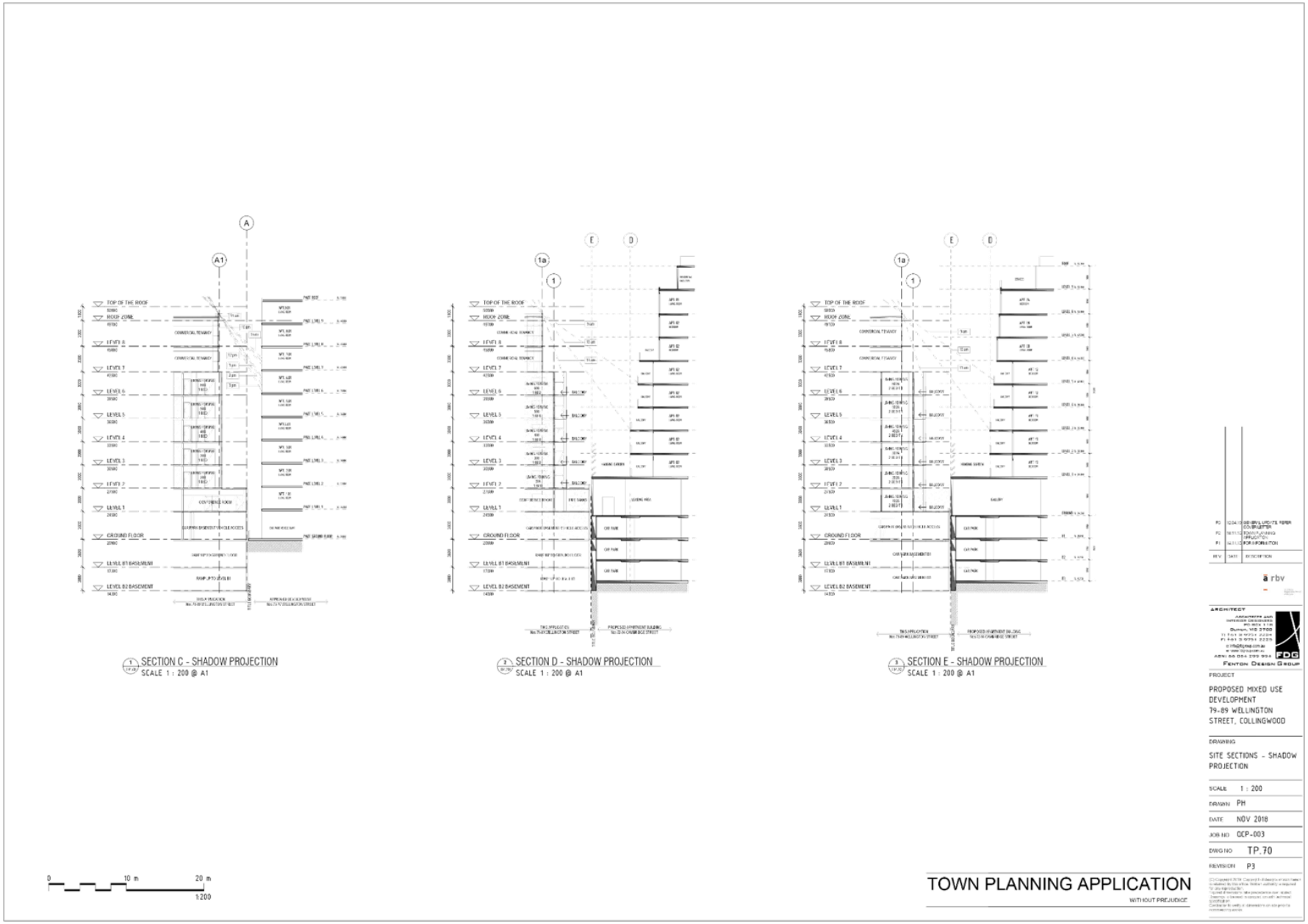
Attachment 1 - Decision Plans



Attachment 1 - Decision Plans



Attachment 1 - Decision Plans



Attachment 2 - Head, Transport for Victoria Section 55 Referral Comments

TRANSPORT FOR VICTORIA | Economic Development, Jobs, Transport and Resources

GPO Box 4509
Melbourne VIC 3001 Australia
Telephone: 03 9651 9999
transport.vic.gov.au
DX 210074

TfV Ref: FOL/18/160461
External Ref: PLN18/0584

Mary Osman
Manager Statutory Planning
Yarra City Council
PO Box 168
RICHMOND VIC 3121

Via Email; amy.hodgen@yarracity.vic.gov.au

Dear Amy,

PLANNING PERMIT APPLICATION NO.: PLN18/0584
ADDRESS: 79-89 Wellington Street Collingwood
PROPOSAL: 11 Storey Mixed Use Development

Thank you for your email dated 27 November 2018, referring the above application to the Head Transport for Victoria (TfV), pursuant to Section 55 of the *Planning and Environment Act 1987*.

TfV has reviewed the information supplied. The Head Transport for Victoria, pursuant to Section 56(1)(a) of the *Planning and Environment Act 1987*, **does not object** to the grant of a planning permit.

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

Should you have any queries regarding the above, please contact Renee De Alwis at renee.dealwis@ecodev.vic.gov.au or alternatively, on (03) 8392 7962.

Yours sincerely

MARK BURTON
Manager, Place Planning and Referrals
Delegate of the Head, Transport for Victoria

24 / 12 / 2018

CC: Applicant: Email Not Provided

VICTORIA State Government

Attachment 3 - Urban Design Referral Comments from MGS on S57A Amended Plans (Decision Plans)

10–22 Manton Lane
Melbourne 3000 Australia
T +61 3 9670 1800
mgs@mgsarchitects.com.au
mgsarchitects.com.au

INDEPENDENT URBAN DESIGN ADVICE

79-89 Wellington Street Collingwood

June 2019

Prepared by

Robert McGauran
B. Arch. (Hons. Melb), B.A. (Fine Arts Melb.), P.D.M. (Melb.), LFRAIA, FVPELA, Architect

Our ref: 18135

Directors
Eli Giannini
Chris Jones
Cameron Lacy
Robert McGauran
Mun Soon
Joshua Wheeler

Attachment 3 - Urban Design Referral Comments from MGS on S57A Amended Plans (Decision Plans)

BACKGROUND

1. In October 2018 I was asked by the City of Yarra to comment on the proposed development at 79-89 Wellington Street Collingwood.
2. My comments were made with regard to the resolution of the scheme in relation to:
   a) Appropriateness of the design treatment and streetscape impact
   b) Building height, bulk and massing
   c) Use of colours and materials
   d) Façade treatments
   e) Whether the proposal achieved high architectural and urban design outcomes.
3. This proposal at that time sought approval to construct a 9 storey mixed-use building to accommodate:
   a) A ground floor café and accommodation reception for Quest Serviced apartments on levels 1 to 6 (83 apartments in a range of configurations), 625 sq.m. Of office space at level 7 including common areas and 626 sq. m. at level 8 inclusive of stair egress and amenities.
   b) Two basement levels of car parking containing 47 car spaces and 12 bikes in basement level 1 and 6 at ground level bicycle spaces.

STATUTORY AND STRATEGIC PLANNING CONTEXT
PLAN MELBOURNE

4. I had previously outlined strategic planning matters relevant to the proposal within *Plan Melbourne and* policy guidelines to consider where relevant include:
   a) *Urban Design Guidelines* for Victoria (Department of Environment, Land, Water and Planning, 2017).
   b) *Safer Design Guidelines* for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005).
   c) Urban Design Charter for Victoria (Department of Planning and Community Development 2009).
   d) Additionally since that time Building Code of Australia provisions have come into play that requires higher level performance for buildings.

PLANNING POLICY FRAMEWORK
LOCAL PLANNING POLICY FRAMEWORK

I had similarly outlined relevant matters in local policy and overlays.

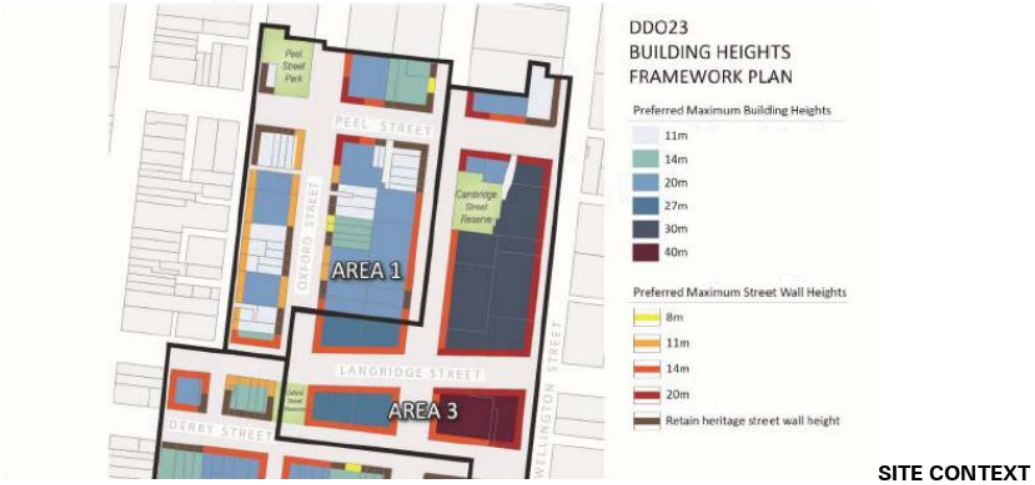
Design and Development Overlay (Schedule 2 – Main Roads and Boulevards)

5. Key matters relevant to this site that I noted included
   a) To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.
   b) To encourage high quality contemporary architecture.
   c) To encourage urban design that provides for a high level of community safety and comfort.
   d) To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.

Attachment 3 - Urban Design Referral Comments from MGS on S57A Amended Plans (Decision Plans)

The site also sits within DDO23 Building Heights Framework

Plan 1: Building Heights Framework Plan



SITE CONTEXT

6. The site sits within an area with preferred maximum street wall of 20m and a preferred maximum height of 30m.
7. The DDO requires that Buildings or works must not exceed the maximum building height shown in Plan 1:
8. Building Heights Framework Plan.
9. A permit cannot be granted to vary a building height specified in Plan 1: Building Heights Framework Plan, unless all of the following requirements are met:

   a) the built form outcome as a result of the proposed variation satisfies the Design Objectives in Clause 1.0, the Heritage Building Design Requirements and the Overshadowing and Solar Access (Public Realm) Requirements;
   b) the proposal will achieve each of the following:
      – greater building separation than the minimum requirement in this schedule;
      – housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;
      – universal access, and communal and / or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58; and
      – Excellence for environmental sustainable design measured as a minimum BESS project score of 70%.

10. The DDO notes:-

    Building separation, amenity and equitable development requirements

    a) An application for development must provide a design response that considers the future development opportunities of adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk.
    b) Where development shares a common boundary, upper level development must:
       - be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed
       - be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.

       Development must be designed to:

Attachment 3 - Urban Design Referral Comments from MGS on S57A Amended Plans (Decision Plans)

- avoid providing vehicle access from Wellington Street and provide access from a side street or laneway where practical;
- provide car parking in a basement. Where basement car parking is not possible, it must be concealed within the building envelope;
- avoid providing recessed parking spaces at the ground floor level of buildings and onsite parking spaces at the front of properties.

11. Key decision guidelines include:-

- Whether the proposal provides a high quality public realm interface that either activates the Street edge or provides an engaging and well-designed street interface, and contributes positively to the pedestrian environment and other areas of the public realm.

I concluded the following:-

12. The proposed land uses of short term accommodation and commercial retail and office space were supported by policy.
13. The development of the site with intensified multi-level land use was also supported by policy.
14. Notwithstanding the broad support for these uses the proposal in its current form could not be supported for the following reasons:
15. A poor response to Local Policy is evident in the proposal. Departures from local policy objectives are numerous and include the following outlined below.
16. DDO 23

    a) The DDO 23 objectives and criteria for exceedance had not been met by the proposal in its current form.

17. These inconsistencies included the following:-

    a) It had not in its proximity and scale minimised amenity impacts on existing residential properties to the south and west, including visual bulk, overlooking and overshadowing.
    b) The consequence was obvious with significant impacts on the amenity of units at level 1 to 10 of the adjoining development to the north in particular at lower levels where bedrooms were entirely dependent on the light court for amenity. It was my view that the lack of north and south setbacks combined with heights would have unacceptable impact.
    c) To the south the proximity impacts significantly on bedrooms and living areas of units closest to the northern boundary and in the southwest corner off the adjoining project in particular. The same as earlier mentioned applied to lower level units to the dwellings to the north relying on equitable development principles.
    d) Its overshadowing impacts on the east side of Wellington Street in the afternoon were at odds with the measure that seeks to promote and encourage pedestrian activity through street edge activation and the protection of footpaths and public open spaces from loss of amenity through overshadowing.
    e) Proposed setbacks to the west, north and south were not invested with equitable development outcomes through building separation and a design response that considers the development opportunities of neighbouring properties.
    f) The proposal did not provide for greater building separation than the minimum requirement in this schedule as required by the DDO for exceedance of preferred maximums.
    g) The proposal did not provide for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;
    h) The proposal did not provide for universal access, and communal and / or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58; and
    i) And the proposal did not propose excellence for environmental sustainable design measured as a minimum BESS project score of 70%.

Attachment 3 - Urban Design Referral Comments from MGS on S57A Amended Plans (Decision Plans)

18. I was of the view the proposal responded poorly to the principles outlined in Clause 22.10 Built Form Policy notably that:-

    a) In my view proposed footprint, scale, design resolution, materials and finishes and specification failed to positively respond to the context of the development and failed to respect the scale, layout and form of surrounding development where this is a valued feature of the neighbourhood character in this case the development of a mid-rise scale to the Wellington Road interface and shared amenity areas between development.
    b) The development had failed to make a positive contribution to the streetscape through high standards in architecture and urban design.
    c) The uniform application of unpainted and painted concrete, combined with a poorly conceived metalwork screen and balcony element as the basis for the podium language for 7 levels above a frameless and continuous ground floor shopfront level was a poor outcome as an architectural response.
    d) It was made worse by the capping of the proposed 4 commercial levels above this podium conceived as a utilitarian and uniform glazed box.

19. I also felt the adopted palette of architectural materials, the concept, and the place response only served to amplify bulk and scale, and diminish the quality of the urban environment and fell well short of the standards sought for the precinct in my view.
20. The project sat in a context of some of the finest intact neighbourhoods of historic 19th and early 20th century industrial fabric in Melbourne with the nearby iconic Foy and Gibson precinct a notable example.
21. The project was also located in the environs including its abutting southern neighbour wherein both VCAT decisions and a series of negotiated successful outcomes for development in the environs of the site have established clear directions linking increased scale with design quality, expressed through attention to quality design and placemaking. These attributes have included materiality, design detailing and built form composition that speaks to these values of high quality place. Their articulation and expression references street grain. They have proposed investment in a clear design language that clearly engages with its surrounds and attention, and draws on world-class exemplars with detail in design resolution and specification inside and out that continues to invest in solutions that compliment and reinforce the qualities invested in the place by preceding development.
22. The project exhibited examples of poor standards of configuration and response include the following:-

    a) The proposed 3m floor to floor heights for commercial space are well short of industry standards and highly constrain the utility and performance of these areas.
    b) The exposed locations of plant and equipment throughout the development further diminish the contribution of the response to place and reflect the poor level of resolution of the project concept.
    c) Insufficient setback of upper level form above the street wall were characterised by a poor response to setback and internal arrangements of proposed and existing interfacing development and as a result fail to provide for a coherent shared amenity in the interstitial areas to the north, south and west and in streetscape form.
    d) A poor level of street activation with only 2 pedestrian access points across the entire frontage.
    e) Poor siting of external shared communal areas of the development relative to adjoining residential occupancies.
    f) Poor utility for residential occupants with multiple double bedroom units' dependant on borrowed light and all single bedroom apartments reliant on borrowed light. This approach was the subject of recent damning criticism of a similarly serviced accommodation/hotel proposal diagonally to the SW of the subject site wherein the proposal was refused with the members highly critical of these arrangements.
    g) Projection of balcony zones into the shared setback zone between developments reduces the amenity.

Attachment 3 - Urban Design Referral Comments from MGS on S57A Amended Plans (Decision Plans)

h) Under sizing of the northern light court at 2m wide and 1.250m deep results in an overlap on adjoining development light court zones that is excessive in its impacts.
i) Poor siting of main public areas of the proposed use and poor resolution of interfaces with residential neighbours that diminishes access to light and amenity for these dwellings and fails to match the setbacks established in these locations relative to neighbours.
j) This was further exacerbated by the proposals higher podium form both higher and loser to the street than neighbours.
k) Hence I felt the proposal had not met the objectives of the policy for an outcome that ensures the Design buildings increases the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.

23. The proposal has in my view failed to appropriately respond to a number of key policy goals of Clause 22.10-3.2 Urban form and character
24. a) The proposal has failed to adequately respond to the design objectives relevant to the site clearly enunciated in DDO23 and Clause 22.10-3.3 Setbacks & Building Height
25. Hence I concluded that the proposal was not acceptable in its current form. It was excessive in scale and bulk and poorly executed in its selection of materials and finishes and in its articulation and interface responses.
26. The project had not met the policy objectives of local planning policy in particular failing to acknowledge the heightened architectural design quality, environmental design excellence and responsive placemaking and enhanced interface setbacks required explicitly in support of taller form.

Conflict of Interest.

27. I note the applicant has indicated that Quest is a proposed tenant for the project. MGS is currently acting for a client at present in the western suburbs where Quest is being considered as a prospective serviced apartment operator.

SUMMARY OF FINDINGS

28. The proposed ground floor treatments represent a significant improvement in activation of the frontage. Treatment of the Copenhagen bike path and line marking should be clarified in the plans and in the public realm landscaping works out to the outer face of the cycle path to demonstrate that cyclists and pedestrians are given priority and that car movement is left in and out only as illustrated.
29. The ground level however does not illustrate a credible structural grid for the proposed building with only two intermediate columns in the northern half of the site.
30. The interface of the business lounge and conference room with adjoining accommodation remains problematic as do the proposed characteristics of the adjoining western development at 72-90 Cambridge are shown as commonly treated at ground, level 1 and level 2 when they are clearly not this at level 1 and 2.
31. The characteristics of adjoining proposed development to the north are not shown.
32. The location of AC units on balconies visible from the street is not supported.
33. Privacy conflicts arising from insufficient setbacks and proximate alignment exist between south facing windows and adjoin development at 73-77 Wellington Street. Windows should be reconfigured for lateral views to the SW to avoid overlooking issues.
34. Construction to the boundary with the light court proposed is not supported above Level 2 podium to the northern interface. The light court mid-block should be commensurate in scale and location to its northern neighbour (93 Wellington Street i.e. 4.5m in east west dimension and 3m in depth. This could be achieved through the removal of the second bathroom to rooms 303, 403A, 503 A and 603 A and reconfiguration of the remaining envelop or setback uniformly of 3m from the north elevation for the area above level 2 west of bedrooms 304A, 404A , 504 A and 604 A.
35. These should be incorporated in roof plant areas or properly integrated into concealed design treatments.
36. The adjoining site steps down from a seven storey street wall to the corner to a 6 level street wall along Wellington Street. Desirably the subject site should do the same through capping of the street wall at

Attachment 3 - Urban Design Referral Comments from MGS on S57A Amended Plans (Decision Plans)

the parapet height of Level 5 rather than at level 6.This would entail removing the proposed framing flanking the balcony and soffit areas of units 504A to 507 A with setbacks matching that of the adjoining east facing development at level indented upper level area at this level (level 7).

37. Terrace areas of the development should be inclusive of landscaped planter areas to the satisfaction of the responsible authority at levels 1 and 7 with the light court at level 7 to the north matching that below or terraces removed to the north of the development dependant on the option taken by the applicant in accordance with my earlier para 34 recommendation.
38. Exposed AC units to western elevation balconies within 9m of adjoin development to the west are not supported similarly the absence of meaningful articulation of the development requires work to the west and east.
39. The proposed application of simply painted concrete finishes falls below the standard applied to adjoin development and sought by policy where quality low maintenance materials and finishes are characteristic of the neighbourhood and sought for development that seeks to exceed preferred heights as sought for example in street wall treatments. I would encourage the applicant to consider masonry or similar for the development and returns built to the street as a minimum replacing the present PC1 finishes and the returns in the south-eastern corner of south façade in lieu of the prominent painted wall treatments.
40. I would similarly invite a review of the western elevation that presently appears underworked and requiring greater levels of care and articulation in its interface with neighbours.

CONCLUSION

41. Whilst the proposed lowering of the built form is supported and the overall scale an outcome that is supportable in principle for its height outcome, the proposal in its present form is still a work in progress. Roof plant is not shown, structure that is key to investing the building with a credible development methodology similarly underworked and the key elevations east and west and light court scale to the north and interface resolution to the south, still underworked and poor in their resolution with neighbours.
42. That said with the right investment in design and material quality commensurate with its prominent location in a quality neighbourhood and amendment to footprint in the cases suggested I think a solution could be reached and invite the applicant to engage the necessary investment in design review and enhancement to avoid would otherwise be a refusal.



Prepared By
Prof. Robert McGauran
B. Arch. (Hons. Melb), B.A. (Fine Arts Melb.), P.D.M. (Melb.), LFRAIA, Architect

Attachment 4 - ESD Referral Comments on S57A Amended Plans (Decision Plans) and Amended SMP

ESD Referral Memo

Date:	**4 July 2019**
To:	**Amy Hodgen**
From:	**Gavin Ashley**
Property Address:	**79-89 Wellington Street, Collingwood**
Description:	**Review of Section 57A Amended plans and SMP Report**

Hi Amy,

Please find below our comments relating to the above:

1. Solar PV - This has been resolved satisfactorily
2. Energy - This has not been resolved satisfactorily for the following reasons:

- A DTS Preliminary Section J assessment has been provided rather than a JV3 report, although this may come later (before occupancy).
- The design is still reliant on very low SHGC on the major facades (No evidence provided regarding glazing selection to meet these SHGC levels)
- U levels (glazing quality is also very low)
- There is inconsistency between the Visual Transmittance relied on here and the daylight assessment which relies on a relatively high VT.
- We recommend addressing the issue with changes to the facade such as raising sill levels or introducing additional vertical fins.

3. Daylight - The approach is satisfactory for the following reasons:

- The remaining issues with daylight are confined to kitchen areas
- Although only 57% of the apartments meet the criteria for living areas, this is primarily because of recessed kitchens which in an apartment building would be inappropriate, but in a hotel is satisfactory
- I suggest considering a maximum stay length as a permit condition.

Attachment 5 - ESD Referral Comments on Original Scheme

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-r*esidential 1. 1,000m² 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 *Fenton Design Group* (27.09.2018 RFI) and the accompanying SMP, prepared by *JBA Consulting Engineers* (ver 3 02.10.2018).

Attachment 5 - ESD Referral Comments on Original Scheme

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



Table of Contents

Assessment Summary: 3
1. Indoor Environment Quality (IEQ) 5
2. Energy Efficiency 7
3. Water Efficiency 10
4. Stormwater Management 11
5. Building Materials 12
6. Transport 13
7. Waste Management 14
8. Urban Ecology 15
9. Innovation 16
10. Construction and Building Management 17
Applicant Response Guidelines 18

Attachment 5 - ESD Referral Comments on Original Scheme

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



Assessment Summary:

Responsible Planner:	Amy Hodgen
ESD Advisor:	Gavin Ashley
Date: 23.10.2018	Planning Application No: PLN18/0584
Subject Site:	79 – 89 Wellington Street, Collingwood, VIC
Site Area: Approx. 1,143m²	Site Coverage: 99%
Project Description:	14 storey building comprising retail at ground, office and residential.
Pre-application meeting(s):	Unknown.

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:

- 50% improvement on the provision of outdoor air through mechanical ventilation, as required by AS1668.2 or CO2 concentrations are maintained below 800ppm.
- 15% improvement above the NCC energy efficiency requirements for heating and cooling through enhanced envelope insulation.
- 15% improvement above the NCC for hot water system efficiency.
- A STORM report with a 103% STORM score has been submitted that demonstrates best practice and relies on ~732m² of roof connected to a 20,000 litre rainwater tank connected to toilet flushing for 30% of toilets in the development.
- Access to daylight to office levels and most living spaces within serviced apartment component.
- Energy efficient lighting 30% improvement on NCC lighting power densities.
- Water efficient fixtures and taps.
- Metering and monitoring strategy applied.
- Commissioning and tunning plan to all nominated building systems.
- Waste Management Plan and ensure at least 85% litter reduction.
- At least 90% of construction and demolition waste will be diverted from landfill.

(2) Application ESD Deficiencies:

- Deficient natural ventilation to most bedrooms within serviced apartment components. Natural ventilation not applied or not demonstrated to office spaces. Recommend some reconfiguration of layout of serviced apartments to provide breezeways to at least 30% of apartments and introduce operable windows to office levels.
- Poor daylight access to majority of bedrooms. Recommend redesign of northern façade to allow direct daylight source to at least one bedroom.
- Recommend maximum stay of two weeks on apartments which have bedrooms that don't meet daylight benchmarks.
- No information regarding offsite impacts has been provided. Impact on adjoining approved development (73-77 Wellington Street) will be severe. Recommend greater setbacks from habitable windows, to ensure adequate daylight. Please provide daylight modelling to demonstrate adjoining development will have adequate daylight and create greater setbacks if necessary.

Attachment 5 - ESD Referral Comments on Original Scheme

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



- There are no vertical shading elements to office east and west windows, leaving them exposed to summer heat gain. Reliance is on high performance glazing only, and horizontal fins will only assist in protection of northern facades. Recommend that the architect reduce glazing or introduce external shading systems to reduce heat gain, rather than rely on high performance glazing only.
- Some bike parking is sub-surface and the location for QUEST bike storage is unsatisfactory. Recommend relocating QUEST bike parking closer to the ground floor entrance and increasing the number of bike parks for the office component to 37 (easily accommodated in proposed area).
- 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 report must be updated to reflect Visual Light Transmittance (VLT) of green glass, a more representative sample of dwellings (e.g. include 106A) and impact on adjoining property to the south.
- Please update assumptions of the thermal envelope and provide a completed JV3 energy modelling report before occupancy (note inconsistencies in main report) demonstrating the 15% improvement in NCC requirements.
- Requires further information on glazing calculator with areas mark ups and dimensions.

(4) ESD Improvement Opportunities

- Daylight and ventilation to bedrooms must be reassessed.
- Demonstrate the impact to adjacent building to south of the development and provide mitigative design strategy.
- Recommend providing solar PV array to contribute to onsite electricity demands.
- Consider a green roof or wall to improve the ecological value of this site.
- Consider onsite energy storage systems or other mechanisms to manage peak demand.
- Ensure that the Waste Management Plan prepared includes details on recycling. Recommend providing a composting system.

Further Recommendations:

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

Attachment 5 - ESD Referral Comments on Original Scheme

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	Mechanical ventilation commitment to outdoor air quantities to be 50% greater than the minimum required by AS1668.2 or CO2 concentrations are maintained at below 800ppm.	Poor natural ventilation outcome due to internal bedrooms. No ability to cool passively, due to single aspect on all serviced apartments and no evidence of operable windows for the office component. Recommend some reconfiguration of layout of serviced apartments to provide breezeways to at least 30% of apartments and introduce operable windows to office levels.	2
Daylight & Solar Access	Daylight to living room standard is met. Daylight to bedrooms is reliant in almost all instances on borrowed light, resulting in standard not being met.	The daylight modelling relies on a minimum Visual Light Transmittance (VLT) of 60%, please clearly note this on an updated set of architectural drawings. Green low-e glass will generally have VLT much lower than this. Alternatively, provide green glass specification demonstrating modelled VLT levels. The daylight report should reflect a more representative sample of dwellings (e.g. include 106A). Account of bedrooms passing on BESS assessment is incorrect. As per BESS requirements, At least 80% of the total number of bedrooms achieve a daylight factor greater than 0.5% for 90% of the floor area in that bedroom. The results provided show rooms with less than 90% of the floor area as compliant (RM000007: 89.4%; RM000008: 76.8%; RM000022: 80.4%). Impact on daylight to 73-77 Wellington St will be severe. Recommend greater setbacks on south boundary, to ensure adequate daylight. Please provide daylight modelling to demonstrate adjoining dwellings will have adequate daylight and create greater setbacks if necessary. Recommend redesign of northern façade to allow direct daylight source to at least one bedroom. Recommend maximum stay of two weeks on apartments which have bedrooms that don't meet daylight benchmarks.	2
External Views	External views from most areas. At least 60% of the nominated area has a clear line of sight to a high quality internal or external view.	Satisfactory	1
Hazardous Materials and VOC	95% of all internal sealants and paints, adhesives, and	Satisfactory	1

Attachment 5 - ESD Referral Comments on Original Scheme

	carpets will be low VOC, and 95% of all engineered timber projects will be low or zero formaldehyde content in.		
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: - Very little natural ventilation. - Some shading - Good thermal efficiency standards.	Shading is satisfactory for serviced apartments component, but offices are likely to have thermal comfort issues because of high window/wall ratios and limited shading. In addition, no operable windows are shown for office spaces. Recommend additional shading (as noted on following page), operable windows to office space and reducing window/wall % to office floors. Refer above for natural ventilation recommendations.	2

*** Council Assessment Ratings:**

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

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

Attachment 5 - ESD Referral Comments on Original Scheme

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	15% improvement above the NCC energy efficiency requirements for heating and cooling using insulation improvements.	The Green Star pathway provided indicates that the project is achieving the "Building Envelope" point, yet the improvement over DtS J1 figures is consistently less than 15% (the minimum required for this point). The R-values provided are for the insulation only, so the total envelope (wall, floor and roof) constructions must add significant insulation to exceeds DtS performance by over 15%, but we have no evidence of this at present. Please demonstrate the R-values achieved by the total envelope construction systems achieves at least 15% improvement. In addition, the J2 calculator notes the following window/wall ratios on Level 9: North = 66.6% East = 66% South = 66.6% West = 66% Yet architectural layouts (and renders) show close to 100% glazing on all aspects (except West which contains the core). Please clarify, as the architectural design is unlikely to comply at present. The Ground Floor render and architectural floor plans also show close to 100% window/wall ratio, yet the J2 calculator shows an average of 12.5% glazed area. The specified glazing performance is completely unsuitable unless the % of glazing is significantly reduced. Please clarify all glazing selections, ensuring they align	3

Attachment 5 - ESD Referral Comments on Original Scheme

		correctly with the window/wall ratios shown on layouts and the J2 calculators and update as necessary.	
Hot Water System	Efficiency of hot water system 15% improved over BCA.	The requirement to provide a DHW system that improves on DtS figures by more than 15% is noted. No action.	1
Peak Energy Demand	No initiatives to reduce peak demand.	There are currently no significant initiatives to reduce peak energy demand. The following measures should be considered to reduce peak load: - Roof mounted PV. - Suitable shading (see below). - Reduced glazing extent to office spaces (introduction of spandrel or similar).	4
Effective Shading	Adequate shading to serviced apartments. No shading to office windows exposed to summer heat gain, overreliance on high performance glazing only.	Given the extent of glazing and the lack of suitable shading, we consider it unlikely that the 20% reduction in peak cooling load is achieved at present (particularly on office floors). The shading shown to office spaces on renders will have limited effectiveness on all aspects and is predominantly aesthetic. Recommend that the architect extend provide additional (and appropriate) external shading to the east and west and extend the length of eaves on the north. Additionally, please include the SGHC proposed including the minimum VLT of 60% noted in the daylight model, and demonstrate that the 20% cooling load reduction can be met.	2
Efficient HVAC system	Required minimum energy efficiency ratio for packaged air conditioning equipment and refrigerant chillers is increased by at least 15% over BCA or MEPS.	Requirement noted within SMP. No comments.	1
Efficient Lighting	Energy efficient lighting 30% improvement on NCC lighting power densities.	Requirement noted within SMP. No comments.	1
Electricity Generation	No solar is proposed.	Recommend significant solar PV system installation to offset on-site energy use.	4
Other	-	-	-

Attachment 5 - ESD Referral Comments on Original Scheme

*** Council Assessment Ratings:**

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

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

Attachment 5 - ESD Referral Comments on Original Scheme

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	Minimum WELS star rating of fixtures: · Taps (bathroom): 5 star · Taps (kitchen): 5 star · Urinals: 4 star · Toilets: 4 star. · Showers: 3 star · Dishwashers: 5 star	Consider waterless urinals	1
Water for Toilet Flushing	20,000 litre rainwater tank proposed to flush 30% of toilets. 732sqm of roof area captured.	Note to roof plan TP20 denoting catchment area for water tank.	3
Water Meter	Separate water metering for all tenants and major common area uses.	-	1
Landscape Irrigation	No potable water used for irrigation.	N/A	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 5 - ESD Referral Comments on Original Scheme

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 103% STORM score has been submitted that demonstrates best practice and relies on ~732m2 of roof connected to a 20,000 litre rainwater tank connected to toilet flushing for 30 bedrooms 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 5 - ESD Referral Comments on Original Scheme

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.	1
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 5 - ESD Referral Comments on Original Scheme

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	14 bike parking spaces for QUEST component, plus 21 bike parking spaces for office.	Some bike parking is sub-surface and in particular the location for QUEST bike storage is unsatisfactory. Recommend relocating QUEST bike parking closer to the ground floor entrance and increasing the number of bike parks for the office component to 37 (easily accommodated in proposed area)	2
End of Trip Facilities	End of trip facilities provided on same level as office bicycle storage.	Consider reconfiguration of end of trip facilities to provide 1 additional unisex WC / Shower.	4
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.	3
Green Travel Plan	A Green Travel plan has not been provided.	Please provide a Green Travel Plan with performance targets and monitoring and reporting components included.	3

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 6. Transport
Off-setting Car Emissions Options www.greenfleet.com.au
Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf
Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/
Bicycle Victoria www.bv.com.au

Attachment 5 - ESD Referral Comments on Original Scheme

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	Commitment for waste to landfill is no more than 10 kg/m2 GFA; or, ensure at least 90% of the waste generated has been diverted from landfill.		1
Operational Waste Management	WMP outlines satisfactory waste management practices.	Note on plans required to ensure waste separation within serviced apartments.	4
Storage Spaces for Recycling and Green Waste	Area set aside for all uses. No green waste provided based on no landscaping on site.		1
Others	-	-	-

*** Council Assessment Ratings:**

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

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

Attachment 5 - ESD Referral Comments on Original Scheme

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 landscaping proposed on site.	-	1
Heat Island Effect	75% of all horizontal surfaces of the site that have an unobstructed direct vertical sky view are to have a solar reflectance of >64	-	1
Other		-	1
Green wall, roofs, facades	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 5 - ESD Referral Comments on Original Scheme

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	**Contractor education:** a. Provide sustainability education to contractors and site workers - e.g. as part of the induction process **Local procurement:** a. Demonstrates that a percentage of the products and materials used in the project were produced or manufactured in Australia.	Permit condition requiring (Greenstar) **Submission Template** outlining how the project team has addressed the Innovation Challenges (Prior to Occupation)	3
New Technology	-	-	-
New Design Approach	-	-	-
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 9. Innovation
Green Building Council Australia www.gbca.org.au
Victorian Eco Innovation lab www.ecoinnovationlab.com
Business Victoria www.business.vic.gov.au
Environment Design Guide www.environmentdesignguide.com.au

Attachment 5 - ESD Referral Comments on Original Scheme

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	Significant investment in building tuning.	Comprehensive commissioning and tuning of all major appliances and services.	1
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	Head contractor to be accredited.	-	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.	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 5 - ESD Referral Comments on Original Scheme

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 6 - Engineering Services Comments on S57A Amended Plans (Decision Plans)

MEMO

To:	**Amy Hodgen**	
From:	**Mark Pisani**	
Date:	**27 May 2019**	
Subject:	**Application No:**	**PLN18/0584**
	Description:	**Amended Drawings**
	Site Address:	**79-89 Wellington Street, Collingwood**

I refer to the above Planning Application received on 7 May 2019 in relation to the proposed development at 79-89 Wellington Street, Collingwood. 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
Serviced Apartments: Various sizes	83	Rated not specified in Clause 52.06-5	To the satisfaction of the Responsible Authority	28
Office	1,096.3 m²	3.0 spaces per 100 m² of leasable floor area	32	16
Retail	82.5 m²	3.5 spaces per 100 m² of leasable floor area	2	1
Short Stay Parking				2
		Total	**34 Spaces + Parking for Serviced Apartments**	**47 Spaces**

* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

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

- *Parking Demand for the Serviced Apartments.* Serviced apartments can be classified as tourist accommodation facilities. In terms of parking provision for this type of accommodation, the NSW Roads and Maritime's *Guide to Traffic Generating Developments* version 2.2 provides a parking rate of one off-street space per four bedrooms (0.25 spaces per one-room apartment). Ratio Consultants have quoted a rate of 0.3 spaces per serviced apartment, which we also consider as an acceptable rate for this type of facility. The proposed serviced apartments would be provided with on-site parking at a rate of 0.34 spaces per apartment – appropriate for this use.
- *Parking Demand for the 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 3.0 spaces per 100 square metres of floor space, since the area has very good access to public transport services.

  The site would be providing 16 on-site parking spaces, which equates to a rate of 1.46 spaces per 100 square metres of floor area. Throughout the municipality, 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)
Cremorne	
9-11 Cremorne Street PLN16/0171 (Amended) issued 13 June 2017	0.85 spaces per 100 m^2 (20 on-site spaces; 2,329 m^2)

  The proposed on-site office parking rate of 1.46 spaces is considered appropriate, having regarding to the site's good accessibility to public transport services and proximity to Melbourne.
- *Parking Demand for the Retail Use.* For the retail component of the development, a staff parking rate of 1.0 space per 100 square metres could be adopted. Applying this rate to the proposed retail use would result in one space. The balance of the parking (one space) would be customer parking which would be accommodated off-site.
- *Availability of Public Transport in the Locality of the Land*. The site is within walking distance of tram services operating along Smith Street-Gertrude Street and Victoria Parade.
- *Multi-Purpose Trips within the Area.* Visitors and clients visiting the office and retail premises 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 Friday 2 March 2018 and on Saturday 3 March 2018 between 8:00am and 8:00pm (both days). The survey area encompassed Wellington Street, Langridge Street, Glasshouse Street, Robert Street, Byron Street, Peel Street, Oxford Street, Cambridge Street and Derby Street. The times and extent of the surveys are considered appropriate. An inventory ranging from 250 to 311 publicly available spaces was identified within the study area. The results of the surveys indicated that there were a minimum of 47 vacant spaces on the Friday and a minimum of 89 spaces on the Saturday (both recorded at

12:00pm). Any off-site short-stay parking demands generated by the development 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.

Adequacy of Car Parking
From a traffic engineering perspective, the proposed on-site parking provision for the serviced apartments, office and retail uses are considered appropriate in the context of the development and the surrounding area. The short-stay parking demand associated with the office and retail uses could be accommodated on-street. Employees who have not been allocated an on-site car parking space would make other travel arrangements, such as taking public transport or riding a bicycle.

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
Serviced Apartments (28 spaces)	3.0 trips per space per day 0.4 trips per space in each peak hour	84	11	11
Office (17 spaces)	0.5 trips per space in each peak hour	Not Provided	8	8
Retail (1 space)	1.0 trip per space in each peak hour	2	1	1
	Total		**20**	**20**

The peak hour volumes generated by the development are not unduly high and should not adversely impact on the traffic operation of Wellington Street.

Attachment 6 - Engineering Services Comments on S57A Amended Plans (Decision Plans)

DEVELOPMENT LAYOUT DESIGN

Fenton Design Group Drawing Nos. TP.04 Revision P9 dated 8 May 2019
TP.05 Revision P10 dated 8 May 2019
TP.06 Revision P14 dated 8 May 2019
Ratio Consultants *Traffic Report* Version D04 dated 18 April 2019

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance	The development entrance has a carriageway width of 6.4 metres and satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Visibility	The applicant has depicted the sight triangle for the exit lane superimposed in the area occupied by the food and drink premises. The applicant must ensure that this area remains clear in order to be effective.
Headroom Clearance	A headroom clearance of 2.88 metres has been provided at the development entrance and satisfies AS/NZS 2890.1:2004.
Internal Ramped Accessways	Not dimensioned on the drawings.
Car Parking Modules	
At-grade Parking Spaces	The on-site parking spaces have the following dimensions: 2.375 to 2.6 metres by 4.84 to 5.1 metres. The majority of the spaces satisfy *Design standard 2: Car parking spaces* of Clause 52.06-9. For non-compliant spaces, please see under 'Design Items to be Addressed'.
Parallel Parking Spaces	The dimensions of the two parallel parking spaces (2.1 metres by 6.7 metres) satisfy AS/NZS 2890.1:2004.
Accessible Parking Space	With the exceptions of the lengths (which satisfy Design standard 2), the accessible parking spaces and shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009.
Aisles	The 6.4 metre wide aisles comply with *Table 2: Minimum dimensions of car parking spaces and accessways* of Clause 52.06-9.
Column Depths and Setbacks	Columns have been set back from the aisle by 300 mm and satisfy *Diagram 1 Clearance to car parking spaces* in Clause 52.06-9.
Clearances to Walls	Clearances of 300 mm have been provided in accordance with *Design standard 2*. For Space 1 on both Basement B2 Floor Plan and on Basement B1 Floor Plan, the widths of these spaces (adjacent to walls) satisfy AS/NZS 2890.1:2004 and allow for car door opening.
Gradients	
Ramp Grade for First 5.0 metres inside Property	The gradient for the first 5.0 metres inside the property is flat.
Ramp Grades and Changes of Grade	For adequacy of the curved ramp grades, please see under 'Design Items to be Addressed'.

Attachment 6 - Engineering Services Comments on S57A Amended Plans (Decision Plans)

Item	Assessment
Other Items	
Loading Arrangements	On the Ground Floor Plan, a loading bay measuring 3.0 metres by 6.4 metres has been provided. The swept paths for a 6.4 metre small rigid vehicle demonstrate satisfactory vehicle entry and exit movements into and out of the bay. Under the Australian/New Zealand Standard AS2890.2-2002, a small rigid vehicle requires a height clearance of 3.5 metres. The development entrance provides a headroom clearance of 2.88 metres.
Vehicle Turning Movements – Parallel Parking Spaces	The swept path diagrams for the B85 design vehicle entering and exiting the two parallel parking spaces on the ground floor are considered satisfactory.
Vehicle Turning Movements – Regular Car Spaces	The swept path diagrams for the B85 design vehicle entering and exiting the regular parking spaces are considered satisfactory.
Vehicle Turning Movements – Smaller Sized Spaces	Access into the smaller sized spaces have been tested with the Australian/New Zealand Standard B35 design vehicle – the standard light car. Swept path diagrams for the B35 design vehicle entering and exiting these spaces are considered satisfactory.
Vehicle Passing Movements – Internal Ramps	The passing movements for the B99 design vehicle and an oncoming B85 design vehicle are considered satisfactory.

Design Items to be Addressed

Item	Details
Visibility	The sight triangle (inside the food and drink premises) should be kept clear at all times.
Internal Ramped Accessways	To be dimensioned on the drawings.
Grades of Curved Ramps	To assess the adequacy of the curved ramp grades, the applicant is to prepare a ground clearance check for the ascending (inside) lane of the curved ramps using the B99 design vehicle. Council needs to be satisfied that a B99 design vehicle can adequately traverse the inside lane of the curved ramps without scraping or bottoming out.
Car Parking Spaces	The lengths of spaces 20 to 24 on Basement B2 Floor Plan must be lengthened to 4.9 metres.
Small Car Spaces	Spaces that are less than 2.6 metres wide are to be designated as Small Car spaces and be clearly depicted on the drawings. The widths of all these spaces must be dimensioned on the drawings.

Attachment 6 - Engineering Services Comments on S57A Amended Plans (Decision Plans)

ENGINEERING CONDITIONS
The engineering conditions as specified in our referral comments of 27 November 2018 are still relevant and pertinent to this development application.

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT
The Additional Engineering Advice for the Applicant as provided in our referral comments of 27 November 2018 is still relevant and pertinent to this development application.



Mark Pisani
Senior Development Engineer
Civil Engineering unit

Attachment 7 - Engineering Services Comments on Original Scheme

MEMO

To:	**Amy Hodgen**	
From:	**Mark Pisani**	
Date:	**27 November 2018**	
Subject:	**Application No:**	**PLN18/0584**
	Description:	**12-Storey Mixed Use Development**
	Site Address:	**79-89 Wellington Street, Collingwood**

I refer to the above Planning Application received on 22 October 2018 and the accompanying *Traffic report* prepared by Ratio Consultants (version D03 dated 2 October 2018) in relation to the proposed development at 79-89 Wellington Street, Collingwood. 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
Serviced Apartments: One-, two- and three-bedroom	100	Rated not specified in Clause 52.06-5	To the satisfaction of the Responsible Authority	54
Office	1,936 m²	3.0 spaces per 100 m² of leasable floor area	58	20
Retail	87 m²	3.5 spaces per 100 m² of leasable floor area	2	1
Short Stay Parking				2
		Total	**60 Spaces + Parking for Serviced Apartments**	**77 Spaces**

* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

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:

Attachment 7 - Engineering Services Comments on Original Scheme

- *Parking Demand for the Serviced Apartments.* Serviced apartments can be classified as tourist accommodation facilities. In terms of parking provision for this type of accommodation, the NSW Roads and Maritime's *Guide to Traffic Generating Developments* version 2.2 provides a parking rate of one off-street space per four bedrooms (0.25 spaces per one-room apartment). Ratio Consultants have quoted a rate of 0.3 spaces per serviced apartment, which we also consider as an acceptable rate for this type of facility. The proposed serviced apartments would be provided with on-site parking at a rate of 0.54 spaces per apartment – appropriate for this use.
- *Parking Demand for the 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 site would be providing 20 on-site parking spaces, which equates to a rate of 1.03 spaces per 100 square metres of floor area. Throughout the municipality, 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)
Cremorne	
9-11 Cremorne Street PLN16/0171 (Amended) issued 13 June 2017	0.85 spaces per 100 m^2 (20 on-site spaces; 2,329 m^2)

  The proposed on-site office parking rate of 1.03 spaces is considered appropriate, having regarding to the site's good accessibility to public transport services and proximity to Melbourne.
- *Parking Demand for the Retail Use*. For the retail component of the development, a staff parking rate of 1.0 space per 100 square metres could be adopted. Applying this rate to the proposed retail use would result in one space. The balance of the parking (one space) would be customer parking which would be accommodated off-site.
- *Availability of Public Transport in the Locality of the Land*. The site is within walking distance of tram services operating along Smith Street-Gertrude Street and Victoria Parade.
- *Multi-Purpose Trips within the Area*. Visitors and clients visiting the office and retail premises 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 Friday 2 March 2018 and on Saturday 3 March 2018 between 8:00am and 8:00pm (both days). The survey area encompassed Wellington Street, Langridge Street, Glasshouse Street, Robert Street, Byron Street, Peel Street, Oxford Street, Cambridge Street and Derby Street. The times and extent of the surveys are considered appropriate. An inventory ranging from 250 to 311 publicly available spaces was identified within the study area. The results of the surveys indicated that there were a minimum of 47 vacant spaces on the Friday and a minimum of 89 spaces on the Saturday (both recorded at

12:00pm). Any off-site short-stay parking demands generated by the development 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.

Adequacy of Car Parking
From a traffic engineering perspective, the proposed on-site parking provision for the serviced apartments, office and retail uses are considered appropriate in the context of the development and the surrounding area. The short-stay parking demand associated with the office and retail uses could be accommodated on-street. Employees who have not been allocated an on-site car parking space would make other travel arrangements, such as taking public transport or riding a bicycle.

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
Serviced Apartments (100 units)	3.0 trips per unit per day 0.4 trips per unit in each peak hour	300	22	22
Office (20 spaces)	0.5 trips per space in each peak hour	Not Provided	10	10
Retail (1 space)	1.0 trip per space in each peak hour	2	1	1
Total			**33**	**33**

The peak hour volumes generated by the development are not unduly high (an average of one car every 1 minute 49 seconds) and should not adversely impact on the traffic operation of Wellington Street).

Attachment 7 - Engineering Services Comments on Original Scheme

DEVELOPMENT LAYOUT DESIGN

Fenton Design Group Drawing Nos. TP.03, TP.04 and TP.05 Revision P5 dated 27 September 2018
TP.06 Revision P8 dated 5 October 2018
TP.30 and TP.32 Revision P4 dated 27 September 2018
TP.40 and TP.41 Revision P3 dated 7 August 2018

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance	The development entrance has a carriageway width of 6.4 metres and satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Visibility	The applicant has depicted the sight triangle for the exit lane superimposed in the area occupied by the food and drink premises. There is no guarantee that the area would remain clear indefinitely.
Headroom Clearance	A headroom clearance of 2.88 metres has been provided at the development entrance and 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 parking spaces (2.6 metres by 4.9 to 5.7 metres) satisfy *Design standard 2: Car parking spaces* of Clause 52.06-9 or AS/NZS 2890.1:2004 (where applicable).
Parallel Parking Spaces	The dimensions of the two parallel parking spaces (2.1 metres by 6.7 metres) satisfy AS/NZS 2890.1:2004.
Accessible Parking Space	With the exceptions of the lengths (which satisfy Design standard 2), the accessible parking spaces and shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009.
Aisles	The 6.4 metre wide aisles comply with *Table 2: Minimum dimensions of car parking spaces and accessways* of Clause 52.06-9.
Column Depths and Setbacks	Columns have been set back from the aisle by 300 mm and satisfy *Diagram 1 Clearance to car parking spaces* in Clause 52.06-9.
Clearances to Walls	Clearances of 300 mm have been provided in accordance with *Design standard 2*.
Gradients	
Ramp Grade for First 5.0 metres inside Property	The gradient for the first 5.0 metres inside the property is flat.
Ramp Grades and Changes of Grade	Non-compliant. The transition grades at the bases of the 1 in 4 ramp sections are unsatisfactory.

Attachment 7 - Engineering Services Comments on Original Scheme

Item	Assessment
Other Items	
Loading Arrangements	On the Ground Floor Plan, a loading bay measuring 3.0 metres by 6.4 metres has been provided. The swept paths for a 6.4 metre small rigid vehicle demonstrate satisfactory vehicle entry and exit movements into and out of the bay. Under the Australian/New Zealand Standard AS2890.2-2002, a small rigid vehicle requires a height clearance of 3.5 metres. The development entrance provides a headroom clearance of 2.88 metres.
Vehicle Turning Movements – Parallel Parking Spaces	The swept path diagrams for the B85 design vehicle entering and exiting the two parallel parking spaces on the ground floor are considered satisfactory.
Vehicle Turning Movements – Regular Car Spaces	The swept path diagrams for the B85 design vehicle entering and exiting the regular parking spaces are considered satisfactory.
Vehicle Turning Movements – Regular Car Spaces	The swept path diagrams for the B85 design vehicle entering and exiting the regular parking spaces are considered satisfactory.
Vehicle Turning Movements – Smaller Sized Spaces	According to Ratio Consultants, there are a number of spaces that have widths less than 2.6 metres (these have not been dimensioned on the drawings). These spaces have been tested with the Australian/New Zealand Standard B35 design vehicle – the standard light car. Swept path diagrams for the B35 design vehicle entering and exiting these spaces are considered satisfactory.
Vehicle Passing Movements – Internal Ramps	The passing movements for the B99 design vehicle and an oncoming B85 design vehicle are considered satisfactory.

Design Items to be Addressed

Item	Details
Visibility	A convex mirror should be installed to face the Wellington Street footpath to the north (i.e. the mirror should be installed on the south side of the entrance).
Internal ramped Accessways	To be dimensioned on the drawings.
Transition Grades	The transition grades at the bases of the 1 in 4 ramp sections must have grades of 1 in 8 and be no less than 2.5 metres in length – this would ensure that a B99 design vehicle does not scrape or bottom out.
Headroom Clearance for Loading Vehicles	The headroom clearance at the entrance needs to be labelled/signed to ensure that vehicles higher than 2.88 metres do not enter the development. What types/sizes of loading vehicles does the designer propose to accommodate for this development?
Small Car Spaces	Spaces that are less than 2.6 metres wide are to be designated as Small Car spaces and clearly depicted on the drawings. The widths of these spaces must also be dimensioned on the drawings.

Attachment 7 - Engineering Services Comments on Original Scheme

ENGINEERING CONDITIONS
Civil Works

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

- The redundant vehicle crossing on the property's Wellington Street frontage must be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.
- The new vehicle crossing on the west side of Wellington Street must be designed and constructed in accordance with Council's Standard Drawings, Council's *Infrastructure Road Materials Policy* and engineering requirements.
- The footpath along the property's Wellington Street 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 raised concrete barrier for the Copenhagen lane is to be extended across the reinstated vehicle crossing to Council's satisfaction and at the Permit Holder's expense.
- Any modifications made to the Copenhagen lane bicycle infrastructure by the developer must obtain authorisation and approval from Council. All reinstatements and pavement markings associated with the Copenhagen lane must be done to Council's satisfaction and at the Permit Holder's cost.

Access into Site

- The applicant must provide swept path diagrams for a B99 design vehicle and an oncoming B85 deign vehicle entering and exiting the property, demonstrating that turning vehicles would be clear of the concrete barriers of the Copenhagen lane. The existing Copenhagen lane concrete barrier and extension of the concrete barrier across the reinstated vehicle crossing must be accurately shown with the swept path diagrams.

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.

Discharge of Water from Development

- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- 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.

Attachment 7 - Engineering Services Comments on Original Scheme

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.

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.
Clearances from Electrical Assets	Overhead power lines run along the west side of Wellington Street close to the property boundary. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website: http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

Attachment 8 - Strategic Transport Referral Comments on S57 Amended Plans (Decision Plans)

Strategic Transport Referral Memo

CITY OF YaRRA

Date: 27 May 2019

To: Amy Hodgen

From: Julian Wearne

Property Address: 79-89 Wellington Street, Collingwood

Description: Review of S57 Amended Plans

---

1 – The works to the Copenhagen lane are discussed in the traffic report (including a swept path analysis) and other supporting documentation, but nothing is shown on the architectural plans -

We've had similar issues with other sites on Wellington Street recently – so I'm hoping this can be sorted before a permit is issued. However, if it's going to be addressed as a condition, can I please read the condition before the permit is issued?

