



**YARRA CITY COUNCIL**  
**Internal Development Approvals Committee**  
**Agenda**

**to be held on Wednesday 12 February 2020 at  
6.30pm in Meeting Rooms 1 & 2  
at the Richmond Town Hall**

**Rostered Councillor membership**

Councillor Misha Coleman  
Councillor Danae Bosler  
Councillor Daniel Nguyen

- I. ATTENDANCE**  
Sarah Griffiths (Senior Co-ordinator Statutory Planning)  
Michelle King (Acting Principal Planner)  
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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***"Welcome to the City of Yarra.  
Yarra City Council acknowledges the  
Wurundjeri Woi-wurrung 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."***

### **Internal Development Approvals Committee Submissions**

“Prior to the consideration of any Committee Business Report at a meeting of the Internal Development Approvals Committee, members of the public shall be invited by the Chairperson to make a verbal submission. In determining the order of submissions, the Chairperson shall first invite the applicant or their representatives to submit, followed by formal objectors and finally any other interested persons.

All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the Chairperson at their sole discretion).

- Speak for a maximum of five minutes;
- Direct their submission to the Chairperson;
- Confine their submission to the planning permit under consideration;
- If possible, explain their preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions.
- Avoid repetition and restating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Following public submissions, the applicant or their representatives will be given a further opportunity of two minutes to exercise a right of reply in relation to matters raised by previous submitters. Applicants may not raise new matters during this right of reply.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.”

*Extract from the Council Meeting Operations Policy, September 2019*

## 1. Committee business reports

Item		Page	Rec. Page
1.1	PLN16/0829.01 - 363 George Street, Fitzroy - Amendment to Planning Permit PLN16/0829 to include the allotment known as Lot1 TP428690, and for alterations to the design, setbacks and massing of the approved built form including two additional levels of dwellings (eight storeys in total), modifications to the mix and internal layout of the shop and dwellings (permit required use) and a reduction in the car parking requirements	5	40



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- 1.1 PLN16/0829.01 - 363 George Street, Fitzroy - Amendment to Planning Permit PLN16/0829 to include the allotment known as Lot1 TP428690, and for alterations to the design, setbacks and massing of the approved built form including two additional levels of dwellings (eight storeys in total), modifications to the mix and internal layout of the shop and dwellings (permit required use) and a reduction in the car parking requirements**
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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of an application to amend planning permit PLN16/0829 and recommends approval subject to conditions.

### **Key Planning Considerations**

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

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
- (a) Strategic justification;
  - (b) Built form, design and heritage impacts;
  - (c) Off-site amenity impacts;
  - (d) Internal amenity;
  - (e) Equitable development;
  - (f) Car parking and access;
  - (g) Sustainable design; and
  - (h) Objector concerns.

### **Submissions Received**

4. Five (5) objections were received to the application, these can be summarised as:
- (a) Amenity Impacts
    - (i) Loss of daylight / overshadowing;
    - (ii) Visual bulk; and
    - (iii) Overlooking / loss of privacy.
  - (b) Car Parking and Traffic
    - (i) Inadequate turning / parking / loading provisions;
    - (ii) Inadequate bicycle parking; and
    - (iii) Traffic generation (during construction and from the proposed development).

### **Conclusion**

5. Based on the following report, the proposal (following the submission of a Section 57A amendment) is considered to comply with the relevant planning policy and should therefore be supported.

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

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- 1.1 PLN16/0829.01 - 363 George Street, Fitzroy - Amendment to Planning Permit PLN16/0829 to include the allotment known as Lot1 TP428690, and for alterations to the design, setbacks and massing of the approved built form including two additional levels of dwellings (eight storeys in total), modifications to the mix and internal layout of the shop and dwellings (permit required use) and a reduction in the car parking requirements**
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Reference: D20/13696

Authoriser: Senior Coordinator Statutory Planning

**Proposal:** Amendment to Planning Permit PLN16/0829 to include the allotment known as Lot1 TP428690, and for alterations to the design, setbacks and massing of the approved built form including two additional levels of dwellings (eight storeys in total), modifications to the mix and internal layout of the shop and dwellings (permit required use) and a reduction in the car parking requirements

**Existing use:** Office

**Applicant:** BKW George Street Fitzroy Pty Ltd

**Zoning / Overlays:** Commercial 1 Zone  
Design and Development Overlay (Schedule 10)  
Environmental Audit Overlay  
Heritage Overlay (Schedule 334)

**Date of Application:** 24/05/2019

**Application Number:** PLN16/0829.01

**Ward:** Nicholls Ward

### Planning History

1. Planning Permit PL02/0623 was issued on 24 December 2002 for partial demolition and the construction of a second floor addition to the existing building.
2. Planning Permit PLN16/0829 was issued on 13 April 2017 for demolition of the existing building, construction of a six storey building, use of the land for dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement associated with a shop. Plans were endorsed on 5 March 2018.
3. A secondary consent amendment was approved on 5 June 2018 for alterations to the dwellings on first floor (Dwelling 1 converted from two-bedroom to one-bedroom and Dwelling 2 converted from two-bedroom to three-bedroom).
4. An extension of time to the permit commencement was granted on 5 June 2019 so that the development must now commence no later than 13 April 2020, and must be completed no later than 13 April 2022, and the use must commence no later than 13 April 2023.