2 – The traffic report incorrectly indicates there is no statutory rate for bicycle parking associated with the Residential hotel… The statutory and best practice rates are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	Best Practice
Office (other than specified in the table)	1096 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	4 employee spaces	11 Employee Spaces
		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	1 visitor spaces.	2 visitor spaces
Residential building (other than specified in the table)	83 lodging rooms	In developments of four or more storeys, 1 resident space to each 10 lodging rooms	8 resident / employee spaces	None specified – *However I've recently been applying a ½ statutory rate.*
		In developments of four or more storeys, 1 visitor space to each 10 lodging rooms	8 visitor spaces.	
Retail premises (other than	83 sqm	1 employee space to each 300 sqm of leasable floor area	0 employee spaces	None specified

Attachment 8 - Strategic Transport Referral Comments on S57 Amended Plans (Decision Plans)

specified in this table)		1visitor space to each 500 sqm of leasable floor area	0 visitor spaces.	
Bicycle Parking Spaces Total			**12 resident / employee spaces**	**15 employee spaces**
			9 visitor spaces	**6 visitor spaces**
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**1 showers / change rooms**	**2 showers / change rooms**

- **Visitor spaces** - Given the above, I'm OK with the visitor space provision – and I'm glad to see the parking envelope concerns have been addressed.
- **Employee spaces – Inadequate design and number of spaces –**
  - A minimum of 15 employee spaces should be provided.
  - At least 20% of employee spaces should be horizontal (AS2890.3 calls for *20% within any facility* – I settle for 20% employee/resident spaces if they're distributed across different facilities).
  - Spaces need to be made secure (as per AS2890.3) - a cage or similar needs to be shown on the plans.
  - I'd still like to see a locker for each employee space…
- **EV charging** – the supporting documentation says the basement levels will have provision for future EV charging. 1 EV charging point is shown in each basement level, but the locations are… *questionable* – the B2 spot is not directly adjacent any car space – the b1 spot is in the loading bay.

Attachment 9 - Strategic Transport Referral Comments on Green Travel Plan

Strategic Transport Referral Memo

CITY OF YARRA

Date:	**3 July 2019**
To:	**Amy Hodgen**
From:	**Julian Wearne**
Property Address:	**79-89 Wellington Street, Collingwood**
Description:	**Review of Green Travel Plan**

Hi Amy

The GTP isn't satisfactory as it doesn't outline the following:

(a) *sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;*
(b) *security arrangements to access the employee bicycle storage spaces; and* (although you'd remember they hadn't actually proposed any real security arrangements yet…)
(c) *signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;*
(d) *provisions for the Green Travel Plan to be updated not less than every 5 years.*

In addition, the document will need a general refresh to reflect the final set of plans – there's screenshots etc. showing earlier versions of the plans.

Attachment 10 - Strategic Transport Referral Comments on Original Scheme

Planning Referral

To:	Amy Hodgen
From:	Julian Wearne
Date:	26/11/2018
Subject:	Strategic Transport Comments
Application No:	PLN18/0584
Description:	12 storey building comprising ground floor retail, serviced apartments and office.
Site Address	79 – 89 Wellington Street, Collingwood

I refer to the above Planning Application referred on 22/10/2018, and the accompanying Traffic report prepared by Ratio Consultants in relation to the proposed development at 79 – 89 Wellington Street, Collingwood. Council's Strategic Transport unit provides the following information:

Access and Safety

The following safety and access concerns should be addressed:

Separated bike lane works

The proposal includes the construction of a new vehicle crossover, and the removal and reinstatement of the existing vehicle crossover, adjacent to the separated bike lane. The applicant has shown removal of the existing concrete barrier kerb at the location of the proposed crossover, but has shown no separator barrier to be constructed adjacent the re-instated crossover. This arrangement would result in an approximately 22m long opening, which would easily allow cars to pull into and stop across the separated bike lane.

The applicant must undertake the following works to ensure the separated bike lane is not compromised by these works (Figure 1):

- Construct a new concrete barrier kerb adjacent the reinstated vehicle crossover; and
- Extend the existing green-surface treatment across the proposed vehicle crossing.

The works must be undertaken using materials that match the existing materials bike lane materials and be to Council standards.

Attachment 10 - Strategic Transport Referral Comments on Original Scheme

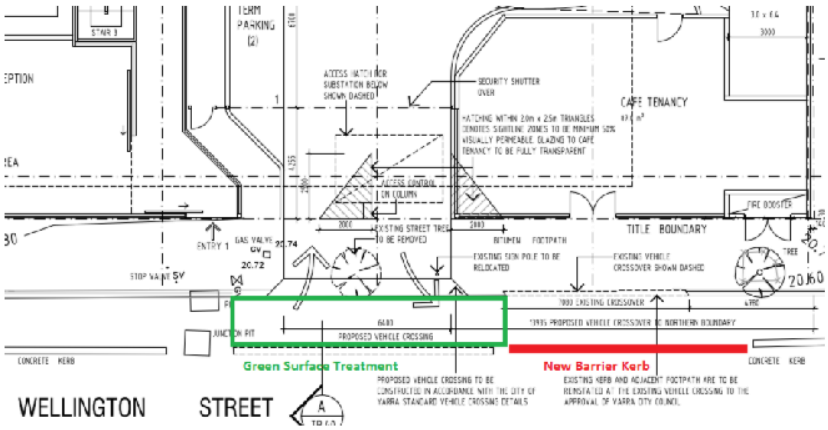


Figure 1 – Necessary roadworks to ensure existing separated bike lane is not compromised by development.

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
Office (other than specified in the table)	1936 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	6 employee spaces	21 Employee Spaces
		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	2 visitor spaces.	
Residential building (other than specified in the table)	54 lodging rooms	In developments of four or more storeys, 1 resident space to each 10 lodging rooms	5 resident / employee spaces	14 spaces
		In developments of four or more storeys, 1 visitor space to each 10 lodging rooms	5 visitor spaces.	
Retail premises (other than specified in this table)	87 sqm	1 employee space to each 300 sqm of leasable floor area	0 employee spaces	0 Spaces
		1visitor space to each 500 sqm of leasable floor area	0 visitor spaces.	
		Bicycle Parking Spaces Total	**11 resident / employee spaces**	**35 spaces total**
			7 visitor spaces	
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**1 showers / change rooms**	**2 showers / change rooms**

The development provides a total of 17 additional bicycle spaces above the requirements of the planning scheme.

Adequacy of visitor spaces

No spaces are specifically noted as visitor bicycle parking spaces, however it is envisioned both visitors and guests would be able to access and use spaces within the ground-floor car park, and the proposed number of spaces for this purpose is adequate given:

- The statutory rate for residential buildings is considered acceptable for the 'residential building' use and both visitors and guests are likely to have similar security and access requirements;
- 4 visitor spaces are required to meet Council's best practice guidelines for office uses[1];
- This generates a rate of 15 spaces, however it is expected Quest staff would choose to use the secure bike parking within Basement 1.

However the existing proposal will not result in 14 usable spaces, as the Cora racks are not adequately spaced apart and from walls to meet the requirements of AS2890.3 (*as some bikes are expected to be accommodated at the ends of the racks*), and the bicycle parking envelope encroaches into the vehicle path (Figure 1 and Appendix – Cora EXPO 7510 brochure).

Given this concern, the location or design of the Quest/Visitor spaces must be redesigned or relocated. All quest/visitor spaces should remain as horizontal at-grade spaces.

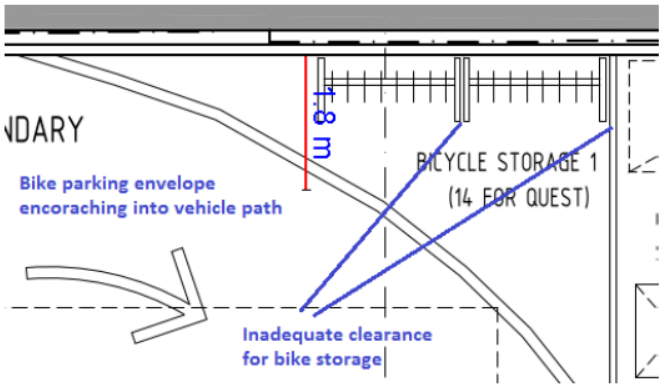


Figure 2.

Adequacy of employee spaces

Number of spaces

Given it is considered the "Quest" spaces will be used for visitors to the site, the remaining 21 bicycle spaces are considered the 'Employee' spaces. This exceeds the statutory required rate and meets Council's best practice rate, comprising:

- A rate of 1 space to each 100sqm of office floor space[2];
- 1 Employee space for the Quest use; and
- The statutory rate for the retail use (0 spaces).

Design and location of employee spaces and facilities

The design and location of the employee spaces is inadequate for the following reasons:

- The spaces do not appear to be 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. A secure car park does not constitute a lockable compound.
- The Cora Racks are not appropriately spaced to allow bikes to be parked against the outer edges of the racks (which is required to provide 21 spaces).
- No lockers have been provided for staff. It is recommended at least 1 locker be provided for each employee bike space.

---

[1] *Category 6 of the Built Environment Sustainability Scorecard (BESS) offers this advice.*

[2] *Category 6 of the Built Environment Sustainability Scorecard (BESS) offers the following best-practice guidance for bicycle parking rates: '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*

It is noted the spaces themselves are located a suitable distance from end of trip facilities and the nearby lift lobby. It is recommended a 'zebra crossing' be provided between the bike storage and end-of-trip facilities to make it obvious to motorists pedestrians are will be crossing at this location.

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

Given the development has a total non-residential floor area of more than 1,000sqm, pursuant to Clause 22.17-4 a Green Travel Plan (GTP) must be provided. The following information should be included:

(a) a description of the location in the context of alternative modes of transport;
(b) employee resident welcome packs (e.g. provision of Myki/transport ticketing);
(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) security arrangements to access the employee bicycle storage spaces; and
(h) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
(i) Reference to EV charging facilities (if proposed); and
(j) 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. A new concrete barrier kerb constructed between the bike lane and car lane adjacent the kerb where the existing vehicle crossover will be reinstated.
2. Green surface treatment over the bike lane where it intersects with the proposed crossover.
3. Visitor/Guest bike storage redesigned or relocated to ensure all 14 spaces will be usable and not encroach into vehicle paths.
4. Employee bicycle spaces to be located within a secure compound, and to meet the spacing requirements of AS2890.3.
5. A minimum of 21 lockers to be provided for employees.
6. A minimum 40A single phase electrical sub circuit should be installed to allow for the future provision of electric vehicle charging.

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

Regards

Julian Wearne

Sustainable Transport Officer
Strategic Transport Unit

Attachment 11 - City Works Referral Comments on Waste Management Plan

City Works Referral Memo

Date:	**23 October 2018**
To:	**Amy Hodgen**
From:	**Patrick Orr**
Property Address:	**79-89 Wellington Street, Collingwood**
Description:	**Review of Waste Management Plan**

Hi Amy,

The waste management plan for 79-89 Wellington St Collingwood authored by Leigh Design and dated 03/08/18 is satisfactory from a City Works branch's perspective.

Regards,

Patrick Orr
Contract Management Officer
City Works
Yarra Operations Depot, Clifton Hill

Attachment 12 - Streetscapes and Natural Values Referral Comments on street trees

Memo

To: Amy Hodgen

Cc: Glen Williames

From: Paul Whitten

Date: 20 July 2019

Subject: PLN18/0584 – 79-89 Wellington Street Collingwood

diverse

vibrant

exciting

inclusive

Hi Amy,

I have reviewed the proposal and provide the following comments:

Removal of the tree is for us the last option as it is a well-established specimen, exhibiting good health in a hard landscape, which is difficult to achieve due to current climatic conditions and vandalism.

The tree amenity value is calculated at $1,452.00 using the Melbourne method.

Removal of the tree is costed at current schedule of rates at $395.04

Offset planting and establishment is costed at current schedule of rates at $839.29

Note all prices are **GST exclusive.**

Should the permit be approved including removal of this tree, we would apply the above costs, subject to current schedule of rates (roll over in October)

The offset planting would be located where suitable in the front of the subject site.

I can see room for an additional 2 trees including the replacement planting. If possible push for an additional $839.29 and we can have a 2:1 replacement.

1.6 PLN17/1014 - 171-173 Swan Street, Richmond - Demolition of the existing building and development of a five storey mixed use building including a reduction in the car parking requirements of the Yarra Planning Scheme in association with a shop, office and dwellings.

Executive Summary

Purpose

1. This report provides an assessment of the proposed demolition of the existing building and development of a five storey mixed use building including a reduction in the car parking requirements of the Yarra Planning Scheme in association with a shop, offices and dwellings at No's 171-173 Swan Street, Richmond.

Key Planning Considerations

2. Key planning considerations include:

   (a) Built form and Heritage (Clauses 15.01, 15.03, 21.05, 22.02, 34.01-8, 43.01 and 43.02 of the Yarra Planning Scheme)
   (b) Internal amenity (Clause 58);
   (c) Off-site amenity impacts (Clauses 13.05-1S,13.07 and 22.05); and
   (d) Car parking (Clauses 18.01, 18.02, 21.06, 52.06 and 52.34).

Key Issues

3. The key issues for Council in considering the proposal relate to:

   (a) Strategic justification;
   (b) Built form context, Heritage, Urban design, Architectural Quality, Height/Massing and DDO17;
   (c) Land Use, Noise and off-site amenity;
   (d) Parking layout, traffic and bicycle parking;
   (e) Other matters (easements); and
   (f) Objector concerns.

Submissions Received

4. Seven objections were received to the application, these can be summarised as:

   (a) Negative impacts on heritage character of area.
   (b) Issues relating to construction over carriageway easement.
   (c) Insufficient car parking.
   (d) Excessive visual bulk, wind impacts, height and insufficient upper level setbacks.
   (e) Construction period causing nuisance.

Conclusion

   (f) Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

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

1.6 PLN17/1014 - 171-173 Swan Street, Richmond - Demolition of the existing building and development of a five storey mixed use building including a reduction in the car parking requirements of the Yarra Planning Scheme in association with a shop, office and dwellings.

Trim Record Number: D19/100188
Responsible Officer: Director Planning and Place Making

Help

Proposal:	Demolition of the existing building and development of a five storey mixed use building including a reduction in the car parking requirements of the Yarra Planning Scheme in association with a shop, offices and dwellings
Existing use:	TAB
Applicant:	Loop Architecture Pty Ltd.
Zoning / Overlays:	Commercial 1 Zone Heritage Overlay, Schedule 335. Design and Development Overlay, Schedule 5. Design and Development Overlay, Schedule 17 (Precinct 2).
Date of Application:	24 November 2017
Application Number:	PLN17/1014

Planning History

1. Planning permit 6215 issued 11 November 1991 for *the erection of business signage to an existing building.*
2. Planning permit 96/389 issued 24 June 1996 for the *purpose of signage and installation of a ATM.*
3. Planning permit 96/310 issued 1 April 1996 for the *purpose of installing an automatic teller machine.*
4. Planning permit 8169 issued 4 August 1995 for the *purpose of installing a roof top satellite antenna.*
5. Planning permit 991520 issued 27 Match 2000 for *signage, waiver of car parking and* alterations *and additions.* This application converted the use of the site from the Commonwealth Bank to a restaurant.
6. Planning permit PL03/0489 issued 25 March 2004 for *partial demolition, building and works, painting and waiver of car parking in association with change in use to betting agency*.
7. Planning permit PL03/0490 issued 25 March 2004 for *advertising signs associated with a betting agency.*

Background

Planning Scheme Amendments

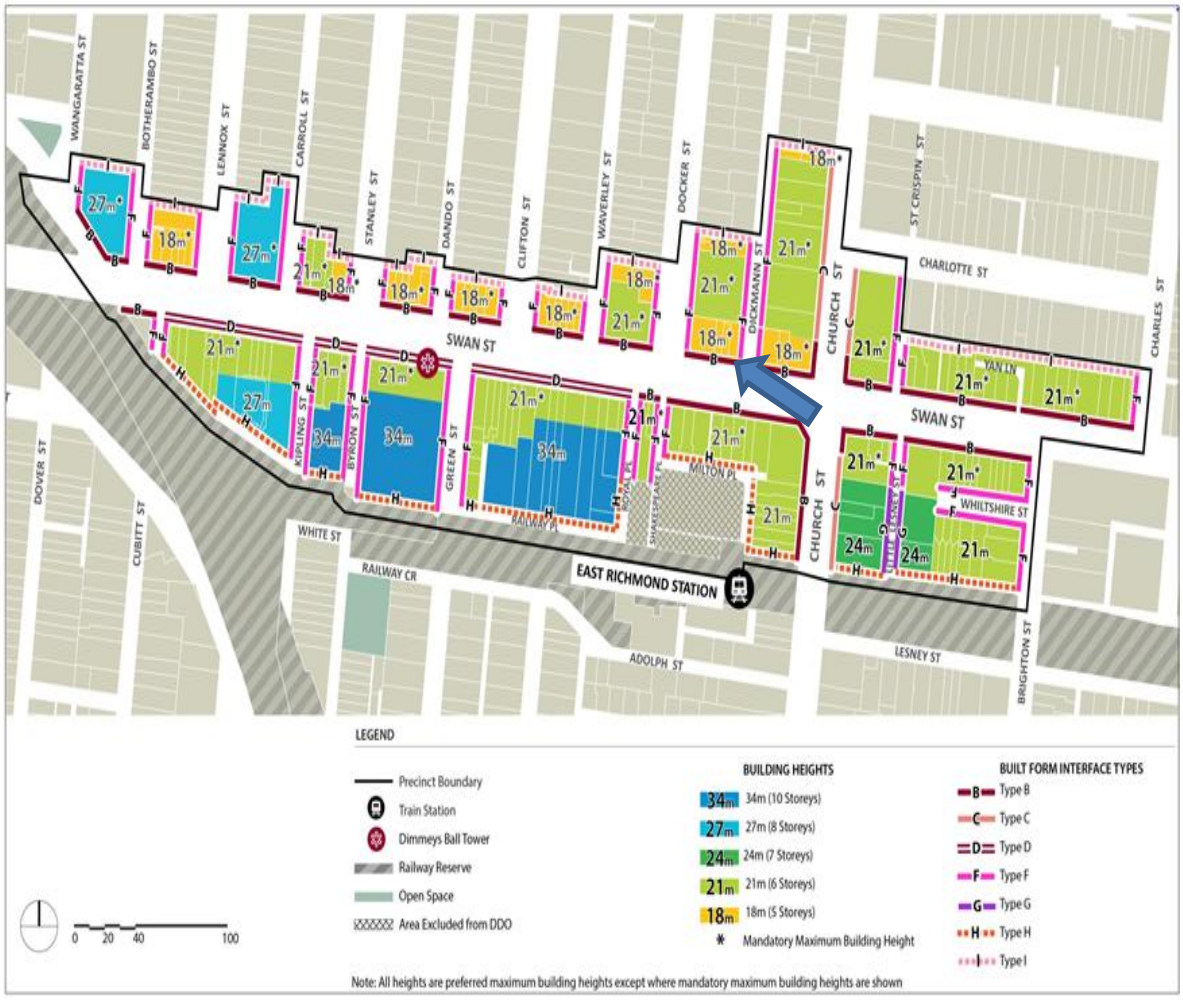
VC142

8. The current application was lodged 24 November 2017 and with amendment VC142 introduced into the Scheme on 16 January 2018. This amendment included a wide range of reforms across the VPP that generally removed permit triggers, expanded permit exemptions for land uses and buildings and works and outdated provisions. This amendment included the deletion of clause 52.07 (*Loading and Unloading of vehicles*). Thus when originally lodged the application included a planning permit trigger for a reduction in the loading bay requirements. As a result of amendment VC142 the loading bay requirement is no longer applicable.

C236-Design and Development Overlay-Schedule 17 (Swan Street Activity Centre) (DDO17)

9. Amendment C236 was gazetted and introduced into the Yarra Planning Scheme (the Scheme) on 22 November 2018. The amendment was prepared by Council with the view to managing the scale and form of new buildings on and around Swan Street. The DDO guides the height and setbacks of new development so that their height, scale and form respond to the heritage character of Swan Street and adjoining low scale residential areas.

10. The subject site is located within Precinct 2 (*Swan Street Retail Centre*) with the overlay supporting a mandatory 18m building height limit, 11m street wall height and 5m setback for the upper level facade. At the time the application was lodged (24 November 2017), DDO17 had not yet been introduced to the Scheme. However, DDO17 does not contain transitional provisions and so the mandatory requirements of this overlay are applicable to the development at the subject on the introduction of DDO17 to the Scheme. The requirements of this overlay expire after 30 December 2019. Amendment C191 proposes to insert DDO17 into the Scheme on a permanent basis. A Planning Panel hearing for the amendment commences 11 November 2019.



Blue arrow indicates subject site - DDO17 area map

<u>Original application</u>

11. The application was lodged on 24 November 2017 for a 6 storey building with a basement, a shop and car stacker at ground level, an office at level 1 and four dwellings on the remaining 4 levels above. Further information was received on 11 April 2018 and the application was then advertised by way of 224 letters and 2 signs displayed on site, one facing Swan Street and one facing Dickman Street. A total of 6 objections were received. Figure 1 provides a perspective image of the original design concept.

Objector and officer concerns related principally to the staggered street wall height, glazed façade design, materials selection and the building height being out of context in a heritage area.



Figure 1: Original application design

Lodgement of S57A plans

12. In response to the above concerns the applicant requested Council to put the application on-hold to allow time to reconsider the building design. Council agreed to this. As discussed above, in the interim, DDO17 was introduced into the Scheme. An amended application was lodged 8 April 2019 pursuant to section 57A of the *Planning and Environment Act* (1987) (the Act). These plans showed the following changes:

    (a) Deletion of one level reducing the building from six to five storeys;
    (b) Overall maximum wall height reduced from 19.25m to 17m (and 18.03m to top of lift overrun);
    (c) Deletion of an apartment reducing the total number from 4 to 3;
    (d) The three storey street wall to Swan Street and its Dickman Street return, to have a uniform façade wall height of approx. 11m and window proportions that are more reflective of the proportions of heritage windows found in the streetscape;
    (e) Reduction in the extent of glazing to the upper levels through the incorporation of greater expanses of off-white matt brick and light ash timber look aluminum panels; and
    (f) A timber textured double storey off-form concrete wall to define the residential and office pedestrian entrance from Dickman Street.



Figure 2 and 3: Section 57A amneded elevations.

13. These plans were advertised in April 2019 via letters to nearby properties and objectors with one objector providing further submissions stating the revised plans did not address their concerns.

14. Due to the podium balcony for apartment 3 not satisfying the 5m Swan Street setback requirement of DDO17, a second section 57A amended application was received on 21 June 2019 to address this issue. The plans included the following additional changes (in response to Heritage, Urban Design and Strategic Planning advice on the first section 57A amended plans);

    (a) Deletion of the podium/level balcony to apartment 3 and its replacement with an 8sqm balcony in the north-east corner of level 3;
    (b) The size of the bedroom 1 balcony at level 4 increased from 1.88m x 1.5m to 2.3m x 1.5m;
    (c) Reduced Swan Street setback of the upper two levels from 6m to 5m (in compliance with DDO17 5m Swan Street setback requirement);
    (d) Reduced street wall height to Swan Street and Dickman Street from 11.12m to 11m (in compliance with the 11m DDO17 street wall height restriction);
    (e) Deletion of part of the roof over the balcony to apartment 2 (to improve access to daylight);
    (f) Size of plant altered to reduced its visibility as follows:
        (i) Setback to west boundary increased from a max. of 0.7m to 1.55m;
        (ii) Setback to east boundary increased from 1.3m to 2.3m;
        (iii) Setback to north boundary reduced from 3.6m to 3.08m; and
        (iv) Setback to south boundary reduced from 9.7m to 9.3m.
    (g) The large perforated screens to the garage replaced with smaller perforated screen panels on a steel frame (to facilitate the replacement of sections should the screens be damaged);
    (h) Replacement of perforated metal balustrades to balconies with warm grey powder coated aluminium angled blades;
    (i) Replacement of white polished concrete wall on Swan Street wall with kerlite matt finish white tile; and
    (j) Deletion of signage panel to Swan Street awning.

15. These plans were advertised in July 2019 via letters to nearby properties and objectors with two objectors providing further submissions stating the revised plans did not address their concerns. An existing objector that previously formed part of a group objection submitted a separate objection and so is now registered as an objector in their own right, resulting in a total of seven objections to the application. This objector outlined that the revised plans did not address their original concerns. These plans now form the decision plans.

The Proposal

16. The application proposes the full demolition of the existing building and development of a five storey mixed use building and associated reduction in the car parking requirements. The proposal can be summarised as follows:

    Demolition

    (a) Existing part one and two storey building on site and all structures.

    General

    (b) 64sqm of retail (shop) at ground level;
    (c) 140sqm of office floor area at level 1;
    (d) A one and two bedroom dwelling at level 2;
    (e) A two bedroom double storey dwelling over level 3 and 4; and
    (d) 4 car spaces and 8 Ned Kelly and 4 hoop bicycle racks.

New facades

(f) The three storey eastern street wall to Swan Street and its Dickman Street return to have a uniform façade wall height of 11m. Window proportions will be sash style. The walls will be a polished concrete grey render and a matte kerlite tile finish. The two levels above will be setback 5m to Swan Street, will have balcony and window openings and be constructed of matte white kerlite tile, matte off-white brick and timber look aluminium cladding panels;

(g) The remaining three storey eastern street wall (max 11m high) to Dickman Street (northern end) will include double height poured concrete feature wall (with pressed wooden board finish) around the office and residential entry, first floor glazed wall to the offices, window and balcony openings to the second level dwellings. The remaining walls will be the same kerlite tile, brick and aluminium cladding with a perforated metal cladding to the garage. The two recessed upper residential levels will be setback 1m will have the same kerlite tile, brick and aluminium wall cladding;

(h) The north wall will be built to the full length of the northern boundary apart from ground floor and level 1 which are to be setback 1.2m to a height of 6.88m (to accommodate a rear carriageway). The ground level wall will be perforated metal to the garage with the first level being glazing to the office. The remaining upper level boundary wall is proposed to have the kerlite tile, brick and aluminium wall cladding; and

(i) The western wall will be built to the boundary on all levels with the visible sections of walls repeating the tile, brick and aluminium cladding.

Basement

(j) The basement will accommodate a 4 space car stacker pit. The basement will be accessible via the lift and stairs and will include a 5000ltr water tank for grey water use and two plant areas (one measuring 11sqm and another measuring 20sqm). The basement will also include end of trip facilities including an accessible toilet, two shower change rooms, 14 lockers, 4 x hoop bicycle spaces and 8 x Ned Kelly spaces. Three stores will be provided, one for each dwelling and each measuring 9 cubic metres.

Ground floor

(k) Ground floor will be built to all site boundaries, apart from 1.2m setback to the rear to accommodate a carriageway easement;

(l) At ground floor the retail space will measure 64sqm;

(m) The office and dwelling entry foyer is centrally located on Dickman Street with direct access to the lift and stair core. A fire sprinkler booster system and fire hydrant booster are located either side of the entry. The car stacker entry is located to the rear and is to be accessed via a new crossover to Dickman Street. A bin storage area is located to the rear of the car stacker with access onto the rear carriage way easement. The bin store area accommodates 6 bins with the gas and water meters also contained in this area. A mezzanine platform is located over this area to accommodate some building services.

Level 1

(n) Level 1 will be built to all site boundaries, apart from 1.2 setback to the rear to accommodate a carriage way easement.

(o) This level will include a 140sqm office. The plan also notes a commercial use but the applicant along with a submitted traffic report which confirmed office is the intended use (with no other commercial use proposed).

Level 2

(p) Level 2 will have 2 apartments, one to the front of the site (two bedrooms) and another to the rear (one bedroom). Both have 8sqm balconies (north-east and south-west corner of site).

Level 3 and 4

(q) Level 3 and 4 will be built to the north and west boundary, setback 1m to the east boundary and 5m to the south/Swan Street boundary, and will accommodate a 2 bedroom apartment over the two levels. A kitchen/dining/living area with an 8sqm balcony will be provided on level 3 and two bedrooms on level 4 (each with a large ensuite and walk-in-robe).
(r) A 2.8sqm balcony is proposed to the level 4 rear bedroom in the north-east corner of the site.

ESD commitments

(s) Good access to natural light and outlook;
(t) Bicycle facilities with end-of-trip lockers and showers;
(u) Irrigation is provided to terraces;
(v) An average 6.6 star NatHERS rating;
(w) Water efficient fixtures, fittings and appliances;
(x) Efficient gas water heating; and
(y) A 5000L rainwater tank will supply water for flushing four toilets.

Existing Conditions

Subject Site

17. The subject site is located on the north side of Swan Street in Richmond and 50m west of Church Street. The site has a southern boundary of 9.45m, western of 20m, eastern of 19.92m and northern of 13.89m (to accommodate the rear carriageway easement), yielding a lot area of approx. 177sqm (not including the area of the carriageway easement at 16.6sqm). The western boundary has a slight indentation along its central portion and a party wall easement on the southern end. The party wall easement benefits both the subject site No. 169 Swan Street. The carriageway easement is located to the north of the site with the subject site and No's 167 and 169 Swan Street having access rights.

18. The building is a modern construction and is of 'not-contributory' significance to the Swan Street heritage precinct. The Statement of Significance (City of Yarra Review of Heritage Areas, 2007; Appendix 8: Graeme Butler and Associates) for the site provides a construction date range of 1970-2000.

19. The building is constructed to the southern, eastern and western boundary and is setback from the northern boundary to accommodate the rear carriageway easement. The building is predominately single storey with a small double storey addition to the front and rear of the building. The building is occupied by a TAB Betting Agency.

Surrounding Land

General

20. Swan Street provides an east-west connection linking the suburbs east of the City of Yarra with the CBD, intersecting with major arterials of Burnley Street, Church Street and Punt Road. The subject site is located within the Swan Street Major Activity Centre (MAC), an important business, entertainment and retailing strip within the City of Yarra. The activity centre provides a range of business types, including offices, local convenience shops, restaurants and bars, interspersed with a number of dwellings.

21. The area is well serviced by a number of transport options, with the Swan Street tram route No. 70 travelling in front of the subject site and tram route 78 travelling along Church Street approx. 50m east of the site. East Richmond train station is located approximately 82m south-east and Richmond Station 600m west.

West

22. Adjoining the site to the west is a pair of double storey Victorian era shops know as No's 167 and 169 Swan Street. They are currently used as a beauty shop and restaurant. The first floors appear to be used for offices, with access via the rear carriageway. The western end of the rear carriageway is partially enclosed by the fence of No.169 Swan Street. The furthermost building (No 77 Docker Street and 161-163 Swan Street) accommodates three, ground floor shops with first floor offices (accessed from Docker Street). All of these buildings are 'contributory' to the heritage precinct and are built at a double storey height to all site boundaries (apart from No's 167 and 169 Swan Street which accommodate a 3m first floor rear setbacks).

North

23. To the immediate rear of the site is a Council owned car park. A copy of title has been provided for this land which shows there is no carriageway easement aligning with the carriageway easement at the subject site (ie no potential for a widened carriageway for vehicle access). This site also does not have access rights to the carriageway easement to the rear of the subject site. The car park runs between Dickman Street and Docker Street and can be accessed from both frontages. The car park extends approx. 31m north of the subject site.

24. To the north of the car park and fronting Dickman Street are 4 dwellings of two to three storeys in height with the dwellings further north being generally single storey.

East

25. On the opposite side of Dickman Street is the side wall of No.175 Swan Street. This building is 'individually significant' to the heritage precinct and is occupied by a gift shop (Lily and Weasel) and by Noir Restaurant. The area behind Lily and Weasel is occupied by an open car parking area and a single storey addition to the rear of Noir. Two commercial flues are located on the roof of this single storey addition and a commercial air-con on the double storey roof.

26. Further east of Noir is a double storey building occupied by Bahari Restaurant and has two commercial flues (one on the rear wall and one on the roof). This building is double storey and is built to all site boundaries. The building is 'contributory' to the heritage overlay.

27. To the east of Bahari Restaurant to the intersection of Swan Street are three take–away food premises and a 7-11 with a gym at first floor. This building is double storey and is built to all site boundaries. The building is 'not-contributory' to the heritage precinct.

28. To the north of the 7-11 is a double storey building accommodating three, ground floor tenancies accessed from Church Street (printing, pizza and beauty shops) and offices at first floor. The rear of this building faces Dickman Street opposite the subject site. The building is setback approx. 19m from Dickman Street accommodating car parking and bin storage and with air-conditioning units and two commercial flues located on the rear wall. The building is 'not-contributory' to the heritage precinct.

29. Adjoining this building to the north is a large double storey building with four, ground floor tenancies accessed from Church Street (bar, café and catering/ice-cream shop) and a first-floor dance school. This building is double storey to the boundary with Dickman Street and has two large roller doors accessing this street (one roller door recessed approx. 2m). Further north of this building are 2 to 4 storey residential developments generally constructed to the Dickman Street footpath edge. The building is 'not-contributory' to the heritage precinct.



Figure 4: Ariels of site (Source Council GIS)



**Figure 5: Commercial flues opposite site Source Google maps Oct 2016. *accuracy of Goggle images confirmed by officer site visits.*

South

30. On the opposite side of Swan Street are a number of double storey commercial properties fronting Swan Street. Of the nine buildings located opposite the subject site between Shakespeare Place and Church Street, seven are 'individually significant' to the heritage precinct.



**Figure 6: Individually significant building on the opposite side of Swan Street. Google Maps Nov 2017*



Figure 7: Heritage grading in area: White-not graded, Green-non-contributory, Brown-contributory and Red- individually significant.

31. The permitted patron numbers, music volumes and hours of operation of taverns within the immediate vicinity of the site are as follows:

(a) Ground floor No.438 Church Street - The Palm Royale - 30m east of subject site.
  (i) Operates under planning permit PL01/0856 and allows for 85 patrons.
  (ii) The planning permit requires that no amplified or live music is played within the site.
  (iii) Operating hours are Sunday to Thursday 10am to 1am and Friday and Saturday 10am to 3am.

(b) No.149 Docker Street - The Richmond Social - 49m west of subject site.
  (i) Operates under planning permit PL06/0603 and allows for 510 patrons.
  (ii) The liquor licence (31915185) prohibits any live music at the site and limits other music to background levels.
  (iii) Beer garden operating hours are midnight on Friday and Saturday nights, 11pm on Thursdays and Sundays and 10pm for the remainder of the week.
  (iv) Indoor operating hours are 1am Wednesday to Saturday, midnight Monday and Tuesday and 11pm on Sunday.

(v) A current amendment application to this permit is being considered by Council officers. It is proposed to increase patron numbers from 510 to 750 and to construct a first-floor terrace and a new lounge within the existing first floor. The indoor and outdoor areas are proposed to operate under existing approved hours and with background music only.

(c) No.214 Swan Street - Fargo & Co - 33m south-west of subject site.
(i) Operates under permit PLN14/1208 and allows for 422 patrons.
(ii) The endorsed acoustic report limits music to background music apart from live music permitted on the terrace until 9pm on Thursday to Saturday.
(iii) Operating hours are everyday until 1am.

(d) Ground floor No.238 Swan Street - The Ugly Duckling - 35m south-east of subject site.
(i) Operates under permit PLN14/0783 and allows for 76 patrons.
(ii) The planning permit limits all music to background levels.
(iii) Operating hours are Sunday to Thursday to 1am and 3am on Friday and Saturdays.

(e) No. 425 Swan Street - The Swan Hotel - 70m south-east of subject site.
(i) The liquor licence allows for 300 patrons.
(ii) The liquor licence also allows for live music to be played at the site.
(iii) Operating hours are Sunday to 1am and 3am every other day.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

32. Pursuant to Clause 34.01-1 of the Scheme, a dwelling is a section 1 use within the zone if the frontage at ground floor does not exceed 2 metres. Clause 73.01 defines a frontage as follows:

(a) *The road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building faces.*

33. As the dwellings are accessed from Dickman Street and the building faces Swan Street, a permit is not required for the dwelling use. Further the dwelling entrance is a shared access with the office and so would not be technically described as a residential entry.

34. Pursuant to Clause 34.01-1 of the Scheme, a shop and an office are section 1 uses and therefore a planning permit is also not required for these uses.

35. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required for buildings and works

Road Zone

36. Pursuant to clause 36.04-2 a permit is required to construct or carry out works for a use in Section 2 of Clause 36,04-1. It is proposed to construct an awning over a Road Zone Category 1 (the Swan Street footpath) and so a permit is required. Council must consider the views of the road authority. VIC Roads required conditions which will be placed on the permit.

Overlays

Heritage Overlay (HO335 – Swan Street Precinct, Richmond)

37. Under clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building, construct a building or construct or carry out works. The buildings on the subject site are located within Schedule 335 and identified as 'not contributory' to the Swan Street precinct as outlined in the incorporated document *City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time).*

Design and Development Overlay (Schedule 5) – City Link Exhaust Stack Environs

38. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required. Clause 2 of Schedule 5 to the overlay specifically states that a permit is not required to construct a building or construct or carry out works.

39. Pursuant to Clause 4 of the Schedule, where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1)(c) of the Planning and Environment Act 1987 to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause. Notice of the application must therefore be given to the Environment Protection Authority, Transurban CityLink Limited and the Roads Corporation (VicRoads).

Design and Development Overlay (Schedule 17) – Swan Street Activity Centre

40. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works. The subject site is located in Precinct 2- Swan Street Retail Centre- Area B (Swan Street) and Area F (Docker Street). A mandatory maximum building height of 18 metres applies to the whole of subject site. A mandatory maximum street wall height of 11 metres applies to Swan Street and preferred 11m maximum to Dickman Street. A mandatory 5m upper level setback applies to Swan Street and preferred 3m to Dickman Street. A permit cannot be granted to construct a building or construct or carry out works that would overshadow: any part of the southern footpath of Swan Street, measured as 4.0m from the southern road boundary of Swan Street between 10am and 2pm at 22nd September.

Particular Provisions

Clause 52.06 – Car Parking

41. 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. 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:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	1	1 space per dwelling.	1	4
Two-bedroom dwellings	2	1 space per dwelling	2	
Office	140sqm	3 to each 100 sqm of net floor area	4	0
Commercial (Shop)	64sqm	3.5 spaces to each 100 m^2 of leasable area	2	0
		Total	**9**	**4**

42. Four car parking spaces are provided on site a car stacker. With a shortfall of 5 car parking spaces, this application therefore seeks a reduction in the car parking requirement of the Scheme.

Clause 52.34 – Bicycle Facilities

43. 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 of the Scheme are summarised in the table below:

Proposed Use	Quantity/Size	Statutory Parking Rate	No. of Spaces Allocated
Dwelling (3)	Resident – In developments of four or more storeys, 1 to each 5 dwellings Visitor – In developments of four or more storeys, 1 to each 10 dwellings	0 0	0 0
Commercial (Shop) 64 m^2	Employee – 1 to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm. Shopper – 1 to each 500sqm of leasable floor area if the leasable floor area exceeds 1000sqm.	0 0	0 0
Office (140sqm)	1 to each 300 sqm of net floor area if the net floor area exceeds 1,000 sqm	0	0
	Total	**0**	**0**

44. Despite a bicycle space reduction not being required, twelve on-site bicycle parking spaces are provided. End of trip facilities (EOFT) are not required however three showers/change rooms and fourteen lockers are proposed.

Clause 58 Apartment Developments

45. Clause 58 apples to applications to construct an apartment development within a Commercial 1 Zone. This clause seeks to encourage apartment development that provides reasonable standards of amenity for existing and new residents and to encourage apartment development that is responsive to the site and surrounding area.

General Provisions

Clause 65 – Decision Guidelines

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

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

Clause 11.01-1R – Settlement – Metropolitan Melbourne

48. 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

49. 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

50. 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

51. The relevant strategy of this Clause is:

(a) *Support the development and growth of Metropolitan Activity Centres by ensuring they are able to accommodate significant growth for abroad range of land uses.*

Clause 13.05-1S – Noise Abatement

52. 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

53. 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

54. 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

55. 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

56. 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

57. 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

58. 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

59. 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 16.01-1S – Integrated housing

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

Clause 16.01-1R – Integrated housing- Metropolitan Melbourne

61. 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

62. The objective of this clause is "*to locate new housing in designated locations that offer good access to jobs, services and transport".*

63. 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 16.01-3S – Housing diversity

64. The objective of this clause is "*to provide for a range of housing types to meet increasingly diverse needs*".

Clause 16.01-3R – Housing diversity - Metropolitan Melbourne

65. The strategy of this policy is "*create mixed-use neighbourhoods at varying densities that offer more choice in housing".*

Clause 16.01-4S – Housing affordability

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

Clause 17.01-1S – Diversified Economy

67. The objective of this Clause is:

    (a) *To strengthen and diversify the economy.*

Clause 17.02-1S – Business

68. 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

69. 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

70. 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

71. The objective of this Clause is:

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

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

72. 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

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.*

Clause 18.02-2R – Principal Public Transport Network

74. 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

75. The objective of this Clause is:

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

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

76. The following LPPF provisions of the Scheme are relevant:

Clause 21.03 – Vision

77. The relevant sections of this Clause are:

    (a) *Yarra will have increased opportunities for employment.*

    (b) *The complex land use mix characteristic of the inner city will provide for a range of activities to meet the needs of the community.*

    (c) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne.*

    (d) *Most people will walk, cycle and use public transport for the journey to work.*

Clause 21.04-1 – Accommodation and housing

78. Relevant objectives and strategies for this clause are:

    (a) *Objective 1 To accommodate forecast increases in population.*
        (i) Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.
        (ii) Strategy 1.3 Support residual population increases in established neighbourhoods.
    (b) *Objective 2 To retain a diverse population and household structure.*
    (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*
        (i) Strategy 3.1 Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.
        (ii) Strategy 3.2 Apply the Interface Uses policy at clause 22.05.

Clause 21.04-2 – Activity Centres

79. 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 21.04-3 – Industry, Office and Commercial

80. The relevant objective of this Clause is:

    (a) *To increase the number and diversity of local employment opportunities.*

Clause 21.05-1 Heritage

81. 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.

82. 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

83. 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 ensure that new development contributes positively to Yarra's urban fabric.*
    (d) *To enhance the built form character of Yarra's activity centres.*

Clause 21.05-3 – Built Form Character

84. 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

85. The relevant objectives of this Clause are:
    (a) *To provide a public environment that encourages community interaction and activity.*

Clause 21.06 – Transport

86. 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

87. 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 21.08-10 – Central Richmond (Area between Bridge Road and Swan Street)

88. Clause 21.08-10 describes the Central Richmond area in the following way:
    (a) *The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid-Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.*

89. Within Figure 23 of Clause 21.08-10, the subject site is located within the Swan Street major activity centre. Figure 24 of Clause 21.08-8 shows the subject site as being within category 1 area relating to main roads where the objective is to *'maintain the hard edge of the strip'*.

Relevant Local Policies

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

90. 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

91. This policy applies to applications for use or development within the Commercial 1 Zone (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.*

    (b) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

92. Clause 22.16-3 requires the use of measures to *"improve the quality and reduce the flow of water discharge to waterways"*, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

Clause 22.17 – Environmentally Sustainable Development

93. This policy applies to developments for more than 2 dwellings. 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

94. The originally submitted application was advertised in May 2018 under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 226 letters sent to surrounding owners and occupiers and by two signs (one sign displayed on the Swan Street frontage and one to the Dickman Street frontage). Six objections to the application were received.

95. The grounds of objection are summarised as follows:

    (a) Negative impacts on heritage character of area.
    (b) Issues relating to construction over carriage way easement.
    (c) Insufficient car parking.
    (d) Excessive visual bulk, wind impacts, height and insufficient upper level setbacks.
    (e) Construction period causing nuisance.

96. A consultation meeting was held on 8 November 2018 and attended by objectors, the applicant's development team and Council officers. In response to objector and Council officer concerns amended plans were submitted pursuant to section 57A of the Act and advertised in April 2018 under the provisions of Section 52 of the Act by 81 letters sent to surrounding owners, occupiers and objectors. An existing objector submitted further comments outlining the revised proposal did not address their concerns.

97. Further amended plans were submitted pursuant to section 57A of the Act and advertised in June 2019 under the provisions of Section 52 of the Act by 84 letters sent to surrounding owners, occupiers and objectors. An existing objector submitted further comments outlining the revised proposal did not address their concerns. An existing objector that formed part of a group objection submitted a separate objection and so is now registered as an objector in their own right, resulting in a total of seven objections to the application. This objector outlined that the revised plans did not address their original concerns. No new grounds were list, therefore the list above remains the full list of concerns raised.

Referrals

98. The referral comments are based on the originally submitted plans and, where required, additional referral comments were sought on the April 2019 Section 57A amended plans. The June Section 57A plans were not referred as they were submitted to address the concerns raised in the referral comments.

External Referrals

99. Notice of the original application plans was given to the following authorities under the provision of the Design and Development Overlay (Schedule 5) and Road Zone:

    (a) Environment Protection Authority (no response received).

    (b) VicRoads (no response received under Design and Development Overlay but a response received under Road Zone referral).

    (c) Transurban CityLink (no response received).

Internal Referrals

100. The application was referred to the following units within Council:

    (a) Engineering services.

    (b) ESD Advisor.

    (c) Heritage Advisor.

    (d) Strategic Planning.

    (e) Urban Design.

    (f) Contracts Services.

External Consultant

    (g) External Acoustic Consultant (SLR Consulting Australia).

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

OFFICER ASSESSMENT

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

    (a) Strategic justification;
    (b) Built form context, Heritage, Urban design, Architectural Quality, Height/Massing and DDO17;
    (c) Land Use, Noise and off-site amenity;
    (d) Parking layout, traffic and bicycle parking;
    (e) Other matters (easements); and
    (f) Objector concerns.

Strategic justification

103. The proposal satisfies the various land use and development objectives within the PPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment. There is strong strategic direction to support the redevelopment of the site to provide higher density residential use. Policy at clauses 11, 16, 18 and 21.04 of the Scheme encourage the accumulation of commercial activities and the intensification of development in and around activity centres. This ensures efficient use of infrastructure and supports Council's preference that established areas experience residual increases in population growth.

104. The dwellings would provide increased housing opportunities consistent with the policy outlined above. The site has excellent access to shops, restaurants, community facilities and supermarkets, ensuring that the proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04 of Council's MSS. Further, the provision of a small retail tenancy at ground level, addressing both Swan Street and Dickman Street, will activate the streetscape, also consistent with the purpose of the C1Z.

105. The subject site is well connected to public transport infrastructure, with the Swan Street tram route 70 travelling in front of the subject site and tram route 78 travelling along Church Street approx. 50m east of the site. East Richmond train station is located approximately 82m south-east and Richmond Station 600m west, 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 18.02-2S (Movement Networks), Clause 21.06-3 (Transport) and Clause 21.07 (Environmental Sustainability) of the Scheme.

106. Overall, and in a strategic sense, the proposed construction of a multi-storey mixed use building 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 Commercial 1 Zone which supports the a vibrant mixed-use commercial centre. Plus of most significance, the proposal demonstrates a high level of compliance with the built form requirements of Design and Development Overlay Schedule 17 (as will be discussed in detail later).

107. That said, any policy support for more intensive development needs to be balanced with built form guidance at Clauses 15.01, 21.05-2, 22.02 and 43.02 of the Scheme which call for development that appropriately responds to the surrounding context and heritage character.

<u>Built form context, Heritage, Urban design, Architectural Quality, Height/Massing and DDO17.</u>

108. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at Clause 15 (*Built Environment and Heritage*), Clause 21.05 (*Built Form*), Clause 22.02 (*Development Guidelines for Sites subject to the Heritage Overlay)* and Clause 43.02 (*Design and Development Overlay Schedule 17*) of the Yarra Planning Scheme*.* Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to nearby buildings. This assessment will also consider the building design response to ESD considerations with applicable policy Clause 22.16 (*Stormwater Management*), Clause 22.17 (*Environmentally Sustainable Development)*.

Built form context

109. The existing character of the surrounding area is somewhat varied, with the majority of built form along Swan Street being double storey in height with a two storey 'individually significant' heritage building on the opposite side of Dickman Street and seven 'individually significant' buildings on the opposite side of Swan Street. Two storey 'contributory' heritage buildings are located to the west of the site. Existing multi-storey new developments built along Swan Street between Church Street and Wangaratta Street include the Dimmeys development site (10 storeys) and a 5 storey building on the south-west corner of Swan and Docker Street.



**Figure 8: Dimmeys Source Google maps Oct 2016.*



**Figure 9: Swan and Docker Street. Source Google maps Oct 2016.*

110. In this context, the proposed development will not appear an incongruous element, particularly given the upper level Swan Street setbacks will exceed those of the 5 storey building on the corner of Docker Street and so will appear more visually recessive. The proposal complies with the mandatory height requirements of DDO17 and so is in line with height contemplated by Council policy.

Demolition

111. Councils Heritage Advisor is supportive of the demolition of the existing building given its 'not-contributory' status to the Swan Street heritage precinct. However, demolition plans have not been provided. A condition will require this.

Heritage, Urban design, Architectural Quality, Height/Massing and DDO17.

112. DDO17 along with Clause 22.02 (*Development Guidelines Subject to the Heritage overlay*) provide most guidance on the issues relating to heritage, urban design, architectural quality and height/massing. Of significance when considering the appropriateness of the proposal, is that Council's Heritage Advisor is generally supportive of most aspects on the design (with concerns limited only to materials selections) and the proposal generally satisfies all of the requirements of DDO17. It is noted that DDO17 provides significant heritage-based design guidance that aligns with policy objectives at clause 22.02 and provides site/precinct specific heritage objectives that are not found in clause 22.02. For this reason, this policy will be used also frame heritage considerations and analysis.

113. The subject site is located in DDO17 Precinct 2- Swan Street Retail Centre- Area B (Swan Street) and Area F (Dickman Street). A mandatory maximum building height of 18 metres applies to the whole of subject site. A mandatory maximum street wall height of 11 metres applies to Swan Street and preferred 11m maximum to Dickman Street. A mandatory 5m upper level setback applies to Swan Street and preferred 3m to Dickman Street. A permit also cannot be granted to construct a building or construct or carry out works that would overshadow any part of the southern footpath of Swan Street, measured as 4.0m from the southern road boundary of Swan Street between 10am and 2pm at 22nd September.

114. The proposal satisfies all of the 'mandatory' and 'preferred' requirements apart from the 'preferred' 3m setback above the 11m street wall to Dickman Street, with a 1m setback proposed. The overall height, street wall heights, Swan Street upper levels setbacks and shadowing requirements are met. This high level of compliance demonstrates the proposal is in-line with Council's strategic built form aspirations for Swan Street. The design also responds positively to the remaining relevant DDO17 design guidelines as follows (in italics):

Plant

DDO17

- *The total roof area occupied by the equipment (other than solar panels) is minimised; The service equipment is located in a position on the roof so as to minimise its visibility.*

115. Both Council's Urban Design and Strategic Planning units raised concerns with the previous proposal in relation to with the position of the plant and its visibility in the streetscape. In response, the second Section 57A plans recessed the plant screens further from the eastern (setback 2.3m) and western (setback 1.55m) and so has adequately responded to these concerns. The plant will be setback 3.08m from the north boundary and 9.3m from Swan Street. Based on this, it is anticipated the plant would only have minor visibility from the east and west side and meets the DDO requirement.

Floor to ceiling height

DDO17

- *Frontages at ground floor and within the street wall must be designed with floor to floor ceiling heights suitable to accommodate commercial activity.*

116. The ground and first floor have commercial scale floor to ceiling heights.

Verandahs

DDO17

- *Frontages at ground floor must incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.*

117. The height and design of the proposed verandah to Swan Street is consistent with the building to the west.

Boundary wall expression

DDO17

- *Upper level development must be designed to ensure buildings are expressed in the round and provide detail on facades when viewed from all directions.*

118. The upper levels are articulated through various materials and fenestration which ensures it does not present as blank walls on any side.

Articulation

DDO17

- *Façade treatments and the articulation of infill buildings on land affected by a heritage overlay and of new buildings on land immediately adjoining a heritage building must:*

    - *ensure the façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s) respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s);*

    - *avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts.*

119. In-line with policy, the façade treatments and the articulation are simple and do not compete with the more elaborate detailing of the nearby heritage buildings and the patterning respects the vertical proportions of existing heritage facades. The original design was not acceptable in this regard containing a stepped street wall and tall window forms to Swan Street. Council's Heritage Advisor originally stated *'while the street wall façade design to Swan and Dickman Streets, in terms of proportion, rhythm etc. is an acceptable response to the streetscape, this is undermined by unrelated detailing which is an inappropriate response to the historic attributes of the streetscape. The levels above the street wall are attention-grabbing and need to be redesigned to have a far more subtle, subdued and recessive appearance'.*

120. In the original design, the upper level residential components also had disproportionate expanses of glazing with horizontal emphasis, as expressly discouraged by policy. The design was reworked in consultation with Council's Heritage Advisor and Council's planning officers, with the Swan Street street wall and Dickman Street return now containing window proportions that are reflective of heritage windows, a uniform street wall height and simple façade design reflective of the heritage facades in the streetscape. Council's Heritage Advisor is now being supportive of this aspect of the design stating *'the fenestration is now acceptable'.*

121. In relation to the Swan Street street wall and its Dickman Street return, Council's Urban Design Unit was supportive of the simplified design and the uniform street wall height shown in the Section 57A amended plans. They raised concerns the use of the white and grey wall finish to Swan Street and the number of punctuations on the façade resulted in an overly complex design.

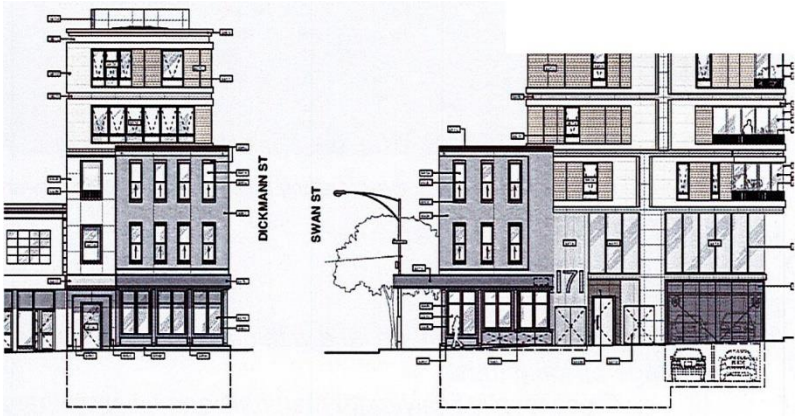
It is considered the use of the two colours on the façade allows for the development to reflect the mixed grain lot sizes typically found in Swan Street. The street pattern is defined by wider buildings interspersed which much narrower buildings. Given the presence of two narrow buildings abutting the site to the west, it is considered appropriate two finishes are utilised to break up the mass of the façade to better respond to the abutting fine grain character. The number of window openings is also considered acceptable as it is reflective of the window ratio found on the '*individually significant'* heritage buildings located immediately opposite across Swan Street. The second section 57A amended plans also deleted the podium balcony as requested by Council's Urban Design Unit.

122. Council's Urban Design Unit remain concerned with the treatment to Dickman Street stating a preference for more solidity to the street wall *to reinforce the three storey base and recessive 2 storey upper level form, as the proposal utilises the same palette and language across levels 2-5.* It is not considered critical the solidity of the three storey street wall be increased along the entire Dickman Street elevation, with the building purposely designed to break up the mass of this façade into three vertical components. The three components include the Swan Street return wall, the residential/office entry and the garage/office components. The two rear components are separated by a vertical spine of kerlite tiling, with the mix of materials on the rear two sections intended to diminish bulk.

123. While it is acknowledged that Urban Design Unit's suggestion that a more solid street wall may allow the upper to levels appear more recessive, it is also conversely likely to make the street wall appear more imposing. The solidity offered by the Dickman Street corner return is considered sufficient to respect the solidity Swan Street heritage streetscape. The remainder of the modern style street wall is appropriately located away from the principal heritage street and is more recessive due to the less solid appearance of its materials and this prevents it dominating the streetscape. For these reasons the Dickman Street wall and its 1m upper setback is considered acceptable (and will be discussed further in the following *Upper levels setbacks* assessment). Further, Council's Heritage Advisor did not raise this as a concern.



Figure 10: Original design



PROPOSED SWAN STREET ELEVATION |SOUTH *PROPOSED DICKMAN STREET ELEVATION | EAST*

Figure 11: Decision plans with heritage appropriate façade articulation

Non-compliant upper levels setbacks

DDO17

- *Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building must:*
    - *be visually recessive and not visually dominate the heritage building and the heritage streetscape*.

124. The proposal satisfies the 'mandatory' 5m setback requirement to Swan Street and so its position will be visually recessive in line with policy objectives. Council's Urban Design Unit raised concern with the non-compliance of the 1m setback of the two upper levels above the Dickman Street street wall, with DDO17 nominating a 'preferred' 3m setback.

They state '*the palette of proposed material composition exacerbates the lack of the upper level setbacks and defined street wall along Dickman Street, presenting as a sheet wall… that overwhelms the narrow Dickman streetscape'*. However, Council's Heritage Advisor did not raise this concern. Council's Strategic Planning Unit were also accepting of this aspect of the proposal stating *'while the absence of a proposed setback along Dickman Street increases the bulk impacts of the development when viewed from Dickman Street, the proposal, overall, does somewhat reinforce and respond to the street wall edge and create a distinct difference between upper and lower levels'*.

125. Council planning officers agree with the comments of the Strategic Planning Unit, particularly given the 'preferred' 3m setback significantly restricts the internal amenity of the apartments reducing their width from 8.5m to 6.5m. A further intention of this policy objective of this 3m setback is to encourage the street frontage on side streets to provide an appropriate transition to low rise residential streets located behind Swan Street, with these streetscapes typically comprising single storey dwellings with front gardens. This intention is again reflected in the following *General Deign Objective* of the DDO:

    - *To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.*

126. Importantly, the following image demonstrates the robust street edge character along Dickman Street to the immediate north of the site. In this context, it is considered the 1m setback to the upper two levels will not overwhelm the streetscape and it is not justified to require the upper levels be further recessed. The previous *Articulation* assessment also discusses how the Dickman Street street wall has been designed to minimise bulk.

127. The upper two levels include the 5m setback to Swan Street and the north-west corner to Dickman Street is articulated by three balconies. This allows them appear a recessive element due to the open areas behind and combined with the 1m setback to Dickman Street ensures the upper two levels do not overwhelm Dickman Street. Finally, the proposal satisfies all the mandatory requirements of the DDO and on-balance the proposed 1m setback of the upper two levels is considered acceptable.



**Figure 12: Views from north of the site along Dickman Street toward swan Street, Source google maps July 2014.*

Materials

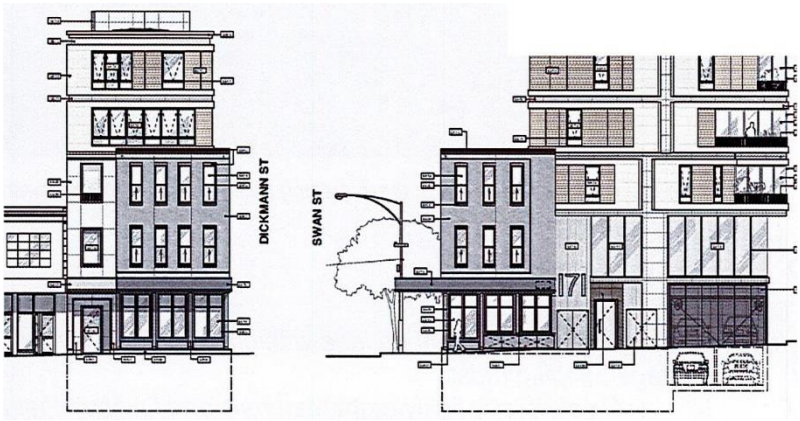
DDO17

- *Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building must:*

- *utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape*.

128. In line with policy objectives, the upper levels utilise visually lightweight and recessive materials including glazing, metal cladding and kerlite tile and provide juxtaposition with the heavier masonry of the heritage facades. The design also incorporates simple architectural detailing that does not detract from significant elements of the heritage streetscape, as recommended by policy.

129. This detailing includes a matte off-white brick surrounding light coloured timber look metal cladding, with floor levels defined by a band of kerlite tiling. The titling banding is continued along the Dickman Street frontage where there is also a vertical element to reflect the more fine grain pattern of this street. These treatments provide for a high architectural quality with this aspect of the design supported by Council's Heritage Advisor, Urban Design and Strategic Planning Units



PROPOSED SWAN STREET ELEVATION |SOUTH *PROPOSED DICKMAN STREET ELEVATION | EAST*

Figure 13: Materials

130. Council's Heritage Advisor raised concerns with the white and gray polished concrete finishes to the street walls and the pressed poured concrete wall to Dickman Street stating these material finishes are likely to become stained and not maintain a pristine finish. It was recommended that a brick or rendered masonry finish be instead used. In response, the second Section 57A amended plans replaced the white polished concrete finish to Swan Street with a white kerlite tile cladding. This product is more resistant to staining and so is considered acceptable in this regard.

131. It is not appropriate to require the street wall facades be a brick finish as requested by the Heritage Advisor, as most of the Swan Street facades are rendered finishes and brickwork would appear out of context (particularly as the primary concern is about staining). Council's Heritage Advisor's suggestion that a painted render be adopted is not appropriate as painted renders are also susceptible to staining. Build-up of normal detritus on the proposed surfaces can be removed through washing and so on-balance the proposed materials are acceptable.

132. The materials board submitted with the application show the polished concrete applied to a wooden sheet. This is of concern as render applied over lightweight wooden cladding will have a tendency to split and crack and become unsightly over time. This concern was raised with the applicant who agreed to a condition that the render be applied to a masonry walls to prevent this issue. Given the heritage significance of the Swan street, it is important the proposed street walls are durable to ensure a high quality street presentation in the future.

133. Finally, in relation to materials, the Heritage Advisor raised concerns with the proposed steel mesh to the balcony balustrades and the garage door to Dickman Street stating the material is likely to gather detritus and with the garage doors likely to become unsightly if dented by vehicle movements. To address this the second Section 57A amended plans provide vertical metal picket balustrades the terraces which satisfactorily address this item.

The perforated garage door has been replaced with numerus panels which allows for any damaged panels to be easily replaced. As opposed to the original design which would require the entire door be replaced in the event of damage sustained. These changes are considered to satisfactorily address these concerns.

Egress

DDO17

- *Vehicle ingress and egress into development, including loading facilities and building servicing, must be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.*

134. The final relevant DDO17 policy considerations relates to vehicle ingress and egress and seeks to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity. As discussed above the design of the garage door is considered acceptable. The development also incorporates convex mirrors at the edge of the garage to prevent pedestrian conflict when car exit the site. Council's Engineers are also satisfied safe egress can be achieved.

Public realm, light and shade, landscaping and pedestrian spaces

135. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents an improvement in streetscape, public space quality and perceived safety.

136. The construction of a residential building with an office, dwellings and pedestrian entry areas located along the street frontages is an improvement on the streetscape compared to existing conditions which are largely blank walls to Dickman Street. The applicant has also agreed to reconstruct the footpaths and maintain the existing bicycle hoop and street bin. All of these improvements satisfy public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2S, 18.02-1S and 21.05-2.

137. The proposal fully complies with the shadow requirements of DDO17. As such the proposal is acceptable from a light and shade perspective.

Environmentally Sustainable Design

138. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes which reduce residents and visitors from relying on private vehicles. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

139. Council's ESD officer has reviewed the applicant submitted ESD advice and outlined the following application ESD commitments and application ESD deficiencies;

140. ESD *Commitments:*

(a) Natural light and outlook – Good natural light appears well-balanced with window size;

(b) Bicycle facilities – A good number of bicycle parks with end-of-trip lockers and showers;

(c) Irrigation – Is provided to terraces to allow residents potted plants;

(d) Thermal performance (apartments) – Preliminary modelling indicates an average 6.6 star NatHERS rating;

(e) Water efficiency – Water efficient fixtures, fittings and appliances;

(f) Hot water – Efficient gas water heating; and

(g) Rainwater – A 5000L rainwater tank will supply water for flushing for 5 toilets.

141. *ESD Deficiencies:*

(a) *Best practice - ESD reports are sought in order to establish if proposed designs will exceed business-as-usual construction to achieve 'best practice'. Reference to legal minima such as 'compliance' with the NCC are not relevant and should be removed.*
(b) *Bicycle parking – Some bike riders are unable to lift bicycles into vertical racks. A minimum of 20% horizontal bicycle parks are sought per 'AS 2890.3:2015 Parking facilities Bicycle parking'*
(c) *Building materials – The section provided on page 3 of the SDA contains no clear commitment to materials. Rewording is sought to clarify how material impacts will be reduced. Suggestions include:*
    (i) Concrete – incorporation of cement replacement materials, and recycled aggregate
    (ii) Timber – use of third-party certified 'sustainable' timber such as AFS, or FSC
    (iii) Recycle content – use of materials with recycled content such as thermal insulation
(d) *Solar energy – No photovoltaic or solar hot water collectors are proposed despite appropriate sun-exposed roof*
(e) *Thermal performance (non-res.) – No details are provided for improvements to the thermal performance of the commercial levels.*
(f) *Shade – No effective external shade is provided to the first floor full-height glazed wall to the northeast of Level 1.*

142. *Outstanding information:*
(a) *Non-committal language – This report uses non-committal language to describe some initiatives, and therefore these are unable to be assessed. Statements using language such as: "recommended", "suggested", "encouraged", etc. are sought to be reworded to that which provides clear commitments to design outcomes and performance measures. Clarity is sought around commitments in sections 5, 6 and 7 of the SMP.*
(b) *BESS report – Some credits appear to require adjustment. Republish the report and resubmit after any revision including clarification of the following:*
    (i) Energy efficiency – rating improvements on heating and cooling;
    (ii) Water credit 4.1 – clarify provision of building systems (fire test water, and water based heat rejection);
    (iii) Waste credit 1.1 – clarifying retention of 30 % of building fabric.
    (iv) Space heating and cooling – The rating of the systems proposed does not meet Council's standards for best practice. BESS Water credit 4.1 has been claimed with no details of water-based heat rejection systems or wet fire-suppression systems. Please clarity details with consideration of best practice systems, and note strategy for HVAC use minimisation.
(c) *Indoor Air Quality – Clarify if low/zero VOC and formaldehyde products are to be used*
(d) *Natural ventilation – Clarification is sought as to if effective natural ventilation is provided. Multiple operable window sashes are sought on both the north and northeast Level 1 glazed walls.*
(e) *Thermal performance (non-res) – Details are sought of how the thermal performance of the building fabric will be improved above the legal minimum. A minimum 10% improvement is considered best practice.*
(f) *Urban ecology – Clarify commitments to urban ecology, including how Urban Heat Island effect has been addressed. Lighter coloured roofs/decking/paving are sought where sun exposed.*
(g) *Lighting – Further details are sought as to if daylight and movement sensors will be utilised in commercial and common areas of the building. All LED lighting commitment is sought to meet the current (NCC 2019) minimum lighting power densities.*
(h) *Active transport – Details are sought on the nature of stair access between levels of Apartment 3. Separation is sought to the common stair below, with the inclusion of natural light in both stairs – to encourage use of stairs over llfts.*

143. Council's ESD officer is generally supportive of the application given a 6.6 NatHERS rating and BESS and STORM compliance is to be generally achieved. Along with the above items, the ESD officer recommended a number of items be shown on the plans.

Either the second Section 57A amended plans or the SMP show these items, apart from ceiling fans, clotheslines, electric vehicle and bicycle charging and roof colour treated for urban heat island effects. Given the smaller size of the proposal, it is not considered reasonable to require urban heat island treatments or electric charging facilities (particularly as vehicle car parking is in a stacker). A condition requiring more operable windows will address ventilation concerns and ceiling fans can be installed on a needs basis by occupants. It is not necessary to require external clothes lines, with occupants likely to purchase clothes horses to allow for clothes drying both indoors and outdoors. All of the remaining *Deficiencies/Outstanding Information* are either shown on plans of in the SMP or have been translated into conditions, apart from the following items discussed below.

144. The ESD office has requested external shading to the north and east-facing glazing to the office. The applicant however does not wish to provide shading to the office level stipulating maintenance and cleaning issues associated with upper level shading screens. This is considered acceptable particularly as the northern office glazing will be overhung by the levels above to a depth of 1.2m which will provide adequate shading. Given the eastern office façade will be partially shaded before 9am by the buildings on the opposite side of Dickman Street and shaded by the proposed building at the subject site from noon, it is considered these windows should not be exposed to excessive heat loading. Further the submitted ESD report stipulates all glazing is to be double glazed which will further mitigate heat loading issues.

145. The ESD officer requested floor to ceiling heights be noted. With a minimum separation of 3.05m between the floor of each level, there is no concern that habitable rooms would have unreasonable ceiling clearances. The applicant has confirmed 3.3m ceiling heights to the shop, 2.9m to the office and 2.7m to the apartments. These heights are acceptable. A condition will require the floor to ceiling heights are specified on plan.

146. To maximise natural ventilation opportunities, the ESD advisor has requested sash operation to all windows and doors, with the lack of operable windows to the office space being a particular concern. A condition will require sash operation windows to the office. The residential windows to three storey heritage style façade of the building are already shown as sash and so are acceptable. The remaining residential windows are shown to be awning windows which generally have restricted openings. In line with the ESD advice a condition will require a sash operation to maximise ventilation opportunities and glazing to the terraces be operable.

147. The plans do not show any operable component to the shop windows. As this style of windows has been agreed to by Council's Heritage Advisor, it is not considered appropriate their appearance be changed to a sash operation. However, a condition will require these windows are provided with operable elements to facilitate natural ventilation of this space.

148. The ESD officer also requested glazing to the stairwell to encourage people to use the stair. The applicant has indicated that given the stair is a fire escape, it is difficult to accommodate window openings for fire-rating reasons. This is considered reasonable and so a condition will not require windows to the communal stair. The ESD officer also requested clarification on separated stair access to apartment 3, with the implication being occupants are more likely to use their private lift over a communal stair. The applicant has indicated the lower levels of the building are not required to be provided with access to the roof and the stair can be private for this level. This is considered acceptable.

149. Based on the above analysis and subject to the suite of conditions addressing Council's ESD officers' concerns, the proposal is considered acceptable from an ESD perspective.

Land Use, Noise and off-site amenity

Uses and off-site amenity impacts to nearby dwellings

150. The fact that all of the uses do not require a permit pursuant to the zone demonstrates compatibility with the zoning of the land which actively encourages these uses. This intention is demonstrated by relevant purposes of the C1Z *to provide for residential uses at densities complementary to the role and scale of the commercial* centre and *to create vibrant mixed use commercial centre for retail, office, business, entertainment and community use*. Whilst the uses are as-of-right clause 22.05 seeks to ensure both new residential uses are reasonably protected from negative amenity impacts from existing commercial uses and proposed commercial use will not unreasonably impact on existing residential uses.

151. In relation to the proposed commercial uses in the building, the ground floor shop and first floor office is typical of uses found along Swan Street. The nearest dwellings are located approx. 31m north of the site at on Dickman Street with this separation ensuring commercial uses would have minimal impact on these dwellings. This separation will also reduce noise and visual bulk impacts and minimises overlooking opportunities. Their position to the north of the subject site also prevents overshadowing or open space and does not affect existing daylight levels to habitable windows.

152. The location of services/plant equipment on the roof is acceptable. A condition would require that the noise and emissions from plant equipment and music noise from the shop must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1) – Control of Music Noise from Public Premises (SEPP N-2).

Noise and Live Music and Entertainment Noise and patron noise

153. Clause 22.05 requires new residential developments in activity centres to include design features to minimise the impact of the normal operation of business. In this regard, noise impacts from existing commercial plant and existing taverns in the area are of most relevance. As part of this application, acoustic reports were submitted (Broner Consulting: dated April 2017, 57A amended report dated April 2019) which predominately dealt with traffic, music, patron and mechanical plant noise measured to standard Sleep Disturbance criterion. The April 2019 report details acoustic treatments including the following:
    (a) Internal wall options and glazing/sliding doors to achieve the indoor noise criteria.
    (b) Criteria for internal air conditioning noise levels and a Sound Power Level limit was set for the outside condensers.
    (c) General recommendations for hydraulic noise control.
    (d) To minimize stacker noise emission, the rear car park area ceiling area should be acoustically lined and the car park entry door should be a minimum of Rw 28.

154. Council's acoustic engineers were satisfied with proposed treatments in relation to music, patron, traffic and plant noise subject to the following conditions being imposed:
    (a) A revised acoustic report to provide an assessment of late night music noise between midnight and 1am and 2am and 3am on a Friday or Saturday night. Should the music assessment demonstrate exceedances in SEPP N-2 requirements, the revised acoustic report must provide recommendations for the building façade design to demonstrate the proposal will achieve internal SEPP N-2 noise limits with windows and doors closed.
    (b) A revised acoustic report to assess noise from nearby commercial mechanical plant and patron noise and to demonstrate internal noise targets of 30dBA Leq will be achieved in bedrooms, 35dBA Leq in living rooms, and 55dBA Leq on private balconies.

155. These will be further discussed below.

156. Clause 53.06 (*Live Music and Entertainment Noise*) provides the most relevant guidance for treating live music noise impacts to proposed dwellings within 50m of a venue. The previous *Surrounds* section provides detail of all taverns with the immediate area, including their patron numbers, hours of operation and music control measures.

Of all of the taverns only The Swan Hotel (No. 245 Swan Street) and Fargo and Co. (No.214 Swan Street) play live music.

157. The Swan Hotel was of most concern to Council's acoustic engineers with their liquor licence allowing for live music to be played until 3am (with late night live music and djs advertised on their website). They noted the assessment carried out in the applicants report measured noise until 9pm with music noise impacts likely to be greatest between 1am and 3am on a Friday or Saturday night, particularly given background noise would be lower at these times. However, with the Swan Hotel being located 70m from the site, it is outside the 50m radius stipulated by clause 53.06. Given clause 53.06 allows for assessment of venues only within 50m of the proposed development site and the Swan Hotel is located a further 20m away that the maximum stipulated by this policy, it is not considered appropriate to require the applicant carry out any further acoustic assessment in relation to live music from the Swan Hotel.

158. While Fargo and Co. is within 50m of the proposed development, a condition of this permit restricts live music to the rear terrace between 6pm and 9pm Thursday to Saturday only. Given the live music will not be played late into the evening and the terrace is located 40m away, it is considered music noise from will not unreasonably impact the dwellings at the subject site. For this reason conditions will not require further acoustic testing in relation to music noise.

159. Finally, Council's acoustic engineers have requested the applicants report be revised to show the dwellings will achieve internal noise targets of 30dBA Leq in bedrooms, 35dBA Leq in living rooms, and 55dBA Leq on private balconies to adequately protect the dwellings from commercial plant noise. As outlined in the *Surround*s assessment, there are numerous commercial grade flues located immediately opposite the subject site across Dickman Street. The applicant acoustic report is specifies targets of 35dBA Leq will be achieved in bedrooms and 40BA Leq in living rooms with no target for balconies being specified.

160. The applicant has indicated they can realistically achieve the bedroom and living room targets but have questioned the need to limit noise on the balconies, particularly given tall screens would need to be constructed on the balcony edge. It is agreed that enclosing the balconies behind tall screens is in appropriate due to resultant poor internal amenity impacts. While it would facilitate noise reduction on the balconies, it would make the balconies feel enclosed and would significantly limit optimal ventilation opportunities for the dwellings.

161. Further, people moving to this area would be very aware of the outdoor noise impacts from mechanical plant, trams, traffic, music and patrons and would not expect outdoor balconies to be a quiet environment in a MAC that is known as a sports and entertainment precinct. The mechanical plant is also required to be compliant with relevant Environmental Protection Agency noise requirements (SEPP N-1).

162. For all of these reasons, it is not considered justified to require the outdoor balconies to be acoustical treated. A condition will require the internal noise targets are improved to better treat against plant noise in line with the advice of Councils Acoustic engineer. These improvements will also have the benefit for further limiting other external noise impacts such as traffic, late-night music and patron noise. Subject to a condition to this effect, it is considered the proposed dwelling will be adequately treated against external noise sources.

Equitable development

163. The Scheme aims to facilitate equitable development opportunities for neighbouring properties within the context of the site's location. In this instance, the site has direct abuttal with two properties, the first being the double storey shop to the west and the Council owned car park to the north.

In this regard the proposed sheer wall with no openings or light courts on the west boundary of the subject site is likely to be an equitable development outcome with this site. It will allow the adjoining site develop with north and south facing apartments.

164. The northern boundary wall at the subject site would not unreasonably constrain any future development on the car park to the north, with this future building having the option to build sheer to this wall. Reasonable light access will be provided to the proposed northern office windows by the 6.8m height clearance to the carriageway in the event a boundary wall is constructed opposite. The extensive east facing glazing to the office will provide for adequate additional light access. However, the height of the undercoft clearance to the carriageway is not noted. A condition will require this detail. The large size of the site to the north also ensures it is not unreasonably restricted by the proposed develop at the subject site. The proposed balconies at the subject site with a northern interface also have an eastern outlook, which protects their future amenity in the event the site to the north is developed.

Clause 58

Standard D1 – Urban context

165. As discussed in the previous Built Form assessment of this report.

Standard D2 – Residential Policies

166. As discussed in the previous Built Form assessment of this report.

Standard D3 –Dwelling diversity

167. Only applicable to 10 or more dwellings.

Standard D4 - Infrastructure

168. The proposal is located within an existing commercial and residential area with established utility services and infrastructure. There is no evidence to suggest that the proposed development would impact on the operation of these existing services and therefore the purpose of the Standard is considered to be met.

Standard D5 – Integration with the street

169. The proposed development would provide a significant improvement in terms of the subject site's interface with Swan Street and Dickman Street, as discussed previously in the *Public Realm* assessment.

Standard D6 – Energy efficiency

170. All of the balconies are located either within the south-west or north-east corners towards the street, thereby increasing direct sunlight opportunities. All dwellings have good access to natural ventilation (subject to condition), with all balconies provided with partial over hangs to assist in managing solar heat gain. No west-facing glazing is proposed apart from to apartment 1. As these west-facing windows face onto a balcony enclosed by walls on its north, south and east side, these windows will be adequately shaded and not exposed to excessive heat loads. An ESD report has be submitted with the application that demonstrates compliance with the NatHERS requirements of this standard.

Standard D7 – Communal open space

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

Standard D8 – Solar access to communal open space

172. No communal open space is proposed as part of this development.

Standard D9 – Safety

173. This standard encourages that pedestrian entrances are not isolated or obscured from the street. In compliance the residential entry will be clearly visible from Dickman.

Standard D10 – Landscaping

174. Given the C1Z of the land and its location with the Swan Street MAC, landscaping and vegetation does not form a characteristic of the surrounding neighbourhood. In this context, the lack of proposed onsite landscaped areas is considered acceptable. The existing building does not include landscaped areas.

Standard D11 – Access

175. 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 33% of the frontage. The proposed crossover at 5.7m in width along the 20m wide Dickman Street frontage complies with the standard.

Standard D12 – Parking location

176. The location of the residential parking will provide convenient and secure access to the ground level residential lobby. A car stacking system will be provided. An objective of the Standard is to protect residents from vehicular noise within developments. With an office level located above the garage this will provide sufficient separation and reasonably protect these dwellings from mechanical noise. Further the acoustic report details acoustic treatments to the stacker that have been supported by Council's Acoustic engineer.

Standard D13 – Integrated water and stormwater management

177. In compliance, the application proposes the installation of a 5,000L rainwater tank which would be connected to grey water, thereby achieving a STORM rating of 109% (confirmed by the ESD Advisor).

Standard D14 – Building setbacks

178. This Standard seeks to ensure that building setbacks respond to the surrounding context of the site, and allow adequate internal and off-site amenity to be achieved. In compliance, all the windows are located opposite street frontages or face onto proposed balconies allowing for adequate access to daylight. Given the windows face street frontages, adequate outlook will also be provided. With no existing dwellings located nearby, overlooking to habitable windows or open space is not a concern.

Standard D15 – Internal views

179. The arrangement of outward facing windows and balconies above each other ensure there is generally no more than 50% of the open space exposed to internal views between most dwellings. Of potential concern, is overlooking from south-facing windows on the upper two levels into the balcony of apartment 1. However, direct views will be limited by the podium roof.

Standard D16 – Noise impacts

180. This Standard aims to contain noise sources in developments that may affect existing dwellings, whilst protecting residents from any external and internal noise sources. In this instance, the proposed development would not be located in proximity to any noise generating areas as listed under Table D3 of this Standard. The site is located on Swan Street, resulting in the potential for south and east-facing dwellings to be unreasonably affected by traffic and tram noise along this busy thoroughfare. Subject to the condition outlined earlier requiring an updated acoustic report to confirm noise targets to be met within the habitable areas, this satisfactorily addressed this item.

Standard D17 – Accessibility objective

181. This standard stipulates minimum dimensions in relation to doorway widths and circulations for at least 50% of dwellings. The front door widths into the apartment 2 and 3 comply with the standard. Apartment 3 allows for a clear path with a minimum width of 1.2m that connects the dwelling main entrance to the bedroom, adaptable bathroom and living area. The accessway widths of apartment 2 to the ensuite, living room and bedroom to not comply with the standard at 1m and 1.1m wide. As will be discussed below, the ensuite of this dwelling will be required to be redesigned to accommodate compliant internal circulation areas, and it is considered this redesign can allow for the access way widths to be widened.

182. The proposed bathroom dimensions do not comply with the standard however apartment 2 and 3 appear to have the most capacity to accommodate these requirements. Compliance can be easily accommodated, with only doorway widths required to be widened to apartment 3.

183. Along with the doorway needing to be widened, the ensuite for dwelling 2 would need to be enlarged to allow for the toilet to be repositioned to accommodate the minimum circulation areas. Given there is a large walk-in-robe to the immediate east of the ensuite, the robe can be reduced in size to accommodate the changes required to the bathroom. These changes can be easily implemented and will be required by way of condition.

Standard D18 – Building entry and circulation

184. The proposed residential lobby would be readily identifiable within Dickman Street, with the cantilevered design of Level 1 providing a degree of shelter above this entry. The main lobby and those at each upper level would be sufficiently dimensioned to service residents coming and going to a development of this scale, and are generally in line with the objectives under this Standard. No communal corridors are proposed to the dwellings,

Standard D19 – Private open space

185. The Standard notes that 2-bedroom dwellings should be provided with secluded private open space (SPOS) of 8sqm, with a minimum width of 2m, with this increasing to 12sqm and 2.4m respectively for 3 or more bedroom dwelling. In all dwellings these requirements are met. The degree of SPOS afforded to each dwelling, along with the design of each balcony, is considered to be a reasonable outcome and will allow a direct connection between the main habitable rooms of each dwelling and these outdoor areas. This design response is supported.

Standard D20 – Storage

186. Each of the proposed dwellings would exceed the storage requirement of this Standard, as outlined below. All of the storage will be provided within each individual dwelling and in stores in the basement. The Standard is met.

Apartment	Required storage	Storage provided
Unit 1 – 1 bed	10m3	21.8m3
Unit 2 – 2 bed	14m3	23.4m3

Unit 3 – 2 bed	14m3	42.8m3

Standard D21 – Common property

187. The common property areas within the development are clearly delineated and would not create areas which were difficult to maintain into the future. The residential lobby and lift access areas are well conceived, with the refuse and bicycle storage rooms easy to access and generally cohesive with the overall building design. The Standard is met.

Standard D22 – Site services

188. Site services and meters would be located to the rear wall of the garage, addressing the carriageway, with additional services internal to the building and readily accessible from the main lobby. Fire services are provided on the Dickman Street façade but the plans show they will be clad in the same material as their surround walls and so will not be a prominent element and will blend with the reminder of the building. Notations to this effect are provided on the plans to ensure this outcome. Council's engineers requested service cupboards open in a 180% position (already noted on plans) and to be attached/latched to the building when in an open position. A condition will require theses latches are noted.

Standard D23 – Waste and recycling

189. A shared refuse room is provided at ground level, with this space easily accessible from the commercial premises and with bin chutes provided at each level of the development for residential use. The Waste Management Plan (WMP) prepared by Loop Architecture dated 12 April 2019. The WMP was referred to Council's City Works Branch, who were satisfied with the plan subject to it being amended to include waste collection by private contractors and with residential bins to be 1 X 240ltr waste and 1X 240lrt recycling. A condition will address this.

Standard D24 – Functional layout

190. This Standard notes living areas for dwellings with 1 or more bedrooms should have a minimum width of 3.3m, and a minimum area of 10sqm and dwellings with 2 or more bedrooms should have a minimum living area width of 3.6m, and a minimum area of 12sqm. Apartment 3 complies but apartment 1 (2 bed) has non-compliant living area dimensions of 3.1m x 4.5m and apartment 2 (1 bed) living area dimensions of 3.2m x 3.45m. There is capacity to easily rectify this for apartment 2 given the extent of non-compliance is marginal. A condition will require this. There is also capacity to rectify this for apartment 1 by relocating the living area to the kitchen, with the kitchen having minimum dimensions of 3.6m x 4.2m. A condition will require compliance with this standard.

191. The proposed development is fully compliant with the bedroom dimensions required under this Standard apart from one 2.9mx 3.4m wide bedroom in apartment 1. Given this non-compliance is marginal, it should be easily rectified, A condition will require this.

Standard D25 – Room depth

192. This proposed floor to ceiling heights to habitable rooms is 2.7m. This height has been confirmed by the applicant but is not shown on plan. A condition will require this detail. All of the bedrooms have access to a window and the internal room dimensions comply with the standard. In compliance, all of the living areas are double aspect allowing for adequate light access apart from apartment 2. However, with the living area only having a maximum depth of 6.1m and a floor to ceiling of 2.7m, it complies with the standard (6.75m maximum depth permitted).

Standard D26 – Windows

193. All habitable rooms within the proposed development contain a window within an external wall to the building, thereby meeting the Standard.

Standard D27 – Natural ventilation

194. A good degree of natural ventilation is provided for all dwellings, with cross-ventilation opportunities provided within the living rooms of the larger apartments, and compliant breeze paths also providing good cross-ventilation between habitable rooms of the smaller dwellings. The operability of the windows are not provided. A condition will require this detail to ensure compliance.

Parking layout, traffic and bicycle parking

Traffic and car parking reduction

195. In relation to traffic considerations, this area has strong strategic justification to support buildings of this scale, along with associated car parking reductions. Given Richmond Station and east Richmond Station are located in close proximity to the site, along with tram services along Swan and Church Street, the site is ideally located to take advantage of multiple modes of existing public transport infrastructure within the immediate vicinity.

196. Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council's policy objectives relating to sustainable transport. Car parking reductions achieve the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme.

197. The reduced rate of on-site car parking will mean a reduced impact on traffic within the surrounding street network, which is considered a positive outcome. Further Council's traffic engineers are supportive of the proposed reduction of 5 car spaces.

198. Objectors have raised concerns that staff and visitors may increase pressure on existing on-street car parking. However, the development will not be eligible for on-street staff or visitor parking permits which minimise the impact the development will have on existing on-street car spaces. Given the proximity of the site to public transport and two hour on-street car parking restrictions, it is unlikely that staff would drive to work as they would be aware of these restrictions.

199. An office use would not typically generate a significant number of visitor trips and so would not place undue strain on available on-street parking. Visitors also have the option to use the public car park located to the immediate rear of the site. Given the proximity of public transport options servicing the site and multiple commercial uses along Swan Street, it is likely that a large proportion of visitors (particularly to the shop) will be in the area for more than one purpose and will be short term stays.

Parking layout/access

200. The 4 car parking spaces of the dwellings will be provided within two stacking systems, accessed via Dickman Street. The layout of the car stackers and garage was assessed by Council Engineers, who whilst generally supportive of the design, required further information to ensure that the layout of this space is efficient and functional. A number of this items have been satisfactorily addressed on the second section 57A amended plans, including provision of convex mirrors and service cabinet doors swinging 180-degrees. Remaining outstanding include detail of headroom clearance to the garage and service cupboards to be latched to the building when open. These will be addressed by way of conditions.

201. In addition, a number of standard further conditions and notes were outlined by Council Engineers. These include matters relating to protection of Council's assets, construction of the crossover, re-sheeting the footpath post development, drainage, operation of the car stacker, footpath waste bin and bicycle hoop retained, the verandah canopy to be setback 750mm from the kerb edge, adjustment of car parking restriction signs and liaising with the relevant service authorities regarding adjustments to their assets. The Dickman Street frontage contains bluestone kerbing and a condition will require its retention. All of these issues can be required by way of conditions or notes, should a permit be granted.

Bicycle parking

202. The development proposes a total of 14 bicycle spaces, with all of these located in a secure storage room for residents. This room can be accessed either internally or via the ROW to the west. The number of spaces exceeds Council's best-practice standard of one space per dwelling, and 4 of these spaces are at-grade and horizontal, thereby allowing convenient and easy access. The number, location and design of the bicycle spaces are supported and comply with Clauses 18.02-1S and 21.06 of the Scheme.

Other matters (easements)

203. There are two easements affecting the site, a carriageway easement to the north and a party wall easement along part of the west boundary. The plans show it is proposed to construct over the party wall easement and to construct over the carriageway easement at a height of 6.8m. The applicant has provided a transcripts of Memorial No. 483 Book 512 and Memorial No. 483 Book 498 which describe the easements and form part of the title. These documents do not specify a height limit to the easement and so Council can consider the construction over the easement once it is satisfied it is not unduly restricted. The purpose of the easement is to provide pedestrian access to the subject site and No's 165 and 167 Swan Street. This is clear by its limited width of 1.2m. Given the building is to be constructed at a height of 6.88m above the easement, it is considered that the easement will not be unduly restricted by the proposal.

204. Objectors have raised concerns that an application (and associated public notification) has not been made to vary the carriageway easement to facilitate construction over it (under Clause 52.02 (*Applications to alter, remove or vary an easement*). The objectors also submit construction over the easement is a breach of the easement and as such should not be supported by officers. However, in this regard to, it is not a relevant consideration whether the proposal would constitute a breach of the Easement as part of the current planning permit application. The current proposal does not of itself trigger a permit requirement under clause 52.02. A permit is triggered under clause 52.02 before a person proceeds under various provisions of the Subdivision Act 1988 to create, vary or remove an easement or restriction.

205. While an application to vary an easement pursuant to Clause 52.02 can be made at the same time as the permissions sought for construction of a development, it is not a requirement. Where an application is made to vary the easement under Clause 52.02 of the planning scheme, the decision guidelines (in addition to the decision guidelines in clause 65) are 'the responsible authority must consider the interests of affected people'. As such the application would then be advertised to all beneficiaries of the easement (if an application was made).

206. Further in this regard, it is not a consideration for Council whether the proposal is in breach of the easement, but this is instead a Civil Matter. This view is supported in the decision by Victorian Civil and Administrative Tribunal (VCAT), Craig v Yarra *[2016]* VCAT 1816 with the following comments made in relation to this issue:

> [10] *I acknowledge that there is a consistent line of previous Tribunal decisions that it is for the courts rather than the Tribunal to resolve whether or not proposed works would breach an easement. This reflects such a dispute about an easement being seen as a 'property' dispute rather than a 'planning' dispute.*

207. However, had an application been made to vary the easement under 52.02 this does allow Council a limited consideration on whether the proposal unreasonably restrict the easement and its beneficiaries. The aforementioned VCAT case provides guidance on what the scope of this consideration should constitute as follows:

> *[29] The Tribunal is of the view that the following questions should be asked:*
>
> (i) *Does the current use of or the current state or condition of the dominant and servient lands (tenements) indicate a need or requirement for the continued existence of the easement; and*
>
> (ii) *Would the owners of the dominant land suffer any material detriment in the use and enjoyment of that land if the easement was removed or varied?*

208. It is Council's view the same line of questioning should be applied to buildings and works applications (in the absence of a clause 52.02 application being made). This ensures that development proposals are not futile in the event they unreasonably restrict an easement and would be unlikely be supported in an easement breach Civil Case. Turning one's mind to this line of questioning, it is considered the pedestrian easement is not unreasonably restricted by the proposal given the building provides for a 6.88m clearance to it and so retains unfettered pedestrian access to it.

209. The plans do not show the position of the party wall easement on the west boundary with new western wall appearing to be proposed in the position of the party wall. The applicant has been unable to confirm the existence of the party wall but acknowledges it is likely to be present. Applying the same line of questioning outlined above, the removal of this party wall would result in detriment to the adjoining property owners/beneficiary. For this reason, the removal or variation of this easement is unlikely to gain support in either a Clause 52.02 application or a Civil Case. For this reason, Council is unwilling to support the current application in the absence of confirmation that the party wall easement will remain unfettered by the proposed development. The applicant has indicated that it is not intended to remove the party wall and supported a condition requiring the plans show all works located clear of the easement. Subject to a condition to this effect it is considered the proposal does not unreasonably restrict either easement.

Objector concerns

210. The majority of the issues which have been raised by the objectors have been addressed within this report, the following section provides a recap of the issues raised by objectors.

(a) *Negative impacts on heritage character of area.*
   (i) This issue has been discussed extensively within paragraphs 108-133 of this report.

(b) *Issues relating to construction over carriageway easement.*
   (i) These matters have been discussed in details within paragraphs 203-209 of this report.

(c) *Insufficient car parking.*
   (i) These matters have been discussed in detail within paragraphs 195-199 of this report.

(d) *Excessive visual bulk, wind impacts height, and insufficient upper level setbacks.*

(i) Apart from wind issues, these matters have been discussed in detail within paragraphs 108-133 of this report. Council would not require a Wind Report be provided for a development of only 5 storeys. With street walls of only 11m in height and recessed upper levels, the building will not contribute to significant wind impacts to the streetscape.

(e) *Disruption during construction phase.*

(i) While impacts during the construction phase are not able to be directly addressed through the requirements of the Planning Scheme, a condition of permit for a Construction Management Plan would be included to assist with minimising disruption to the area.

Conclusion

211. The proposal, subject to conditions outlined in the recommendation below, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore supported, subject to conditions.

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit PLN17/1014 for demolition and development of the land for the construction of a mixed-use building, and a reduction in the statutory car parking requirement at No. 171 -173 Swan street, Richmond subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by Loop Architecture, dated June 2018 and 2019 (SK100 Rev U, SK101 Rev R, SK102 Rev Q, SK103 Rev Q, SK104 Rev S, SK105 Rev S, SK107 Rev T, SK201 Rev N, SK301 Rev T, SK302 Rev S, SK301 Rev X, SK302 Rev W, SK901 Rev R but amended to include:

    (a) The following:
        (i) Floor to ceiling heights in habitable rooms;
        (ii) Operable glazing to residential terraces;
        (iii) Service cupboards to be attached to the building when in an open position;
        (iv) Headroom clearance to the garage;
        (v) Minimum height clearance of the building to the rear carriageway easement;
        (vi) Removal of reference to commercial use in office area; and
        (vii) The heritage style Swan Street wall and its Dickman Street return to be a masonry construction.
    (b) Sash operation windows to the office and dwellings to improve natural ventilation opportunities,
    (c) Provision of operable windows to both elevations of the shop (with style of windows not to altered);
    (d) All buildings and works to be located clear of the boundary wall easement shown as E-2 on Title Plan TP101204J;
    (e) A demolition plan including confirmation the existing boundary wall affected by the party wall easement is to be retained;
    (f) Demonstration of compliance with Standard D17 (*Accessibility objective*), Standard D24 (*Functional layout)* and Standard D27 *(Natural ventilation)* of Clause 58 *(Apartment Developments)* of the Yarra Planning Scheme; and
    (g) Any alterations to the development required by the updated Sustainable Management Plan at Condition 3, Acoustic report at Condition 5 and Waste Management Plan at Condition 9.

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.

Sustainable Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Building Thermal Performance Assessors and dated 22 April 2019, but modified to include:

    (a) Removal of non-committal language and references to minimum compliance with NCC standards and to instead demonstrate Best Practice;
    (b) Building Materials Section to clarify commitments to recycled and sustainable materials;
    (c) Detail thermal performance including details of building materials performance for the ground and first floor commercial uses and to achieve a minimum of 10% improvement on Best Practice;
    (d) BESS report credits to clarify the following:
        (i) Rating improvements on heating and cooling,
        (ii) Provision of building systems (fire test water and water based heat rejection);
        (iii) Retention and reuse of 30% of existing building fabric;
    (e) Space heating and cooling to clarify details with consideration of best practice systems, and note strategy for HVAC use minimisation;
    (f) Clarify if low/zero VOC and formaldehyde products are to be used;
    (g) Thermal performance of commercial uses building fabric;
    (h) Clarification on the Utilisation of daylight and sensor lighting in the office and communal areas with LED lighting to meet current (NCC) minimum light power densities.

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

Acoustic

5. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the report prepared by Broner Consulting: dated April 2019, but modified to include or show:

    (a) all dwellings to achieve internal noise targets of 30dBA Leq in bedrooms and 35dBA Leq in living rooms.

6. Within 3 months of the commencement of the occupation of the building, a post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the acoustic report approved under condition 5. The report 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) confirm the recommendations of the endorsed acoustic reports required as part of conditions 5 have been implemented;

    (b) assess mechanical plant noise (including the garage door) to SEPP N-1; and

(c) if non-compliance with condition 5a) is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.

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

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

9. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Waste Management Plan

10. 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 Waste Loop Architecture and dated April 2019, but modified to include:

    (a) residential bins to be 1 X 240ltr waste and 1X 240lrt, and
    (b) Waste collection by private contractors.

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

Engineering

12. 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.

13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath frontage to the site must be demolished and re-instated as standard footpath with a maximum 1-40 cross-fall and with bluestone kerb and channel to Dickman Street frontage retained/reinstated:

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

14. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way and with all redundant property drains to be removed.

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must demonstrate by way of a ground clearance check that B99 vehicle vehicles can traverse the new vehicle crossing without scraping or bottoming out and the crossover to be constructed:

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

VicRoads (Conditions 17 and 18)

17. 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 138A (11) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Swan Street boundary (i.e., the canopies, fixed shading devices, architectural features, balcony framing, screening etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the Swan Street road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

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

General

19. 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 and pedestrian entrances must be provided within the property boundary. Lighting must be:

    (a) located;
    (b) directed;
    (c) shielded;
    (d) of limited intensity, and
    (e) to the satisfaction of the Responsible Authority.

20. 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.

21. 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.

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. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

    (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
    (b) works necessary to protect road and other infrastructure;
    (c) remediation of any damage to road and other infrastructure;
    (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
    (e) facilities for vehicle washing, which must be located on the land;

(f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
(g) site security;
(h) management of any environmental hazards including, but not limited to,:
(i) contaminated soil;
(ii) materials and waste;
(iii) dust;
(iv) stormwater contamination from run-off and wash-waters;
(v) sediment from the land on roads;
(vi) washing of concrete trucks and other vehicles and machinery; and
(vii) spillage from refuelling cranes and other vehicles and machinery;
(i) the construction program;
(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
(k) parking facilities for construction workers;
(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
(p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.
(q) 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.
(r) During the construction:
(i) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
(ii) 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;
(iii) vehicle borne material must not accumulate on the roads abutting the land;
(iv) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
(v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

25. 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.

26. 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 5428 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 5428 for further information.

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

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

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

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.

Council will not permit clean ground water from below the ground water table to be discharged into Council's drainage system. Basements that extend into the ground water table must be waterproofed/tanked.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

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.

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

Attachments

1 PLN17/1014-171-173 Swan Street-Decision Plans
2 PLN17/1014-171-173 Swan Street-Subject Site
3 PLN17/1014-171-173 Swan Street-Copy of Title and Title Plan
4 PLN17/1014-171-173 Swan Street-Title Transcript
5 PLN17/1014-171-173 Swan Street-Applicant section 57A ESD Report
6 PLN17/1014-171-173 Swan Street-Applicant section 57A Traffic Assessment Report
7 PLN17/1014-171-171 Swan Street-Applicant section 57A Acoustic Report
8 PLN17/1014-171-173 Swan Street-Applicant Waste Management Report
9 PLN17/1014-171-173 Swan Street-ESD comments
10 PLN17/1014-171-173 Swan Street-Engineering comments
11 PLN17/1014-171-173 Swan Street-Acoustic comments
12 PLN17/1014-171-173 Swan Street- Waste Management comments
13 PLN17/1014-171-173 Swan Street-Heritage comments
14 PLN17/1014-171-173 Swan Street-Urban Design comments
15 PLN17/1014-171-173 Swan Street-Strategic Planning comments
16 PLN17/1014-171-173 Swan Street-VIC Roads comments

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans

Drawing Register

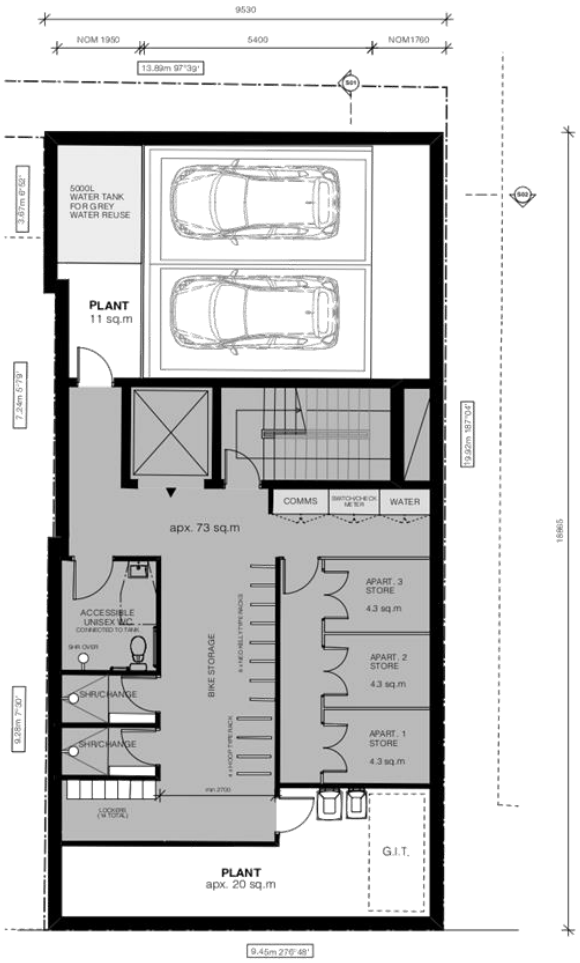
100	B00 Proposed Basement Plan
101	L00 Proposed Ground Plan
102	L01 Proposed First Floor Plan
103	L02 Proposed Second Floor Plan
104	L03 Proposed Third Floor Plan
105	L04 Proposed Fourth Floor Plan
106	Proposed Roof Plan
108	Apartment Inventory
301	Proposed Street Elevations E01 + E02
302	Proposed Street Elevations E03 + E04
304	Proposed Materials E01 + E02
305	Proposed Materials E03 + E04
601	Shadow Studies Equinox September
602	Shadow Studies Equinox September
603	Shadow Studies Equinox September
604	Shadow Studies Equinox September
901	Material Schedule

171-173 SWAN STREET, RICHMOND

MULTI-USE DEVELOPMENT

loop architecture

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



B01 PROPOSED BASEMENT FLOOR PLAN
1:100 @ A3, 1:50 @ A1

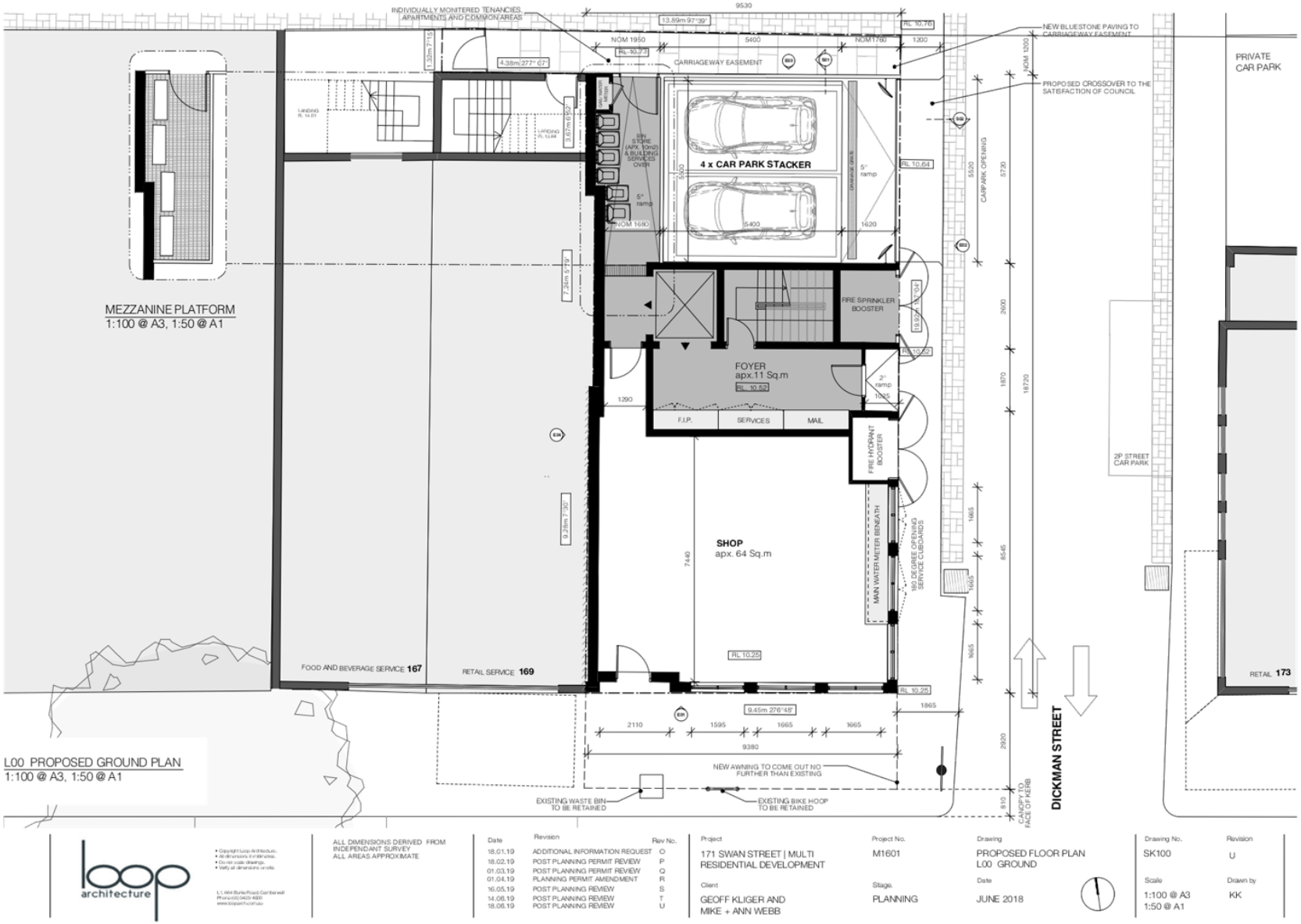
loop architecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
15.01.19	FOR CLIENT REVIEW	N
18.01.19	ADDITIONAL INFORMATION REQUEST	O
18.02.19	POST PLANNING PERMIT REVIEW	P
01.04.19	PLANNING PERMIT AMENDMENT	Q
18.06.19	POST PLANNING REVIEW	R

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: PROPOSED FLOOR PLAN B01 BASEMENT
Date: JUNE 2019
Drawing No.: SK101
Revision: R
Scale: 1:100 @ A3, 1:50 @ A1
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans

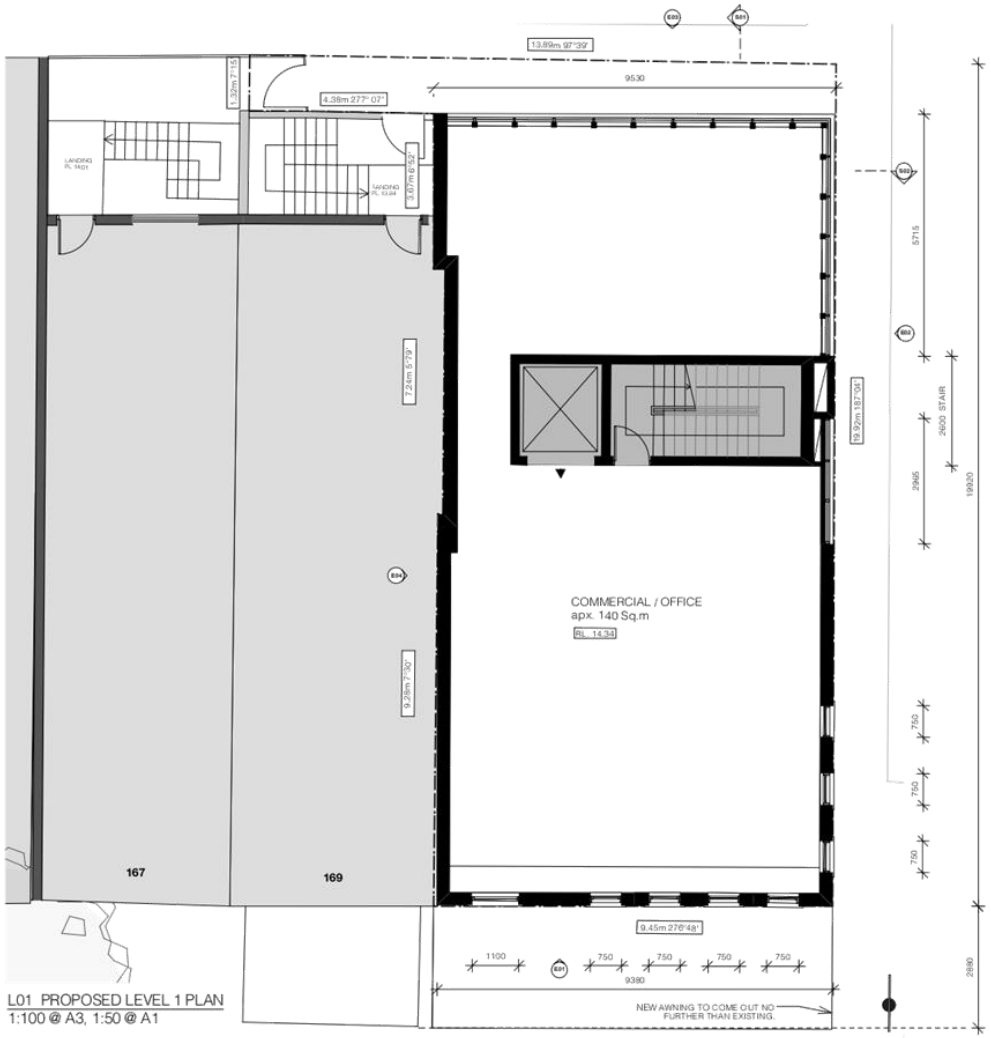


ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
18.01.19	ADDITIONAL INFORMATION REQUEST	O
18.02.19	POST PLANNING PERMIT REVIEW	P
01.03.19	POST PLANNING PERMIT REVIEW	Q
01.04.19	PLANNING PERMIT AMENDMENT	R
16.05.19	POST PLANNING REVIEW	S
14.06.19	POST PLANNING REVIEW	T
18.06.19	POST PLANNING REVIEW	U

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: PROPOSED FLOOR PLAN L00 GROUND
Date: JUNE 2018
Drawing No.: SK100
Revision: U
Scale: 1:100 @ A3, 1:50 @ A1
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



L01 PROPOSED LEVEL 1 PLAN
1:100 @ A3, 1:50 @ A1

loop architecture

• Copyright Loop Architecture.
• All dimensions in millimetres.
• Do not scale drawings.
• Verify all dimensions on site.

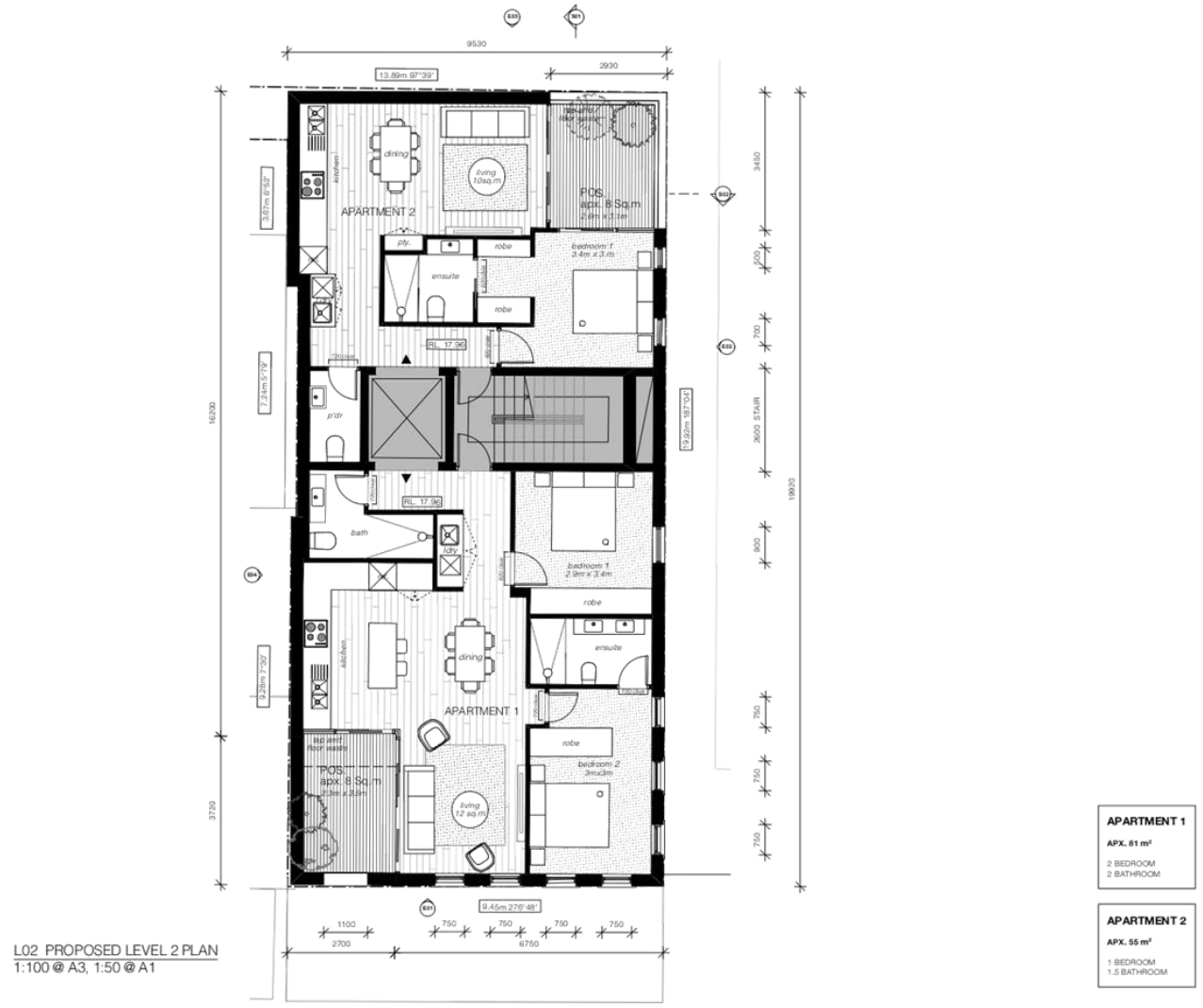
L1, 664 Burke Road, Camberwell
Phone (03) 9429 4800
www.looparchitecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
28.04.17	PLANNING PERMIT APPLICATION	K
01.18	ADDITIONAL INFORMATION REQUEST	L
07.12.18	-	M
14.01.19	FOR CLIENT REVIEW	N
18.01.19	ADDITIONAL INFORMATION REQUEST	O
18.02.19	POST PLANNING PERMIT REVIEW	P
01.04.19	PLANNING PERMIT AMENDMENT	Q

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: PROPOSED FLOOR PLAN L01 LEVEL 01
Date: APRIL 2019
Drawing No.: SK102
Revision: Q
Scale: 1:100 @ A3 1:50 @ A1
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



L02 PROPOSED LEVEL 2 PLAN
1:100 @ A3, 1:50 @ A1

APARTMENT 1
APX. 81 m²
2 BEDROOM
2 BATHROOM

APARTMENT 2
APX. 55 m²
1 BEDROOM
1.5 BATHROOM

loop architecture

• Copyright Loop Architecture.
• All dimensions in millimetres.
• Do not scale drawings.
• Verify all dimensions on site.

L1, 664 Burke Road, Camberwell
Phone (03) 9429 4800
www.looparchitecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
28.04.17	PLANNING PERMIT APPLICATION	K
01.18	ADDITIONAL INFORMATION REQUEST	L
10.12.18	FOR CLIENT REVIEW	N
14.01.19	FOR CLIENT REVIEW	O
18.02.19	POST PLANNING PERMIT REVIEW	P
01.04.19	PLANNING PERMIT AMENDMENT	Q

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: PROPOSED FLOOR PLAN L02 LEVEL 02
Date: APRIL 2019
Drawing No.: SK103
Revision: Q
Scale: 1:100 @ A3, 1:50 @ A1
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



L03 PROPOSED LEVEL 3 PLAN
1:100 @ A3, 1:50 @ A1

APARTMENT 3
LEVEL 1 OF 2
APX. 102 m² of 212 m²
2 BEDROOM
2.5 BATHROOM

loop architecture

• Copyright Loop Architecture.
• All dimensions in millimetres.
• Do not scale drawings.
• Verify all dimensions on site.

L1, 664 Burke Road, Camberwell
Phone (03) 9429 4800
www.looparchitecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
10.12.18	FOR CLIENT REVIEW	N
14.01.19	FOR CLIENT REVIEW	O
18.02.19	POST PLANNING PERMIT REVIEW	P
01.04.19	PLANNING PERMIT AMENDMENT	Q
14.06.19	POST PLANNING REVIEW	R
20.06.19	POST PLANNING REVIEW	S

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: PROPOSED FLOOR PLAN L03 LEVEL 03
Date: JUNE 2019
Drawing No.: SK104
Revision: S
Scale: 1:100 @ A3, 1:50 @ A1
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



L04 PROPOSED LEVEL 4 PLAN
1:100 @ A3, 1:50 @ A1

APARTMENT 3
LEVEL 2 OF 2
APX. 110 m² of 212 m²
2 BEDROOM
2.5 BATHROOM

loop architecture

• Copyright Loop Architecture.
• All dimensions in millimetres.
• Do not scale drawings.
• Verify all dimensions on site.

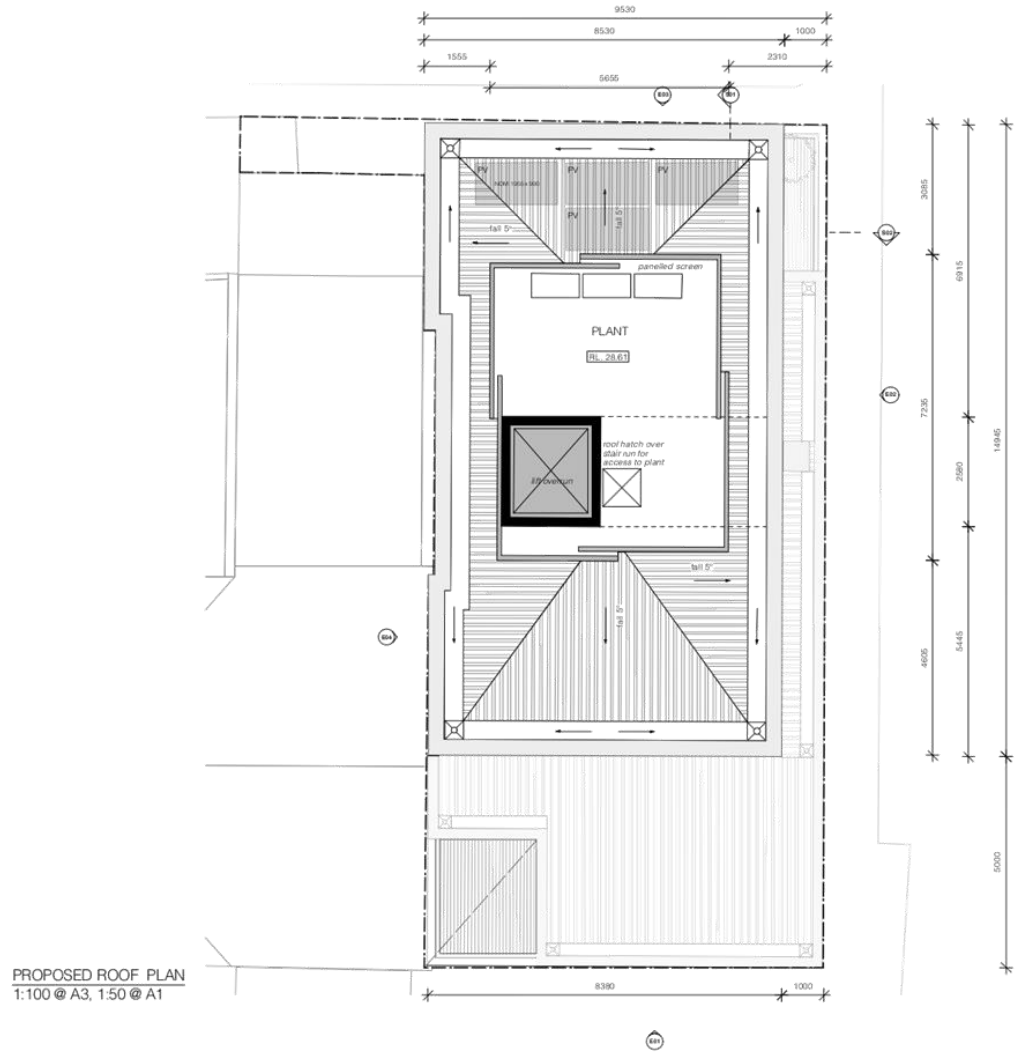
L1, 664 Burke Road, Camberwell
Phone (03) 9429 4800
www.looparchitecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
10.12.18	FOR CLIENT REVIEW	N
14.01.19	FOR CLIENT REVIEW	O
18.02.19	POST PLANNING PERMIT REVIEW	P
01.04.19	PLANNING PERMIT AMENDMENT	Q
14.06.19	POST PLANNING REVIEW	R
20.06.19	POST PLANNING REVIEW	S

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: PROPOSED FLOOR PLAN L04 LEVEL 04 OPTION 2
Date: JUNE 2019
Drawing No.: SK105
Revision: S
Scale: 1:100 @ A3, 1:50 @ A1
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



PROPOSED ROOF PLAN
1:100 @ A3, 1:50 @ A1

loop architecture

• Copyright Loop Architecture.
• All dimensions in millimetres.
• Do not scale drawings.
• Verify all dimensions on site.

L1, 664 Bunker Road, Camberwell
Phone (03) 9429 4826
www.looparchitecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
17.01.19	FOR CLIENT REVIEW	N
18.01.19	ADDITIONAL INFORMATION REQUEST	O
18.02.19	POST PLANNING PERMIT REVIEW	P
01.04.19	PLANNING PERMIT AMENDMENT	Q
14.05.19	PLANNING PERMIT AMENDMENT	R
16.05.19	POST PLANNING REVIEW	S
20.06.19	POST PLANNING REVIEW	T

Project
171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT

Client
GEOFF KLIGER AND MIKE + ANN WEBB

Project No.
M1601

Stage
PLANNING

Drawing
PROPOSED ROOF PLAN

Date
JUNE 2019

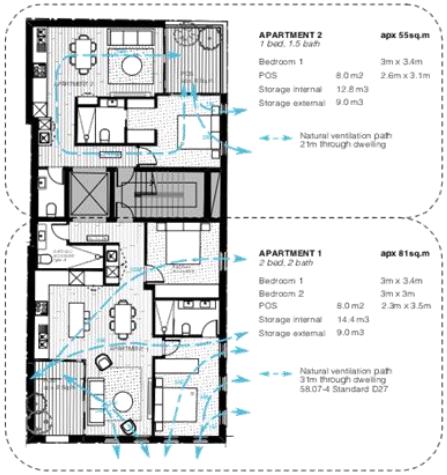
Drawing No.
SK107

Revision
T

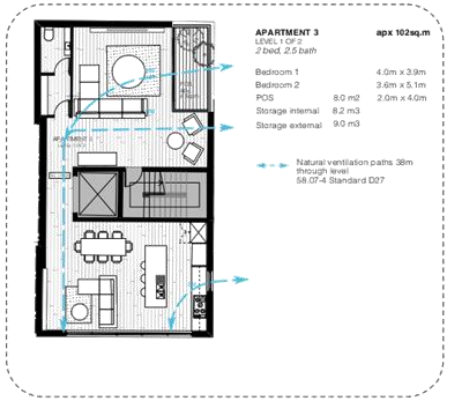
Scale
1:100 @ A3
1:50 @ A1

Drawn by
KK

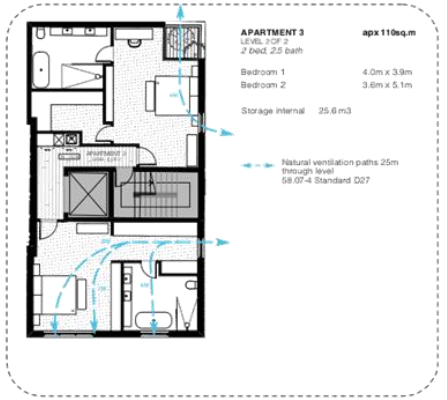
Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



L02 APARTMENT INVENTORY



L03 APARTMENT INVENTORY



L04 APARTMENT INVENTORY

loop architecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
28.04.17	PLANNING PERMIT APPLICATION	K
01.18	ADDITIONAL INFORMATION REQUEST	L
18.02.19	POST PLANNING PERMIT REVIEW	M
14.02.19	POST PLANNING REVIEW	N

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Drawing: APARTMENT INVENTORY
Stage: PLANNING
Date: JUNE 2019
Drawing No.: SK201
Revision: N
Scale: 1:200 @ A3
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



01 PROPOSED SWAN STREET ELEVATION | SOUTH
1:250 @ A3



02 PROPOSED DICKMAN STREET ELEVATION | EAST
1:250 @ A3

loop architecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
27.02.19	FOR CLIENT REVIEW	N
01.03.19	POST PLANNING PERMIT REVIEW	O
22.03.19	PLANNING PERMIT AMENDMENT	P
16.05.19	POST PLANNING REVIEW	Q
14.06.19	PLANNING PERMIT AMENDMENT	R
18.06.19	POST PLANNING REVIEW	S
30.06.19	POST PLANNING REVIEW	T

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: PROPOSED STREET ELEVATIONS 01 & 02
Date: JUNE 2018
Drawing No.: SK301
Revision: T
Scale: 1:250 @ A3, 1:125 @ A1
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



03 PROPOSED REAR BOUNDARY ELEVATION | NORTH
1:250 @ A3



04 PROPOSED SIDE BOUNDARY ELEVATION | WEST
1:250 @ A3

loop architecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
18.02.19	POST PLANNING PERMIT REVIEW	M
27.02.19	FOR CLIENT REVIEW	N
01.03.19	POST PLANNING PERMIT REVIEW	O
22.03.19	PLANNING PERMIT AMENDMENT	P
14.06.19	PLANNING PERMIT AMENDMENT	Q
18.06.19	POST PLANNING REVIEW	R
30.06.19	POST PLANNING REVIEW	S

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: PROPOSED STREET ELEVATIONS 03 & 04
Date: JUNE 2019
Drawing No.: SK302
Revision: S
Scale: 1:250 @ A3, 1:125 @ A1
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans

MATERIAL SCHEDULE

EF02 PRECAST/ RENDER CONCRETE POLISHED FINISH COLOUR: GREY CONCRETE	EF03 KERLITE TILE MATTE FINISH COLOUR: OFF-WHITE	EF04 BRICK COLOUR: OFF-WHITE WITH MID-GREY MORTAR	EF05 POWDER COATED ALUMINIUM WINDOW FRAMES COLOUR: CHARCOAL	EF06 RENDER PAINT FINISH COLOUR: GREY	EF07 RENDER PAINT FINISH COLOUR: WHITE	EF08 PERFORATED PANEL COLOUR: CHARCOAL	EF09 POWDER COATED ALUMINUM EQUAL ANGLE SCREENING BALCONIES COLOUR: WARM LIGHT GREY
EF10 TIMBER LOOK ALUMINIUM PANELS COLOUR: NATURAL LIGHT ASH	EF12 COLOURBACK GLASS OFFICE COLOUR: OPAQUE GREY	EF13 CLEAR GLASS AWNING/SASH WINDOWS and SHOPFRONTS	EF14 TINTED GLASS OFFICE COLOUR: BLACK	EF15 PAINT FINISH FLASHING/CAPPING COLOUR: LIGHT GREY	EF16 POWDER COATED METAL CANOPY COLOUR: WARM DARK GREY	EF17 POWDER COATED METAL/ALUMINIUM CANOPY WINDOW FRAMES COLOUR: WARM LIGHT GREY	EF18 OFF FORM CONCRETE TIMBER TEXTURE COLOUR: GREY CONCRETE



E01 PROPOSED SWAN STREET ELEVATION | SOUTH
1:300 @ A3, 1:150 @A1



E02 PROPOSED DICKMAN STREET ELEVATION | EAST
1:300 @ A3, 1:150 @A1

loop architecture

• Copyright Loop Architecture.
• All dimensions in millimetres.
• Do not scale drawings.
• Verify all dimensions on site.

L1, 664 Burke Road, Camberwell
Phone 9429 4600
www.looparchitecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
01.03.19	POST PLANNING PERMIT REVIEW	R
22.03.19	PLANNING PERMIT AMENDMENT	S
02.04.19	PLANNING PERMIT AMENDMENT	T
16.05.19	POST PLANNING REVIEW	U
14.06.19	PLANNING PERMIT AMENDMENT	V
18.06.19	POST PLANNING REVIEW	W
19.06.19	POST PLANNING REVIEW	X

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: PROPOSED MATERIALS E01 & E02
Date: JUNE 2018
Drawing No.: SK301
Revision: X
Scale: 1:300 @ A3, 1:150 @ A1
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans





E03 PROPOSED REAR BOUNDARY ELEVATION | NORTH
1:300 @ A3, 1:150 @A1



E04 PROPOSED SIDE BOUNDARY ELEVATION | WEST
1:300 @ A3, 1:150 @A1

loop architecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
27.02.19	FOR CLIENT REVIEW	Q
01.03.19	POST PLANNING PERMIT REVIEW	R
22.03.19	PLANNING PERMIT AMENDMENT	S
02.04.19	PLANNING PERMIT AMENDMENT	T
14.06.19	PLANNING PERMIT AMENDMENT	U
18.06.19	POST PLANNING REVIEW	V
19.06.19	POST PLANNING REVIEW	W

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: PROPOSED MATERIALS E03 + E04
Date: JUNE 2019
Drawing No.: SK302
Revision: W
Scale: 1:300 @ A3, 1:150 @ A1
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



SHADOW STUDIES
EQUINOX SEPT 22 9AM



SHADOW STUDIES
EQUINOX SEPT 22 10AM

loop architecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
28.04.17	PLANNING PERMIT APPLICATION	K
01.18	ADDITIONAL INFORMATION REQUEST	L
20.06.19	POST PLANNING REVIEW	M

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: SHADOW STUDIES
Date: JUNE 2019
Drawing No.: SK601
Revision: M
Scale: 1:500
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



SHADOW STUDIES
EQUINOX SEPT 22 11AM



SHADOW STUDIES
EQUINOX SEPT 22 12PM

loop architecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
28.04.17	PLANNING PERMIT APPLICATION	K
01.18	ADDITIONAL INFORMATION REQUEST	L
20.06.19	POST PLANNING REVIEW	M

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: SHADOW STUDIES
Date: JUNE 2019
Drawing No.: SK602
Revision: M
Scale: 1:500
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



SHADOW STUDIES
EQUINOX SEPT 22 1PM



SHADOW STUDIES
EQUINOX SEPT 22 2PM

loop architecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
28.04.17	PLANNING PERMIT APPLICATION	K
01.18	ADDITIONAL INFORMATION REQUEST	L
20.06.19	POST PLANNING REVIEW	M

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: SHADOW STUDIES
Date: JUNE 2019
Drawing No.: SK603
Revision: M
Scale: 1:500
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



SHADOW STUDIES
EQUINOX SEPT 22 3PM

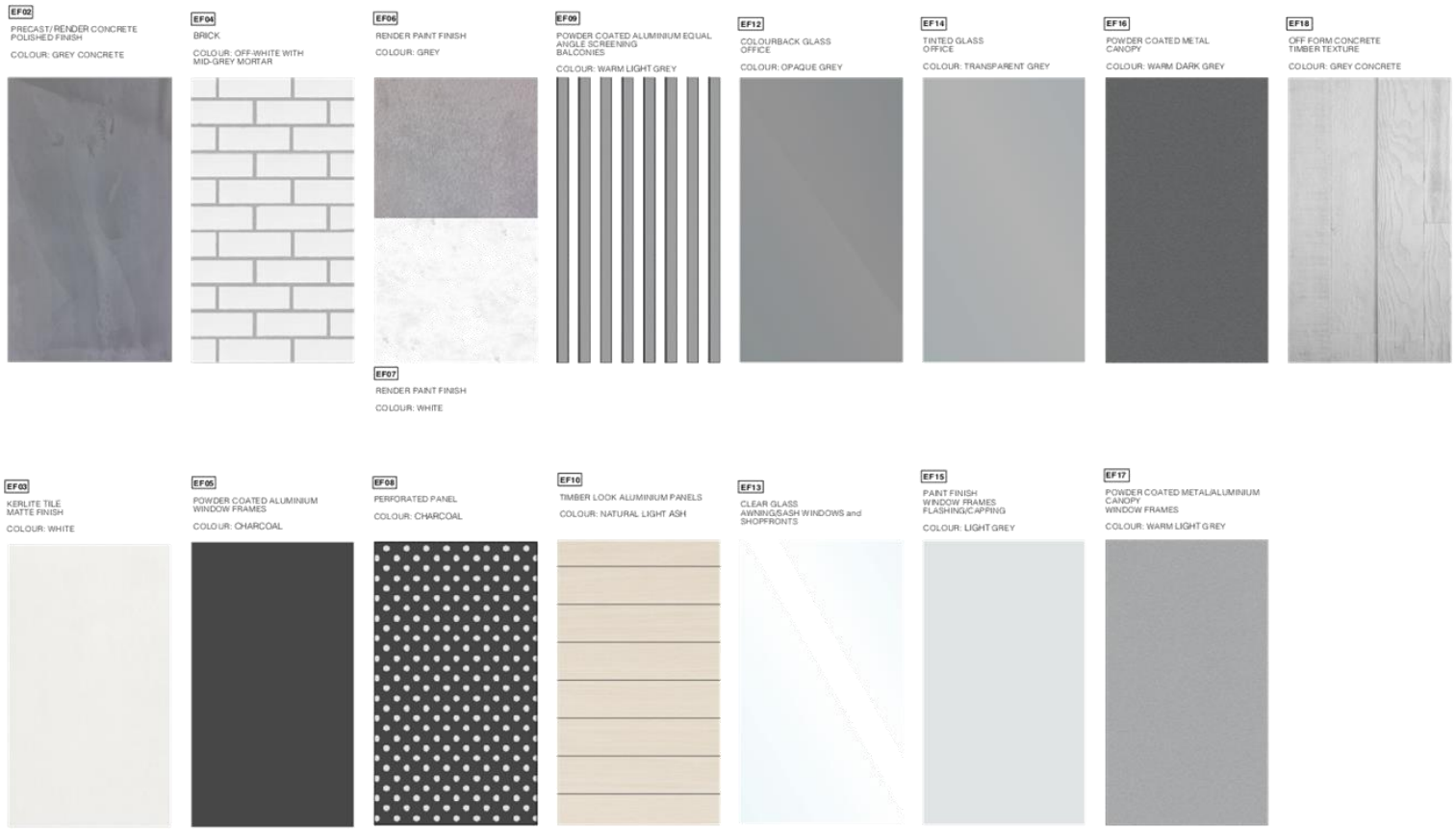
loop architecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
28.04.17	PLANNING PERMIT APPLICATION	K
01.18	ADDITIONAL INFORMATION REQUEST	L
20.06.19	POST PLANNING REVIEW	M

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: SHADOW STUDIES
Date: JUNE 2019
Drawing No.: SK604
Revision: M
Scale: 1:500
Drawn by: KK

Attachment 1 - PLN17/1014 - 171-173 Swan Street - Decision Plans



loop architecture

ALL DIMENSIONS DERIVED FROM INDEPENDANT SURVEY
ALL AREAS APPROXIMATE

Date	Revision	Rev No.
13.03.18	ADDITIONAL INFORMATION REQUEST	M
18.02.19	POST PLANNING PERMIT REVIEW	N
01.03.19	POST PLANNING PERMIT REVIEW	O
02.04.19	PLANNING PERMIT AMENDMENT	P
18.06.19	POST PLANNING REVIEW	Q
21.06.19	POST PLANNING REVIEW	R

Project: 171 SWAN STREET | MULTI RESIDENTIAL DEVELOPMENT
Client: GEOFF KLIGER AND MIKE + ANN WEBB
Project No.: M1601
Stage: PLANNING
Drawing: MATERIAL SCHEDULE
Date: JUNE 2019
Drawing No.: SK901
Revision: R
Scale: NA
Drawn by: KK

Attachment 2 - PLN17/1074 - 171-173 Swan Street - Subject Site

171-173 Swan Street, Richmond

North



Attachment 3 - PLN17/1014 - 171-173 Swan Street - Copy of Title and Title Plan

Copyright State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 (Vic) or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09635 FOLIO 554

Security no : 124069159148R
Produced 20/11/2017 09:27 am

LAND DESCRIPTION

Lot 1 on Title Plan 101204J.
Created by Application No. 055120 18/09/1985

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
171 SWAN PTY LTD of 35 MARKET STREET SOUTH MELBOURNE VIC 3205
AM232220Q 07/10/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM453644Y 06/01/2016
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

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

DIAGRAM LOCATION

SEE TP101204J FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

----------END OF REGISTER SEARCH STATEMENT----------

Additional information: (not part of the Register Search Statement)

Street Address: 171-173 SWAN STREET RICHMOND VIC 3121

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A ANZ RETAIL AND SMALL BUSINESS
Effective from 22/10/2016

DOCUMENT END

Attachment 3 - PLN17/1014 - 171-173 Swan Street - Copy of Title and Title Plan

Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Land Use Victoria.

Document Type	**plan**
Document Identification	**TP101204J**
Number of Pages (excluding this cover sheet)	**1**
Document Assembled	**20/11/2017 09:40**

Copyright and disclaimer notice:
© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

Attachment 3 - PLN17/1014 - 171-173 Swan Street - Copy of Title and Title Plan

TITLE PLAN		EDITION 1	TP 101204J

Location of Land

Parish: JIKA JIKA
Township:
Section:
Crown Allotment:
Crown Portion: 21 (PT)

Last Plan Reference:
Derived From: VOL 9635 FOL 554
Depth Limitation: NIL

Notations

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

Description of Land / Easement Information

all that - --

piece of land in the Parish of Jika Jika County of Bourke being part of --

Crown Portion 21 which land is shown enclosed by continuous lines on the map-

hereon - As to the land marked E-2 TOGETHER with a right to use the land-

marked A^1 for party wall purposes granted by Indenture registered Book 512 --

No.483 (Application 51961) - - - - - - - - - - - - - - -

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT
COMPILED: 09/06/2000
VERIFIED: C.L.

ENCUMBRANCES

As to the land marked E-1 -

RIGHT OF CARRIAGEWAY granted by - Indenture registered Book 512 - - No.483 (Application 51961) -

THE RIGHT OF CARRIAGEWAY (if any) referred to in Contract of Sale - registered Book 498 No.8 - (Application 44958) -

As to the land marked E-2 -

RIGHT TO USE FOR PARTY WALL PURPOSES granted by Indenture registered - -- Book 512 No.483 (Application 51961)-

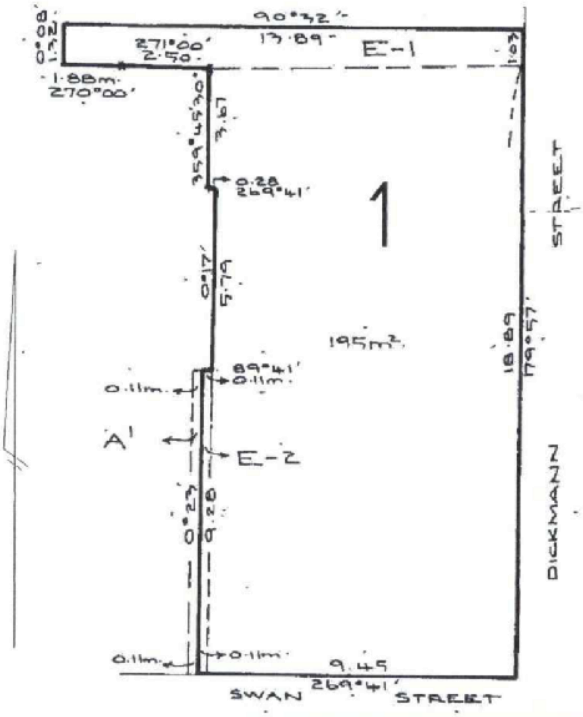


TABLE OF PARCEL IDENTIFIERS
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962
PARCEL 1 = CP 21 (PT)

LENGTHS ARE IN METRES	Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets

Attachment 4 - PLN17/1074 - 171-173 Swan Street - Title Transcript

Michael,

I set out below a transcription of the relevant parts of the Memorials that record the creation of the rights of way.

The balance of the Memorials deals with the names and addresses of the parties, dates and types of instruments, consideration and other similar matters that have no relevance to the rights of way.

Where I have not been able to decipher the relevant parts of the sections of the Memorials transcribed I have inserted ### and the parts I have not been able to transcribe also do not affect the rights of way.

Memorial No. 483 Book 512

Transcription of the Description of the Land or Property Conveyed

"All that piece of land situated in the City of Richmond Parish of Jika Jika County of Bourke State of Victoria and being part of that ## Portion twenty-one of the said Parish commencing at a point on the northern side of Swan Street Richmond distant thirty feet ten inches west of the junction of North West corner of Swan Street and Little Docker Street Richmond and bounded on the south by Swan Street in a line bearing further west fourteen feet ## inches on the west by other part of the said portion in a line at right angles to the last line bearing north sixty two feet eight inches on the north by the other part of the said portion in a line at right angles to the last line bearing - fourteen feet seven inches on the east by a further part of the said portion in a line at right angles to the last line south sixty two feet seven inches to the commencing point and which piece of land is shown on the plan in the margin hereof and thereon coloured red and blue and yellow To i-old the said premises unto and to the use of the purchaser in fee simple. Together with the right to use the land coloured green and green hatched on the said plan for party wall purposes Reserving into the Vendors their successors and assigns the registered owner or owners for the time being of the land covered green on the said plan a right to use the land coloured yellow on the said plan for party wall purposes and reserving to the Vendors their successors and assigns the registered owner or owners for the time being of the land covered green hatched on the said plan the right to use the said land covered blue for party for purposes and together with a right of carriageway over the land coloured brown on the said plan"

Memorial No. B Book 498

Transcription of the Description of the Land or Property conveyed

All that piece or parcel of land situated in the City (formally Borough) of Richmond Parish of Jika Jika County of Bourke Victoria Formerly Colony of Victoria) and being part of subsection ##twenty one of the said Parish commencing at a point on the north side of Swan Street Richmond distant forty five feet ## inches west from the intersection or north-west corner of Swan Street and Little Docker Street Richmond and bounded on the south by Swan Street in line bearing further west ## feet six inches on the West ## to said portion in a line at right angles to the ## North 63 feet on the north by another ## at right angles to the last line bearing east 15 feet and 3 inches and on the east by ## at right angles to the ## sixty six feet to the commencing point and which ## is shown on the plan drawn hereon and thereon coloured red and blue Together with a party wall easement over the land on the east coloured yellow reserving in favour to the said land coloured yellow a party wall easement over the said land colour blue and Together with a right of carriageway over the land coloured brown on the said plan

Geoff Kilger
Senior Special Counsel | Accredited Property Law Specialist
Property Law Group

<image-006.png>

Level 4, 555 Lonsdale Street, Melbourne VIC 3000
D +61 3 8656 8370 | F +61 3 8600 3699
kilger.com.au

Building Thermal Performance Assessors
A.B.N: 167 787 259 16
2/1 Oxford Street, Oakleigh Vic 3166
Phone: 03 9563 2116
Email: admin@complianceenergy.com.au
www.complianceenergy.com.au

COMPLIANCE
ENERGY RATING

SUSTAINABLE DESIGN ASSESMENT

Date: 22/03/2019

Subject: **Proposed Mixed Use Development Project**
1 Office, 1 Shop and 3 Apartments
171 Swan Street, Richmond Vic. 3121

Summary and Commitments

Component	Requirement for compliance
Energy efficiency	Energy rating assessment to be minimum 6.6 stars efficiency. ▪ Heating system type: Gas Central Ducted Cooling system type: Refrigerative Space/Split System Heating System efficiency to be 4 stars Cooling System efficiency to be 4 stars Hot water system type: Gas Instantaneous 5 star ▪ Energy efficient electrical appliances to be within one point of the highest available energy rating. ▪ Energy efficient water heaters to be used, gas instantaneous, minimum 5 stars. ▪ Lighting per units to be 4W/m2 ▪ Energy efficient LED lighting and/or compact fluorescent lighting type.
Material fabric	▪ Double-glazing to be used to all windows. ▪ Insulation to be in accordance to minimum requirements: R2.5 for external walls. ▪ R5.0 for ceilings.
Water efficiency	▪ Toilets to be minimum 5 Star WELS rating. ▪ Basins to be minimum 5 Star WELS rating. ▪ All kitchen and bathroom taps 5 star WELS rating ▪ Shower flow rate should not to exceed 6.0 l/min. To be noted on plans. ▪ Collection rain-water tank size minimum L5,000 connected to toilets
Indoor Environment Quality	▪ Insulation between apartments walls to reduce noise intrusion. ▪ Double-glazed to reduce external noise intrusion. ▪ Minimize VOC materials on paints and adhesives

1) Project Scope

The project is on 171 Swan Street, Richmond VIC 3121. This is a proposed mixed use development project for 1 Shop, 1 Office & 3 Apartments. The total land area is approximately 194 m2 in land size.

2) Design Process

Environmental Sustainable Design (ESD) initiatives were carried out using the following:

- BESS stands for (Built Environment Sustainability Scorecard) Tools for Environmental Performance Strategy. Average rating was obtained from all dwellings for heating, cooling and star rating. Refer to attached energy report rating. The BESS design tool was used to achieve the following report. Refer to Appendix A and BESS report;
- Frate5 Preliminary assessments

3) Sustainable Design Statement for the Project

a) Energy efficiency

The dwellings have been assessed using 2nd generation approved system by the Building Code Australia, FirstRate 5. Each dwelling to be minimum **6.0 stars**. The proposed project with the above recommendations meets and exceeds the NCC Section 3.12 of achieving an energy rating of 6.6 stars. Refer to Appendix A for the sustainability score.
Each dwelling to have a gas instantaneous system, minimum 5 stars efficiency.

b) Appliances

Energy efficient appliances also required to be installed and used throughout the building as part of the base building works such as: lighting, dryers, dishwashers and refrigerators (if applicable). Each appliance is recommended to be within one point of the highest available energy rating under the Australian Government "Energy Rating" labelling system. This is in accordance to Green Star guidelines.

Minimum Energy Performance Standards (MEPS). Energy Rating (EER).

- **Heating system type:** reverse cycle heating
- **Cooling system type:** air conditioning rating minimum EER 4.25 and 4.25 to bedrooms.
- **Cooling system options:** room/space heating per need basis to avoid unnecessary usage when unoccupied.
- **Water heater type:** gas instantaneous hot water system, 5-Star efficiency. To be designed by services engineers
- **Lighting in living areas:** energy efficient LED downlights and/or compact fluorescent lighting type. SLS Series model LED P12, 12W lighting

4) Water efficiency

a) Fixtures, Fittings and Appliances

Water Efficiency Labelling and Standards (WELS)

Shower: minimum 5 Star WELS rating, maximum flow rate not to exceed 6.0 l/min.
Toilet: minimum 5 Star WELS rating
Taps: minimum 5 Star WELS rating
Dishwasher: minimum 5 Star WELS rating

b) Stormwater Management

Collection of water is to be from roof. Collected water to be used directly (without any treatment) for: irrigation. Collected from water-tank is to be also used for toilets flushing.

2 Watertank of 5,000Ltrs. to be connected to toilets for flushing. The whole site

meeting Melbourne Storm Rating requirement of 100%. The Melbourne Storm

Rating verdict is 109%, satisfying this requirement.

Refer to attached Storm Rating Report.

5) Materials

a) Construction Materials

Glazing to be used in accordance to energy report meeting minimum NCC Section 3.12 6-star energy efficiency. Ceilings insulation R5.0 and external wall insulation R2.5. Seal gaps, cracks and exhaust fans. Weather-strip windows and external/entry doors.

b) Building Materials

Materials that will be used are: concrete slab, brick work, timber frames, light weight cladding and metal roof. Wall and ceiling insulations to be implemented as per energy rating report and recommendations to improve energy efficiency rating.
The basic concept of this category is to reduce the amount of natural resources used, reuse whatever materials can be reused and recycle whenever possible. It is encouraged to use sustainable timber and recycle content of concrete and steel.

6) Indoor Environment Quality

This section is about improving thermal comfort, lighting, ventilation, internal noise and minimization of indoor VOCs.

a) Daylight, Thermal Comfort and Noise

Dwellings have plenty of daylight and natural light and ventilation. This is commended and recognized. Light coloured floor, light paint for walls and ceilings are also recommended.

7) Urban Ecology

Below are some suggestions to improve overall urban ecology:

- Keep as much as possible existing vegetation
- Re-establish native vegetation
- Heal degraded areas
- Encourage food producing gardens

8) Application and Commissioning

For town planning submission, the following are recommended:

Submit ESD report.

Ensure that the summary notes, water tank are clearly noted on the drawings for endorsement by council planners.

Commitment for a thorough commissioning program to be undertaken to ensure that systems are effectively and efficiently operating.

Ensure that the ESD recommendations in this report will be incorporated in the project and services documentation for building permit stage.

Contractor or builder to have a valid Environmental Management System.

BESS Report

This BESS report outlines the sustainable design commitments of the proposed development at 171 Swan Street Richmond VIC 3121. The BESS report and accompanying documents and evidence are submitted in response to the requirement for a Sustainable Design Assessment or Sustainability Management Plan at Yarra City Council.

Note that where a Sustainability Management Plan is required, the BESS report must be accompanied by a report that further demonstrates the development's potential to achieve the relevant environmental performance outcomes and documents the means by which the performance outcomes can be achieved.

171 Swan Street, Richmond 3121 Richmond

Site area: 194 m^2 · Building Floor Area: 530 m^2 ·
Date of Assessment: 11 Apr 2019 ·
Version: V3, 1.5.1-B157 ·
Applicant: terry@complianceenergy.com.au

Project number
20539

Published
http://bess.net.au/projects/20539

Your BESS score is

+ 47%

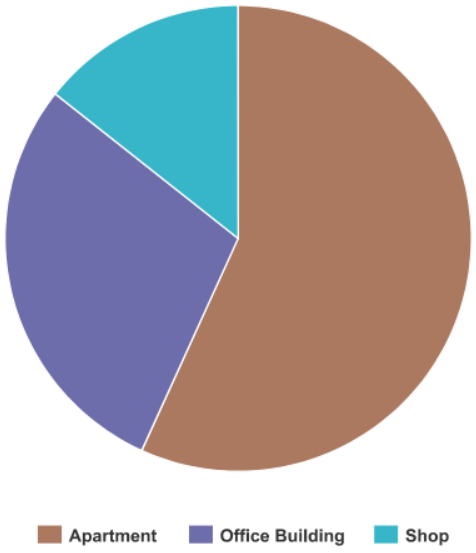
0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

50% + Best Practice

70% + Excellence

% of Total	Category	Score	Pass
1 %	Management	37 %	
5 %	Water	62 %	✓
16 %	Energy	59 %	✓
13 %	Stormwater	100 %	✓
2 %	IEQ	15 %	✗
3 %	Transport	40 %	
3 %	Waste	66 %	
0 %	Urban Ecology	6 %	
0 %	Innovation	0 %	

Building Composition



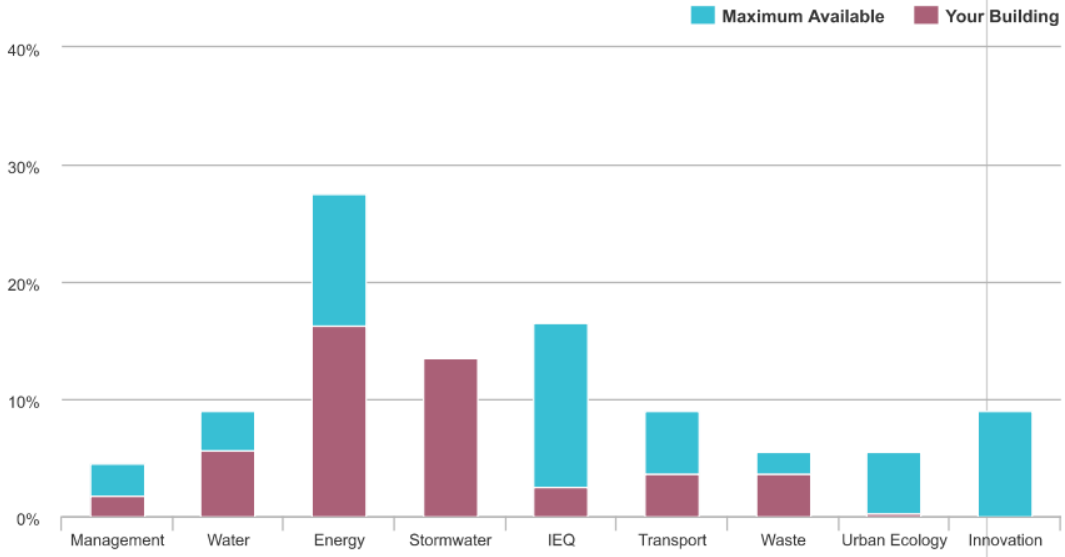
Dwellings

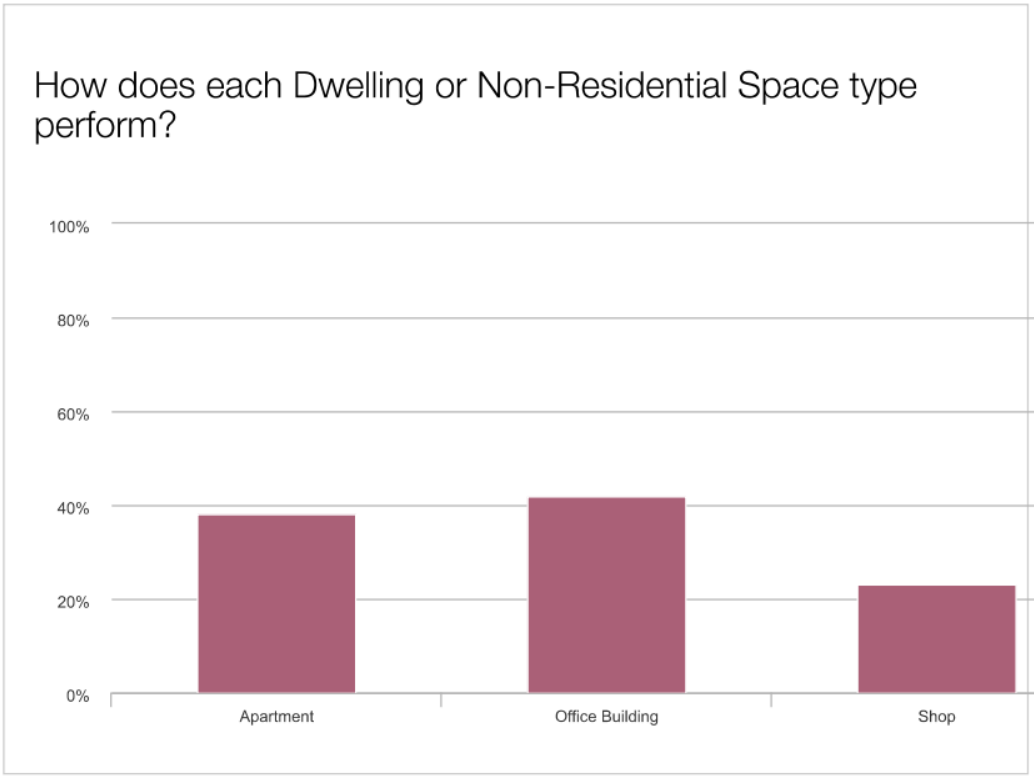
Type	Name	Quantity	Area
Apartment	Apartment 1	1	78 m^2
Apartment	Apartment 2	1	52 m^2
Apartment	Apartment 3	1	170 m^2

Non-Residential Spaces

Office Building	153 m^2
Shop	76 m^2

How did this Development Perform in each Environmental Category?





Sustainable design commitments by category

The sustainable design commitments for this project are listed below. These are to be incorporated into the design documentation and subsequently implemented.

Management

37% - contributing 1% to overall score

Credit	Disabled	Scoped out	Score
Management 2.2 Thermal Performance Modelling - Multi-Dwelling Residential			100 %
Management 2.3 Thermal Performance Modelling - Non-Residential			0 %
Management 2.4 Thermal Performance Modelling - Non-Residential			0 %
Management 3.1 Metering			100 %
Management 3.2 Metering			100 %
Management 3.3 Metering			100 %

Management 2.2 Thermal Performance Modelling - Multi-Dwelling Residential

100%

Score Contribution	This credit contributes 13% towards this section's score.

Aim	To encourage and recognise developments that have used modelling to inform passive design at the early design stage
Notes	All 3 Apartments have a preliminary 6 Star Energy Reports using FirstRate 5 All Apartments comply to over 6 stars- lowest= 6.3 Stars and Highest= 6.9 Stars. They have an average of 6.6 stars collectively All Cooling Loads are under 30 MJ/M2 per annum.

Questions

Have preliminary NatHERS ratings been undertaken for all thermally unique dwellings?

Apartment
Yes

Management 2.3 Thermal Performance Modelling - Non-Residential 0%

Score Contribution	This credit contributes 10% towards this section's score.
Aim	To encourage and recognise developments that have used modelling to inform passive design at the early design stage
Notes	This will be undertaken at a later stage and we will ensure that Part J report details that it will exceed the minimum NCC requirements by at least 10%.

Questions

Has preliminary modelling been undertaken in accordance with either BCA Section J (Energy Efficiency), NABERS or Green Star?

Management 2.4 Thermal Performance Modelling - Non-Residential 0%

Score Contribution	This credit contributes 5% towards this section's score.
Aim	To encourage and recognise developments that have used modelling to inform passive design at the early design stage
Notes	This will be undertaken at a later stage and we will ensure that Part J report details that it will exceed the minimum NCC requirements by at least 10%.

Questions

Has a preliminary Section J glazing assessment been undertaken?

Management 3.1 Metering 100%

Score Contribution	This credit contributes 6% towards this section's score.
Aim	To provide building users with information that allows monitoring of energy and water consumption

Questions

Have utility meters been provided for all individual dwellings?

Apartment
Yes

Management 3.2 Metering 100%

Score Contribution	This credit contributes 5% towards this section's score.
Aim	To provide building users with information that allows monitoring of energy and water consumption

Questions

Have utility meters been provided for all individual commercial tenants?

Office Building	Shop
Yes	Yes

Management 3.3 Metering 100%

Score Contribution	This credit contributes 11% towards this section's score.
Aim	To provide building users with information that allows monitoring of energy and water consumption

Questions

Have all major common area services been separately submetered?

Apartment	Office Building	Shop
Yes	Yes	Yes

Water 62% - contributing 5% to overall score

Credit	Disabled	Scoped out	Score

Water 1.1 Potable Water Use Reduction (Interior Uses)	50 %
Water 2.1 Rainwater Collection & Reuse (Additional Uses)	100 %
Water 4.1 Building Systems Water Use Reduction	100 %

Water Approachs

What approach do you want to use Water?	Use the built in calculation tools

Project Water Profile Questions

Are you installing a rainwater tank?	Yes

Water fixtures, fittings and connections

	Office Building	Shop	Apartment 1
Showerhead	3 Star WELS (> 6.0 but <= 7.5)	3 Star WELS (> 6.0 but <= 7.5)	3 Star WELS (> 6.0 but <= 7.5)
Bath	Scope out	Scope out	Scope out
Kitchen Taps	> 5 Star WELS rating	> 5 Star WELS rating	> 5 Star WELS rating
Bathroom Taps	> 5 Star WELS rating	> 4 Star WELS rating	> 5 Star WELS rating
Dishwashers	> 5 Star WELS rating	Scope out	> 5 Star WELS rating
WC	> 5 Star WELS rating	> 5 Star WELS rating	> 5 Star WELS rating
Urinals	Scope out	Scope out	Scope out
Washing Machine Water Efficiency	Scope out	Scope out	> 5 Star WELS rating
Rainwater connected to: Toilets	Yes	Yes	Yes

	Apartment 2	Apartment 3
Showerhead	3 Star WELS (> 6.0 but <= 7.5)	3 Star WELS (> 6.0 but <= 7.5)
Bath	Scope out	Scope out
Kitchen Taps	> 5 Star WELS rating	> 5 Star WELS rating
Bathroom Taps	> 5 Star WELS rating	> 5 Star WELS rating
Dishwashers	> 5 Star WELS rating	> 5 Star WELS rating
WC	> 5 Star WELS rating	> 5 Star WELS rating
Urinals	Scope out	Scope out
Washing Machine Water Efficiency	> 5 Star WELS rating	> 5 Star WELS rating
Rainwater connected to: Toilets	Yes	Yes

Rainwater Tanks

	Watertank
What is the total roof area connected to the rainwater tank? Square Metres	120.0
Tank Size Litres	5000.0

Water 1.1 Potable Water Use Reduction (Interior Uses) 50%

Score Contribution	This credit contributes 50% towards this section's score.
Aim	Water 1.1 Potable water use reduction (interior uses) What is the reduction in total water use due to efficient fixtures, appliances, and rainwater use? To achieve points in this credit there must be >25% potable water reduction. You are using the built in calculation tools. This credit is calculated from information you have entered above.
Criteria	Percentage reduction in potable water use

Questions

Percentage Achieved ? Percentage %

Project wide

%

Calculations

Annual Water Consumption (kL) (Reference)

Project wide

755

Annual Water Consumption (kL) (Proposed)

Project wide

487

% Reduction in Potable Water Consumption Percentage %

Project wide

35 %

Water 2.1 Rainwater Collection & Reuse (Additional Uses) 100%

Score Contribution	This credit contributes 25% towards this section's score.

Aim	What is the additional reduction in potable (mains) water use due to rainwater harvesting? Additional water uses for rainwater include non-potable demands such as irrigation, pools, commercial process uses and taps for washdown. Note: tank water will only be available for additional uses if it not required for internal uses. If the property uses an alternative water source, the alternative water source is deemed to meet 90% of additional non-potable water use requirements. You are using the built in calculation tools. This credit is calculated from information you have entered above in the rainwater tanks section.
Criteria	What is the additional reduction in potable (mains) water use due to using rainwater or an alternative water source?

Questions

Percentage Achieved ? Percentage %

Project wide
%

Calculations

Rainwater collection & reuse (additional uses) Percentage %

Project wide
100 %

Water 4.1 Building Systems Water Use Reduction 100%

Score Contribution	This credit contributes 12% towards this section's score.
Aim	Will the project minimise water use for building systems such as evaporative cooling and fire testing systems?

Questions

Where applicable, have measures been taken to reduce potable water consumption by >80% in the buildings air-conditioning chillers and when testing fire safety systems?

Project wide
Yes

Energy 59% - contributing 16% to overall score

Credit	Disabled	Scoped out	Score
Energy 1.2 Thermal Performance Rating - Residential			16 %

Energy 2.1 Greenhouse Gas Emissions	100 %
Energy 2.2 Peak Demand	100 %
Energy 2.3 Electricity Consumption	100 %
Energy 2.4 Gas Consumption	100 %
Energy 3.1 Carpark Ventilation	100 %
Energy 3.2 Hot Water	100 %
Energy 3.4 Clothes Drying	100 %
Energy 3.6 Internal Lighting - Residential Multiple Dwellings	100 %
Energy 3.7 Internal Lighting - Non-Residential	66 %
Energy 4.1 Combined Heat and Power (cogeneration / trigeneration)	N/A

Energy DTSs

Use the BESS Deem to Satisfy (DtS) method for Energy?	Yes
Do all facades demonstrate a min 10% improvement in required BCA insulation level (total R value upwards and downwards)?	Yes
Does all glazing meet a 10% improvement in required BCA glazing calculator (or better than 90% of total allowance)?	Yes
Are heating and cooling systems within one Star, or Coefficient of Performance (CoP) & Energy Efficiency Ratios (EER) 85% or better than the most efficient equivalent capacity unit available?	Yes
Are water heating systems within one Star, or 85% or better than the most efficient equivalent capacity unit available?	Yes

Dwellings Energy Approachs

What approach do you want to use for Energy?	Provide our own calculations

Energy 1.2 Thermal Performance Rating - Residential 16%

Score Contribution	This credit contributes 15% towards this section's score.
Aim	Reduce reliance on mechanical systems to achieve thermal comfort in summer and winter - improving comfort, reducing greenhouse gas emissions, energy consumption, and maintenance costs.

Criteria	What is the average NatHERS rating?
Notes	6.6 Stars

Questions

NATHERS Rating ? Stars

Apartment
6.7

Energy 2.1 Greenhouse Gas Emissions 100%

Score Contribution	This credit contributes 9% towards this section's score.
Aim	Reduce the building's greenhouse gas emissions
Criteria	Are greenhouse gas emissions >10% below the benchmark

Questions

Criteria Achieved ?

Apartment	Office Building
Yes	Yes

Energy 2.2 Peak Demand 100%

Score Contribution	This credit contributes 4% towards this section's score.
Aim	Reduce demand on electrical infrastructure during peak cooling periods
Criteria	Has the instantaneous (peak-hour) demand been reduced by >25%

Questions

Criteria Achieved ?

Apartment	Office Building
Yes	Yes

Energy 2.3 Electricity Consumption 100%

Score Contribution	This credit contributes 9% towards this section's score.
Aim	Reduce consumption of electricity

Criteria	Is the annual electricity consumption >10% below the benchmark

Questions

Criteria Achieved ?

Apartment	Office Building
Yes	Yes

Energy 2.4 Gas Consumption 100%

Score Contribution	This credit contributes 9% towards this section's score.
Aim	Reduce consumption of electricity
Criteria	Is the annual gas consumption >10% below the benchmark?

Questions

Criteria Achieved ?

Apartment	Office Building
Yes	Yes

Energy 3.1 Carpark Ventilation 100%

Score Contribution	This credit contributes 9% towards this section's score.

Questions

If you have a basement carpark, is it either: (a) fully naturally ventilated (no mechanical ventilation system), or (b) use Carbon Monoxide monitoring to control the operation and speed of the ventilation fans

Project wide
Yes

Energy 3.2 Hot Water 100%

Score Contribution	This credit contributes 4% towards this section's score.
Criteria	Does the hot water system use >10% less energy (gas and electricity) than the reference case?

Questions

Criteria Achieved ?

Apartment	Office Building
Yes	Yes

Energy 3.4 Clothes Drying 100%

Score Contribution	This credit contributes 2% towards this section's score.
Criteria	Does the combination of clothes lines and efficient dryers reduce energy (gas+electricity) consumption by more than 10%?

Questions

Criteria Achieved ?

Apartment
Yes

Energy 3.6 Internal Lighting - Residential Multiple Dwellings 100%

Score Contribution	This credit contributes 5% towards this section's score.
Aim	Reduce energy consumption associated with internal lighting

Questions

Is the maximum illumination power density (W/m2) in at least 90% of the relevant Building Class at least 20% lower than required by Table J6.2a of the NCC BCA (2013) Volume 1 Section J (Class 2 to 9) and clause 3.12.5.5 NCC BCA (2013) Volume 2 Section J (Class 1 and 10)

Apartment
Yes

Energy 3.7 Internal Lighting - Non-Residential 66%

Score Contribution	This credit contributes 4% towards this section's score.
Aim	Reduce energy consumption associated with internal lighting

Questions

Is the maximum illumination power density (W/m2) in at least 90% of the relevant building class at least 20% lower than required by Table J6.2a of the NCC 2016 BCA Volume 1 Section J (Class 2 to 9)

Office Building	Shop
Yes	Yes

Energy 4.1 Combined Heat and Power (cogeneration / trigeneration) N/A

This credit was scoped out: No cogeneration or trigeneration system in use.

This credit was disabled: No cogeneration or trigeneration system in use.

Aim	Reduce energy consumption
Criteria	Does the CHP system reduce the class of buildings GHG emissions by more than 25%?

Stormwater 100% - contributing 13% to overall score

Credit	Disabled	Scoped out	Score
Stormwater 1.1 Stormwater Treatment			100 %

Which stormwater modelling are you using?	Melbourne Water STORM tool

Stormwater 1.1 Stormwater Treatment 100%

Score Contribution	This credit contributes 100% towards this section's score.
Aim	To achieve best practice stormwater quality objectives through reduction of pollutant load (suspended solids, nitrogen and phosphorus)
Criteria	Has best practice stormwater management been demonstrated?

Questions

STORM score achieved

Project wide
109

Flow (ML/year) % Reduction

Project wide
-

Total Suspended Solids (kg/year) % Reduction

Project wide

-

Total Phosphorus (kg/year) % Reduction

Project wide

-

Total Nitrogen (kg/year) % Reduction

Project wide

-

Calculations

Min STORM Score

Project wide

100

IEQ

15% - contributing 2% to overall score

Credit	Disabled	Scoped out	Score
IEQ 1.4 Daylight Access - Non-Residential			44 %
IEQ 1.5 Daylight Access - Minimal Internal Bedrooms			100 %

IEQ DTSs

Use the BESS Deem to Satisfy (DtS) method for IEQ?	Yes
Do all living areas and bedrooms have a floor-to-ceiling height of at least 2.7m?	Yes
Does all glazing to living areas achieve at least 60% Visible Light Transmittance (VLT)?	Yes
Do all living areas have an external facing window (not into a courtyard, light well or other major obstruction)?	Yes
Does the building(s) comply with the requirements of the building separation tables?	Yes

Dwellings IEQ Approachs

What approach do you want to use for IEQ?	Use the built in calculation tools

IEQ 1.4 Daylight Access - Non-Residential 44%

Score Contribution	This credit contributes 17% towards this section's score.
Aim	To provide a high level of amenity and energy efficiency through design for natural light.
Criteria	What % of the nominated floor area has at least 2% daylight factor?

Questions

% Achieved ?

Office Building
75 %

IEQ 1.5 Daylight Access - Minimal Internal Bedrooms 100%

Score Contribution	This credit contributes 7% towards this section's score.
Aim	To provide a high level of amenity and energy efficiency through design for natural light and ventilation.

Questions

Do at least 90% of dwellings have an external window in all bedrooms?

Apartment
Yes

Transport 40% - contributing 3% to overall score

Credit	Disabled	Scoped out	Score
Transport 1.1 Bicycle Parking - Residential			100 %
Transport 1.3 Bicycle Parking - Convenience Residential			100 %
Transport 1.4 Bicycle Parking - Non-Residential			66 %
Transport 1.5 Bicycle Parking - Non-Residential Visitor			100 %
Transport 1.6 End of Trip Facilities - Non-Residential			66 %

Transport 1.1 Bicycle Parking - Residential 100%

Score Contribution	This credit contributes 15% towards this section's score.

Aim	To encourage and recognise initiatives that facilitate cycling
Criteria	Is there at least one secure bicycle space per dwelling?

Questions

Bicycle Spaces Provided ?

Apartment
11

Calculations

Min Bicycle Spaces Required

Apartment
3

Transport 1.3 Bicycle Parking - Convenience Residential 100%

Score Contribution	This credit contributes 7% towards this section's score.
Aim	To facilitate cycling by providing easily accessible parking infrastructure

Questions

Are bike parking facilities for residents located at ground level?

Apartment
Yes

Transport 1.4 Bicycle Parking - Non-Residential 66%

Score Contribution	This credit contributes 11% towards this section's score.
Aim	To encourage and recognise initiatives that facilitate cycling

Questions

Have the planning scheme requirements for employee bicycle parking been exceeded by at least 50%?

Office Building	Shop
Yes	Yes

Transport 1.5 Bicycle Parking - Non-Residential Visitor 100%

Score Contribution	This credit contributes 5% towards this section's score.
Aim	To encourage and recognise initiatives that facilitate cycling

Questions

Have the planning scheme requirements for visitor bicycle parking been exceeded by at least 50%?

Office Building	Shop
Yes	Yes

Transport 1.6 End of Trip Facilities - Non-Residential 66%

Score Contribution	This credit contributes 5% towards this section's score.
Aim	To encourage and recognise initiatives that facilitate cycling
Criteria	Adequate bicycle parking has been provided. Is there also: * 1 shower for the first 5 bicycle spaces plus 1 to each 10 bicycles spaces thereafter, * changing facilities adjacent to showers, and * one secure locker per bicycle space in the vicinity of the changing / shower facilities?

Questions

Number of showers provided ?

Office Building
2

Number of lockers provided ?

Office Building
4

Calculations

Min Showers Required

Office Building	Shop
2	2

Min Lockers Required

Office Building	Shop
1	1

Waste

66% - contributing 3% to overall score

Credit	Disabled	Scoped out	Score
Waste 1.1 - Construction Waste - Building Re-Use			100 %
Waste 2.2 - Operational Waste - Convenience of Recycling			100 %

Waste 1.1 - Construction Waste - Building Re-Use

100%

Score Contribution	This credit contributes 33% towards this section's score.
Aim	To recognise developments that re-use materials on-site

Questions

If the development is on a site that has been previously developed, has at least 30% of the existing building been re-used?

Project wide
Yes

Waste 2.2 - Operational Waste - Convenience of Recycling

100%

Score Contribution	This credit contributes 33% towards this section's score.
Aim	To minimise recyclable material going to landfill

Questions

Are the recycling facilities at least as convenient for occupants as facilities for general waste?

Project wide
Yes

Urban Ecology

6% - contributing 0% to overall score

Credit	Disabled	Scoped out	Score
Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology			100 %

Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology

100%

Score Contribution	This credit contributes 6% towards this section's score.

Aim	Encourage plants to be grown on balconies and courtyards

Questions

Is there a tap and floor waste on every balcony / in every courtyard?

Apartment

Yes

Innovation

0% - contributing 0% to overall score

Items to be marked on floorplans

0 / 15 floorplans & elevation notes complete.

Management 3.1: Individual utility meters annotated	Incomplete
Management 3.2: Individual utility meters annotated	Incomplete
Management 3.3: Common area submeters annotated	Incomplete
Energy 3.1: Carpark with natural ventilation or CO monitoring system	Incomplete
Energy 3.4: External lighting sensors annotated	Incomplete
Water 2.1: Location of rainwater tanks as described	Incomplete
Stormwater 1.1: Location of any stormwater management systems used in STORM or MUSIC modelling (e.g. Rainwater tanks, raingarden, buffer strips)	Incomplete
IEQ 1.5: Floor plans with compliant bedrooms marked	Incomplete
Transport 1.1: All nominated residential bicycle parking spaces	Incomplete
Transport 1.3: Residential bicycle parking spaces at ground level	Incomplete
Transport 1.4: All nominated non-residential bicycle parking spaces	Incomplete
Transport 1.5: All nominated non-residential visitor bicycle parking spaces	Incomplete
Transport 1.6: Showers, change rooms and lockers as nominated	Incomplete
Waste 2.2: Location of recycling facilities	Incomplete
Urban Ecology 2.4: Taps and floor waste on balconies / courtyards	Incomplete

Documents and evidence

0 / 8 supporting evidence documentation complete.

Management 2.2: Preliminary NatHERS assessments	Incomplete

Energy 3.1: Provide a written explanation of either the fully natural carpark ventilation or carbon monxide monitoring, describing how these systems will work, what systems are required for them to be fully integrated and who will be responsible for their implementation throughout the design, procurement and operational phases of the building life.	Incomplete
Energy 3.6: Provide a written description of the average lighting power density to be installed in the development and specify the lighting type(s) to be used.	Incomplete
Energy 3.7: Provide a written description of the average lighting power density to be installed in the development and specify the lighting type(s) to be used.	Incomplete
Stormwater 1.1: STORM report or MUSIC model	Incomplete
IEQ 1.4: A short report detailing assumptions used and results achieved.	Incomplete
IEQ 1.5: A list of compliant bedrooms	Incomplete
Waste 1.1: Report detailing how the existing building is being reused on-site	Incomplete

The Built Environment Sustainability Scorecard (BESS) has been provided for the purpose of information and communication. While we make every effort to ensure that material is accurate and up to date (except where denoted as 'archival'), this material does in no way constitute the provision of professional or specific advice. You should seek appropriate, independent, professional advice before acting on any of the areas covered by BESS.

The Municipal Association of Victoria (MAV) and CASBE (Council Alliance for a Sustainable Built Environment) member councils do not guarantee, and accept no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency or completeness of BESS, any material contained on this website or any linked sites.

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

STORM Rating Report

TransactionID:	746968
Municipality:	YARRA
Rainfall Station:	YARRA
Address:	171 Swan Street
	Richmond
	VIC 3121
Assessor:	Compliance Energy Rating -Terry Stamatopoulos
Development Type:	Residential - Mixed Use
Allotment Site (m2):	194.00
STORM Rating %:	109

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Roof	59.00	None	0.00	0	0.00	0.00
Roof	120.00	Rainwater Tank	5,000.00	5	163.00	84.40

Date Generated: 21-Mar-2019 Program Version: 1.0.0

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

Building Thermal Performance Assessors
A.B.N: 167 787 259 16
2/1 Oxford Street, Oakleigh Vic 3166
Phone: 03 9563 2116
Email: admin@complianceenergy.com.au
www.complianceenergy.com.au

COMPLIANCE ENERGY RATING

SUMMARY OF REPORT

CLIENT: Loop Architecture **Date:** 20/03/2019

PLANS BY: Loop Architecture

PLANS JOB No.: M1601 **REF No.:** CER6090

RATED ADDRESS	Apartment	Heating Load	Cooling Load	STAR RATING
171 Swan Street, Richmond, Vic 3121	1	78.1	24.8	6.3
	2	61.9	24.0	6.9
	3	74.7	20.8	6.6
	Average			6.6

FLOOR DETAILS	
Concrete slabs:	**R1.0 insulation required**
Suspended Slab between levels (Apart. 4):	**No insulation required**
WALL DETAILS	
Brick Veneer walls:	**R2.0 insulation plus 1 anti glare reflective foil**
Concrete Tilt up walls:	**R2.0 insulation required**
ROOF & CEILING DETAILS	
Flat Metal Roofs:	**R4.0 insulation plus 1 single sided foil**
Concrete slabs:	**R1.0 insulation required**
WINDOWS, GLAZING	
FRAMES:	**Aluminium Frames**
GLAZING:	**All Windows to be Double Glazed with U-Value=4.50, SHGC=0.61**
	U Value to be equal or less & SHGC can be within 5%

AIR LEAKAGE

- Exhaust fans to be sealed.
- Windows and sliding doors are fitted with weather seals.
- External doors to be weather stripped.
- Gaps & Cracks around doors, windows and service penetrations are sealed.
- All other: as per energy report and plans.

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

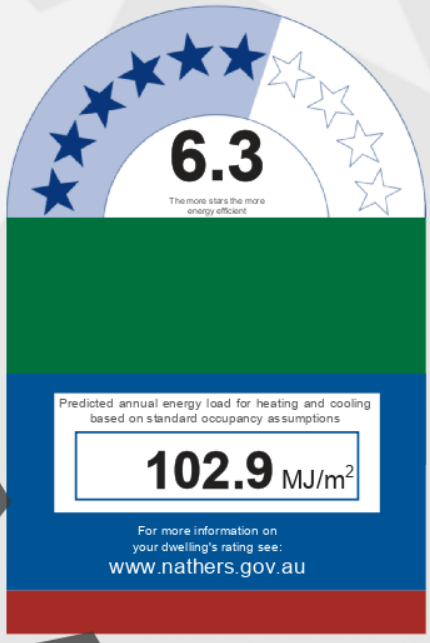
Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **NNNB7T42U6** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.3**

PREVIEW

Assessor details

Accreditation number:	VIC/BDAV/10/1015
Name:	Terry Stamatopoulos
Organisation:	Compliance Energy Rating
Email:	terry@complianceenergy.com.au
Phone:	0400665738
Declaration of interest:	No potential conflicts of interest to declare
Software:	FirstRate5: 5.2.10a (3.13)
AAO:	BDAV



Overview

Dwelling details

Address:	1, 171 Swan Street		
Suburb:	Richmond		
State:	VIC	Postcode:	3121
Type:	New Home	NCC Class:	Class 2
Lot/DP number:	-	NatHERS climate zone:	21
Exposure:	suburban		

Key construction and insulation materials
(see following pages for details)

Construction:	Wall:	Brick Veneer & Concrete
	Roof:	Metal, Slab
	Floor:	SusbSlab
Insulation:	Wall:	R2.0
	Roof:	R4.0 to metal & R1.0 to slab
	Floor:	R1.0
Glazing:		Aluminium Double Glazed

Ceiling penetrations
(see following pages for details)

Sealed:	22
Unsealed:	0
TOTAL:**	22
Principal downlight type:	LED

NOTE: This total is the maximum number of ceiling penetrations allowed to a ceiling (under a roof) for this certificate. **If this number is exceded in construction then this certificate IS NOT VALID and a new certificate is required. Loss of ceiling insulation for the penetrations listed has been taken into account with the rating.

Net floor area (m^2)

Conditioned:	78.2
Unconditioned:	0
Garage:	-
TOTAL:	78.2

Annual thermal performance loads (MJ/m^2)

Heating:	78.1
Cooling:	24.8
TOTAL:	102.9

Plan documents

Plan ref/date:	M1601
Prepared by:	Loop Architecture

Window selection - default windows only

Note on allowable window values: Only a 5% tolerance to the nominated SHGC window values shown on page 2 can be used with this rating.

Note: Only a +/-5% SHGC tolerance is allowed with this rating.

NB: This tolerance ONLY applies to SHGC, the U-value can always be lower but not higher than the values stated on page 2.

If any of the windows selected are outside the 5% tolerance then this certificate is no longer valid and the dwelling will need to be rerated to confirm compliance.

Scan to access this certificate online and confirm this is valid.

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **NNNB7T42U6** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.3**

PREVIEW

Building Features

Windows type and performance value

Window ID	Window type	U-value	SHGC
ALM-006-01 A	Aluminium B DG Argon Fill Clear-Clear	4.5	0.61

Windows schedule

Window ID	Window no.	Height (mm)	Width (mm)	Orientation	Zone name	Outdoor shade
ALM-006-01 A	Opening 30	2100	2270	S	Kit/Liv/Din	No
ALM-006-01 A	Opening 31	2100	3300	W	Kit/Liv/Din	No
ALM-006-01 A	Opening 22	2070	750	S	Kit/Liv/Din	No
ALM-006-01 A	Opening 23	2070	750	S	Kit/Liv/Din	No
ALM-006-01 A	Opening 26	2070	750	E	Bedroom 2	No
ALM-006-01 A	Opening 27	2070	750	E	Bedroom 2	No
ALM-006-01 A	Opening 28	2070	750	E	Bedroom 2	No
ALM-006-01 A	Opening 24	2070	750	S	Bedroom 2	No
ALM-006-01 A	Opening 25	2070	750	S	Bedroom 2	No
ALM-006-01 A	Opening 29	2057	900	E	Bedroom 1	No

Roof windows and skylight type and performance value

ID	Window type	U-value	SHGC

Roof window and skylight schedule

ID	Roof window/ skylight no.	Area (m^2)	Orientation	Zone name	Outdoor shade	Indoor shade/ diffuser

External wall type

Type	Insulation	Wall wrap
1 : FR5 - Internal Plasterboard Stud Wall		No
2 : Custom - Concrete/Precast	Glass fibre batt: R2.0 (R2.0)	No
3 : FR5 - Brick Veneer	Glass fibre batt: R2.0 (R2.0)	Yes
4 : FR5 - Internal Plasterboard Stud Wall	Glass fibre batt: R2.5 (R2.5)	Yes

External wall schedule

Wall type	Area (m^2)	Orientation	Zone name	Fixed shade	Eaves
1 : FR5 - Internal Plasterboard Stud Wall	0.5	N	Kit/Liv/Din	Yes	No
2 : Custom - Concrete/Precast	12.8	W	Kit/Liv/Din	No	No

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **NNNB7T42U6** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.3**

Building Features

3 : FR5 - Brick Veneer	7.5	S	Kit/Liv/Din	Yes	Yes
2 : Custom - Concrete/Precast	11.1	W	Kit/Liv/Din	Yes	Yes
2 : Custom - Concrete/Precast	9.6	S	Kit/Liv/Din	No	No
2 : Custom - Concrete/Precast	14.4	E	Bedroom 2	No	No
2 : Custom - Concrete/Precast	9.3	S	Bedroom 2	No	No
2 : Custom - Concrete/Precast	6.7	W	Bathroom	No	No
4 : FR5 - Internal Plasterboard Stud Wall	5.6	N	Bathroom	No	No
2 : Custom - Concrete/Precast	11.1	E	Bedroom 1	No	No
4 : FR5 - Internal Plasterboard Stud Wall	10.6	N	Bedroom 1	No	No
2 : Custom - Concrete/Precast	5.4	E	Ensuite 2	No	No
4 : FR5 - Internal Plasterboard Stud Wall	0.6	W	Entry/Hall	No	No
4 : FR5 - Internal Plasterboard Stud Wall	9.5	N	Entry/Hall	No	No

Internal wall type

Type	Area (m^2)	Insulation
1 : FR5 - Internal Plasterboard Stud Wall	84.5	

Floors

Location	Construction	Area (m^2)	Sub-floor ventilation	Added insulation	Covering
Kit/Liv/Din	FR5 - 150mm concrete slab	9.3	Enclosed	R0.0	Timber
Kit/Liv/Din	FR5 - 150mm concrete slab	15.8	Enclosed	R0.0	Timber
Kit/Liv/Din	FR5 - 150mm concrete slab	8.8	Enclosed	R0.0	Timber
Bedroom 2	FR5 - 150mm concrete slab	10.3	Enclosed	R0.0	Carpet
Bedroom 2	FR5 - 150mm concrete slab	3.6	Enclosed	R0.0	Carpet
Bathroom	FR5 - 150mm concrete slab	5.5	Enclosed	R0.0	Tiles
Laundry	FR5 - 150mm concrete slab	1.1	Enclosed	R0.0	Timber
Bedroom 1	FR5 - 150mm concrete slab	3.5	Enclosed	R0.0	Carpet
Bedroom 1	FR5 - 150mm concrete slab	8.9	Enclosed	R0.0	Carpet
Ensuite 2	FR5 - 150mm concrete slab	2.3	Enclosed	R0.0	Tiles
Ensuite 2	FR5 - 150mm concrete slab	1.7	Enclosed	R0.0	Tiles
Ensuite 2	FR5 - 150mm concrete slab	1.4	Enclosed	R0.0	Timber
Entry/Hall	FR5 - 150mm concrete slab	6	Enclosed	R0.0	Timber

Ceiling type

DRAFT

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **NNNB7T42U6** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.3**

Building Features

Location	Material	Added insulation	Roof space above
Kit/Liv/Din	Plasterboard	R4.0	No
Bedroom 2	Plasterboard	R4.0	No
Bedroom 1	Plasterboard	R4.0	No
Ensuite 2	Plasterboard	R4.0	No

Ceiling penetrations

Location	Number	Type	Width (mm)	Length (mm)	Seal/ unsealed
Kit/Liv/Din	1	Exhaust Fans	150	150	Sealed
Kit/Liv/Din	10	Downlights	80	80	Sealed
Bedroom 2	2	Downlights	80	80	Sealed
Bathroom	1	Exhaust Fans	200	200	Sealed
Bathroom	1	Downlights	80	80	Sealed
Laundry	1	Downlights	80	80	Sealed
Bedroom 1	2	Downlights	80	80	Sealed
Ensuite 2	1	Exhaust Fans	200	200	Sealed
Ensuite 2	1	Downlights	80	80	Sealed
Entry/Hall	2	Downlights	80	80	Sealed

Ceiling fans

Location	Number	Diameter (mm)

Roof type

Material	Added insulation	Roof colour
Slab:Slab - Suspended Slab : 150mm: 150mm Suspended Slab	0.0	light
Framed:Flat - Flat Framed (Metal Deck)	0.0	light

PREVIEW

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **NNNB7T42U6** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.3**

Additional information

Explanatory notes

About this report

Residential energy ratings address the quality of the building fabric i.e. walls, windows, floors and roof/ceilings. Ratings do not cover the energy or water efficiency of appliances including heating and cooling, hot water, dishwashers, ovens, fridges, TVs etc. or solar panel or water tank requirements. The efficiency or specification of these items is generally covered by other regulations, standards or guidelines.

General Information

A NatHERS House Energy Rating is a comprehensive, dynamic computer modelling evaluation of the floorplans, elevations and specifications to predict an energy load of a home. Not all of us use our homes in the same way, so ratings are generated using standard assumptions. This means homes can be compared across the country.

The actual energy consumption of your home may vary significantly from the predicted energy load figures in this report depending on issues such as the size of your household and your personal preferences, e.g. in terms of heating or cooling.

While the figures are an indicative guide to energy use, they can be used as a reliable guide for comparative purposes between different house designs and for demonstrating that the design meets the required regulatory compliance.

Homes that are energy efficient use less energy, are warmer in winter, cooler in summer and cost less to run. The higher the star rating the more energy efficient.

This NatHERS House Energy Rating report was carefully prepared by your assessor on the basis of comprehensive modelling using standard procedures to rate your home using an underlying engine developed by the Australian Commonwealth Scientific and Industrial Research Organisation (CSIRO).

All information relating to energy loads presented in this report is based on a range of standard assumptions in order to allow for comparisons with reports prepared for other homes and to demonstrate minimum regulatory compliance. The standard assumptions include figures for occupancy, indoor air temperature and are based on a unique climate file for your region.

Accredited Assessors

To ensure you get a high-quality, professional NatHERS House Energy Rating report, you should always use an accredited assessor, accredited assessors are members of a professional body called an Assessor Accrediting Organisation (AAO).

AAOs have specific quality assurance processes in place and continuing professional development requirements to maintain a high and consistent standard of assessments across the country. Non-accredited assessors do not have this level of quality assurance or any on-going training requirements.

If you have any questions or concerns about this report, please direct them to your assessor in the first instance.

If your assessor is unable to address your questions or concerns, please contact their AAO listed under 'assessor details'. You can also find a range of information about accredited assessors on the AAO websites.

Disclaimer

The energy values quoted are for comparison purposes only; they are not a prediction of actual energy use. This rating only applies to the floor plan, construction details, orientation and climate as submitted and included in the attached drawing set that bears a stamp with the same number as this certificate. Changes to any of these details could affect the rating.

Contact

For more information on the Nationwide House Energy Rating Scheme (NatHERS), visit www.nathers.gov.au

For more information on energy efficient design and insulation visit www.yourhome.gov.au

PREVIEW

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

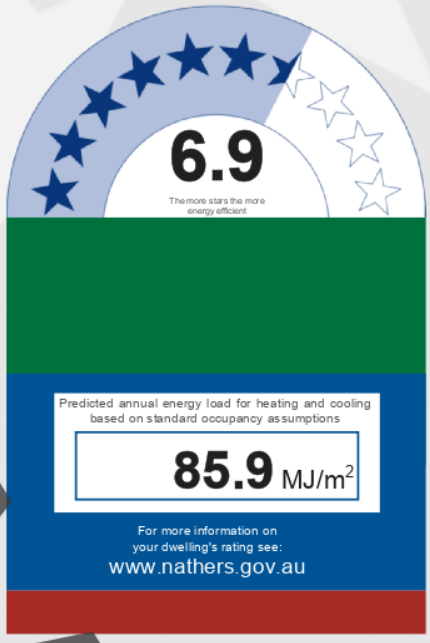
Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **72RUBMTKDK** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.9**

PREVIEW

Assessor details

Accreditation number:	VIC/BDAV/10/1015
Name:	Terry Stamatopoulos
Organisation:	Compliance Energy Rating
Email:	terry@complianceenergy.com.au
Phone:	0400665738
Declaration of interest:	No potential conflicts of interest to declare
Software:	FirstRate5: 5.2.10a (3.13)
AAO:	BDAV



Overview

Dwelling details

Address:	2, 171 Swan Street		
Suburb:	Richmond		
State:	VIC	Postcode:	3121
Type:	New Home	NCC Class:	Class 2
Lot/DP number:	-	NatHERS climate zone:	21
Exposure:	open		

Key construction and insulation materials
(see following pages for details)

Construction:	Wall:	Brick Veneer & Concrete
	Roof:	Metal/Slab
	Floor:	SusbSlab
Insulation:	Wall:	R2.0
	Roof:	R4.0 to metal & R1.0 to slab
	Floor:	R1.0
Glazing:		Aluminium Double Glazed

Ceiling penetrations
(see following pages for details)

Sealed:	16
Unsealed:	0
TOTAL:**	16
Principal downlight type:	LED

NOTE: This total is the maximum number of ceiling penetrations allowed to a ceiling (under a roof) for this certificate. **If this number is exceded in construction then this certificate IS NOT VALID and a new certificate is required. Loss of ceiling insulation for the penetrations listed has been taken into account with the rating.

Net floor area (m^2)

Conditioned:	52.6
Unconditioned:	0
Garage:	-
TOTAL:	52.6

Annual thermal performance loads (MJ/m^2)

Heating:	61.9
Cooling:	24
TOTAL:	85.9

Plan documents

Plan ref/date:	M1601
Prepared by:	Loop Architecture

Window selection - default windows only

Note on allowable window values: Only a 5% tolerance to the nominated SHGC window values shown on page 2 can be used with this rating.

Note: Only a +/-5% SHGC tolerance is allowed with this rating.

NB: This tolerance ONLY applies to SHGC, the U-value can always be lower but not higher than the values stated on page 2.

If any of the windows selected are outside the 5% tolerance then this certificate is no longer valid and the dwelling will need to be rerated to confirm compliance.

Scan to access this certificate online and confirm this is valid.

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **72RUBMTKDK** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.9**

PRELIMINARY

Building Features

Windows type and performance value

Window ID	Window type	U-value	SHGC
ALM-006-01 A	Aluminium B DG Argon Fill Clear-Clear	4.5	0.61

Windows schedule

Window ID	Window no.	Height (mm)	Width (mm)	Orientation	Zone name	Outdoor shade
ALM-006-01 A	Opening 16	2100	2900	E	Kit/Din/Liv/Pantry	No
ALM-006-01 A	Opening 17	2057	500	E	Bedroom 1	No
ALM-006-01 A	Opening 18	2057	700	E	Bedroom 1	No
ALM-006-01 A	Opening 15	2100	2400	N	Bedroom 1	No

Roof windows and skylight type and performance value

ID	Window type	U-value	SHGC

Roof window and skylight schedule

ID	Roof window/ skylight no.	Area (m^2)	Orientation	Zone name	Outdoor shade	Indoor shade/ diffuser

External wall type

Type	Insulation	Wall wrap
1 : Custom - Concrete/Precast	Glass fibre batt: R2.0 (R2.0)	No
2 : FR5 - Internal Plasterboard Stud Wall		No
3 : FR5 - Metal Clad Framed	Glass fibre batt: R2.5 (R2.5)	Yes

External wall schedule

Wall type	Area (m^2)	Orientation	Zone name	Fixed shade	Eaves
1 : Custom - Concrete/Precast	13.1	W	Kit/Din/Liv/Pantry	No	No
1 : Custom - Concrete/Precast	0.9	S	Kit/Din/Liv/Pantry	Yes	No
1 : Custom - Concrete/Precast	9.5	E	Kit/Din/Liv/Pantry	Yes	Yes
1 : Custom - Concrete/Precast	18.9	N	Kit/Din/Liv/Pantry	No	No
2 : FR5 - Internal Plasterboard Stud Wall	11.7	S	Bedroom 1	No	No
1 : Custom - Concrete/Precast	1.6	E	Bedroom 1	No	No
3 : FR5 - Metal Clad Framed	5.9	E	Bedroom 1	No	No
1 : Custom - Concrete/Precast	8.3	N	Bedroom 1	Yes	Yes
1 : Custom - Concrete/Precast	0.9	E	Bedroom 1	No	No

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **72RUBMTKDK** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.9**

Building Features

1 : Custom - Concrete/Precast	7	W	Powder	No	No
2 : FR5 - Internal Plasterboard Stud Wall	5	S	Powder	No	No
2 : FR5 - Internal Plasterboard Stud Wall	6.1	E	Powder	No	No
2 : FR5 - Internal Plasterboard Stud Wall	4.9	S	Entry/Hall/Laundry	No	No
2 : FR5 - Internal Plasterboard Stud Wall	1.2	E	Entry/Hall/Laundry	No	No
2 : FR5 - Internal Plasterboard Stud Wall	4	S	Entry/Hall/Laundry	No	No
1 : Custom - Concrete/Precast	6.8	W	Entry/Hall/Laundry	No	No

Internal wall type

Type	Area (m^2)	Insulation
1 : FR5 - Internal Plasterboard Stud Wall	46.7	

Floors

Location	Construction	Area (m^2)	Sub floor ventilation	Added insulation	Covering
Kit/Din/Liv/Pantry	FR5 - 150mm concrete slab	22.6	Enclosed	R0.0	Timber
Ensuite 1	FR5 - 150mm concrete slab	4.3	Enclosed	R0.0	Tiles
Bedroom 1	FR5 - 150mm concrete slab	2.2	Enclosed	R0.0	Carpet
Bedroom 1	FR5 - 150mm concrete slab	12	Enclosed	R0.0	Carpet
Powder	FR5 - 150mm concrete slab	3.8	Enclosed	R0.0	Tiles
Entry/Hall/Laundry	FR5 - 150mm concrete slab	7.5	Enclosed	R0.0	Timber

Ceiling type

Location	Material	Added insulation	Roof space above
Bedroom 1	Plasterboard	R4.0	No

Ceiling penetrations

Location	Number	Type	Width (mm)	Length (mm)	Seal/ unsealed
Kit/Din/Liv/Pantry	1	Exhaust Fans	150	150	Sealed
Kit/Din/Liv/Pantry	6	Downlights	80	80	Sealed
Ensuite 1	1	Exhaust Fans	200	200	Sealed
Ensuite 1	1	Downlights	80	80	Sealed
Bedroom 1	2	Downlights	80	80	Sealed
Powder	1	Exhaust Fans	200	200	Sealed
Powder	1	Downlights	80	80	Sealed

PREVIEW

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **72RUBMTKDK** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.9**

Building Features

Entry/Hall/Laundry	3	Downlights	80	80	Sealed

Ceiling fans

Location	Number	Diameter (mm)

Roof type

Material	Added insulation	Roof colour
Slab:Slab - Suspended Slab : 150mm: 150mm Suspended Slab	0.0	light
Framed:Flat - Flat Framed (Metal Deck)	0.0	light

PREVIEW

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **72RUBMTKDK** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.9**

Additional information

Explanatory notes

About this report

Residential energy ratings address the quality of the building fabric i.e. walls, windows, floors and roof/ceilings. Ratings do not cover the energy or water efficiency of appliances including heating and cooling, hot water, dishwashers, ovens, fridges, TVs etc. or solar panel or water tank requirements. The efficiency or specification of these items is generally covered by other regulations, standards or guidelines.

General Information

A NatHERS House Energy Rating is a comprehensive, dynamic computer modelling evaluation of the floorplans, elevations and specifications to predict an energy load of a home. Not all of us use our homes in the same way, so ratings are generated using standard assumptions. This means homes can be compared across the country.

The actual energy consumption of your home may vary significantly from the predicted energy load figures in this report depending on issues such as the size of your household and your personal preferences, e.g. in terms of heating or cooling.

While the figures are an indicative guide to energy use, they can be used as a reliable guide for comparative purposes between different house designs and for demonstrating that the design meets the required regulatory compliance.

Homes that are energy efficient use less energy, are warmer in winter, cooler in summer and cost less to run. The higher the star rating the more energy efficient.

This NatHERS House Energy Rating report was carefully prepared by your assessor on the basis of comprehensive modelling using standard procedures to rate your home using an underlying engine developed by the Australian Commonwealth Scientific and Industrial Research Organisation (CSIRO).

All information relating to energy loads presented in this report is based on a range of standard assumptions in order to allow for comparisons with reports prepared for other homes and to demonstrate minimum regulatory compliance. The standard assumptions include figures for occupancy, indoor air temperature and are based on a unique climate file for your region.

Accredited Assessors

To ensure you get a high-quality, professional NatHERS House Energy Rating report, you should always use an accredited assessor, accredited assessors are members of a professional body called an Assessor Accrediting Organisation (AAO).

AAOs have specific quality assurance processes in place and continuing professional development requirements to maintain a high and consistent standard of assessments across the country. Non-accredited assessors do not have this level of quality assurance or any on-going training requirements.

If you have any questions or concerns about this report, please direct them to your assessor in the first instance.

If your assessor is unable to address your questions or concerns, please contact their AAO listed under 'assessor details'. You can also find a range of information about accredited assessors on the AAO websites.

Disclaimer

The energy values quoted are for comparison purposes only; they are not a prediction of actual energy use. This rating only applies to the floor plan, construction details, orientation and climate as submitted and included in the attached drawing set that bears a stamp with the same number as this certificate. Changes to any of these details could affect the rating.

Contact

For more information on the Nationwide House Energy Rating Scheme (NatHERS), visit www.nathers.gov.au

For more information on energy efficient design and insulation visit www.yourhome.gov.au

PREVIEW

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

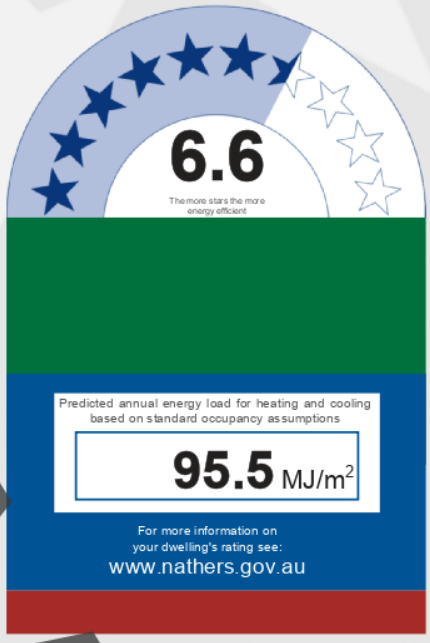
Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **EAR7D7PNDB** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.6**

PREVIEW

Assessor details

Accreditation number:	VIC/BDAV/10/1015
Name:	Terry Stamatopoulos
Organisation:	Compliance Energy Rating
Email:	terry@complianceenergy.com.au
Phone:	0400665738
Declaration of interest:	No potential conflicts of interest to declare
Software:	FirstRate5: 5.2.10a (3.13)
AAO:	BDAV



Overview

Dwelling details

Address:	3, 171 Swan Street		
Suburb:	Richmond		
State:	VIC	Postcode:	3121
Type:	New Home	NCC Class:	Class 2
Lot/DP number:	-	NatHERS climate zone:	21
Exposure:	open		

Key construction and insulation materials
(see following pages for details)

Construction:	Wall:	Brick Veneer & Concrete
	Roof:	Metal/Slab
	Floor:	SusbSlab
Insulation:	Wall:	R2.0
	Roof:	R4.0 to metal & R1.0 to slab
	Floor:	R1.0
Glazing:		Aluminium Double Glazed

Ceiling penetrations
(see following pages for details)

Sealed:	41
Unsealed:	0
TOTAL:**	41
Principal downlight type:	LED

NOTE: This total is the maximum number of ceiling penetrations allowed to a ceiling (under a roof) for this certificate. **If this number is exceded in construction then this certificate IS NOT VALID and a new certificate is required. Loss of ceiling insulation for the penetrations listed has been taken into account with the rating.

Net floor area (m^2)

Conditioned:	170.3
Unconditioned:	0
Garage:	-
TOTAL:	170.3

Annual thermal performance loads (MJ/m^2)

Heating:	74.7
Cooling:	20.8
TOTAL:	95.5

Window selection - default windows only

Note on allowable window values: Only a 5% tolerance to the nominated SHGC window values shown on page 2 can be used with this rating.

Note: Only a +/-5% SHGC tolerance is allowed with this rating.

NB: This tolerance ONLY applies to SHGC, the U-value can always be lower but not higher than the values stated on page 2.

If any of the windows selected are outside the 5% tolerance then this certificate is no longer valid and the dwelling will need to be rerated to confirm compliance.

Scan to access this certificate online and confirm this is valid.

Plan documents

Plan ref/date:	M1601
Prepared by:	Loop Architecture

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Page 1 of 6

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **EAR7D7PNDB** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.6**

PREVIEW

Building Features

Windows type and performance value

Window ID	Window type	U-value	SHGC
ALM-006-01 A	Aluminium B DG Argon Fill Clear-Clear	4.5	0.61

Windows schedule

Window ID	Window no.	Height (mm)	Width (mm)	Orientation	Zone name	Outdoor shade
ALM-006-01 A	Opening 16	2057	1800	E	Entry/Kit/Liv/Din	No
ALM-006-01 A	Opening 17	2057	900	E	Entry/Kit/Liv/Din	No
ALM-006-01 A	Opening 18	2100	6100	S	Hall/Living	No
ALM-006-01 A	Opening 19	2057	750	E	Hall/Living	No
ALM-006-01 A	Opening 20	2057	1300	E	Hall/Living	No
ALM-006-01 A	Opening 30	2057	900	E	Bedroom 1	No
ALM-006-01 A	Opening 29	2100	1850	N	Bedroom 1	No
ALM-006-01 A	Opening 34	2100	1300	E	Bedroom 1	No
ALM-006-01 A	Opening 31	2100	2350	S	Bedroom 2	No
ALM-006-01 A	Opening 33	2057	900	E	WIR 2	No
ALM-006-01 A	Opening 32	2070	700	S	Ensuite 2	No

Roof windows and skylight type and performance value

ID	Window type	U-value	SHGC

Roof window and skylight schedule

ID	Roof window/ skylight no.	Area (m^2)	Orientation	Zone name	Outdoor shade	Indoor shade/ diffuser

External wall type

Type	Insulation	Wall wrap
1 : FR5 - Brick Veneer	Glass fibre batt: R2.5 (R2.5)	Yes
2 : Custom - Concrete/Precast	Glass fibre batt: R2.0 (R2.0)	No

External wall schedule

Wall type	Area (m^2)	Orientation	Zone name	Fixed shade	Eaves
1 : FR5 - Brick Veneer	8.7	W	Entry/Kit/Liv/Din	No	No
2 : Custom - Concrete/Precast	4.2	W	Entry/Kit/Liv/Din	No	No
1 : FR5 - Brick Veneer	18.2	S	Entry/Kit/Liv/Din	No	No

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **EAR7D7PNDB** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.6**

PRELIM

Building Features

1 : FR5 - Brick Veneer	20.2	E	Entry/Kit/Liv/Din	No	No
1 : FR5 - Brick Veneer	24.2	N	Entry/Kit/Liv/Din	No	No
2 : Custom - Concrete/Precast	4	W	Powder	No	No
2 : Custom - Concrete/Precast	0.8	S	Powder	Yes	No
2 : Custom - Concrete/Precast	2.6	W	Powder	No	No
2 : Custom - Concrete/Precast	12.6	W	Hall/Living	No	No
1 : FR5 - Brick Veneer	7.6	W	Hall/Living	No	No
2 : Custom - Concrete/Precast	23.8	S	Hall/Living	No	Yes
2 : Custom - Concrete/Precast	13.1	E	Hall/Living	No	No
1 : FR5 - Brick Veneer	18.2	N	Hall/Living	No	No
1 : FR5 - Brick Veneer	7	E	Hall/Living	No	No
2 : Custom - Concrete/Precast	3.9	W	Ensuite 1	No	No
2 : Custom - Concrete/Precast	11.5	N	Ensuite 1	No	No
2 : Custom - Concrete/Precast	15.4	E	Bedroom 1	No	No
2 : Custom - Concrete/Precast	6.4	N	Bedroom 1	Yes	Yes
2 : Custom - Concrete/Precast	4.8	E	Bedroom 1	Yes	Yes
2 : Custom - Concrete/Precast	6	N	Bedroom 1	No	No
2 : Custom - Concrete/Precast	8.6	S	Bedroom 1	No	No
2 : Custom - Concrete/Precast	3.7	W	WIR 1	No	No
2 : Custom - Concrete/Precast	0.8	S	WIR 1	Yes	No
2 : Custom - Concrete/Precast	3.8	W	WIR 1	No	No
2 : Custom - Concrete/Precast	10	W	Hall/Laundry	No	No
2 : Custom - Concrete/Precast	7	E	Hall/Laundry	No	No
2 : Custom - Concrete/Precast	9.3	S	Hall/Laundry	No	No
2 : Custom - Concrete/Precast	5.7	N	Bedroom 2	No	No
2 : Custom - Concrete/Precast	13.2	W	Bedroom 2	No	No
2 : Custom - Concrete/Precast	12.2	S	Bedroom 2	No	No
2 : Custom - Concrete/Precast	7.4	E	WIR 2	No	No
2 : Custom - Concrete/Precast	12.2	N	WIR 2	No	No
2 : Custom - Concrete/Precast	10.8	S	Ensuite 2	No	No
2 : Custom - Concrete/Precast	5.4	E	Ensuite 2	No	No

Internal wall type

Type	Area (m^2)	Insulation
1 : FR5 - Internal Plasterboard Stud Wall	94.6	

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **EAR7D7PNDB** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.6**

Building Features

Floors

Location	Construction	Area (m^2)	Sub floor ventilation	Added insulation	Covering
Entry/Kit/Liv/Din	FR5 - 150mm concrete slab	2.8	Enclosed	R0.0	Timber
Entry/Kit/Liv/Din	FR5 - 150mm concrete slab	45.7	Enclosed	R0.0	Timber
Powder	FR5 - 150mm concrete slab	2.8	Enclosed	R0.0	Tiles
Hall/Living	FR5 - 150mm concrete slab	37.2	Enclosed	R0.0	Timber
Ensuite 1	FR5 - Timber Lined	10.6	Enclosed	R0.0	Tiles
Bedroom 1	FR5 - Timber Lined	10.8	Enclosed	R0.0	Carpet
Bedroom 1	FR5 - Timber Lined	12.3	Enclosed	R0.0	Carpet
WIR 1	FR5 - Timber Lined	6.8	Enclosed	R0.0	Carpet
WIR 1	FR5 - Timber Lined	1.6	Enclosed	R0.0	Carpet
Hall/Laundry	FR5 - Timber Lined	8.4	Enclosed	R0.0	Timber
Bedroom 2	FR5 - Timber Lined	9.5	Enclosed	R0.0	Carpet
Bedroom 2	FR5 - Timber Lined	13	Enclosed	R0.0	Carpet
WIR 2	FR5 - Timber Lined	5.2	Enclosed	R0.0	Carpet
WIR 2	FR5 - Timber Lined	3.1	Enclosed	R0.0	Carpet
Ensuite 2	FR5 - Timber Lined	7.4	Enclosed	R0.0	Tiles

Ceiling type

Location	Material	Added insulation	Roof space above
Entry/Kit/Liv/Din	Plasterboard	R4.0	No
Entry/Kit/Liv/Din	FR5 - Timber Lined	R0.0	No
Entry/Kit/Liv/Din	FR5 - Timber Lined	R0.0	No
Entry/Kit/Liv/Din	FR5 - Timber Lined	R0.0	No
Entry/Kit/Liv/Din	FR5 - Timber Lined	R0.0	No
Entry/Kit/Liv/Din	FR5 - Timber Lined	R0.0	No
Entry/Kit/Liv/Din	FR5 - Timber Lined	R0.0	No
Powder	FR5 - Timber Lined	R0.0	No
Powder	FR5 - Timber Lined	R0.0	No
Hall/Living	FR5 - Timber Lined	R0.0	No
Hall/Living	FR5 - Timber Lined	R0.0	No
Hall/Living	FR5 - Timber Lined	R0.0	No
Hall/Living	FR5 - Timber Lined	R0.0	No
Hall/Living	FR5 - Timber Lined	R0.0	No

PREVIEW

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **EAR7D7PNDB** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.6**

PREVIEW

Building Features

Hall/Living	FR5 - Timber Lined	R0.0	No
Ensuite 1	Plasterboard	R4.0	No
Bedroom 1	Plasterboard	R4.0	No
WIR 1	Plasterboard	R4.0	No
Bedroom 2	Plasterboard	R4.0	No
WIR 2	Plasterboard	R4.0	No
Ensuite 2	Plasterboard	R4.0	No

Ceiling penetrations

Location	Number	Type	Width (mm)	Length (mm)	Seal/ unsealed
Entry/Kit/Liv/Din	10	Downlights	80	80	Sealed
Entry/Kit/Liv/Din	1	Exhaust Fans	150	150	Sealed
Powder	1	Exhaust Fans	200	200	Sealed
Powder	1	Downlights	80	80	Sealed
Hall/Living	7	Downlights	80	80	Sealed
Ensuite 1	1	Exhaust Fans	200	200	Sealed
Ensuite 1	2	Downlights	80	80	Sealed
Bedroom 1	4	Downlights	80	80	Sealed
WIR 1	2	Downlights	80	80	Sealed
Hall/Laundry	2	Downlights	80	80	Sealed
Bedroom 2	4	Downlights	80	80	Sealed
WIR 2	2	Downlights	80	80	Sealed
Ensuite 2	1	Exhaust Fans	200	200	Sealed
Ensuite 2	3	Downlights	80	80	Sealed

Ceiling fans

Location	Number	Diameter (mm)

Roof type

Material	Added insulation	Roof colour
Framed:Flat - Flat Framed (Metal Deck)	0.0	light
Slab:Slab - Suspended Slab : 150mm: 150mm Suspended Slab	0.0	light

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Page 5 of 6

Attachment 5 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A ESD Report

Nationwide House Energy Rating Scheme* Certificate

Certificate Number: **EAR7D7PNDB** Date of Certificate: **21 Mar 2019** ★ Star rating: **6.6**

Additional information

Explanatory notes

About this report

Residential energy ratings address the quality of the building fabric i.e. walls, windows, floors and roof/ceilings. Ratings do not cover the energy or water efficiency of appliances including heating and cooling, hot water, dishwashers, ovens, fridges, TVs etc. or solar panel or water tank requirements. The efficiency or specification of these items is generally covered by other regulations, standards or guidelines.

General Information

A NatHERS House Energy Rating is a comprehensive, dynamic computer modelling evaluation of the floorplans, elevations and specifications to predict an energy load of a home. Not all of us use our homes in the same way, so ratings are generated using standard assumptions. This means homes can be compared across the country.

The actual energy consumption of your home may vary significantly from the predicted energy load figures in this report depending on issues such as the size of your household and your personal preferences, e.g. in terms of heating or cooling.

While the figures are an indicative guide to energy use, they can be used as a reliable guide for comparative purposes between different house designs and for demonstrating that the design meets the required regulatory compliance.

Homes that are energy efficient use less energy, are warmer in winter, cooler in summer and cost less to run. The higher the star rating the more energy efficient.

This NatHERS House Energy Rating report was carefully prepared by your assessor on the basis of comprehensive modelling using standard procedures to rate your home using an underlying engine developed by the Australian Commonwealth Scientific and Industrial Research Organisation (CSIRO).

All information relating to energy loads presented in this report is based on a range of standard assumptions in order to allow for comparisons with reports prepared for other homes and to demonstrate minimum regulatory compliance. The standard assumptions include figures for occupancy, indoor air temperature and are based on a unique climate file for your region.

Accredited Assessors

To ensure you get a high-quality, professional NatHERS House Energy Rating report, you should always use an accredited assessor, accredited assessors are members of a professional body called an Assessor Accrediting Organisation (AAO).

AAOs have specific quality assurance processes in place and continuing professional development requirements to maintain a high and consistent standard of assessments across the country. Non-accredited assessors do not have this level of quality assurance or any on-going training requirements.

If you have any questions or concerns about this report, please direct them to your assessor in the first instance.

If your assessor is unable to address your questions or concerns, please contact their AAO listed under 'assessor details'. You can also find a range of information about accredited assessors on the AAO websites.

Disclaimer

The energy values quoted are for comparison purposes only; they are not a prediction of actual energy use. This rating only applies to the floor plan, construction details, orientation and climate as submitted and included in the attached drawing set that bears a stamp with the same number as this certificate. Changes to any of these details could affect the rating.

Contact

For more information on the Nationwide House Energy Rating Scheme (NatHERS), visit www.nathers.gov.au

For more information on energy efficient design and insulation visit www.yourhome.gov.au

PREVIEW

* Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au

Parking along Swan Street in the vicinity of the site is generally subject to short-term (two hour) time-based restrictions.

Dickmann Street is a local road managed by Council and is aligned in a north-south direction between Swan Street (to the south) and Gipps Street (to the north). In the vicinity of the site, Dickmann Street has a carriageway width of approximately 7.05m which generally accommodates simultaneous two-way traffic and kerbside parking on the east side only. Parking is prohibited on the west side in the vicinity of the site due to 'No Stopping' restrictions.

The site has excellent access to public transport services with the following services operating within walking distance of the site:

- **Tram Route 70** operates along Swan Street, directly adjacent to the site, and provides a service between Waterfront City Docklands and Wattle Park, via the City, Richmond, Hawthorn and Camberwell.
- **Tram Route 78** operates along Church Street, approximately 60m walking distance to the east of the site, and provides a service between North Richmond and Balaclava, via Prahran and South Yarra.
- **Bus Route 246** operates along Punt Road, approximately 750m walking distance west of the site, and provides a service between Elsternwick and Clifton Hill, via St. Kilda Junction and Richmond.
- **East Richmond Railway Station** is located just west of Church Street, approximately 250m walking distance south of the site, and provides services between the City and Alamein/Belgrave/Glen Waverly/Lilydale.
- **Richmond Railway Station** is located on the north side of Swan Street, approximately 850m walking distance west of the site, and provides services between the City and Alamein/Belgrave/Cranbourne/Frankston/Glen Waverley/Lilydale/Pakenham/Sandringham.

Attachment 6 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A Traffic Assessment Report

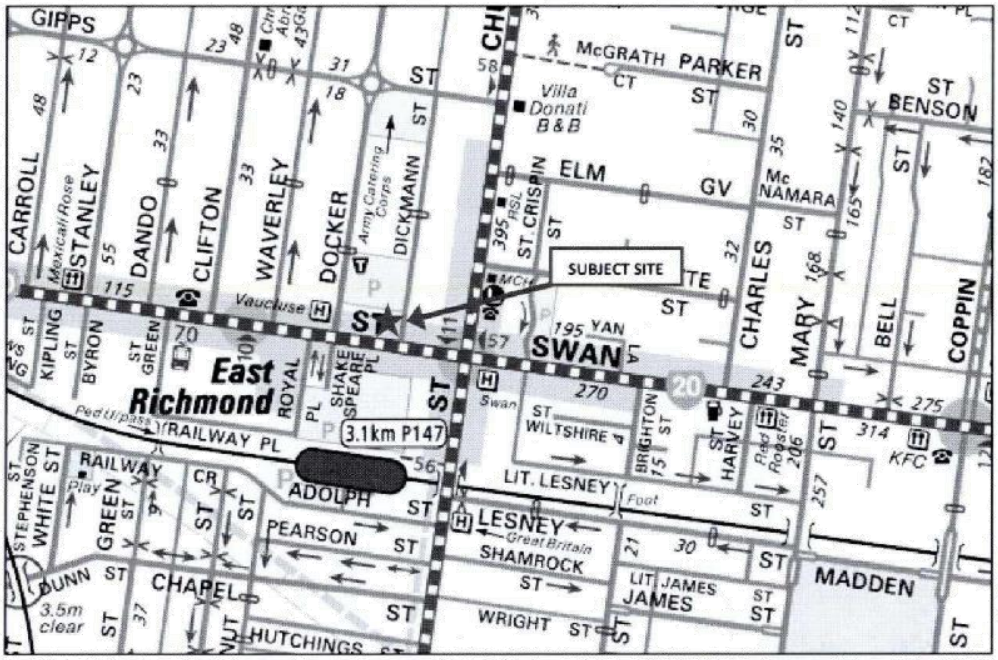


Figure 1: Locality Map

The Proposal

The proposal is for a mixed-use development at 171 Swan Street, Richmond that is to comprise the following:

- office (144m^2 net floor area),
- shop (76m^2 leasable floor area),
- 2x two-bedroom apartments, and
- 1x one-bedroom apartment.

A total of four (4) on-site car parking spaces are to be provided in the form of car stackers. Access to the on-site car parking is to be provided via Dickmann Street.

A total of 11 on-site bicycle parking spaces are to be provided in the basement.

A copy of the amended plans, prepared by Loop Architecture, is attached at Appendix A.

Car Parking Assessment

The proposal falls under the land-use categories of 'shop', 'office', and 'dwelling' under the Planning Scheme in which the statutory car parking requirement is outlined in Table 1 of Clause 52.06-5.

Table 1 of this clause sets out the car parking requirement that applies to a land use listed in the table and includes car parking rates under Column A and Column B.

Column B applies if:

- *any part of 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); or*
- *a schedule to the Parking Overlay or another provision of the planning scheme specifies that Column B applies.*

The subject site is located within the *Principal Public Transport Network Area Maps* and therefore the Column B rates under Table 1 of Clause 52.06-5 apply.

The statutory car parking requirement for the proposal is provided in Table 1 below noting that there is no visitor car parking requirement.

Table 1: Car Parking Requirement – Clause 52.06

Use	Area/Number	Statutory Parking Rate (Column B)	Parking Requirement[1]
Office	144m²	3 spaces to each 100m² of net floor area	4 spaces
Dwelling	3	1 space to each one or two bedroom dwelling	3 spaces
Shop	76m²	3.5 spaces to each 100m² of leasable floor area	2 spaces
		Total	**9 spaces**

1. Clause 52.06-5 specifies that where a car parking calculation results in a requirement that is not a whole number, the number of spaces should be rounded down to the nearest whole number.

Four (4) on-site car spaces are to be provided as a part of the development and therefore the proposal has a statutory car parking shortfall for five (5) spaces.

Three (3) on-site car spaces are to be allocated to the apartments (i.e. 1 space per apartment) and therefore the resident car parking requirement is satisfied on-site.

A single car space is to be allocated to the office. No on-site parking is to be allocated to the shop tenancy.

Accordingly, the proposal requires a reduction of the statutory car parking requirement for five (5) spaces including three (3) office spaces and two (2) shop spaces and justification for the same is presented in the remainder of this section.

Attachment 6 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A Traffic Assessment Report

Reducing the Requirement for Car Parking

Clause 52.06-6 allows for the statutory car parking requirement to be reduced (including to zero). An application to reduce the car parking requirement must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed development, including the following which are most relevant to the proposed development:

- *The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.*
- *The availability of public transport in the locality of the land.*
- *The convenience of pedestrian and cyclist access to the land.*
- *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.*

Secondly, a number of other matters are to be considered as appropriate by the responsible authority before granting a permit to reduce the number of spaces below the likely demand assessed by the Car Parking Demand Assessment, including the following which are relevant to the proposed development:

- *Any car parking deficiency associated with the existing use of the land.*
- *The availability of alternative car parking in the locality of the land.*
- *The practicality of providing car parking on the site.*

An assessment of these factors is presented following.

<u>The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use</u>

The site is located within the Swan Street Activity Centre which includes various shops, retail premises, restaurants, food and drink premises, etc. Therefore, there is a likelihood that visitors and customers of the proposed development will visit the site as part of a multi-purpose trip and therefore not necessarily generate an additional demand for parking.

Furthermore, there is likelihood that staff of the nearby area may walk to the site and therefore will not generate a specific demand for car parking.

<u>The availability of public transport in the locality of the land</u>

The site has excellent access to public transport services as discussed earlier. Nearby public transport services include Tram Route 70 which operates along Swan Street directly past the site as well as Tram Route 78 which operates along Church Street within a short walking distance of the site. East Richmond and Richmond Railway Stations are also located within close proximity of the site.

The availability of these services will greatly assist to encourage a reduced demand for car parking by all users of this development.

The convenience of pedestrian and cyclist access to the land

Footpaths are generally provided on both sides of all roads in the nearby area including Swan Street and Dickmann Street. Cyclists can be informally accommodated along all roads in the nearby area.

The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land

A total of eleven (11) bicycle rails are to be provided in the basement level for residents and staff which far exceeds the statutory requirement. An existing double-sided bicycle rail is located within the Swan Street verge adjacent to the site which will be convenient for use by customers/visitors of the proposed development.

Residents and their visitors will have access to end of trip facilities including a shower and a place to change within their respective dwelling.

The availability of bicycle facilities as proposed will assist to encourage a reduced car parking demand for the proposed development.

Any car parking deficiency associated with the existing use of the land

The existing use of the site falls under the land-use term 'betting agency' which has a car parking rate for 3.5 spaces to each 100m^2 of net floor area under Clause 52.06. The existing use has a net floor area of approximately 168m^2 which equates to a statutory car parking requirement for five (5) spaces. As there is no existing on-site provision of car spaces, the current use of the site has an existing car parking deficiency for five (5) spaces. This car parking shortfall includes staff and customers of the 'betting agency' and can be considered as a 'credit' for the proposed development which is expected to generate a similar demand for off-site car parking during peak times.

The availability of alternative car parking in the locality of the land

Public car parking is available in the nearby area including on-street parking and a paid all-day carpark that is located directly north of the site.

The paid carpark would be suitable for use by staff of the proposed development consistent with the existing TAB betting agency on the site, noting that it would not be unreasonable to suggest that most staff will travel by alternative modes of transport rather than drive to the site given the locality. Customers and visitors of the proposed development can also utilise this carpark as well as short-term on-street parking in the nearby area.

The practicality of providing car parking on the site

The development is to provide resident car parking for each of the dwellings, which is achieved through the use of a car stacker system. This saves considerable space and maximises the yield of car parking on what is a relatively small footprint.

We note that it is not appropriate for customer/visitor car parking in car stacker systems as set out at Design Standard 4 of Clause 52.06-9. Accordingly, any potential suitable visitor/customer parking would need to be via at-grade car spaces which is impractical given the small area of the site.

On this basis, we are satisfied that the level of car parking provided is appropriate and it is impractical to provide any additional on-site parking.

Attachment 6 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A Traffic Assessment Report

Summary

The statutory resident car parking requirement is satisfied on-site by the proposed provision of three (3) on-site car parking spaces. Additionally, one (1) car spaces is to be allocated to the office tenancy.

The car parking shortfall for the proposed development is associated with the shop and office uses and is expected to be similar to the existing car parking deficiency that is associated with the current use of the site.

The site's location in the Swan Street Activity Centre and the excellent access to public transport services means that it is not unreasonable to expect that staff and site specific customers of the proposed development would travel by alternative modes of transport other than motor vehicle. Nevertheless, any off-site car parking demands that may be generated by the proposed development can be accommodated by nearby public parking including the car parking directly north of the site.

Accordingly, we are satisfied that there would not be any unacceptable impacts to public parking as a result of the proposal and believe that sufficient justification has been presented to warrant the issue of a Permit for a reduction of the statutory car parking requirement.

We also note that Council in its Memorandum dated 29 August 2018 had no objection to the reduction in the car parking for the previous scheme which was seeking a higher car parking reduction.

Bicycle Parking Assessment

Clause 52.34 of the Planning Scheme specifies bicycle parking requirements for new developments and changes in use. An assessment of the bicycle parking requirement for the proposed development is discussed following.

Based on the rates set out in Clause 52.34, the proposed development has a statutory bicycle parking requirement for one (1) resident space only. Due to the small size of the proposed shop and office tenancies, there is no statutory bicycle parking requirement for these components.

A total of eleven (11) 'Ned Kelly' vertical bicycle parking spaces are to be provided for residents/staff within the basement level which far exceeds the statutory requirement.

An existing double-sided bicycle rail is located within the Swan Street verge adjacent to the site is to be retained which will be convenient for use by customers/visitors of the proposed development.

We are satisfied that an appropriate provision of bicycle parking is to be provided as part of the development.

Car Parking Layout and Access

Traffix Group has provided design advice to the project architect to achieve a satisfactory carpark layout. The proposed parking layout has been assessed under the following guidelines:

- Clause 52.06-9 of the Planning Scheme (Design standards for car parking), and
- The relevant Australian Standards.

A total of four (4) car parking spaces are proposed within a mechanical car stacker system. Access to and from the system is proposed via Dickmann Street along the site's western boundary.

The Planning Scheme sets out 'design standards' for mechanical car parking under Clause 52.06-8 as follows:

Design standard 4: Mechanical parking

Mechanical parking may be used to meet the car parking requirement provided:

- *At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres.*
- *Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.*
- *The design and operation is to the satisfaction of the responsible authority.*

Four (4) car spaces are to be provided within a mechanical car stacker utilising the Wohr Parkllift 405-200 car stacker system (or similar).

This car stacker system allows all spaces to be accessed independently. The use of independent car stacker systems in this development is an acceptable and necessary design solution as they will be used for long-term parking by residents and will require all platforms to be accessible by occupiers of different dwellings.

Further details of the proposed Wohr Parkllift 405-200 car stacker system are as follows (refer to specifications attached at Appendix B):

- The system has an overall width of 5.5m which provides a double platform width of 5.2m (i.e. 2.6m per space). This width accords with the Planning Scheme and exceeds the relevant Australian/New Zealand Standard (AS/NZS 2890.1-2004) requirement for User Class 1A parking.
- The access aisle adjacent to these car stacker spaces is provided at a width of approximately 10m (including the adjacent carriageway width of Dickmann Street) which exceeds the requirement of the Planning Scheme and AS/NZS 2890.1-2004.
- Vehicles up to a length of 5m can be adequately accommodated within the system.
- A height clearance of 3.5m and a pit depth of 2.0m is to be provided for the car stacker system. This accommodates all vehicles up to 1.8m on the lower level and station wagons up to 1.7m on the upper level (sedans and other vehicles up to 1.8m on the upper level). These height clearances are sufficient for all passenger vehicles, most SUVs and some compact 4WDs).
- At least 50% of the car stacker spaces will have a headroom clearance of at least 1.8m which exceeds the statutory requirement.
- Access to and from each of the ground level car stacker platforms has been checked for the 85th percentile design vehicle and has been found to be satisfactory. This assessment considered the existing on-street car spaces and street trees along Dickmann Street. An additional manoeuvre may be required to in some instances, however, this is expressly permitted by AS2890.1-2004 for long-term (i.e. resident) parking and is consistent with current practice.

Attachment 6 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A Traffic Assessment Report

We note that Convex mirrors are proposed to be installed to the north and south of the proposed car park access as requested by Council.

Based on the above, the proposed parking layout is satisfactory and the access arrangements for the site will provide for safe and efficient movements to and from the surrounding road network.

Conclusion

Having undertaken a traffic engineering assessment for the proposed mixed use development at 171 Swan Street, Richmond we are of the opinion that:-

a) the provision of four (4) on-site car spaces results in a statutory parking shortfall for five (5) spaces only,

b) the proposed reduction in the car parking requirement is warranted for the following reasons:
   i) the site's location in the Swan Street Activity Centre,
   ii) the excellent availability of nearby public transport services and other alternative modes of transport,
   iii) the provision of bicycle parking in excess of the statutory requirement, and
   iv) the existing car parking deficiency and associated off-site parking demand currently generated by the site,

c) suitable bicycle parking provisions are to be provided in excess of the statutory provisions,

d) the proposed parking layout and access arrangements accord with the objectives of the Planning Scheme, relevant Australian Standards and current practice, and

e) there are no traffic engineering reasons why the proposed mixed-use development at 171 Swan Street, Richmond should not be approved.

Please contact Brent Chisholm or Nathan Woolcock at Traffix Group if you require any further information.

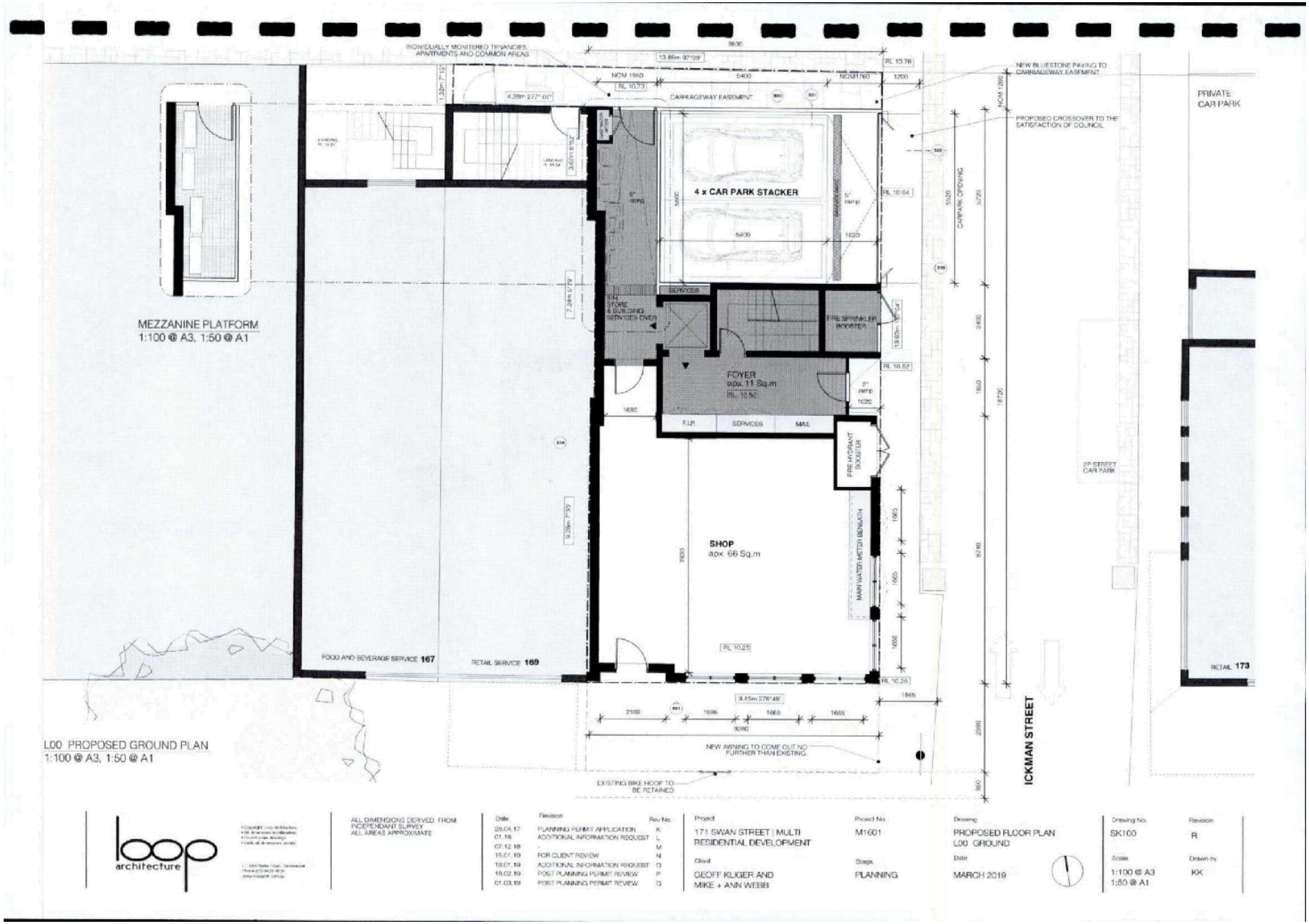
Yours faithfully,
TRAFFIX GROUP PTY LTD

NATHAN WOOLCOCK
Director

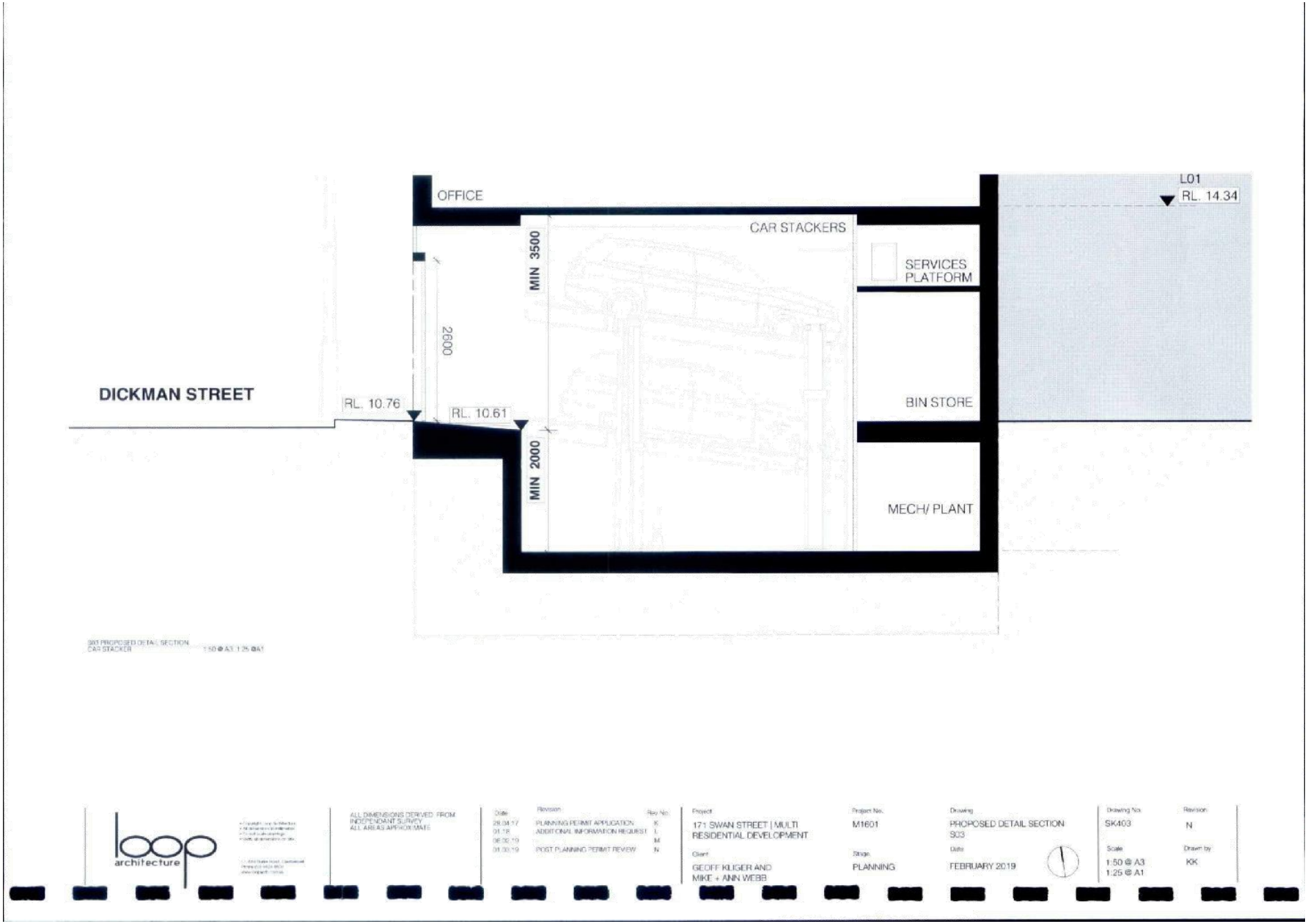
Attachment 6 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A Traffic Assessment Report

Appendix A:
Proposed Floor Plan

Attachment 6 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A Traffic Assessment Report



Attachment 6 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A Traffic Assessment Report

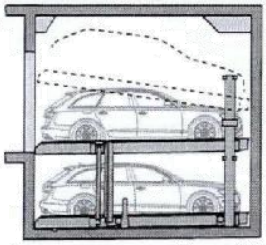


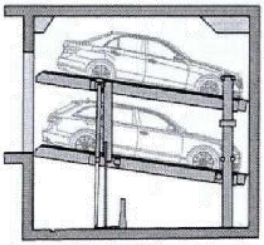
Attachment 6 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A Traffic Assessment Report

Appendix B:
Car Stacker Specifications

Attachment 6 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A Traffic Assessment Report

Data Sheet
WÖHR Parklift 405

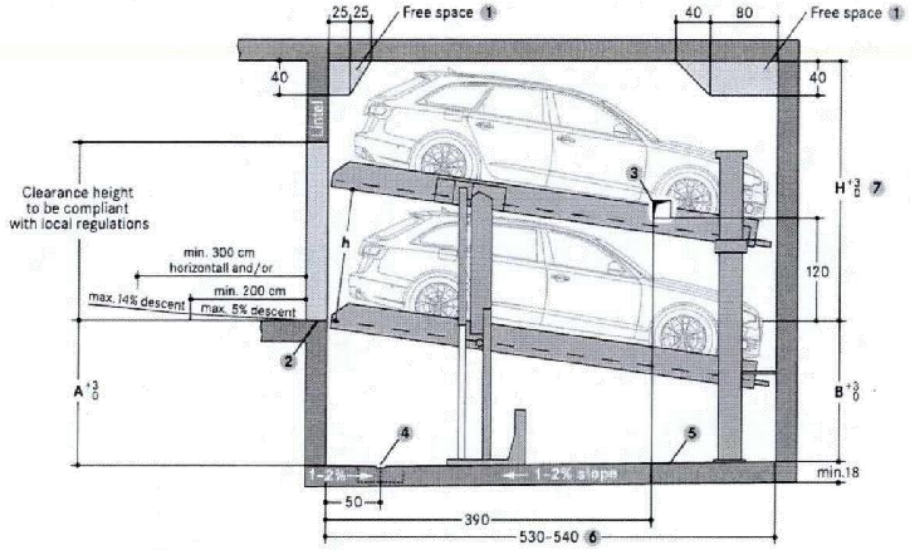




- **Single units: 2 cars**
  Double units: 4 cars
- **Platform load options:**
  - max. 2000 kg, load per wheel 500 kg
  - max. 2600 kg, load per wheel 650 kg
- **Platform slopes for drive-on:**
  - upper level: 1° = 2% ascent
  - lower level: 8° = 14% descent

  Platform slope of the top platform help drainage

Height and length dimensions (underground car park)



Type	Height (H) 7	Pit depth A	Pit depth B	Vehicle height 8 UL	Vehicle height 8 LL	Platform distance (h)
405-170	290	170	165	only L: 150	L+S: 150	155
	300	170	165	L+S: 150	L+S: 150	155
405-175	295	175	170	only L: 150	L+S: 155	160
	300	175	170	only L: 155	L+S: 155	160
	305	175	170	S: 150 L: 160	L+S: 155	160
	310	175	170	L+S: 155	L+S: 155	160
405-180	300	180	175	only L: 150	L+S: 160	165
	310	180	175	S: 150 L: 160	L+S: 160	165
	320	180	175	L+S: 160	L+S: 160	165
405-185	305	185	180	only L: 150	L+S: 165	170
	315	185	180	S: 150 L: 160	L+S: 165	170
	320	185	180	S: 155 L: 165	L+S: 165	170
	330	185	180	L+S: 165	L+S: 165	170
405-190	310	190	185	only L: 150	L+S: 170	175
	320	190	185	S: 150 L: 160	L+S: 170	175
	330	190	185	only L: 170	L+S: 170	175
	340	190	185	L+S: 170	L+S: 170	175
405-195	315	195	190	only L: 150	L+S: 175	180
	325	195	190	S: 150 L: 160	L+S: 175	180
	340	195	190	only L: 175	L+S: 175	180
	350	195	190	L+S: 175	L+S: 175	180
405-200	320	200	195	only L: 150	L+S: 180	185
	330	200	195	S: 150 L: 160	L+S: 180	185
	350	200	195	S: 170 L: 180	L+S: 180	185
	360	200	195	L+S: 180	L+S: 180	185

1. Free spaces for any connections performed by the customer:
   - please ask WÖHR for the dimension sheets
2. Yellow-black safety marking:
   - compliant to ISO 3864, 10 cm wide, along the pit edges (see page 3 »Static calculations and construction works requirements«)
3. In case of intermediate walls:
   - 15 x 15 cm opening for electric and hydraulic system cables and piping
   - after installation, do not close the opening
4. Recommended drainage channels:
   - 10 x 2 cm, with a 50 x 50 x 20 cm drainage pit
   - in case of installation of a sump pump, it is necessary to comply with the drainage pit dimensions specified by the pump manufacturer
5. Channels or undercuts/concrete haunches:
   - not allowed along the pit floor-to-wall joints
   - should channels or undercuts be necessary, the system width needs to be reduced or the pit needs to be wider
6. A pit length of 540 cm is recommended. This will allow for increased safety clearances and distances also in the event of future changes to vehicle lengths.
7. With an increase in headroom available, correspondingly taller cars will be able to park on the upper platform.
8. UL= upper level / LL = lower level
   L = Limousine / S = Station wagon

Dimensions

- all dimensions specified are the minimum, finished dimensions
- tolerances must be taken into consideration
- all dimensions are given in cm

Parklift 405 | 11.2015 | C027-4334 | © Otto Wöhr GmbH

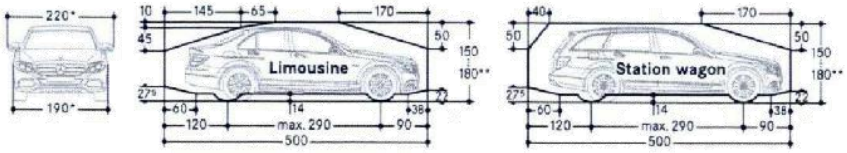
01 **Otto Wöhr GmbH**
Auto-Parksysteme
Ölgrabenstrasse 14
71292 Friolzheim | Germany
Fon +49 [0] 7044 46-0
Fax +49 [0] 7044 46-149
www.woehr.de
info@woehr.de

We compact parking space

WÖHR

Attachment 6 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A Traffic Assessment Report

Clearance profile (for standard vehicles)



* for a 250 cm platform width

** The overall vehicle height including roof luggage rails and antenna mounts must not exceed the max. vehicle height dimensions specified

Width dimensions

Platform widths:

250 cm (single units), 500 cm (double units):
- for 190 cm vehicle width

260–270 cm (single units), 520–540 cm (double units):
- for vehicles wider than 190 cm
- for units with intermediate walls
- for units at the end of the driving aisle

In case of reduced maximum platform widths:
- when parking wider vehicles or two-door sports car models, there may be difficulties in climbing in and out of the vehicle, depending on the type of vehicle, on how the entrance area is arranged and on individual driving habits

Width dimensions (underground car park)

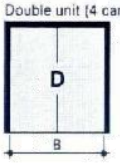
Intermediate walls

Single unit (2 cars)



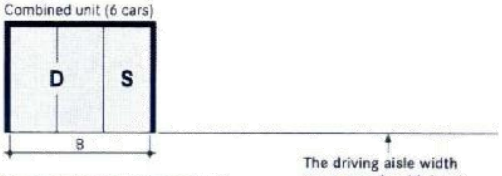
Space requirements B	clear platform width
260	230
270	240
280	**250**
290	**260**
300	**270**

Double unit (4 cars)



Space requirements B	clear platform width
490	460
510	480
530	**500**
550	**520**
570	**540**

Combined unit (6 cars)

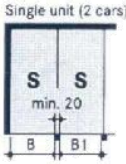


Space requirements B	clear platform width
750	460+230
780	480+240
810	**500+250**
840	**520+260**
870	**540+270**

It is possible to combine different widths

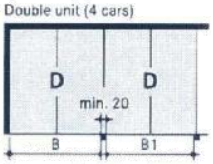
Columns external to the pit

Single unit (2 cars)



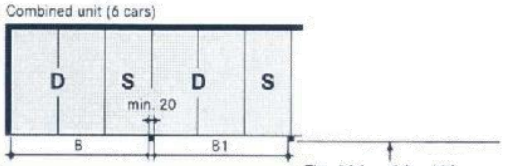
Space requirements wall-column B	column-column B1	clear platform width
250	240	230
260	250	240
270	**260**	**250**
280	**270**	**260**
290	**280**	**270**

Double unit (4 cars)



Space requirements wall-column B	column-column B1	clear platform width
480	470	460
500	490	480
520	**510**	**500**
540	**530**	**520**
560	**550**	**540**

Combined unit (6 cars)

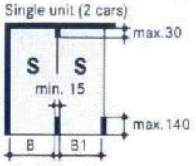


Space requirements wall-column B	column-column B1	clear platform width
740	730	460+230
770	760	480+240
800	**790**	**500+250**
830	**820**	**520+260**
860	**850**	**540+270**

It is possible to combine different widths

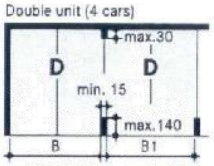
Columns in the pit

Single unit (2 cars)



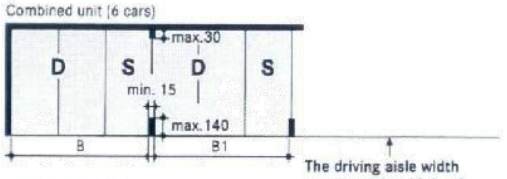
Space requirements wall-column B	column-column B1	clear platform width
255	245	230
265	255	240
275	**265**	**250**
285	**275**	**260**
295	**285**	**270**

Double unit (4 cars)



Space requirements wall-column B	column-column B1	clear platform width
485	475	460
505	495	480
525	**515**	**500**
545	**535**	**520**
565	**555**	**540**

Combined unit (6 cars)



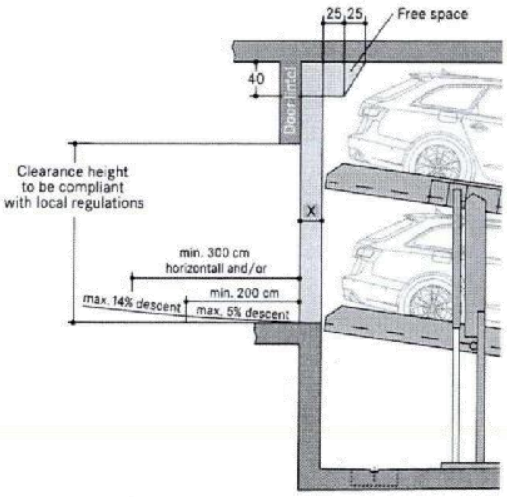
Space requirements wall-column B	column-column B1	clear platform width
745	735	460+230
775	765	480+240
805	**795**	**500+250**
835	**825**	**520+260**
865	**855**	**540+270**

It is possible to combine different widths

Parklift 405 | 11.2016 | C027-4334 | © Otto Wöhr GmbH

Attachment 6 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A Traffic Assessment Report

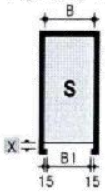
Garages with doors



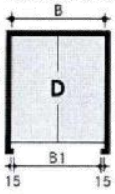
X = 10/15 cm for roller shutters

Dimension X to be defined by customer with the door supplier.

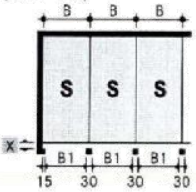
Single unit (2 cars)



Double unit (4 cars)

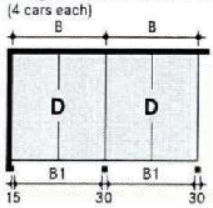


Garage rows with single doors (2 cars each)



Space requirements B	B1*	clear platform width
260	230	230
270	240	240
280	**250**	**250**
290	**260**	**260**
300	**270**	**270**

Garage rows with double doors (4 cars each)

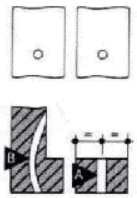


Space requirements B	B1*	clear platform width
490	460	460
510	480	480
530	**500**	**500**
550	**520**	**520**
570	**540**	**540**

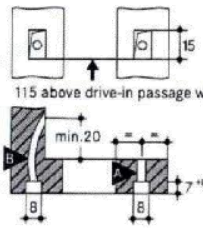
* B1 = drive-in passage width

Operating panel recesses and empty piping requirements

Flush mounted



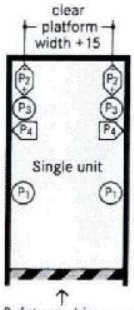
Recess mounted

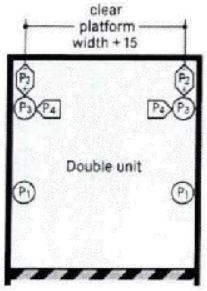


A M20 plastic or steel-armoured piping

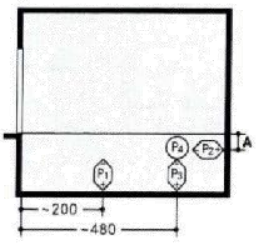
B M20 flexible, plastic-insulated piping

Static calculations and construction works requirement





Safety marking compliant to ISO 3864



Fixing of the system frames to the floor slab:
- using base plates (approx. 140 cm²)
- using adhesive anchor bolts
- hole depth to 10–12 cm
- concrete thickness of at least 18 cm

Concrete quality grade:
- compliant to the static requirements of the construction
- min. C20/25 grade (for dowel fastening)

Walls:
- front drive-in wall and rear wall in concrete
- perfectly flat wall surfaces
- without protruding sections such as border edgings, pipes and tubes, etc.

Frame bearing points:
- the specified lengths are expressed as mean value
- for the exact data, specific TÜV-tested data sheets are available

P1	+ 43 kN* / – 14 kN
P2	+ 4 kN / – 4 kN
P3	+ 17 kN / – 3 kN
P4	+ 3 kN

P1	+ 75 kN* / – 24 kN
P2	+ 4 kN / – 4 kN
P3	+ 28 kN / – 3 kN
P4	+ 3 kN

* specified load bearing data includes the vehicle weight

	A
Parklift 405-170	0
Parklift 405-175	5
Parklift 405-180	10
Parklift 405-185	15
Parklift 405-190	20
Parklift 405-195	25
Parklift 405-200	30

Extra space for hydraulic power packs

Dimensions in cm	1–5 Parklifts	6–10 Parklifts
Length:	100	150
Height:	140	140
Depth:	35	35

Hydraulic power pack placement options:
- located either on the top platform so that it moves with unit or on the wall
- where this is not possible, it is necessary to arrange for an extra space above drive-in level (i.e. for a wall recess or a niche)

Parklift 405 | 11.2016 | 0027-4334 | © Otto Wilhr GmbH

Attachment 6 - PLN17/1014 - 171-173 Swan Street - Applicant section 57A Traffic Assessment Report

Electrical specifications

To be performed by the customer

Item	Quantity	Description	Position	Recurrence
❶	1 piece	power meter	in the feed cable	
❷	1 piece	fuse protection or automatic circuit breaker compliant to DIN VDE 0100 part 430: 3 x 16 A slow blow for 3,0 kW 3 x 25 A slow blow for 5,5 kW	in the feed cable	1 x per power pack
❸	based on site conditions	compliant to local power supply regulations 3 phases + N + PE* 230/400 V, 50 Hz	feed cables to main switch	1 x per power pack
❹	every 10m	equipotential bonding safety lead-out connection	along pit floor edges/ rear wall	
❺	1 piece	equipotential bonding safety compliant to DIN EN 60204	from lead-out connection to system	1 x per system

* to DIN VDE 0100 sections 410 and 430 (no permanent load) 3 phases + N+ PE (three phase current)

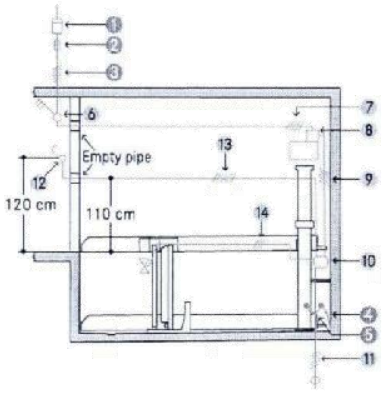
Note: for garages with doors the door manufacturer must be consulted before the electrical feed cabling is laid.

Scope of delivery by WÖHR

(unless as otherwise specified in the relative offer/contract)

Item	Description
6	Lockable main switch
7	5 x 2,5² PVC control cable leading from the main switch to the power pack
8	Hydraulic power pack with three-phase motor, 3.0 or 5.5 kW. Ready-wired switching cabinet with motor safety contactor
9	5 x 1,5² PVC control cable
10	Branch connector
11	5 x 1,5² PVC control cable lead-out to the system alongside
12	UP/down operating unit with EMERGENCY STOP. Possibly located on the left, but always out of the platform's range of movement. Cable feed-in strictly from below leading upwards (2 keys for each parking space).
13	7 x 1,5² PVC control cable
14	3 x 1,5² control cable for the cylinder valve lead

Installation diagram



Cabling preparation to be performed by the customer:
- up to the main switch to be in place prior to starting the installation operations
- connection to the main switch during installation
- system functional check testing can be performed by WÖHR together with the electrician provided by the customer
- if requested at a later date, functional check testing can be performed by WÖHR at extra-cost

Equipotential bonding safety:
- to be performed by the customer compliant to DIN EN 60204
- connections required every 10 metres

Notes and directions

Scope of application

- suitable for residential buildings, office buildings and business premises, hotels
- only for long-term users that have been instructed on how to use the system
- for frequently changing users (e.g. for office, hotel and business premises or similar):
  - only use of the top platform is possible
  - performance of technical system adjustments is necessary
  - consultation with WÖHR is mandatory

Noise protection

Foundations:
- to the German DIN 4109 »Noise protection in buildings«

Requirements for maintaining a max. 30 dB(A) sound pressure level in living quarters:
- noise protection kit available as an optional WÖHR accessory
- overall building sound insulation to be min. $R'_w = 57$ dB
- single-pane (monocoque) construction of the parking system border walls, with a flex rigidity of min. m' = 300 kg/m²
- overall parking system solid ceiling slab of min. m' = 400 kg/m²

Implementation of additional noise protection measures in the event of changes or amendments to the construction requirements.

The best results are given by installing system base plates separated from the actual construction.

For increased noise protection:
- airborne sound insulation values compliant to the DIN 4109-10
- increased noise protection levels need to be pre-planned and confirmed by WÖHR to project requirements (increased construction dimensions are necessary)

Drainage

Water leaks into the pit:
- in the winter, up to 40 litres of snow water can come with the wheel housings in just one parking process

Recommended drainage channels:
- along the front end sections of the pit
- connecting to a floor drain or drainage pit (50 x 50 x 20 cm)
- with manual emptying out of the drainage pit
- alternatively installation of a pump or drainage channel into the sewerage system, to be performed by the customer

Sideways slope drainage:
- only into a gutter
- not possible in the remaining pit section

Lengthways slope drainage:
- provided according to specified construction dimensions

Environmental safety:
- coating of the pit flooring is recommended
- installation of an oil and/or petrol separator unit between the drainage connection and the main sewerage system

Lighting

- sufficient lighting of the driving aisle and of the parking places must be performed by the customer

Temperature

- system operating range: -10° to +40° C (with unloaded platforms lowering speed is reduced if less than +5° C)
- humidity: 50% at +40° C
- in the event of changes to system conditions please consult with WÖHR accordingly

Declaration of conformity

The parking systems are compliant to:
- EC Machinery Directive 2006/42/EC
- DIN EN 14010

Railings

Wherever construction gaps and openings exceed permissible dimensions (to local, country-specific requirements):
- the system must feature safety railings

In the event of walkways/traffic passageways running directly alongside or behind the Parklifts and/or systems positioned along border walls:
- safety fences and barriers compliant to DIN EN ISO 13857 must be performed by the customer (also during the construction phases).

Maintenance

- WÖHR and all the WÖHR partners abroad provide an installation and customer service network
- regular, annual maintenance is provided subject to the stipulation of a maintenance agreement

Prevention of corrosion damage

- all operations listed in the WÖHR Cleaning and Maintenance Instructions are to be performed regularly (independently of maintenance operations))
- zinc-plated parts, components and platforms are to be kept clean of dirt, road-salt and any other debris (due to corrosion hazards)
- always keep the garage well ventilated and deaerated

Fire safety

- all fire safety requirements and all mandatory equipment (fire extinguisher and fire alarm systems, etc.) must be performed by the customer

Construction formalities

- the documentation necessary for construction permit applications is provided by WÖHR

Construction alterations and/or modifications

- the right to construction or mocel modifications and/or variations is hereby reserved
- the right to any subsequent part modification and/or variation and amendments in procedures and standards due to technical and engineering progresses or due to environmental regulation changes is also hereby reserved

Parklift 405 | 11.2015 | 0927-4334 | © Otto Wöhr GmbH | Vehicle drawings © creativ collection Verlag GmbH/www.caveisan.de

Acoustic Design Report

171 Swan Street Richmond

April 2019



COPYRIGHT: The concepts and information contained in this document are the property of Broner Consulting Pty Ltd. Use or copying of this document in whole or in part without the written permission of Broner Consulting constitutes an infringement of copyright.

Document history and status

Revision	Date	Description	By	Review	Approved
A	13/4/17	Design Report	N Broner		N Broner
B	15/1/19	Additions in Response to Council Comments	N Broner		N Broner
C	11/4/19	Updated plans	N Broner		N Broner

Executive Summary

Broner Consulting Pty Ltd was engaged by Loop Architects to provide an acoustics design report for the proposed development at 171 Swan Street. The proposed development includes basement car parking and plant area, ground level retail, level 1 commercial and residential apartments from level 2 – 4.

Noise Level measurements were conducted at night time to characterise the background noise level in the area as well as during the daytime to characterise the tram and traffic noise levels.

Noise criteria for various occupancies were noted and the Sleep Disturbance criterion was also noted. Internal wall options were provided and glazing/sliding doors also provided to achieve the indoor noise criteria. Criteria for internal air conditioning noise levels were also provided and a Sound Power Level limit was set for the outside condensers. Due to the roof slab, no special recommendation was required for rain noise. General recommendations for hydraulic noise control were also provided. To minimize stacker noise emission, the rear car park area ceiling area should be acoustically lined.

Contents

1.0 Introduction 3
2.0 Site Description 3
3.0 Noise Level Measurements 4
3.1. Ambient Noise Level 4
3.1.1. Noise Limit 4
3.2. Traffic Noise Level 5
3.3. Mechanical Services and Music/Patron Noise 6
4.0 Criteria 8
4.1. AS2107:2016 8
4.2. Sleep Disturbance 9
4.3. Sound Insulation 10
5.0 Design Recommendations 11
5.1. Sound Insulation 11
5.1.1. Wall Options Rw + Ctr 50 11
5.1.2. Rw + Ctr 50 discontinuous 13
5.1.3. Wall Options Rw 50 14
5.1.4. Floor/Ceiling Systems 14
5.1.5. Services 15
5.1.6. Doors 15
5.2. Façade Glazing 15
5.3. Rain Noise 17
5.4. Mechanical Services 17
5.5. Condenser Noise Emission 17
5.6. External Plant/Equipment & Venue Noise Impact on the Development 18
5.7. Hydraulic Noise Control 18
5.8. Car Stacker Noise 19
6.0 Summary 19

Glossary

Term	Description
Noise Spectrum	The sound pressure level (or sound power level) as a function of frequency (eg octave band, 1/3 octave or narrow band). Generally used to identify noise sources or items contributing disproportionately to an overall noise level.
Ambient Noise Level	The prevailing noise level at a location due to all noise sources but excluding the noise from the specific noise source under consideration. Generally measured as a dB(A) noise level.
Background Noise Level	The lower ambient noise level, usually defined as the value of the time varying ambient noise level exceeded for 90% of the measurement time. Usually defined in the dB(A) scale - L_{A90}.
dB	Sound pressure levels are expressed in decibels as a ratio between the measured sound pressure level and the reference pressure. The reference pressure is $2x10^{-6}$ Pascal (Newtons per square meter).
dB(A)	The A-weighted sound pressure level in decibels, denoted dB(A) is the unit generally used for the measurement of environmental, transportation or industrial noise. The A-weighting scale approximates the sensitivity of the human ear when it is exposed to normal levels and correlates well with subjective perception. An increase or decrease in sound level of approximately 10 dB corresponds to a subjective doubling or halving in loudness. A change in sound level of 3dB is considered to be just noticeable.
Frequency	The rate of repetition of a sound wave. The unit of frequency is the Hertz (Hz), defined as one cycle per second. Human hearing at everyday sound pressure levels ranges approximately from 20 Hz to 20,000 Hz. For design purposes, the octave bands between 63 Hz to 8 kHz are generally used. The most commonly used frequency bands are octave bands. For more detailed analysis each octave band may be split into three one-third octave bands or in some cases, narrow frequency bands.
L_{Fast}	The sound pressure level during the measurement period when using a Fast time response (0.125 seconds)
L_{eq}	The Equivalent Continuous Noise Level over the measurement time period eg over a 5 minute time period
Sound Level Meter	An instrument consisting of a microphone, amplifier and data analysis package for measuring and quantifying noise.
Rw	The Weighted Sound Reduction Index is a single-number quantity which characterises the airborne sound insulation of a material or building element such as a wall, window or door over a range of frequencies.
C_{tr}	An adjustment factor which is used to account for low frequency noise - typically the biggest problem with sound insulation. Ctr is always a negative number, so the Rw+Ctr will always be less than the Rw value.

1.0 Introduction

Broner Consulting Pty Ltd was engaged by Loop Architects to prepare an Acoustics Design Report for the proposed development at 171 Swan Street. The proposed development includes a basement car park and commercial tenancy, ground level retail, level 1 commercial and residential apartments from level 2 – 4.

The purpose is to provide noise attenuation measures to ensure the internal amenity of the residential building is not adversely affected by external noise sources (e.g. traffic and tram noise from Swan Street, mechanical plant equipment from nearby commercial uses, live music venues, etc.) and that the surrounding and proposed dwellings are not adversely impacted upon by mechanical plant equipment noise from the proposed development, including the garage entrance and car stackers.

This report presents our design recommendations for external and internal noise levels in accordance with the EPA Policy No N-1, the ABCB National Construction Code (BCA) requirements, AS2107 and sleep disturbance criteria.

2.0 Site Description

The proposed development at 171 Swan Street, Richmond, is in an area dominated by commercial and retail development. See Figure 1 below. The immediate area is zoned Commercial with Residential close by – see Figure 2.

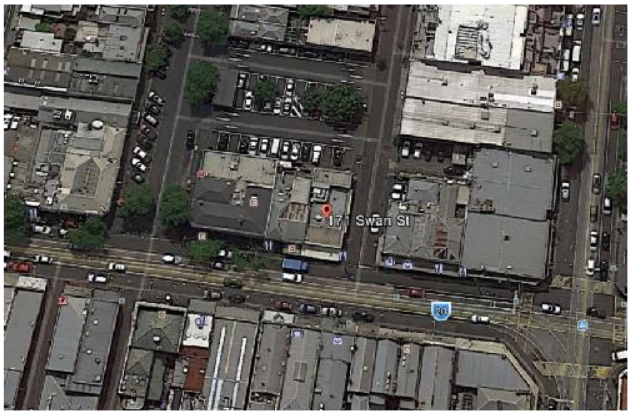


Figure 1 Plan showing 171 Swan Street and Environs

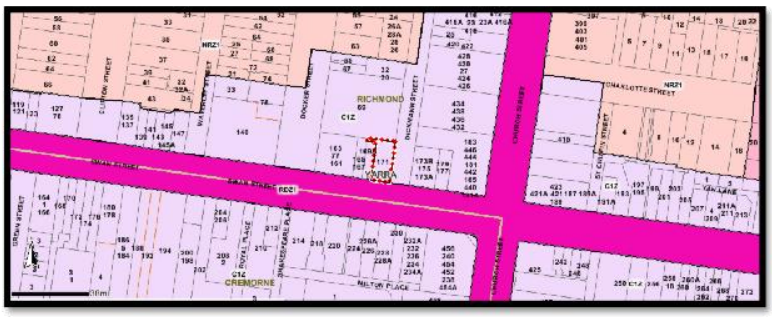


Figure 2 Zoning Map for the Area Around 171 Swan Street, Richmond

3.0 Noise Level Measurements

3.1. Ambient Noise Level

To derive the Noise Limit for noise emission from the proposed development, a Rion NL-001 noise logger was located on the roof of 171 Swan Street. The roof itself felt a little bit unstable so the logger was placed on the ductwork as shown in Figure 3 below.



Figure 3 Location of the Noise Logger on the Roof of 171 Swan Street

At this location, the noise logger was somewhat shielded from the traffic noise on Swan Street. This means that the derived Noise Limit would be somewhat conservative. It also means that an allowance should be made with respect to the traffic noise intrusion level when considering the front façade design. Figure 4 below shows the diurnal noise level variation over time measured from 19 – 23 December 2016.

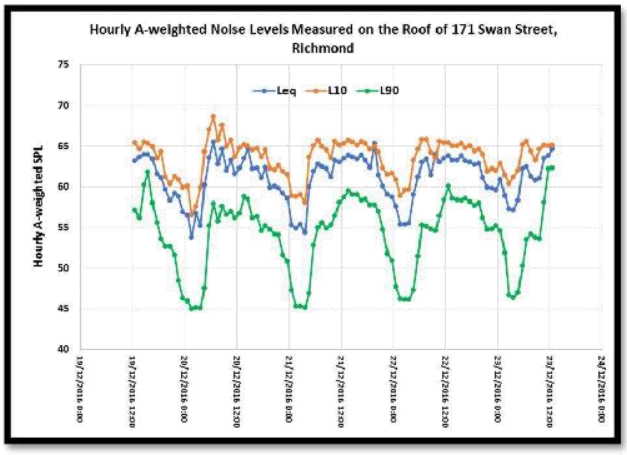


Figure 4 Hourly Noise Level Variation on the Roof of 171 Swan Street from 19 – 23 December 2016

3.1.1. Noise Limit

To derive the appropriate Noise Limit in accordance with the EPA Policy No N-1, the Influence Factor (IF) is first calculated based on the Zonings and the measured Period Background Noise Levels. Figure 5 shows the basis for the IF calculation.

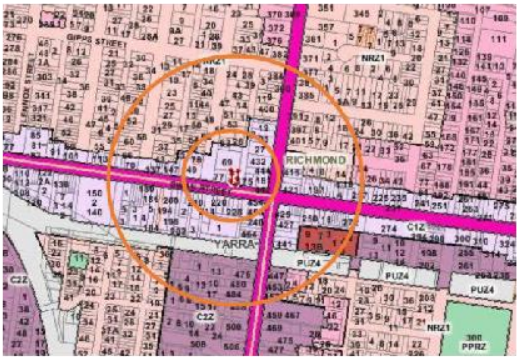


Figure 5 Circles Marked Up for Calculating the Influence Factor

The night time Noise Limit is the most stringent of all three time periods. The derived night time Noise Limit is 45 dBA and is considered a conservative estimate.

This night time Noise Limit applies to noise emission for air conditioning condenser units at neighbouring residential locations and for neighbouring plant potentially impacting the development.

3.2. Traffic Noise Level

The traffic noise level was measured at 1m from the facade and at 6m back from the facade to obtain an indication of the incident traffic noise levels – see Figures 6 and 7 which show the measurement setup . This was for the purpose of determining the glazing design required to achieve compliance with Standards.



Figure 6 Measurement Location at 1 metre from the Facade



Figure 7 Measurement Location 6m back from the Facade

Figure 8 and 9 show the traffic noise level versus time traces at 1m and 6m from the curb respectively. The measurements were conducted over a 15 minute period. Trams, trucks and motorbikes caused the greatest increase in noise levels with trams going away from the city (closest line) generating the highest noise level (up to 85 $L_{Aeq,1s}$). At 1 metre from the curb, the $L_{A10,15mins}$ was 70.3 dBA, the $L_{Aeq,15mins}$ was 67.4 dBA and the $L_{A90,15mins}$ was 60.7 dBA. At 6 metres from the curb, the $L_{A10,15mins}$ was 68.3 dBA, the $L_{Aeq,15mins}$ was 65.3 dBA and the $L_{A90,15mins}$ was 58.8 dBA.

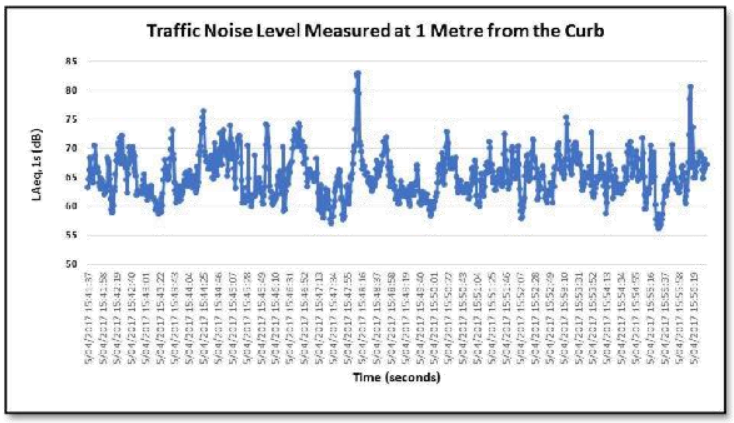


Figure 8 Traffic Noise Level Versus Time at 1m from the Curb

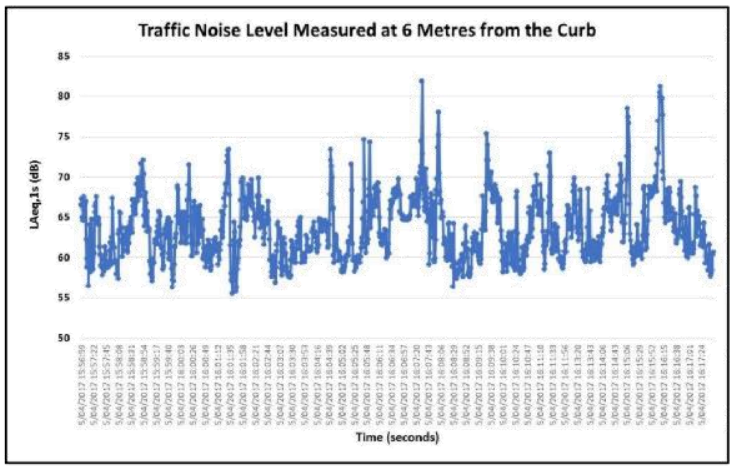


Figure 9 Traffic Noise Level Versus Time at 6m from the Curb

3.3. Mechanical Services and Music/Patron Noise

Figures 10 - 12 show some of the buildings surrounding the proposed development. There are quite a number of roof mounted mechanical plant servicing either residential or commercial premises nearby. There are also a number of restaurants/bistros/coffee shops nearby that have some form of music and some with patrons outside talking.

To determine the potential noise impact due to this noise on the proposed development, a noise level measurement was conducted on the roof of the current building starting at 8PM (we were not able to gain access after 9 PM). It was judged that at this time, it was likely for all air conditioning systems to be running and that the eateries would be at peak service.

During the measurement, the air conditioning system on the premises was switched off. Air conditioning and patron noise was audible on the roof and music noise was also audible on occasions.



Figure 10 Location of the Sound Level Meter on the Roof



Figure 11 Location of Mechanical Services to the East



Figure 12 Location of Adjacent Commercial Activity

The noise was measured for 30 minutes beginning 8 PM. For this period, the $L_{A10,30mins}$ was 60.3 dBA, the $L_{Aeq,30mins}$ was 59.3 dBA and the $L_{A90,30mins}$ was 55 dBA. Figure 13 shows where on the roof the measurement was conducted

and Figure 14 shows the level versus time trace. The passing of some trams, cars and motorcycles are clearly evident.

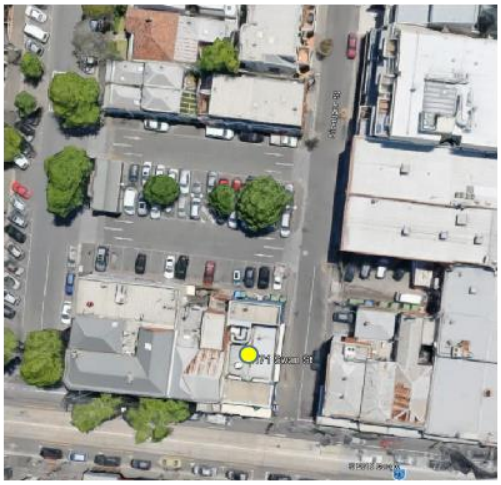
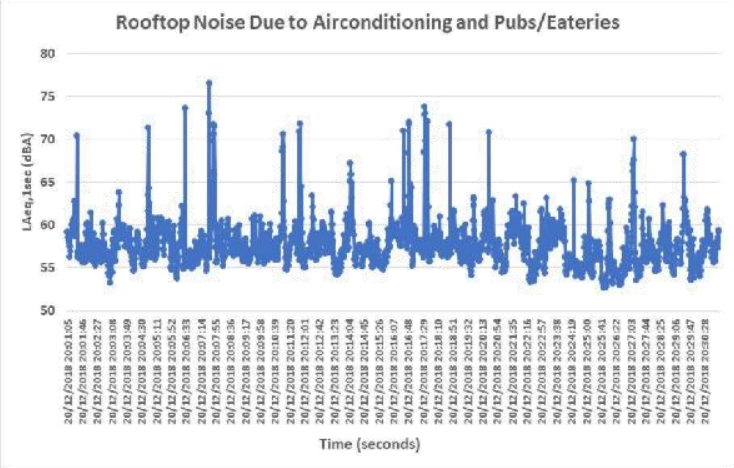


Figure 13 Location of the Sound Level Meter on the Roof



4.0 Criteria

4.1. AS2107:2016

AS2107:2016 "Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors" recommends acoustic design sound levels for various occupied spaces due to background steady noise sources such as air conditioning and distant traffic. The recommended design levels are for ensuring a healthy, comfortable and productive environment for the occupants and the users.

The relevant criteria for the proposed development are shown in Table 1 below excerpted from Table 1 of the Standard.

Table 1 DESIGN SOUND LEVELS FOR DIFFERENT AREAS OF OCCUPANCY IN BUILDINGS

Type of occupancy/activity	Design sound level ($L_{Aeq,t}$) range
OFFICE BUILDINGS	
Board and conference rooms	30 to 40
Corridors and lobbies	45 to 50
Executive office	35 to 40
General office areas	40 to 45
Meeting room (small)	40 to 45
Open plan office	40 to 45
Reception areas	40 to 45
Toilets	45 to55
Undercover carparks	< 65
SHOP BUILDINGS	
Small Retail Stores	< 50
Show Rooms	< 50
RESIDENTIAL BUILDINGS Houses and apartments in inner city areas or entertainment districts or near major roads	
Apartment common areas (e.g. foyer, lift lobby)	45 to 50
Living areas	35 to 45
Sleeping areas (night time)	35 to 40
Work areas	35 to 45

For the purpose of design, the following traffic noise level criteria have been chosen:

- 40 dB LAeq, 16h in all habitable rooms (6 am to 10 pm)
- 35 dB LAeq, 8hr in bedrooms (10 pm to 6am)
- Not more than 40 dBA Leq,1hr in bedrooms during the loudest night hour (but extended to include 6 am to 7 am for this assessment)
- Not more than 45 dBA, Leq, 1hr in all habitable rooms during the loudest day period hour (7am to 10pm)

4.2. Sleep Disturbance

The potential impact on sleep of residents due to road traffic and trams on Swan Street needs to be considered. There is no sleep criterion approach in Victoria. However, the NSW Road Traffic Noise Policy (March 2011) reviewed sleep disturbance criteria and concluded that:

"From the research on sleep disturbance to date it can be concluded that:

- maximum internal noise levels below 50–55 dB(A) are unlikely to awaken people from sleep
- one or two noise events per night, with maximum internal noise levels of 65–70 dB(A), are not likely to affect health and wellbeing significantly".

The LAmax descriptor is used to measure and quantify maximum noise level events. The LAmax is the maximum fast time weighted sound level of an event measured with a sound level meter satisfying AS IEC 61672.1-2004.

4.3. Sound Insulation

The ABCB National Construction Code (BCA) specifies in Section F5 the insulation for walls, floors and services for different adjacencies. Table 2 below indicates the sound insulation requirements relevant to the apartments.

Table 2 Sound Insulation Requirements for Apartments

WALLS

AREA	ADJOINING AREA	BCA Requirement
Habitable	Habitable	Rw + Ctr 50
Habitable room (other than Kitchen)	Bathroom, sanitary compartment, laundry or Kitchen	Rw + Ctr 50 discontinuous
Any Room in Apartment	Corridor, Stairway, Lobby	Rw 50
Any Room in Apartment	Lift shaft, plant room	Rw 50 discontinuous

FLOORS

Apartment	Sound Insulation Requirement
Floor separating sole occupancy units or a sole occupancy unit from plant room, lift shaft, stairway, public corridor or lobby	Rw + Ctr not less than 50 Lnw + Ci not more than 62

DOORS

Apartment	Sound Insulation Requirement
A door in wall that separates an apartment from a stairway, public corridor, public lobby	Door Assembly not less than Rw 30

SERVICES

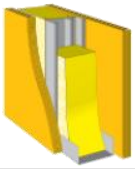
Apartment	Sound Insulation Requirement
If a duct, soil, waste or water supply pipe, including a duct or pipe that is located in a wall or floor cavity, serves or passes through more than one sole occupancy unit, the duct or pipe must be separated from the rooms of any sole occupancy unit	Rw + Ctr not less than: 40 if the adjacent room is a habitable room (other than a Kitchen) or 25 if the adjacent room is a Kitchen or non habitable room
If a storm water pipe passes through a sole occupancy unit	As Above

5.0 Design Recommendations

5.1. Sound Insulation

There are many options for compliance with respect to Sound Insulation. We show below indicative solutions but many others can be considered.

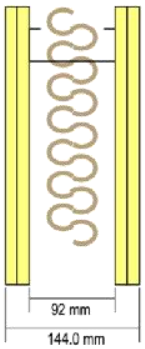
5.1.1. Wall Options Rw + Ctr 50

CSR 048			
	*Both Sides* • 2 x 13mm GYPROCK SOUNDCHEK plasterboard.	(a) Nil	49/43
		(b) 50 GW Partition 11kg	57/49
		(c) 75 GW Partition 11kg	58/**50**
		(d) TSB3/ASB3 Polyester	56/**50**
		(e) 60 Soundscreen™ 2.0 batts	58/49
		WALL THICKNESS mm	144

System Reference:	SS120.1A
Lining Side One:	2 x 13mm Firestop plasterboard
Plate Size(mm):	92
Framing:	Any Staggered Steel Stud
Insulation:	75mm Pink® Partition 11kg/m3 glasswool by Fletcher Insulation or 75mm polyester insulation 14kg/m3
Lining Side Two:	2 x 13mm Firestop plasterboard
FRL - LB:	Non-Fire Rated
FRL - NLB:	-/120/120 - from both sides
Acoustic Ratings:	Rw = 57 , Rw+Ctr = 50
Nom Wall Width (mm):	144
Acoustic Basis:	RT&A TE405-05F03
FRL Basis:	FR 2539, FCO-0512, 99/1370, EWFA 27211-00



System SS120.1A shown

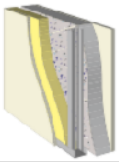


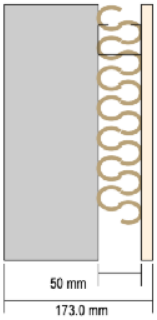
Rw 59 dB
C -3 dB
C_{tr} -8 dB
D_{nTw} 61 dB

System description

Panel 1 : 2 x 13.0 mm CSR Gyprock 13mm Soundchek plasterboard (ρ:1000 kg/m3,E:3.8GPa,η:0.01)

Cavity: Steel stud (0.55mm): Stud spacing 600 mm , Infill Earthwool 11kg/m³ 50mm Acoustic Wall Batt Thickness 50 mm (ρ:11 kg/m3, Rf:9000 Pa.s/m2)
Panel 2 + 2 x 13.0 mm CSR Gyprock 13mm Soundchek plasterboard (ρ:1000 kg/m3,E:3.8GPa,η:0.01)

CSR 739				
	*Masonry Side* • 1 x 13mm GYPROCK plasterboard CD *Stud Side* • 1 x 10mm GYPROCK plasterboard CD.	(a) 75 GW Partition 11kg	60/**51**	62/**54**
		(b) 90 Gold Batts™ 2.0	61/**52**	63/**55**
		(c) TSB4/ASB4 Polyester	59/**50**	61/**53**
		ADDITIONAL WALL THICKNESS mm	104	132

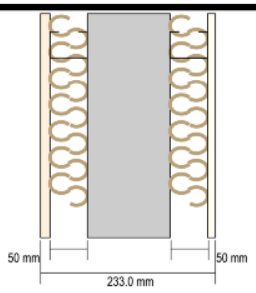


Rw 59 dB
C -2 dB
C_{tr} -8 dB
D_{nTw} 61 dB

System description

Panel 1 : 1 x 110.0 mm Solid Conc Blocks (ρ:2100 kg/m3,E:20GPa,η:0.04)

Cavity: Steel stud (0.55mm): Stud spacing 600 mm , Infill Earthwool 11kg/m³ 50mm Acoustic Wall Batt Thickness 50 mm (ρ:11 kg/m3, Rf:9000 Pa.s/m2)
Panel 2 + 1 x 13.0 mm CSR Gyprock 13mm standard plasterboard (ρ:650 kg/m3,E:1.9GPa,η:0.01)



Rw 65 dB
C -7 dB
C_{tr} -15 dB
D_{nTw} 67 dB

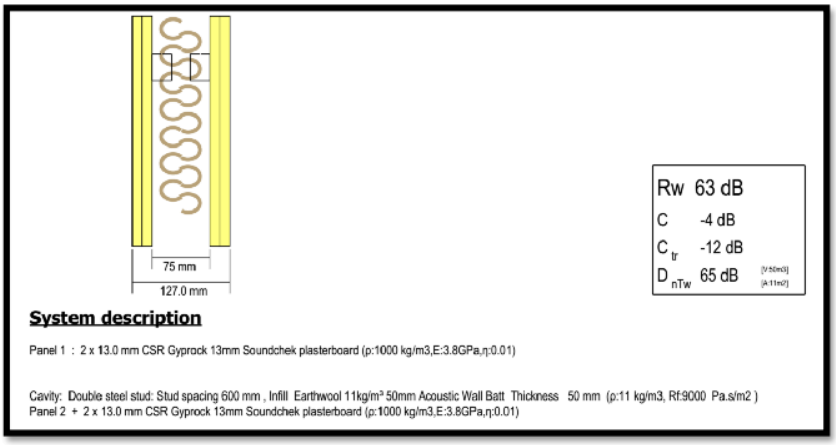
System description

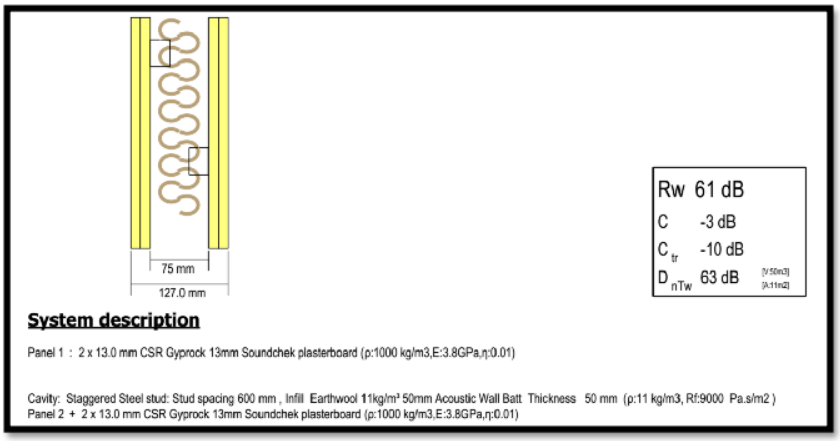
Panel 1 : 1 x 13.0 mm CSR Gyprock 13mm standard plasterboard (ρ:650 kg/m3,E:1.9GPa,η:0.01)

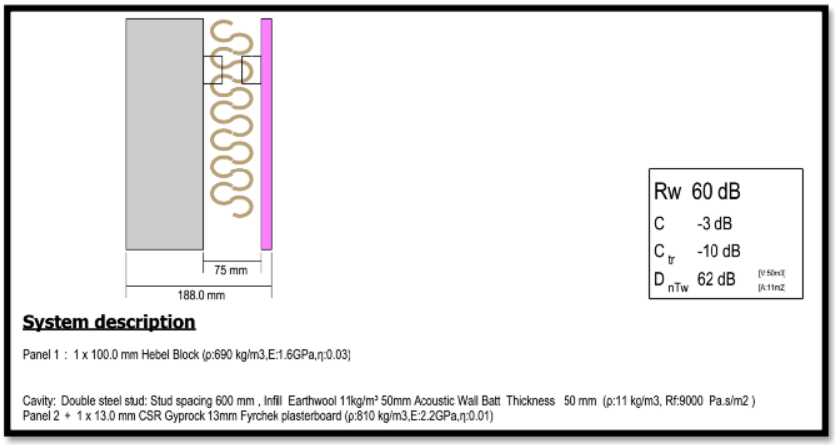
Cavity: Steel stud (0.55mm): Stud spacing 600 mm , Infill Earthwool 11kg/m³ 50mm Acoustic Wall Batt Thickness 50 mm (ρ:11 kg/m3, Rf:9000 Pa.s/m2)
Panel 2 + 1 x 110.0 mm Solid Conc Blocks (ρ:2100 kg/m3,E:20GPa,η:0.04)

Cavity: Steel stud (0.55mm): Stud spacing 600 mm , Infill Earthwool 11kg/m³ 50mm Acoustic Wall Batt Thickness 50 mm (ρ:11 kg/m3, Rf:9000 Pa.s/m2)
Panel 3 + 1 x 10.0 mm mm Plasterboard (ρ:710 kg/m3,E:2GPa,η:0.01)

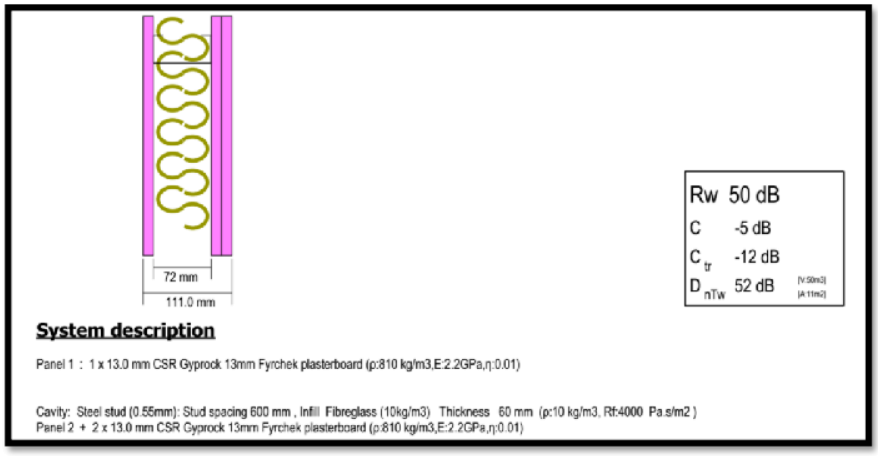
5.1.2. Rw + Ctr 50 discontinuous

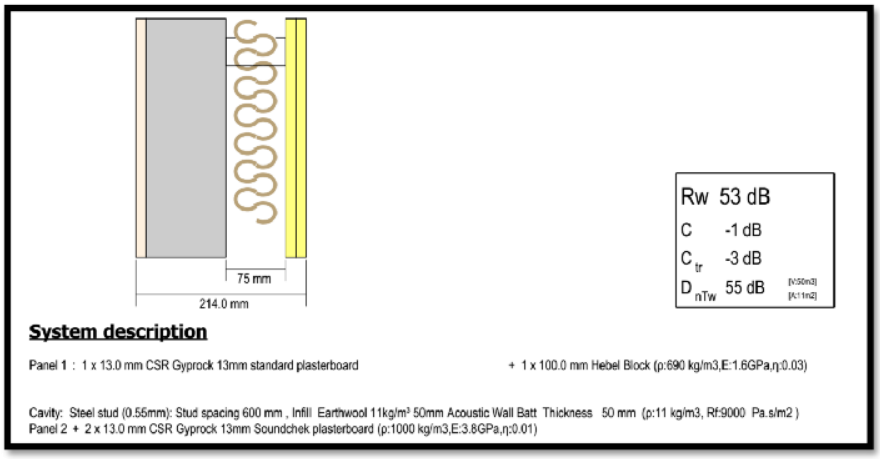






5.1.3. Wall Options Rw 50



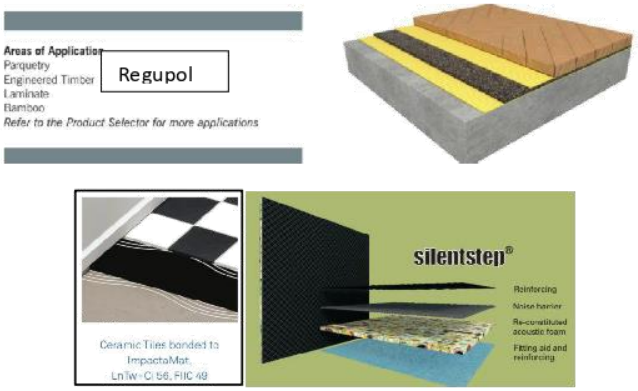


5.1.4. Floor/Ceiling Systems

The floor coverings in this instance will be carpet in the bedrooms, tiles in the bathrooms and T&G timber floorboards in the living areas.

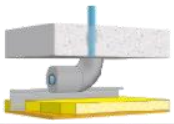
As 200mm concrete slabs are proposed for use as the floors, it will only be necessary to use underlay under the carpet.

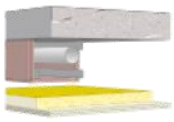
Regupol 4515 9mm can used as an underlay under the ceramic tile flooring and Regupol 6010 10mm can be used under the T&G timber with plywood. Other underlays that can be considered are Embelton Impactamat 800 (5mm thick) or Pyrotek Silentstep 10mm. The suppliers should be consulted to obtain the optimum installation information.



5.1.5. Services

Services running in ceiling voids should be enclosed as for example as below:

CSR SS12 	• 1 x 13mm GYPROCK SOUNDCHEK plasterboard.	(a) Nil	Nil	0	27
		(b) Nil	Acoustilag™ 45	0	41
		(c) 75 GW Partition – 11kg	Acoustilag™ 45	5	43

CSR SS42 	*Inner Layer* • 2 x 13mm GYPROCK FYRCHEK. *Outer Layer/Ceiling* • 2 x 13mm GYPROCK Plasterboard CD.	(a) 50 GW Partition – 11kg	Nil	53/44
		(b) TSB4 Polyester	Nil	53/46

Piping can be lagged with Pyrotek Soundlag 4525C or Rehau piping can be used.

5.1.6. Doors

To comply with the Rw 30 requirement for an apartment door, a solid core door 40mm thickness with door seals is required. A Spence Sontron 40SC-1 with perimeter and floor seals and threshold plate or equivalent will be acceptable.

5.2. Façade Glazing

We have based our analysis on the assumption that the façade structure will be constructed from 150mm precast concrete.

For the retail and commercial office, use Capral XO 6.38 laminated or equivalent.

Figures 14 – 16 show the façade glazing requirements. Capral or equivalent acoustic performance should be used. Where no glazing is specified, then any glazing option can be used to suit.

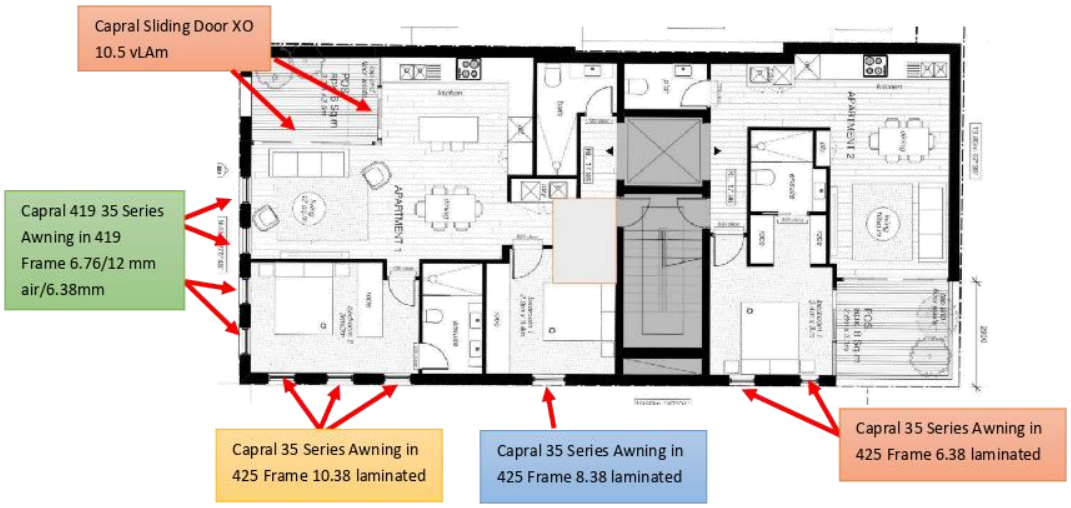


Figure 14 Glazing/Sliding Doors For Level 2

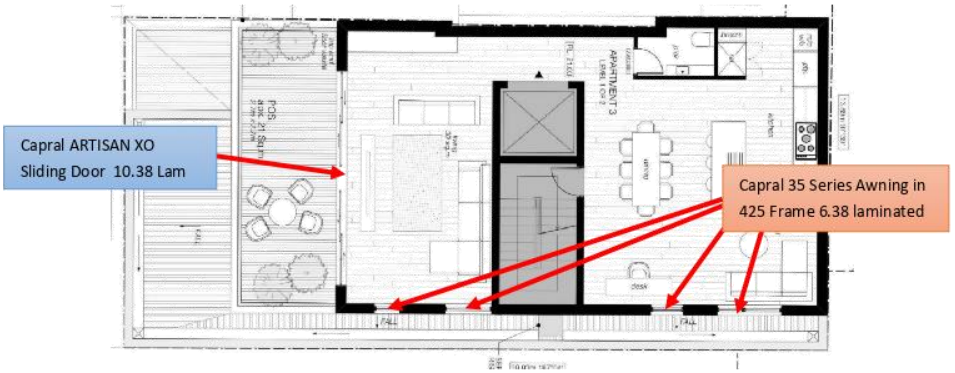


Figure 15 Glazing/Sliding Doors For Level 3

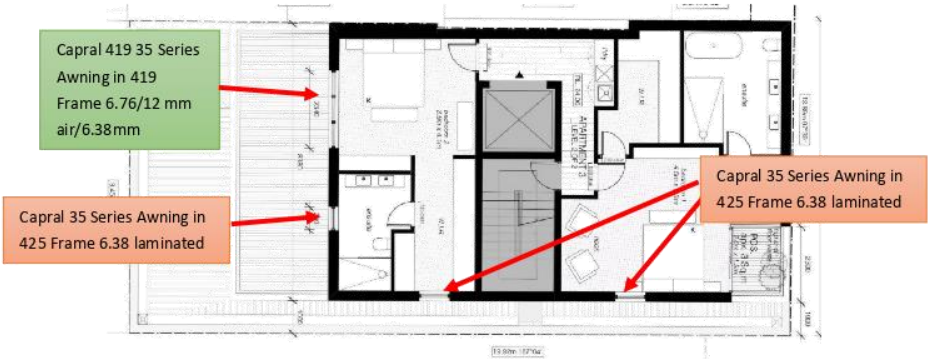


Figure 16 Glazing/Sliding Doors For Level 4

Table 3 Acoustic Specification for Doors and Glazing

Door/Glazing	Rw	Rw + Ctr
Sliding door XO 10.5 vLam	37	34
Sliding door XO 10.38 Lam	33	30
Series 425 6.38mm lam	36	33
Series 425 10.38mm lam	34	31
Series 419 6.76/12/6.38	37	31

We have given glazing/sliding door recommendations based on the Capral range of products. Alternatives are acceptable as long as they have a similar acoustic performance.

5.3. Rain Noise

The plant area is to be a 200mm structural slab with a vapour retarder, rigid insulations and a waterproofing membrane with a slope of min 1:50 over. A 350mm floor thickness is available for addition structure and insulation as required for thermal purposes.

For the balance of the roof areas which has roof sheeting alone, there will be a 200mm structural slab with timber framing to support the ribbed roof decking above with a min 2° pitch. Insulation over slab may be required for thermal purposes only.

5.4. Mechanical Services

Fan coil units and split ducted units should be chosen to ensure that so that the noise level in each room will comply with the requirements of AS2107:2016 for the various occupancies.

Where ducts are used for supply air, internal acoustic lining may be necessary to achieve the internal noise levels. FCU exhaust may require lined ducting or acoustic insulation in the ceiling void to ensure that the exhaust noise level is not excessive.

5.5. Condenser Noise Emission

External Condenser units are planned for some balconies and the noise emission at the nearest residential neighbours will need to comply with the Night Time Noise Limit of 45 dBA.

For the balcony on the south side of Level 3, the Outdoor Unit Sound Power Level must be less than 70 dBA and should be located on the south western corner of the balcony.

For the balconies on the north eastern side on Levels 2 and 4, the Outdoor Unit Sound Power Level must be less than 64 dBA and placed on the north eastern side (adjacent to the parapet which should be 100mm higher than the top of the condenser unit.

The acoustic design for any plant/equipment associated with the commercial tenancies (or serving the building) should be detailed during the design stage of the project to achieve the SEPP No N1 noise limits.

5.6. External Plant/Equipment & Venue Noise Impact on the Development

The noise level due to mechanical equipment/plant and due to the operations of commercial bars/restaurants in the vicinity of the proposed development was measured as described in Section 3.3 above.

The nominal external noise criteria for commercial plant/equipment, assessed in accordance with SEPP N-1 procedure are as follows:

> Not more than 10 dBA above any SEPP N-1 period noise limits, outside any openable windows or doors, AND
> For balconies and other private open spaces:
> - Not more than 65 dBA during the day
> - Not more than 55 dBA during the evening and night

The derived Night time Noise Limit was 45 dBA. The measured $L_{Aeq,15mins}$ was 59 dBA so that the balcony noise level would appear to slightly exceed the nominal guideline. However, the measured noise level does include noise due to traffic passing by and due to patrons and music from the nearby restaurants/bars.

Two points to note:

Firstly, the character of the area is such that anyone moving into this development should expect outdoor noise to be impacted by traffic, bars and restaurants nearby and some mechanical plant noise. Further, the noise level during the measurement was not found to be intrusive. There was no particularly tonal or other character to the noise.

Secondly, with the windows/doors closed, internal noise level criteria will be met.

5.7. Hydraulic Noise Control

Typical sources of hydraulic noises include fitting noises, filling noise, draining noises, inlet noises and impact noises. To minimise airborne and structure borne noise transmitted by hydraulic services, the following general guidelines should be followed:

- Good space planning is imperative.
- No direct rigid contact should occur between piping and surrounding structures or wall materials. Use flexible caulking or mastic to fill oversize penetrations.
- Use a minimum of 6 - 12 mm neoprene rubber to isolate any clamps or fixtures from the piping.
- Size pipes for maximum flow velocities of 1.8 m/sec maximum.
- Regulate maximum water pressure to 3.5kg/sq cm in main risers and lines, and 2.5kg/sq cm in distribution branches.
- Select quiet fixtures.
- Use cast iron pipe for waste/drain lines.
- Install tubs and showers on 2.5cm thick glass fibrepads and coat the back of the tub/shower enclosure with a mastic damping material.
- Incorporate flexible connections between piping systems and noise producing equipment, such as booster pumps, dishwashers, garbage disposals, etc.
- Acoustically lag piping with Pyrotek Acoustic Lag 4525 or use Rehua Rapiano Plus

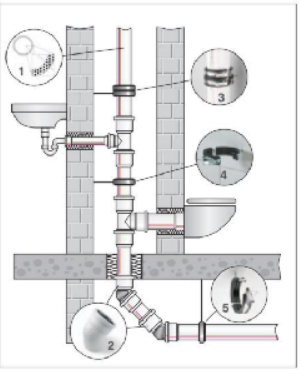


Figure 17 Hydraulic Noise Treatments

5.8. Car Stacker Noise

Car stackers create a tonal noise during their operation and when the lift hits the stops. The maximum level is LAmax 80 dBA at 6 metres when the stops are hit. There are no existing residential receivers in close proximity to the car entry area that would be impacted by the car stacker / entry door. To comply with the requirements of both SEPP No N1 and sleep disturbance targets at the nearest apartment, we recommend that the car park entry door should be a minimum of Rw 28.

6.0 Summary

Broner Consulting Pty Ltd was engaged by Loop Architects to provide an acoustics design report for the proposed development at 171 Swan Street. The proposed development includes basement car parking and plant area, ground level retail, level 1 commercial and residential apartments from level 2 – 4.

Noise Level measurements were conducted at night time to characterise the background noise level in the area as well as during the daytime to characterise the tram and traffic noise levels.

Noise criteria for various occupancies were noted and the Sleep Disturbance criterion was also noted. Internal wall options were provided and glazing/sliding doors also provided to achieve the indoor noise criteria. Criteria for internal air conditioning noise levels were also provided and a Sound Power Level limit was set for the outside condensers. Due to the roof slab, no special recommendation was required for rain noise. General recommendations for hydraulic noise control were also provided. To minimize stacker noise emission, the rear car park area ceiling area should be acoustically lined.

Prepared by:

Broner

Dr Norm Broner
Principal
Broner Consulting Pty Ltd

Attachment 8 - PLN17/1014 - 171-173 Swan Street - Applicant Waste Management Report

Waste Management Plan

171 Swan Street
Richmond, 3121
Planning Application

Client: 171 Swan Street Pty. Ltd. C/O Loop Architecture

This waste management plan has been prepared by Loop Architecture to accompany the Planning Permit application for 4x Apartments, 1 level of Commercial office and Ground level Retail located at 171 Swan Street, Richmond, 3121, Victoria.
The Waste Management plan has referred to with the '*Guide to Best Practice for Waste Management in Multi-Unit Developments*' prepared by *Sustainability Victoria*

Melbourne
Level 1, 664 Burke Road
Camberwell 2124,
Melbourne
p. 03 9429 4600
e. melbourne@looparch.com.au

LOOP Architecture
ABN 26 107 167 743

Member
Australian Institute of Architects

Attachment 8 - PLN17/1014 - 171-173 Swan Street - Applicant Waste Management Report

loop architecture

General Provisions

The proposed development consists of 1 ground level retail tenancy, 1 commercial tenancy on level 1 and 4 apartments over level 2-6.

Each apartment will have 2 receptacles fitted in the kitchen, 1 for general waste and 1 for recyclable waste. It is the responsibility of tenants to transfer their waste to the appropriately marked bin in the ground level bin store area. Access to the bin store is direct via the communal elevator.

Ground level retail tenant and level 1 commercial tenant are responsible for supplying their own receptacles within their tenancy and transferring waste to the appropriately marked bin in the ground level bin store area. Access for the retail tenant is via service doors direct into the bin store. Level 1 commercial tenant access the bin direct via the communal elevator.

General waste will be placed in suitable bags tied prior to depositing into the designated bin. Recycling waste will be directly deposited into the designated bin. It is the responsibility of each tenant to correctly dispose of recyclable materials as described by the City of Yarra.
No plastic bags will be placed in recycle bins. All cardboard will be flattened and folded prior to depositing into the designated bins.

It is the responsibility of the Owners Corporation and Commercial/retail Tenants to appoint a person/s in charge of rotating bins ensuring only full bins are placed at the kerbside in front of the development for collection by Council Collection Contractors. Bins shall be placed on and removed from the kerb in alignment with the City of Yarra Council requirements.

A steel frame with perforated mesh screening will enclose the designated bin store. The screening will visually disguise the contents within the store while facilitating natural ventilation to avoid trapping bad odours. The bin store will be fitted with a 24hour sensor light for the safety of tenants. The bin store will also be fitted with a water tap and hose for bin washing/store cleaning and a drain connected to the sewer.

a. Weekly Waste Generation

Waste Source	Waste Stream	Waste Total
Apartments X4	General Waste	320 L
	Recycle Waste	160 L
Ground Retail	General Waste	266 L
	Recycle Waste	133 L
Commercial Office	General Waste	77 L
	Recycle Waste	77 L

loop architecture

b. Allocated Space and Collection

Waste Source	Waste Stream	Bin Size	Number of bins	Weekly collections	Bin Area provided
Apartments X4	General Waste	240 L	2	1	$1m^2$
	Recycle Waste	240 L	1	1	$1m^2$
Ground Retail	General Waste	140 L	2	1	$0.65m^2$
	Recycle Waste	140 L	1	1	$0.3m^2$
Commercial/Office	General Waste	80 L	1	1	$0.3m^2$
	Recycle Waste	80 L	1	1	$0.3m^2$
Total bin area required					$3.55m^2$

The allocated space and waste volume can be altered to reflect increased/decreased waste volumes and /or unforeseen requirements.

c. Proposed bin store layout

All tenant bins are located in the store space to the rear of the car stacker. Residential and Commercial tenants will access the bin store via the lift directly opening into the bin store and Retail tenant via the access doors to the rear of their tenancy. Commercial /office tenant and the retail tenant bins will be fitted with a lock and key. It is the responsibility of each tenant to remove the lock when placed kerbside for collection. The bin store passageway is to be kept clear and safe at all times. It is the responsibility of the owners' corporation to ensure a safe storage area is maintained.

Drawing not to scale, refer to Architectural drawings for dimensions.



loop architecture

e. Noise and Odour management, safety and signage.

All bins are to kept within the communal bin store room at all times except during servicing. Mobile Garbage bins (MGB) bins have rubber wheels for quieter performance during transportation.

Council contracted collectors will ensure council guidelines are met at all times.

Bin lids will be kept closed at all times to control odour and vermin and prevent bin overfilling.

Professional bin cleaning contractors will be engaged to assist with odour and vermin control.

Signage

Bins will be coloured according to local council requirements to identify waste stream types.

Each bin will clearly indicate the waste stream.

Signage room walls will clearly direct tenants to the bin storage area and the process of rubbish removal in alignment with the waste stream requirements.

Advertising and promotional material will be on offer from Council to remind tenants of their green obligations.

d. Waste Removal - Council

Full bins will be places in front of the development at the kerbside to Dickman Street the evening prior to collection by the person/s allocated by the owners corporation and the ground and level 1 tenants.

Collection will take place on Mondays in correspondence with the Council timetable.

Once collection has taken place is the responsibility of the person/s allocated by the owners corporation and the ground and level 1 tenants to return the bins to the bin store room. This should be done as soon as possible and no longer than 24 hours after collection.

e. Summary

Collection service by City of Yarra Council of Mobile garbage bins (MGB) of 240L, 140L, and 80L units is the most practical and effective method of servicing this development.

Attachment 9 - PLN17/1014 - 171-173 Swan Street - ESD comments

Sustainable Design Assessment (SDA)
Referral Response by Yarra City Council



Assessment Summary:

Planning Application No:	PLN17/1014		Date: 5/6/19
Subject Site:	171-173 Swan Street, Richmond		
Responsible Planner:	Laura Condon		
ESD Advisor:	Scott Willey		
Project Description:			
Site Area:	Approx. 194m^2	Site Coverage:	100 %
Pre-application meetings:	-		

ESD Review

Review

The architectural and the Sustainable Design Assessment (SDA) for the above project were reviewed against the WSUD (LPP 22.16), and ESD (LPP 22.17) policies.

Summary comments

The building has potential for good access to natural light, outlook, and natural ventilation. However the first floor commercial tenancy is provided with full-height glazing to the north and northeast, with no operable sashes indicated. No shading is provided to windows on the eastern boundary line.

Access from Level 3 to Level 4 of Apartment 3 is unclear, as no cross-section is provided to indicate if a scissor stair allows private stair access over reliance on the lift. The private open space provided on the south of this apartment would benefit from breeze screening on the southwest, as it is likely to be very exposed to cool south-west breezes.

A good number of bicycle parks are provided in the basement with access to showers and lockers, and an existing rack to Swan Street. The basement racks are all in a vertical format, however, which can be difficult to use for some riders.

No details are provided of material improvement commitments, and the language used in the ESD report appears conflicted, and lacks clear commitments to some of the initiatives mooted.

Assessment

This application partially meets the standards sought for 'Environmentally Sustainable Design' (ESD), however, further information is needed before the proposal could be considered to meet Council's standards for best practice.

It is noted in particular that the is no comment on Building Materials and Construction and Building Management category is not responded to. Please respond to the The 10 Key Sustainable Building Categories referred to in Step 3 of 'How do I incorporate environmentally sustainable design in my planning application?' :

(www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/environmentally-sustainable-design-in-planning)

Comment on ESD commitments

Comments on areas where improvement could be made are itemised below. Should the application progress to permit stage, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are conditioned to be addressed in an updated SMP report, and where noted – clearly shown on Condition 1 drawings.

Attachment 9 - PLN17/1014 - 171-173 Swan Street - ESD comments

1. Application ESD Commitments

- Natural light and outlook – Good natural light appears well-balanced with window size
- Bicycle facilities – A good number of bicycle parks with end-of-trip lockers and showers
- Irrigation – Is provided to terraces to allow residents potted plants
- Thermal performance (apartments) – Preliminary modelling indicates an average 6.6 star NatHERS rating
- Water efficiency – Water efficient fixtures, fittings and appliances
- Hot water – Efficient gas water heating
- Rainwater – A 5000L rainwater tank will supply water for flushing for 5 toilets

2. Application ESD Deficiencies:

- Best practice - ESD reports are sought in order to establish if proposed designs will exceed business-as-usual construction to achieve 'best practice'. Reference to legal minima such as 'compliance' with the NCC are not relevant and should be removed.
- Bicycle parking – Some bike riders are unable to lift bicycles into vertical racks. A minimum of 20% horizontal bicycle parks are sought per 'AS 2890.3:2015 Parking facilities Bicycle parking'
- Building materials – The section provided on page 3 of the SDA contains no clear commitment to materials. Rewording is sought to clarify how material impacts will be reduced. Suggestions include:
  - Concrete – incorporation of cement replacement materials, and recycled aggregate
  - Timber – use of third-party certified 'sustainable' timber such as AFS, or FSC
  - Recycle content – use of materials with recycled content such as thermal insulation
- Solar energy – No photovoltaic or solar hot water collectors are proposed despite appropriate sun-exposed roof
- Thermal performance (non-res.) – No details are provided for improvements to the thermal performance of the commercial levels.
- Shade – No effective external shade is provided to the first floor full-height glazed wall to the northeast of Level 1.

3. Outstanding Information:

- Non-committal language – This report uses non-committal language to describe some initiatives, and therefore these are unable to be assessed. Statements using language such as: "recommended", "suggested", "encouraged", etc. are sought to be reworded to that which provides clear commitments to design outcomes and performance measures. Clarity is sought around commitments in sections 5, 6 and 7 of the SMP.
- BESS report – Some credits appear to require adjustment. Republish the report and resubmit after any revision including clarification of the following:
  - Energy efficiency – rating improvements on heating and cooling
  - Water credit 4.1 – clarify provision of building systems (fire test water, and water based heat rejection)
  - Waste credit 1.1 – clarifying retention of 30 % of building fabric
- Space heating and cooling – The rating of the systems proposed does not meet Council's standards for best practice. BESS Water credit 4.1 has been claimed with no details of water-based heat rejection systems or wet fire-suppression systems. Please clarity details with consideration of best practice systems, and note strategy for HVAC use minimisation.
- Indoor Air Quality – Clarify if low/zero VOC and formaldehyde products are to be used
- Natural ventilation – Clarification is sought as to if effective natural ventilation is provided. Multiple operable window sashes are sought on both the north and northeast Level 1 glazed walls.

- Thermal performance (non-res) – Details are sought of how the thermal performance of the building fabric will be improved above the legal minimum. A minimum 10% improvement is considered best practice.
- Urban ecology – Clarify commitments to urban ecology, including how Urban Heat Island effect has been addressed. Lighter coloured roofs/decking/paving are sought where sun exposed.
- Lighting – Further details are sought as to if daylight and movement sensors will be utilised in commercial and common areas of the building. All LED lighting commitment is sought to meet the current (NCC 2019) minimum lighting power densities.
- Active transport – Details are sought on the nature of stair access between levels of Apartment 3. Separation is sought to the common stair below, with the inclusion of natural light in both stairs – to encourage use of stairs over llfts.

Drawings are sought to clearly show the following:	
FLOOR PLANS	- Rainwater tank – Indicate water reuse - Electric vehicles – Annotate any charging infrastructure for electric cars and/or bikes - Bicycle parking – Indicate any horizontal format racks - Electric bicycles – Annotate any electrical bike charging points are to be provided - Clothes drying – Indicate clotheslines for each dwelling per Energy credit 3.4 - Shade – Indicate the line of any overhanging levels/roofs - Ceiling fans – Indicate any fans on drawings
ROOF PLAN	- Solar panels – Indicate panel location for any photovoltaic (annotate array size) and solar hot water panels (annotate percentage boost). - UHI effect – Indication of light/dark shade for sun-exposed roofing
ELEVATIONS / SECTIONS	- Sash operation – Indicate sash operation for all windows and glazed doors. - Sun shading – Indicated effective shading as above - Ceiling height – Show indicative ceiling heights for habitable room

4. ESD Improvement Opportunities

- Vegetation – Provision of planter boxes to improve the ecological value of the site (e.g. adjacent the ground floor entry
- Electric vehicles - Electric vehicle charging infrastructure is sought
- Building user guide – Consider provision of a BUG for commercial and residential occupants

Further Recommendations:

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

Attachment 10 - PLN17/1014 - 171-173 Swan Street - Engineering comments

MEMO

To:	**Laura Condon**	
From:	**Artemis Bacani**	
Date:	**29 August 2018**	
Subject:	**Application No:**	**PLN17/1014**
	Description:	**Original application plans: Mixed Use Development**
	Site Address:	**171 & 173 Swan Street, Richmond**

I refer to the above Planning Application received on 18 July 2018 and the accompanying Traffic Engineering Assessment prepared by Traffix Group in relation to the proposed development at 171 & 173 Swan Street, Richmond. 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	Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	153 m²	3 spaces to each 100 m² of net floor area	4	0
Shop	76 m²	3.5 spaces to each 100 m² of leasable floor area	2	0
Two-bedroom dwelling	4	1 space to each dwelling	4	4
		Total	**10**	**4**

The development would have a total car parking shortfall of six spaces (four office spaces and two spaces associated with the shop 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.

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

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

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

Development Site	Approved Office Parking Rate
Collingwood	
86 Smith Street PLN16/0216 issued 15 April 2016	96 m² Reduction: 3 spaces
187-195 Langridge Street PLN17/0867 issued 19 January 2018	470 m² Reduction: 16 spaces
Cremorne	
46A Stephenson Street PLN17/0017 issued 8 August 2017	55 m² Reduction: 1 space
Richmond	
19 David Street PLN17/0395 issued 15 April 2016	175 m² Reduction: 6 spaces

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

- *Parking Demand for the Shop Use*.
  A parking rate of 3.0 spaces per 100 square metres of floor area could be adopted for the shop as the premises is located along a commercial area/activity centre. Using this rate would result in a car parking demand of two spaces. The shortfall of two spaces could be accommodated off-site.

- *Availability of Public Transport in the Locality of the Land*.
  The site is very well positioned in terms of public transport services, with tram services operating along Swan Street and Church Street. Rail services are within walking distance of the site from East Richmond and Richmond railway stations.

- *Convenience of Pedestrian and Cyclist Access*.
  The catchment area surrounding the site includes residential properties and local businesses that would provide a source of local patrons. The site has excellent exposure to high pedestrian numbers and much of the café's source of patrons would be pedestrians. The site also has good connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking*.
  Although the demand for on-street parking in Richmond is generally very high, customers, clients and visitors to the site have the option of parking on-street along Swan Street (outside of peak period Clearway times) or at the paid public off-street car park off Docker Street and Dickmann Street.

- *Access to or Provision of Alternative Transport Modes*
  The site has very good access to public transport and the on-road bicycle network. Car share pods are located within walking distance of the site and provide an alternative transport option for staff and patrons. A Flexicar car share pod is located in Church Street, approximately 50 metres east of the site.

- *Car Parking Deficiency Associated with Existing Land Use*.
  According to the traffic report, the existing site is currently occupied by a betting agency with a floor area of 168 m^2. Under the provisions of Clause 52.06-5, a betting agency has a parking

rate of 3.5 spaces to each 100 square metres of leasable floor area. The previous use would have had a car parking credit of five spaces. The parking deficiency of the site would have been accommodated on the street.

Adequacy of Proposed Parking Provision
From a traffic engineering perspective, the waiver of car spaces for the proposed development should not result in an adverse impact on existing parking conditions in the area. The area's coverage of short-stay parking and high parking demand would encourage employees, customers, clients and visitors to utilise more sustainable transportation modes, which are conveniently available near the site. The Civil Engineering unit has no objection to the reduction in the car parking requirement for this site.

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment Loop Architecture Drawing Nos. SK100 Revision L dated January 2017, SK301 Revision K dated April 2017, and SK101 and SK304 Revision L dated January 2018

Item	Assessment
Access Arrangements	
Car Park Entrance	The width of the car park entrance is not dimensioned on the drawings.
Visibility	A pedestrian sight triangle for the exit lane has not been provided.
Headroom Clearance	The overhead clearance at the development's car park entry is not dimensioned on the drawings.
Vehicle Crossing	Not shown on the drawings.
Mechanical Car Parking	
Car Stacker Device	The car stacker model to be used for this development is the Wohr Parklift 405-200. This model has a platform width of 2.5 metres.
Vehicle Clearance Height	The selected variant for this model can accommodate at least 50 per cent of car spaces with a minimum height of 1.8 metres to satisfy *Design standard 4 – Mechanical parking*..
Gradient	
Ramp Grade for Frist 5.0 metres inside the Property	The ramp inside the property has a grade of 1 in 11.43 to satisfy *Design standard 3 – Gradients*.

Design Items to be Addressed

Item	Details
Car Park Entrance	The width of the car park entrance is to be dimensioned on the drawings.
Visibility	Since there are no visibility triangles at the entrance to the car park, it is recommended for convex mirrors to be installed on the north and south side of the entrance to improve the visibility of pedestrians along the footpath.
Headroom Clearance	The headroom clearance at the entrance of the car park is to be dimensioned on the drawings.
Vehicle Crossing	The vehicle crossing servicing the development's car park is to be shown and dimensioned on the drawings.
Ramp Grade for Frist 5.0 metres inside the Property	The length of the internal ramp is to be dimensioned on the drawings.

Service Cabinet Doors	Any service cabinet door opening onto a Public Highway must swing 180-degrees and be latched to the building when opened.
Building Canopy/Awning	The new canopy/awning at the Swan Street road frontage must be setback 750 mm from the face of kerb.

Capital Works Programme
A check of the Capital Works Programme for 2018/19 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

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 immediately outside the property's Swan Street and Dickmann Street road frontages 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 development's entrance on the west side of Dickmann Street must be constructed to Council's satisfaction. Materials to be used must comply with Council's *Infrastructure Road Materials Policy*. The vehicle crossing must satisfy the vehicle ground clearance requirements for the B99 design vehicle.
- 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.

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.

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 (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

ADDITIONAL ENGINEERING 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.

Discharge of Water from 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

Overhead power lines run along the north side of Swan 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

Construction Over an Easement

Levels 1 to 5 of the development will project over an easement on the northern boundary of the site. The easement is approximately 1.2 metres in width and does not contain any Council assets. A height clearance of 3.16 metres has been provided from the ground level to the underside of Level 1. Council's Civil Engineering unit has no objection with the projection over the easement as shown on the *Proposed Elevations E02* Drawing No.SK304 Revision L.

Additional Information

- The existing public waste bin at the Swan Street road frontage is to be retained.
- The existing fire hydrant at the Swan Street road frontage is to be converted to an in-ground hydrant.
- The existing bicycle hoop at the Swan Street road frontage is to be retained

Attachment 10 - PLN17/1014 - 171-173 Swan Street - Engineering comments

CITY OF YARRA

MEMO

To:	**Laura Condon**	
From:	**Artemis Bacani**	
Date:	**16 May 2019**	
Subject:	**Application No:**	**PLN17/1014**
	Description:	**Section 57A Amended Plans**
	Site Address:	**171-173 Swan Street, Richmond**

I refer to the above Planning Application received on 11 April 2019 and the accompanying Traffic Engineering Assessment prepared by Traffix Group (dated 15 March 2019) in relation to the proposed development at 171-173 Swan Street, Richmond. Council's Civil Engineering unit provides the following information:

CAR PARKING PROVISION
Amended 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	144 m²	3 spaces to each 100 m² of net floor area	4	1
Shop	76 m²	3.5 spaces to each 100 m² of leasable floor area	2	0
One-bedroom dwelling	1	1 space to each dwelling	3	3
Two-bedroom dwelling	2			
		Total	**9**	**4**

* Since the site is located within the Principal Public Transport Network area, the parking rates in Column B of Clause 52.06-5 now apply.

The amended plans would result in the waiver of five car spaces, which is one car space less than the original proposal.

Adequacy of Proposed Parking Provision
From a traffic engineering perspective, the waiver of five car spaces comprising of three spaces for the office use and two spaces for the shop use should not result in an adverse impact on existing

parking conditions in the area. Employees, clients, and visitors would be fully aware of the high parking demand in the Richmond area and choose to utilise more sustainable transportation modes, which are conveniently available near the site.

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

AMENDED DEVELOPMENT LAYOUT DESIGN

Loop Architecture Drawing Nos. SK100 Revision P dated February 2019
SK301 Revision N dated February 2019

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance	The entrance to the car park is 5.52 metres in width which satisfies *Design standard 1*.
Visibility	In-lieu of pedestrian sight triangles, the applicant has proposed to use convex mirrors on each side of the car park entrance. The convex mirrors are shown on the plans located beyond the property boundary.
Headroom Clearance	The headroom clearance at the car park entrance is not dimensioned on the drawings.
Vehicle Crossing	The proposed vehicle crossing is 5.52 metres in width.
Mechanical Car Parking	
Car Stacker Device	The car stacker model to be used for this development is the Wohr Parklift 405-200. This model has a platform width of 2.5 metres.
Vehicle Clearance Height	The selected variant for this model can accommodate at least 50 per cent of car spaces with a minimum height of 1.8 metres to satisfy *Design standard 4 – Mechanical parking*..
Gradient	
Ramp Grade for Frist 5.0 metres inside the Property	The 1 in 20 grade for the first 1.62 metres inside the property satisfies *Design standard 3 – Gradients*.

Design Items to be Addressed

Item	Details
Convex Mirrors	The convex mirrors are to be installed inside the property boundary.
Headroom Clearance	To be dimensioned on the drawings.
Service Cabinet Doors	Any service cabinet door opening onto a Public Highway must swing 180-degrees and be latched to the building when opened.
Building Canopy/Awning	The new canopy/awning at the Swan Street road frontage must be setback 750 mm from the face of kerb. The setback of the canopy from the face of kerb is to be dimensioned on the drawings.
Other	The waste bin and bicycle hoop on the Swan Street road frontage are to be retained.

Capital Works Programme
A check of the Capital Works Programme for 2018/19 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

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 immediately outside the property's Swan Street and Dickmann Street road frontages 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.
- All redundant property drains must be removed and Council assets reinstated to Council's satisfaction and at the Permit Holder's cost.

Vehicle Crossings

Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossings must be designed and constructed:

- In accordance with any requirements or conditions imposed by Council.
- Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- At the Permit Holder's cost; and
- To the satisfaction of Council.

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.

Discharge of Water from 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.

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.

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 (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

Clearances from Electrical Assets
Overhead power lines run along the north side of Swan 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

Construction Over an Easement
Levels 1 to 4 of the development will project over an easement on the northern boundary of the site. The easement is approximately 1.2 metres in width and does not contain any Council assets. A height clearance of approximately 3.19 metres has been provided from the ground level to the underside of the slab projection of Level 1. Council's Civil Engineering unit has no objection with the projection over the easement as shown on *Proposed Street Elevations 01 & 02* Drawing No.SK301 Revision N dated February 2019.

Attachment 11 - PLN17/1014 - 171-173 Swan Street - Acoustic comments

4 December 2018

640.10090.05640 171-173 Swan St RevA 20181204.docx

Yarra City Council
PO Box 168
RICHMOND 3121

Attention: **Laura Condon**

Dear Laura

171-173 Swan Street Richmond
Development Application Acoustical Review

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the proposed mixed use development at 171-173 Swan Street Richmond.

Details of the report are as follows:

- Title: Acoustic Design Report, 171 Swan Street Richmond
- Reference: Revision A
- Date: 13 April 2017
- Prepared for: Loop Architects
- Prepared by: Broner Consulting

The report was prepared prior to issue of the planning permit.

Note the report includes significant additional information and advice in relation to BCA compliance matters, which are not planning related aspects, and have been excluded from this review.

1 Preliminary

(Sections 1 - 2 of the report)

The proposed development and the surrounds are generally described in these sections of the report, as is the intent of the assessment report.

The proposal is for a mixed use development including basement carpark and commercial tenancy, ground level retail, level 1 commercial use and residential apartments on levels 2 to 4.

The site is located in a general commercial / retail area.

The purpose of the report is explained as addressing:

- Internal amenity in relation to external noise source (including traffic and tram noise, mechanical plant from nearby commercial uses, live music venues etc.)

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

- mechanical plant and equipment from the proposed development to existing and proposed dwellings.

SLR Comments: *The proposal has been generally described. The nearest existing residential dwelling is not identified, but appears to be approximately 30 m to the north at 27 Dickman Street. Nearby commercial operations that could impact the site are not specifically noted.*

From review of aerial and street photography for the site we observe that there is some roof mounted mechanical plant approximately 13 m to the east (above no. 175), as well as numerous exhaust fans and other mechanical equipment serving restaurants in the area (in the order of 15-25 m away), which would likely operate during the night. The image below shows these items which could impact the east façade of the development.



There is also some plant and equipment to the west (north-west), approximately 8 m from the boundary (above 165 or 169). The building design has minimal window interface to the west so mechanical plant in the westerly directly is unlikely to be an issue, although the top floor apartment has a balcony which could be impacted by sources to the west.

Some comment or assessment needs to be provided on the above. Noise from these items either needs to be shown to be compliant with SEPP N-1 noise limits, or be addressed by the development using an agent of change principle if the plant is not SEPP N-1 compliant. The preferred option is for some consultation to occur between the developer and commercial operator such that treatments can be applied at the source. Alternatively (as a last resort), City of Yarra have previously accepted an approach that achieves internal amenity in the apartments, and adoption of good internal targets to minimise the risk of nuisance or complaint. The following internal targets have been recommended previously with the above approach:

- *Achieve SEPP N-1 indoor limits, being the outdoor limits less 15 dB, and*
- *Not more than 30 dBA Leq in bedrooms and 35 dBA Leq in living rooms (30 min.).*
- *Not more than 45 dBA Lmax in bedrooms and 50 dBA Lmax in living rooms (relevant to sources with short term high noise events).*

In addition to the above, commercial plant and equipment noise levels should not exceed the following levels externally:

- *Not more than 10 dBA above any SEPP N-1 period noise limits, outside any openable windows or doors, AND*
- *For balconies and other private open spaces:*
  - *Not more than 65 dBA during the day*
  - *Not more than 55 dBA during the evening and night*

All assessment methodologies should apply corrections for character in accordance with SEPP N-1 procedure.

The document also does not discuss any potential entertainment noise impacts from nearby venues. From our review, we note:

- *The Richmond Social, 157 Swan Street, approximately 50 m west of the subject site. This appears to be predominantly a bar / bistro pub type use with no indication of live music, however, there could be loud pre-recorded music and there are private functions noted on the website.*
- *Fargo and Co, at 214 Swan Street, approximately 35 m south-west of the subject site. The application for that site (as provided by City of Yarra) suggests a bar with 'atmospheric recorded music' on the ground and level 1, and potential live duo (6pm to 9pm Sundays only) or pre-recorded background music on the Level 1 terrace. The proposed development at 171-173 Swan Street would represent the nearest residential use to this venue.*
- *There are also two venues on the corner of Swan St and Church Street (The Ugly Duckling and The Swan Hotel)*

Given the above, we would consider it appropriate that a night time survey be conducted at the site during peak / busy operations at nearby venues to quantify potential music impacts. More than one visit may be required.

2 Ambient Noise Measurements and SEPP N-1 Noise Limits

(Section 3.1 of the report)

A noise logger was deployed on the roof of the existing building on the site for the purposes of collecting background noise levels and deriving noise limits. The measurement was conducted from 19-23 December 2016.

The results are presented as a level versus time trace.

SLR Comments: *The test interval used for measurements is reasonable. The location is also reasonable in terms of quantifying background levels at a partly shielded location of the development (eg. along Dickmann St).*

The final derived day, evening and night period background levels are not presented in the report (only a level versus time graph). The determination of the noise limit in Section 3.1.1 only presents the night period limit which is indicated to be 45 dBA. It is not possible for SLR to formally check the provided noise limits, but based on indicative consideration of the provided time trace graph, we would expect the night period noise limit to be 45 dBA or higher (45 dBA would appear to be quite conservative). Noise limits along the south façade (and possible the east façade) would likely be higher, but the use of 45 dBA is a conservative preliminary approach for planning purposes.

Attachment 11 - PLN17/1014 - 171-173 Swan Street - Acoustic comments

Comments provided 20 May 2019 on in response to revised section 57A amended Acoustic report dated April 2019:

- There are a couple of outstanding issued from my perspective as follows:
- Music Noise impacts to site. While some additional measurements appear to have been collected from 8pm to 9 pm on the roof of the building (not sure which day of week) and the commentary mentions some music was audible at times, I am not completely comfortable that worst case music impacts have been checked to the site during the later night period.

- The only other matter is the commentary provided in relation to the adjacent mechanical plant. Section 5.6 needs a bit more careful discussion and is missing the internal targets we provided in the last review - without those internal targets we don't know what internal criteria have been adopted in the last line of this section.

Comments provided 14 June 2019

- We need more commitment in the report, a lot of it is general discussion and there is no inspection during the late night to address our concerns with some of the late night venues. Some suggested conditions:
    - A revised acoustic report to provide an assessment of late night music noise between midnight and 1am and 2am and 3am on a Friday or Saturday night. Should the music assessment demonstrate exceedances in SEPP N-2 requirements, the revised acoustic report must provide recommendations for the building façade design to demonstrate the proposal will achieve internal SEPP N-2 noise limits with windows and doors closed.
    - A revised acoustic report to assess noise from nearby commercial mechanical plant and patron noise and to demonstrate internal noise targets of 30dBA Leq will be achieved in bedrooms, 35dBA Leq in living rooms, and 55dBA Leq on private balconies.

Attachment 12 - PLN17/1014 - 171-173 Swan Street - Waste Management comments

MEMO

From	**Patrick Orr** Acting Services Contracts Coordinator
To	**Laura Condon**
Application No:	**PLN17/1014**
Description:	**Review of Waste Management Plan – 5 storey residential and commercial building**
Address:	**No.171-173 Swan Street, Richmond**

Comments provided 18 April 2019

The waste management plan for 171-173 Swan St, Richmond authored by Loop Architecture and dated 12/04/19 is not satisfactory from a City Works branch's perspective. Issues to be rectified include, but may not be limited to the following:

1. Council has a limit on the sizes of waste and recycling bins that are provided to businesses. Please check the website for further information.
2. Council does not allow private and council services to operate at the same site.

Further comments provided 14 June 2019: Conditions to address issues with waste management plan for 171-173 Swan St, Richmond authored by Loop Architecture and dated 12/04/19

- Commercial is fine in the plan. We asked this building to go to a private service because the commercial waste generation rates were higher than what is reasonable from a kerbside allocation. Once a private collection is nominated, commercial waste can be more reflective of that particular business.
- Condition residential bins need to be 1x240L waste and 1x240L recycling.
- Condition private collection for the whole development.

Attachment 13 - PLN17/1014 - 171-173 Swan Street - Heritage comments

City of Yarra
Heritage Advice

Application No.: PLN17/1014: Assessment on original application plans

Address of Property: 171 – 173 Swan Street, Richmond

Planner: Laura Condon

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

Heritage Overlay No. 335 **Precinct:** Swan Street, Richmond Precinct. External paint controls apply.

The north side of the Swan Street Precinct abuts HO332, the Richmond Hill Heritage Overlay Area, Area D which is predominantly a low-rise Victorian and Edwardian residential area dominated by two church spires at the peak of Richmond Hill.

Level of significance Double-storey shop and offices, is listed as being Not contributory in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007 (Revised May, 2018)*.

The citation in the *City of Yarra Review of Heritage Overlay Areas 2007 (Updated March 2013*), prepared by Graeme Butler, reads, *inter alia*:

> The Swan Street Heritage Overlay Area, Richmond is significant:
>
> - As one of the two major early commercial thoroughfares in the former City of Richmond, with a good collection of well-preserved, mainly Victorian and Edwardian commercial buildings, containing a mixture of shops, hotels and other commercial buildings, many of which are substantially intact at first floor level, with a number of historic shopfronts at ground floor, including those dating from the interwar period;
> - For the landmark or individually significant buildings from all eras including early hotels, from the gold rush era, and famous retail stores such as Maples, Dimmey's and Ball and Company, many with architecturally significant upper facades; and
> - As a good illustration of commercial architectural styles in the City, from the late 1850s to the inter-war period. [Emphasis added]

It also notes that:

> Some 24% of the buildings identified along Swan St are from the early Victorian-era and nearly 26% are individually significant, being a high percentage among other Heritage Overlay Areas but typical for the City's old commercial strips, with Brunswick St being 21%, Smith Street 27%, Queens Parade at 33%. [Emphasis added]

It also identifies façade parapets and two storey wall heights as contributing to the significance of the precinct. In addition, Individually significant buildings which make a major contribution to the nature and scale of the historical streetscape are no higher than three storeys (Maples (Nos. 122-124 Swan Street – Individually significant), Dimmey's clock tower (No. 150 Swan Street - Individually significant), the National Bank of Australasia (No. 105 Swan Street - Individually significant) and part of the former ANZ Bank site (No. 127 Swan Street). The new

building on the Dimmey's site (approximately 10 storeys) is set considerably back from the streetscape so as to preserve its heritage nature and that of the Dimmey's clock tower.

Proposal

Demolition of a non-contributory building and construction of a six-storey building above a single level basement.

Drawing Numbers

31 pages of town planning drawings; prepared by Loop Architecture, Council date stamp, 24 Nov 2017 and 08 Feb 2018.

Context

The context of Dickman Street behind and around the site, including the car park, is non-descript and of no heritage value. The principal heritage concern is the impact on Swan Street and in views southwards from Richmond Hill. The Swan St. precinct has a consistency of scale (predominantly two storeys), buildings from similar eras, with generally stylistically similar detailing and with some higher buildings which are individually significant (see above) and which should remain dominant along the street wall line i.e. in views along Swan Street from east and west. Swan Street also has a fine grain.

Assessment of Proposed Works

Demolition

There is no issue with the demolition of a Non-contributory building.

Proposed works

Built form (height/setbacks)

The building height appears to be 20.77 metres which is higher than No. 125 – 133 Swan Street which is a comparable site (on the corner of Clifton Street). I believe that the approved height was 17.17 metres, reduced from the originally proposed height of approximately 19 metres (for a five storey building). Presently, and leaving aside the Dimmeys apartment building, which incidentally is a different consideration and not a relative comparator here, No. 125 – 133 Swan Street is already the highest building in the Swan Street Precinct. The height proposed on the present site will also be out-of-keeping and one level should be deleted to reduce the height to approximately 17 metres. The heritage assessment of the proposal at No. 125 – 133 Swan Street was that it would be out-of-keeping and this has been borne out by existing conditions in Swan Street now. That said, the design evolved as a response to heritage concerns and some aspects are now acceptable or have been ameliorated in some degree.

The street wall height proposed is 10 metres which is 2.25 metres higher than the abutting buildings to the west, which are both Contributory. However, 10 metres is in the height range for a Victorian commercial building; there are historical precedents for higher façades on some sites in Swan Street; the historical height of street walls varies; and the street wall of No. 125 – 133 Swan Street is comparable to that which is proposed here and which is acceptable. The street wall height on this site is acceptable.

The setbacks from Swan and Dickman Streets at Levels Ground, 1 and 2 are zero which is acceptable.

At Level 3 the setback from Swan Street is 3 metres to the balustrade and 3 metres to the elevation. The setback to Dickman Street is 1 metre.

At Levels 4 - 5 the setback from Swan Street is 6 metres to the elevation there is no balcony. The setback to Dickman Street is 1 metre

The setbacks to Levels 3 – 5 appear to be broadly comparable to those at No. 125 – 133 Swan Street and are acceptable.



No. 125 – 133 Swan Street, Richmond. Note that on this site the street wall height is effectively the same as the abutting building to the west.

Attachment 13 - PLN17/1014 - 171-173 Swan Street - Heritage comments



The design of No. 125 – 133 Swan Street, Richmond echoes the characteristics of this former hotel building on the corner of Docker and Swan Streets and in this regards is an appropriate response to the streetscape.



In addition to the abutting shops to the west, the street wall façade design should also be a response to the shops on the opposite (east) corner of Dickman and Swan Streets, in a similar way that No. 125 – 133 Swan Street responds to the streetscape. That is not to say copy it but rather understand the historic streetscape and express it in a contemporary manner to achieve a comfortable, subtle and recessive appearance.

Colours/materials

The street wall façade has been designed as three components which is an acceptable response to the fine grain of the street. The eastern two thirds has a pair of vertically-oriented rectangular windows extending over two levels which is without historic precedent in the Swan Street Precinct. While the windows are separated by a spandrel where the floor level abuts the façade, in the perspectives the spandrel is almost invisible and fails to be a separating element which indicates separate floor levels. The fenestration needs to be redesigned to indicate the separate floor levels.

The western third has a balcony at Level 2 which is within the street wall façade. There are no balconies at this level in the Swan Street Precinct which is comprised of "a good collection of well-preserved, mainly Victorian and Edwardian commercial buildings … many of which are substantially intact at first floor level." The balcony will create a void which will be out-of-keeping in terms of its depth and opening size. Either delete the balcony or re-design this portion of the façade to make the balcony less apparent, such as set it back behind a window as on the level below – meaning unify the façade as per the eastern portion.

The east elevation has been designed with a curved section rather like a ship's bow at one end and the castle, or bridge, at the other. An inverted element is also at the Ground level and a similar shiplike element is on the north elevation which faces Richmond Hill. There is no precedent for such a design in Swan or Dickman Streets where elements are rectilinear in various sizes and proportions. This shiplike element should be redesigned to respond to the historic streetscape and to be in-keeping with it i.e. be more rectilinear. The new built form should not stand out; rather it should be a subtle or comfortable element in the streetscape derived from an understanding of the historical characteristics.

Given the scale of the drawings it is not clear whether the shopfront has a stallboard or plinth, although the perspectives indicate that there are none. As these are typical in Swan Street the inclusion of a similar element is required.

The colours and materials palette is generally acceptable however other than for Dimmeys there is little precedent for red face brick. Further, the combination of the red brick and the white brick facing is strident and discordant. The red brick facing should be reconsidered as should the combination of the red and white – something more subdued and recessive is preferred such as at No. 125 – 133 Swan Street which evolved in response to the heritage assessment.

Perforated mesh is proposed for the garage door and possibly elsewhere. There are increasing numbers of examples of recently constructed apartments in Yarra where this material has been used similarly. Due to lack of maintenance even on recently constructed buildings it has become dusty and damaged. Some material which does not attract urban detritus is required.

Recommendation / Comments:

As designed the building is too high and in this regard is out-of-keeping in the precinct. While the street wall façade design to Swan and Dickman Streets, in terms of proportion, rhythm etc. is an acceptable response to the streetscape, this is undermined by unrelated detailing which is an inappropriate response to the historic attributes of the streetscape. The levels above the street wall are attention-grabbing and need to be redesigned to have a far more subtle, subdued and recessive appearance.

Not approved at this time as the following changes are required:

Delete one level from the building overall to reduce the height to approximately 17 metres.

Attachment 13 - PLN17/1014 - 171-173 Swan Street - Heritage comments

The fenestration of the eastern portion of the street wall façade needs to be redesigned to indicate the separate floor levels behind as is typical in Swan Street – refer to the pattern of fenestration at No. 125 – 133 Swan Street.

Either delete the balcony to Swan Street at Level 2 or re-design this portion of the façade to make the balcony less apparent, such as set back behind a window as per the design of the level below – meaning unify the façade as per the eastern portion.

Delete the shiplike elements on the east and north elevations so as to respond to the historic streetscapes and to be in-keeping with them i.e. be more rectilinear.

A plinth to the shopfront is required.

Reconsider the combination of the red and white brick facing so as to have something more comfortable, subdued and recessive in appearance.

Replace the perforated mesh with a material which does not attract urban detritus.

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 28 August, 2018.

Attachment 13 - PLN17/1014 - 171-173 Swan Street - Heritage comments

City of Yarra
Heritage Advice – 1st section 57A Amended Plans

Application No.: PLN17/1014

Address of Property: 171 – 173 Swan Street, Richmond

Planner: Laura Condon

I provided advice of 28 August, 2018, and I understand that the amended plans discussed below are a response to that advice. Information contained in the previous advice is only included here as relevant.

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

Heritage Overlay No. 335 **Precinct:** Swan Street, Richmond Precinct. External paint controls apply.

The north side of the Swan Street Precinct abuts HO332, the Richmond Hill Heritage Overlay Area, Area D which is predominantly a low-rise Victorian and Edwardian residential area dominated by two church spires at the peak of Richmond Hill.

Level of significance Double-storey shop and offices, is listed as being Not contributory in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007 (Revised May, 2018)*.

Proposal

Demolition of a non-contributory building and construction of a five-storey (previously six-storey) building above a single level basement.

Drawing Numbers

13 pages of town planning drawings; prepared by Loop Architecture, Council date stamp, 08 Apr 2019.

Assessment of Proposed Works

The Recommendations / Comments in my previous advice are:

As designed the building is too high and in this regard is out-of-keeping in the precinct. While the street wall façade design to Swan and Dickman Streets, in terms of proportion, rhythm etc. is an acceptable response to the streetscape, this is undermined by unrelated detailing which is an inappropriate response to the historic attributes of the streetscape. The levels above the street wall are attention-grabbing and need to be redesigned to have a far more subtle, subdued and recessive appearance.

Not approved at this time as the following changes are required:

Delete one level from the building overall to reduce the height to approximately 17 metres.

One level has been deleted and the height proposed is now approximately 18.36 metres to the Overrun and 17.35 metres to the parapet. This is acceptable.

The fenestration of the eastern portion of the street wall façade needs to be redesigned to indicate the separate floor levels behind as is typical in Swan Street – refer to the pattern of fenestration at No. 125 – 133 Swan Street.

The fenestration is now acceptable.

Either delete the balcony to Swan Street at Level 2 or re-design this portion of the façade to make the balcony less apparent, such as set back behind a window as per the design of the level below – meaning unify the façade as per the eastern portion.

The balcony has been set back behind a window and the façade (south elevation to Swan Street) of the west portion at Levels 1 and 2 are now the same as each other and are different from the eastern portion. This is acceptable.

Delete the shiplike elements on the east and north elevations so as to respond to the historic streetscapes and to be in-keeping with them i.e. be more rectilinear.

Both the façade and the eastern elevation (Dickman Street) are now acceptably rectilinear.

A plinth to the shopfront is required.

An acceptable plinth has now been included.

Reconsider the combination of the red and white brick facing so as to have something more comfortable, subdued and recessive in appearance.

The overall appearance is in accord with this recommendation but white polished concrete (EF01) is proposed for the western portion of the Swan Street (south) façade and return wall on the west side and grey polished concrete (EF02) for the south portion of the east (Dickman Street) elevation. On this elevation off form concrete with a timber texture (EF18) is also proposed around the entrance. Experience in Yarra continues to show that exposed concrete with whatever finish treatment, particularly at the street level (Dickman Street entrance) does not maintain a pristine appearance as should be the case in these significant streetscapes and a major thoroughfare. A different treatment is required i.e. one which will maintain a pristine appearance over time e.g. grey and white brickwork in stretcher bond or painted render to Swan Street and possibly stone or ceramic to the entrance in Dickman Street – these are indicative suggestions and there might be other materials which are acceptable. The colours proposed are acceptable. This could be a permit condition to the satisfaction of the Responsible Authority.

I note that the timber is actually timber-look aluminium which will not rot or change colour as a consequence of weather. This is acceptable.

Replace the perforated mesh with a material which does not attract urban detritus.

At this time I am not sure exactly what was proposed previously but the perforated panels (EF08) and the perforated mesh for the balustrade (EF09) do not deal with the issue raised. There are numerous examples in Yarra where this material also attracts urban detritus and where used for a vehicle entrance, has been damaged and not repaired and is unsightly in the

streetscape. Vertical bars, or a solid material is preferred. This could be a permit condition to the satisfaction of the Responsible Authority.

Recommendation / Comments:

Approved, subject to replacing the exposed concrete and metal mesh/perforated metal with other materials as recommended above.

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 21 May, 2019.

Attachment 14 - PLN17/1014 - 171-173 Swan Street - Urban Design comments

CITY OF YaRRA

MeMO

TO:	Laura Condon (Statutory Planning)
FROM:	Amruta Pandhe (Urban Design)
DATE:	16 July 2018: Comments on original application plans
SUBJECT:	171-173 Swan Street, Richmond
APPLICATION NO:	PLN17/1014
DESCRIPTION:	Construction of a six storey mixed use development incorporating residential, retail and commercial uses.

COMMENTS SOUGHT

Urban Design comments have been sought on:

- Acceptability of proposed height;
- Appearance, architectural quality and material;
- Upper level window design to Swan Street; and
- Compliance with the incoming DDO

These set of comments are provided on the plans received on 24 November 2017.

COMMENTS SUMMARY

The proposal is not supported in its current form. In summary, the following changes are recommended to make the proposal more acceptable from an urban design perspective. The rationale behind these changes is explained in more detail overleaf.

- Reduce the overall height by removing the top level;
- Increase the upper level setback along Dickmann Street;
- The design of the street wall needs to give consideration to the architectural details of surrounding heritage buildings and 3-dimensional form when viewed from the public realm;
- The windows on the street wall fronting Swan Street are not acceptable;
- The design of the upper levels needs more articulation in form (not just through material) to reflect the use of the building and provide an interesting form by balancing light and shadow;
- The ground floor interface along Dickmann Street needs to be improved;
- The floor to ceiling height for level 1 should be increased;
- The window and balcony along northern frontage for Level 5 present equitable development challenges.
- The internal layout of some apartments are concerning as they provide very small spaces that do not appear to be functional; and
- There are some discrepancies in elevation and 3d renders which makes it challenging to assess.

Attachment 14 - PLN17/1014 - 171-173 Swan Street - Urban Design comments

DEVELOPMENT PROPOSAL

The development proposes demolition of existing building and construction of six storey mixed use development. The proposal provides pedestrian entrance from Swan Street and Dickmann Street and vehicular entrance from Dickmann Street.

URBAN DESIGN FEEDBACK

- **Height and Massing**
  The subject site sits within Swan Street activity centre where there is a need to balance accommodating growth and respecting heritage significance of the place. Clause 22.02 seeks new development in heritage overlay to not dominate the heritage place and respect the character of the historic streetscape. There is consideration given to Council's current amendment for interim controls for Swan Street in this assessment.

  The six storey development comprises retail at ground floor, office at first floor and apartments for upper levels. The proposed building height (excluding architectural features) is 19.8m. The proposed streetwall height is 10m that transitions down to 8m on the western side.

  The surrounding context of site has predominantly two storey heritage buildings with majority being of contributory and individually significant gradings. All the heritage buildings sit within an activity centre and hence it is accepted that there will be some level of development above the heritage buildings. However, these are only 2 storey (8m) heritage buildings which might allow for additional 2-3 storeys above them. This assumption is based on standard practise of upper level occupying one-third or one-quarter of the vertical angle defined by the whole building in the view from opposite side of the footpath. It is important that new infill developments on non-heritage sites do not compete and dominate these heritage sites. The current proposal for six storey will dominate the two storey heritage streetscape and provide a visually bulky form which is not acceptable in this context. Any new development on subject site should merge into its existing and potential future setting rather than draw too much attention to itself. To ensure future development respects the intact heritage character the DDO recommends a mandatory overall height of 18m for the northern side of Swan Street. Hence, the proposed overall height is not acceptable and it is suggested to remove the top level.

  Further, it is noted that the floor to ceiling height for retail and apartment spaces are acceptable, however, the 2.9m height for office level is not acceptable. Commercial uses generally have service requirements and hence it is preferred to have a 4m floor to ceiling height. It is recommended to provide a higher floor to ceiling height for Level 1.

  The proposal presents a three storey street wall with upper level setback by 6m from Swan Street and 1m from Dickmann Street. The site is a corner site and hence the demarcation of corner by a slightly higher street wall and transition from 10m to 8m at the heritage interface is an acceptable outcome. The upper level setback of 6m will positively contribute in maintaining the street wall as a distinct element in the streetscape and respects the surrounding heritage. The 1m setback from Dickmann Street does not contribute in clearly distinguishing the lower form and upper form. Hence, the street interface almost reads like a 6 storey sheer wall. This is not acceptable and it is recommended to increase the setback along this interface.

- **Architecture and Design Details**
  Clause 22.02 seeks new development in heritage overlays to consider the architectural integrity and context of the heritage place or contributory elements. The architecture of the development needs work to respond appropriately to the surrounding context. The information provided on number of elevations, sections and 3d renders don't match which makes it challenging to assess the proposal.

  The design of street wall needs to give consideration to the architecture details of the surrounding heritage buildings (like design and proportion of windows and colour of doors/windows frames). The windows on the corner element of three storey street wall does not provide clear distinction between the floor levels making the development stand out too much. The elevations show that there is a paint used in the central section of this window, whereas

the 3d renders show use of glass throughout the windows. The street wall along Dickmann Street is very busy with use of multiple materials. The design of the street wall needs to be improved and should give consideration to three-dimensional form when viewed from public realm.

The design of the upper levels needs more articulation in form and not just through use of multiple materials. The design will be benefit if the form reflects the use of the building. Given the scale of the development it is important that the upper levels provides an interesting form by balancing light and shadow through use of recessed windows, balconies, integrating shading, etc. Currently there are number of materials used and each level is separated by a band of glass over solid wall, two colour of bricks and grooved element to create articulations. The use of glass over solid wall for large portions will not provide an architecturally interesting façade, particularly along south and east elevation. The details of this grooved elements are not clear as they are shown in elevations and 3D renders but the cross-sections don't have them. It is suggested to relook into the design of the facades and provide correct information. The use of brick for upper levels and grey render for streetwall is supported.

The pedestrian entrance from Dickmann Street for upper levels is not wide and clearly legible. The ground floor interface along Dickmann Street will be beneficial by use of better materials. It is recommended to avoid use of mesh over solid paint finish.

- **Equitable Development**
  The subject site needs to take into consideration the development opportunities of the adjoining sites along northern and western boundary. The majority of the development is okay except the window and balcony along northern frontage for Level 5. As recommended above level 5 needs to be removed and this will contribute in resolving this concern.

- **Other concerns**
  The design presents some internal layout concerns. For example, the private open space (balcony), kitchen and living area for some apartments are very small and do not appear to be very functional. It is recommended to explore opportunity to provide wider windows for the bedroom windows.

Attachment 14 - PLN17/1014 - 171-173 Swan Street - Urban Design comments

CITY OF YARRA

MeMO

TO:	Laura Condon (Statutory Planning)
FROM:	Lucy Ferguson (Urban Design)
DATE:	22 May 2019
SUBJECT:	171-173 Swan Street, Richmond
APPLICATION NO:	PLN17/1014
DESCRIPTION:	Construction of a five storey mixed use development incorporating residential, retail and commercial uses.

COMMENTS SOUGHT

Urban design comments have been sought on the following matters:

- Is the revised design acceptable and has it addressed concerns raised in the original urban design advice?
- Are there are any capital works approved or proposed within the area of the subject site (as relevant to the planning application)?

These set of comments are provided on the plans with issue date 1 April 2019 (Rev Q). We refer to our previous comments provided on 16 July 2018. Comments are provided below from an urban design perspective. Please refer to comments from Strategic Planning for a detailed assessment against Design and Development Overlay 17 – Swan Street Activity Centre (DDO17).

COMMENTS SUMMARY

A number of key concerns have been addressed including the overall height of the development. A few comments remain relevant to the revised proposal and new concerns have arisen. In summary, the following changes are recommended to make the proposal more acceptable from an urban design perspective. The rationale behind these changes is explained in more detail overleaf.

- Minimise the extent and visibility of the roof plant from the public realm.
- Clarify the height of screening to Level 3 balcony to determine the impact on the street wall distinction.
- Increase the upper level setback above the street wall along Dickmann Street.
- Simplifying the architectural composition and detail of the proposals Swan street wall.
- Ensure the material palette and composition reinforces the base and recessive upper composition to Dickmann Street.

There are planned capital works around the site which are being led by the Urban Design team.

DEVELOPMENT PROPOSAL

- The development proposes demolition of existing building and construction of five storey mixed use development. The proposal provides pedestrian entrance from Swan Street and Dickmann Street and vehicular entrance from Dickmann Street.

URBAN DESIGN FEEDBACK

Height and Massing

- The reduction in height from six to five storeys and amendments of floor to floor heights, results in an overall height of 17.38m (plus lift overrun), in keeping with the mandatory 18m height (DDO17). The proposed revised overall height at five storeys is supported as per previous comments.
- In response to previous comments regarding functional floor to floor heights, the revised design increases the floor to floor height for Level 1 commercial tenancy from 2.9m to 3.6m.
- The extent of screened roof plant area has increased substantially from the previous scheme. The visibility and bulk of this upper level cap from the public realm should be minimised.
- The previous scheme employed a stepped street wall from 3 to 2 storeys to meet the existing street wall to the immediate west. The amended scheme provides a consistent 3 storey street wall with a parapet height of 11.1m. Despite the consistent height approach, the distinction of materiality and fenestration has been maintained. The consistent three storey street wall is appropriate within the immediate context.
- The proposed balcony (Apartment 3 - POS) at Level 03, projects into the 6m setback, contrary to the requirements of DDO17. We note there is a discrepancy in plan and elevation as to the height of balcony screening, as it is nominated on plan as 1.7m high, however appears lower in elevation. The height of this will determine the extent of visibility, appearance as a secondary parapet and distinction of the street wall.
- The 1m upper level setback along Dickmann Street does not distinguish the street wall and upper levels. The lack of meaningful setback combined with the materiality and composition results in a form that overwhelms the narrow (approx. 10m wide) Dickmann streetscape. As per the previous urban design comments provided the setback should be increased along Dickmann Street.

Architecture and Design Details

- The amended material palette consists of pre cast/render polished concrete (grey and white), tile (off-white), brick (off-white), render (white and grey), off form concrete (timber texture grey), cladding (natural timber look), perforated panel and mesh (charcoal).
- As an infill building within the Heritage Overlay (HO335), the façade treatment and articulation must be simple, respect the vertical proportions of and not compete with adjoining heritage buildings (DDO17). Similarly Clause 22.02 seeks new development to preserve the scale and pattern of streetscapes.
- The street wall fenestration along the Swan Street and southern portion of Dickmann Street has been amended in response to previous comments and expresses the first and second storey levels in keeping with the surrounding context. However the increased punctuation, combined with the change in materiality and detail along the Swan Street frontage where the street wall previously stepped down create an overly complex street wall. We suggest the proposal employ a consistent design along the Swan Street frontage, in materiality, fenestration and design detail to simplify the street wall. Ensuring the scale and rhythm of fenestration maintains visual proportions relative to the immediate streetscape.
- With regard to the Dickmann Street (East) Elevation, the palette of proposed material composition exacerbates the lack upper level setback and defined street wall along Dickmann Street, presenting as shear wall. The composition should work to reinforce the three storey base and recessive 2 storey upper level form, as the proposal utilises the same palette and language across Levels 2-5.
- The Dickmann Street pedestrian entrance remain is recessed and approximately 1.8m wide. While the width remains unchanged, the amended materiality is sufficient in improving the legibility and appearance of the entrance. The removal of perforated metal over solid wall and use of off form concentre in timber finish at Ground Floor is supported.

Attachment 14 - PLN17/1014 - 171-173 Swan Street - Urban Design comments

- The architectural resolution of the western sheer boundary wall has diverged from the previous scheme. The palette is limited to predominately brick (off-white) with tile (white), with the exception of a small portion at Level 02. The revised design provides some level of articulation, and is adequate in oblique streetscape view along Swan Street until such time as adjoining allotment redevelops.

Equitable Development

- The proposal has direct abuttals with two properties within the C1Z and affected by DDO17. To the west is a two storey commercial building (No 169 Swan Street) and to the north is an at-grade car park (No 69-75 Docker Street).
- On-boundary construction for the full height of the proposal to the west is sound, and reasonably facilitates the equitable development opportunities of the C1Z abuttal.
- Along the northern interface the proposal is setback 1.3m (approx.) at Ground Floor and Level 01, over the carriageway easement, with north facing glazing to the Level 01 commercial tenancy. Levels 02-04 are built to boundary, with dual aspect balconies at Level 02 (Apartment 2) and Level 04 (Apartment 3) located along this interface.
- While the proposal will provide upper level surveillance to the existing car park, it is also a C1Z site within the Activity Centre and DDO17. If the site was to develop in the long term, it has comparatively larger dimensions, allowing for greater design flexibility and ability to adopt a greater role in managing amenity and equitable development along the common boundary.

Capital Works Projects

- The Urban Design Unit is planning to upgrade streetscape furniture fixtures along the length of Swan Street next financial year (funding to be confirmed). As part of these works the existing furniture and fixtures, may be replaced or reinstated to meet the current standard suite and create a consistent and well-presented streetscape.

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

PLANNING APPLICATION REFERRAL TO STRATEGIC PLANNING
Strategic planning comments- 1st 57A amended plans

Strategic Planning comments are provided below.

The comments in this assessment focus on compliance with Design and Development Overlay 17 (DDO17). They do not provide commentary on other sections of the planning scheme or fully assess the internal amenity impacts of the application.

Development details

Property address	**171-173 Swan St Richmond VIC 3121**
Application number	**PLN17/1014**
Referral prepared by	Alayna chapman
Description	Demolition of the existing building for the development of a five-storey mixed use building, including a reduction in car parking requirements.
Relevant amendment & status	**Approved interim controls** In October 2018, the Minister for Planning approved Amendment C263. This amendment introduces new planning controls to the Swan Street Major Activity Centre. Schedule 17 to Clause 43.02 – Design and Development Overlay applies to the site. No transitional provisions apply. **Permanent controls** The Amendment C191 proposes to introduce a Design and Development Overlay to the area (Schedule 17 to the Design and Development Overlay) on a permanent basis. Amendment C191 also proposes to: • Rezone properties within the Commercial 2 Zone to the Commercial 1 Zone. • Apply the Environmental Audit Overlay to some sites being rezoned from the Commercial 2 Zone to Commercial 1 Zone. • Introduce a new local area policy at Clause 21.12 of the Yarra Planning Scheme. • Apply the Heritage Overlay to 15 places. • Remove 4 places from the Heritage Overlay. • Regrade 3 places as 'not contributory' to the broader heritage precinct. • Remove 57 Swan Street (the Corner Hotel) from the Richmond Hill Precinct (HO332) and include it as an individually significant place within the Swan Street Precinct (HO335). • Correct a number of historical mapping errors. Council is exhibiting Yarra Planning Scheme Amendment C191 (Swan Street Activity Centre) from Thursday 28 February until Monday 15 April 2019 (six weeks). The permanent controls vary slightly to the interim controls due to the Minister for planning proving authorisation to prepare the Amendment subject to conditions.
Existing and proposed controls	• Commercial 1 Zone (C1Z)

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

	• Design and Development Overlay Schedule 17 – Swan Street Activity Centre Precinct t 2 (DDO17-2)
Subject Site	

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

Strategic Planning comments - Summary

- The purpose of the definition section in DDO17 is to clarify the meanings of terms used throughout the control. The definitions are to be used in addition to (and not contradict) those contained in Clause 73.01.

  The definition of "setback" in DDO17 is the shortest horizontal distance from a building façade, including projections such as balconies, building services and architectural features, to the boundary.

  The proposed balcony/ POS (with a 1.7 high screen) is a projection and thus a façade along Swan Street. It also clearly creates a well-defined secondary parapet.

  Given the above, the actual upper-level setback along Swan Street is 3m at Level 3 (not 6m) and, as such, does not comply with the mandatory minimum upper-level setback of 5m in DDO17.

- The DDO provides an exemption for lift, plant, equipment and services from the overall height if specific criteria are met. While the service equipment is positioned to somewhat minimise views from the public realm, it does not appear that the criteria has been met in terms of the floor area of the equipment and integration into the design of the building.

Other comments:

- The proposal does not exceed the mandatory maximum height in DDO17 of 18m.
- While the street wall parapet height does not match the height of the adjoining contributory heritage buildings, the proposed street wall heights, along Swan Street and Dickmann Street, do comply with the requirement of 11m max. As such, the proposal reinforces and responds to the street wall edge and create a distinct difference between upper and lower levels.

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

Assessment of compliance with built form requirements

Built form requirements	Amendment C263 – DDO17	Proposal	Assessment of proposal
Building height	**Mandatory:** 18m (approximately 5 storeys) (excluding lift, plant and services) Non-structural elements that project above the building must meet all the following criteria: • The total roof area occupied by the equipment (other than solar panels) is minimised; • The service equipment is located in a position on the roof so as to minimise its visibility; • The non-structural elements and service equipment minimise additional overshadowing of neighbouring properties and public spaces; • The equipment does not extend higher than 3.6 metres above the maximum building height; and • The non-structural elements and equipment are integrated into the design of the building the	17.38m (10 storeys) - taken from the lowest existing site level South West of Corner Swan Street). This excludes lift, plant and services.	• The proposal at 17.38 **does comply** with the preferred maximum building height requirement of 18m in DDO17. The DDO provides an exemption for lift, plant, equipment and services from the overall height if specific criteria are met. While the service equipment is positioned to somewhat minimise views from the public realm, it does not appear that the criteria has been met in terms of the floor area of equipment and integration into the design of the building – it's very prominent from all angles in the elevations. Note: Dimensions were unclear on scanned plans.

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

Built form requirements	Amendment C263 – DDO17	Proposal	Assessment of proposal
	satisfaction of the responsible authority.		
Street wall height	**Mandatory:** 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m along Swan Street. 8m minimum along Swan Street. **Preferred:** Match the parapet height of the adjoining heritage building along Swan Street. 11m maximum along Dickmann Street. A permit cannot be granted which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred mandatory minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority: • The built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule,	South elevation (Swan Street) 10.79m – 11m. Adjoining Heritage Buildings along Swan Street: • Swan Street 169 Richmond Shop & residence 1 contributory constructed c. 1850-1890 • Swan Street 170 Cremorne Shop & residence constructed c contributory 1900-1915 East elevation (Dickmann Street) 11m.	• DDO17 seeks to reinforce a consistent 11m (approximately 3 stories) street wall along Swan Street. While the street wall parapet height does not match the height of the adjoining contributory heritage buildings, the proposed street wall heights, along Swan Street and Dickmann Street, do comply with the requirement of 11m max. As such, the proposal reinforces and responds to the street wall edge and create a distinct difference between upper and lower levels. • In accordance with the Street Wall and Setbacks design requirements, the first two floors are designed with floor to floor ceiling heights (4.09m) suitable to accommodate commercial activity (the development proposes shop at ground floor and office space at first floor). The frontage at ground floor also incorporates a return verandah, consistent with the form and scale of adjoining verandahs, into the façade design. Note: Dimensions were unclear on scanned plans.

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

Built form requirements	Amendment C263 – DDO17	Proposal	Assessment of proposal
	• The built form outcome because of the proposed variation satisfies the relevant requirements specified in this schedule. following requirements also apply to the design of the street wall and upper levels: • Frontages at ground floor and within the street wall must be designed with floor to floor ceiling heights suitable to accommodate commercial activity. • Frontages at ground floor must incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design. • Development must be designed to adopt the same street setback from all interfaces for a minimum of 65% of the height of upper levels to avoid repetitive stepped form. • Upper level development must be designed to ensure buildings are expressed in the round and provide detail on facades when viewed from all directions.		

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

Built form requirements	Amendment C263 – DDO17	Proposal	Assessment of proposal
Street wall Setback	**Maximum:** 0m **Preferred:** 0m A permit cannot be granted which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred mandatory minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority: • The built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, • The built form outcome because of the proposed variation satisfies the relevant requirements specified in this schedule.	Swan Street setback: 0m Dickmann Street: 0m	• The proposed street wall setbacks along Swan Street and Dickmann Street **do comply** with the preferred 0m setback.
Upper lever setback	**Maximum:** 5m minimum setback along Swan street **Preferred:**	Swan Street setback: 6.0m (includes a 3.0m trafficable space/terrace/balcony with 1.7 high, 25 % permeable screen). Dickmann Street: 1.0m	• The purpose of the definition section in DDO17 is to clarify the meanings of terms used throughout the control. The definitions are to be used in addition to (and not contradict) those contained in Clause 73.01. The definition of "setback" in DDO17 is the shortest horizontal

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

Built form requirements	Amendment C263 – DDO17	Proposal	Assessment of proposal
	For all development (along Swan Street) in a heritage overlay, any part of the building above the heritage street wall should be designed to ensure that it occupies no more than one third of the vertical angle defined by the whole building in the view from a sight line of 1.7 metres (on the opposite side of the street). 5m minimum (along Dickmann Street) for land affected by HO335 and individually significant buildings. 3m minimum elsewhere. A permit cannot be granted which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred mandatory minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority: • The built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, • The built form outcome as a result of the proposed		distance from a building façade, including projections such as balconies, building services and architectural features, to the boundary. The proposed balcony/ POS (with a 1.7 high screen) is a projection and thus a façade along Swan Street. It also clearly creates a well-defined secondary parapet. Given the above, the actual upper-level setback along Swan Street is 3m at Level 3 (not 6m) and, as such, the **setback does not comply** with the mandatory minimum upper-level setback of 5m in DDO17. • The development's upper-level setback along Dickmann Street is 1m and also does not comply with the preferred minimum upper-level setback of 5m in DDO17. DDO17 requires that all relevant built form outcomes and criteria must be met before a variation can be supported. It is considered the proposed building height does not satisfy key objectives and relevant requirements in DDO17: Design objectives – Of the five design objectives, three key objectives are relevant: – *To recognise and respond to the distinct character and varying development opportunities defined by the four precincts along Swan Street.* – *To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.* – *To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.* The other objectives are not directly relevant to the consideration

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

Built form requirements	Amendment C263 – DDO17	Proposal	Assessment of proposal
	variation satisfies the relevant requirements specified in this schedule. following requirements also apply to the design of the street wall and upper levels: • Frontages at ground floor and within the street wall must be designed with floor to floor ceiling heights suitable to accommodate commercial activity. • Frontages at ground floor must incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design. • Development must be designed to adopt the same street setback from all interfaces for a minimum of 65% of the height of upper levels to avoid repetitive stepped form. • Upper level development must be designed to ensure buildings are expressed in the round and provide detail on facades when viewed from all directions.		of the street wall height. While the absence of a proposed setback along Dickmann Street increases the bulk impacts of the development when view from Dickmann Street, the proposal, overall, does somewhat reinforce and respond to the street wall edge and create a distinct difference between upper and lower levels. Of the heritage design requirements, the following is relevant: – *Upper level development on land within a heritage overlay must Utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades* – *Upper level development on land within a heritage overlay must utilise incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape* – *Upper level development on land within a heritage overlay must utilise be articulated to reflect the fine grained character of the streetscape.* The development does include visually lightweight materials and incorporate simple architectural detailing that does not detract from significant elements of the heritage streetscape. It also respects the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape. Precinct 2 Design Requirements - Of the eight design objectives, one key objective is relevant: – *Development must respect the consistent scale, grain and architectural quality of the highly intact heritage streetscapes and the individually significant buildings in the precinct.* It is considered that the development does somewhat respect the consistent scale, grain and architectural quality of the neighbouring

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

Built form requirements	Amendment C263 – DDO17	Proposal	Assessment of proposal
			heritage places. • In accordance with the Street Wall and Setbacks design requirements, the upper levels of the proposal are designed to adopt the same street setback from all interfaces for a minimum of 65% of the height of upper levels to avoid repetitive stepped form. Upper levels are also designed to ensure the building is expressed in the round and provide detail on facades when viewed from all directions.
Building separation, amenity and equitable development	**Preferred:** Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development must: • be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed • be setback a minimum of 3.0m from the common boundary where a commercial or non habitable window is proposed. • Where the common boundary is a laneway, the setback is measured from the centre of the laneway.	Separation from common boundaries: • <u>west boundary (side)</u> Ground to 5 floor – 0m (blank wall built to boundary) • <u>Northern boundary (side)</u> Floors 2 – 3.4m (habitable room balconies) Floors 5 – 1.74m (habitable room balconies)	The proposal **complies** as the proposed habitable room balconies front a car park, and impacts are limited.
Overshadowing	**Preferred:** A permit cannot be granted to construct a building or construct or carry out works that would overshadow any of the following	**No shadow diagrams provided**	**Unable to comment** – however, it is likely that proposal complies with the overshadowing requirements, given height, setbacks etc.

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

Built form requirements	Amendment C263 – DDO17	Proposal	Assessment of proposal
	spaces between 10 am and 2 pm at 22nd September: • any part of the southern footpath of Swan Street measured as 4.0m from the southern road boundary of Swan Street, • any part of the opposite footpath of Church Street measured as 4.0 metres from the road boundary of Church Street • any part of the opposite footpath of Burnley Street measured as 4.0 metres from the road boundary of Burnley Street A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the overshadowing requirements specified in Clause 2.3 of this schedule unless the resultant overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority **Clause 2.3**		

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

Built form requirements	Amendment C263 – DDO17	Proposal	Assessment of proposal
	Development must not overshadow any part of the potential future open space adjacent to the East Richmond Station (measured as beyond 7.0m from the eastern road boundary of Milton Place and beyond 10.0m from the southern road boundary of Milton Place between 10 am and 2 pm at 22nd September). Development must not overshadow any part of the opposite footpath of Lennox Street, Stanley Street, Clifton Street and Docker Street, (measured as 2.0 metres from the road boundary of the street between 10 am and 2 pm at 22nd September).		
Vehicle and pedestrian access	Development must provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule. Vehicle ingress and egress into development, including loading	Vehicle access and movements have been located to the northwestern corner of the subject site.	The proposal **complies with the requirements** as Dickmann Street is designated as a preferred vehicle access side street. The vehicle access point has been located to maintain a pedestrian-friendly environment (Swan Street is the main entry point to the retail premises and is the main residential entry point). Little Lesney Street is a designated shared zone shown on the Access and Movement Plan 4 which can provide pedestrian access to the buildings, including upper-level apartments.

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

Built form requirements	Amendment C263 – DDO17	Proposal	Assessment of proposal
	facilities and building servicing, must be designed to ensure a high-quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity. Pedestrian access to buildings, including upper-level apartments, must be from a street or a shared zone shown on the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance must be setback from the rear laneway and well-lit to enable safe access.		

Alayna Chapman
Senior Strategic Planner, Strategic Planning
15 May 2019

Attachment 15 - PLN17/1014 - 171-173 Swan Street - Strategic Planning comments

Attachment 16 - PLN17/1014 - 171-173 Swan Street - Vicroads comments

vicroads
ABN 61 760 960 480

9 May 2019

Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: Laura Condon

Dear Sir/Madam

PLANNING APPLICATION NO.: **PLN17/1014**
VICROADS REFERENCE NO: **29100/19**
PROPERTY ADDRESS: **171 SWAN STREET, RICHMOND**

Section 55 – No objection subject to conditions

Thank you for your letter 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 an awning over footpath and to kerb edge.

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. *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 138A (11) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Swan Street boundary (i.e., the canopies, fixed shading devices, architectural features, balcony framing, screening etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the Swan Street road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.*
2. *Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (i.e. Swan Street). Please contact VicRoads prior to commencing any works.*

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 our Planning Department on (03) 9313 1187 or MNWPlanning@roads.vic.gov.au

Yours sincerely

Ewa Fiebelkorn

EWA FIEBELKORN
STATUTORY PLANNING SUPPORT OFFICER