### Background

#### Internal Development Approvals Committee (IDAC)

5. This item is required to be decided by the IDAC as the proposed amendment exceeds the preferred six storey height referenced within the Design and Development Overlay (DDO10)).

### Planning Scheme Amendments

6. Planning Scheme Amendment C220 affects land in and around Johnston Street (Collingwood and Abbotsford). This amendment has been adopted and has been submitted to the Minister for Planning for approval. This amendment does not include the subject site, nor the land to the west of Smith Street.
7. Planning Scheme Amendment VC148 was gazetted into the Scheme on 31 July 2018. This amendment implemented changes to the VPP and planning schemes. The amendment reorders and restructures of a number of provisions without changing the content; most significantly, combining the State Planning Policy Framework and sections of the Local Planning Policy Framework (LPPF) into a new integrated Planning Policy Framework (PPF).
8. The majority of the changes have no bearing on the subject application. It is noted that the LPPF is presently provided in its previous form whilst migration to the new PPF occurs. Throughout this report, the revised State planning policy clause numbers have been referred to.
9. Among the changes are revised car parking requirements for areas noted within the Principal Public Transport Network (PPTN) Area. The subject site is located within the PPTN area and therefore the car parking requirements associated with the dwellings themselves would not have changed however, there would no longer be any requirements for visitor car parking. The initial application approved a full waiver of car parking for visitors (2 spaces). The car parking rate for the shop has also been modified, from a requirement of 4 spaces per 100sqm of leasable floor area to 3.5 spaces per 100sqm of leasable floor area.

### Lodgement of sketch plans (26/09/2019) and Lodgement of sketch plans (30/09/2019)

10. The applicant provided two sets of sketch plans to inform the following Section 57A amendment.

### Lodgement of S57A plans (17/10/2019)

11. Following advertising and in response to concerns raised by Council's planning officers, internal units and objectors, amended plans were submitted pursuant to Section 57A of the *Planning and Environment Act 1987* on 17 October 2019. Key changes include:
  - (a) General:
    - (i) Deletion of one dwelling, providing a total of fifteen in lieu of sixteen
  - (b) Ground Floor:
    - (i) Gas cupboard setback to the street reduced.
    - (ii) Changes to the bicycle storage to increase the overall provision (from 14 to 17)
  - (c) Level 01:
    - (i) Deletion of one apartment and re-orientation of the three remaining apartments.
    - (ii) Increased setback to the south by 3.14 metres within the 'western half'.
    - (iii) Built form behind the rear wall extended to the laneway boundary (solid wall along this boundary maintained).
  - (d) Level 06:
    - (i) Setback to building increased from 2 metres to 7.7 metres with a balcony located in this area.
  - (e) Level 07 (mezzanine plan):
    - (i) Setback of eastern balcony increased from 4.49 metres to 7.7 metres with the balcony extending closer to the northern boundary to align with the built form.
12. The extent of changes to the upper level setbacks are identified below in Figure 1 and Figure 2:

[illegible]

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- (iii) One two-bedroom, three-bedroom and one-bedroom dwelling on the second floor.
- (iv) Two three-bedroom dwellings on each of the third and fourth floors.
- (v) One two-bedroom dwelling and three-bedroom dwelling on the fifth floor.
- (vi) One three-bedroom (split level, also over the seventh floor) and two-bedroom dwelling on the sixth floor, with stair access provided to a two-bedroom dwelling on the seventh floor.

*Built form and siting*

- (i) The full demolition of all structures on site is maintained.
- (j) The ground floor built to all boundaries, including the new allotment.

All dimensions referenced below are to the building setbacks and exclude nib walls.

- (k) The first and second floors built to the front and northern boundaries with a maximum 3.14 metre setback to southern boundary for the rear 14.2 metres (previously 15.73 metres) and a light court on the northern boundary with dimensions of 3 metres by 4 metres.
- (l) The third floor setback between 1.99 metres and 4.49 metres from the front boundary (previously 2 metres the entire length), 2.87 metres from the northern boundary for the eastern 17.911 metres (previously 15.89 metres) then constructed on the boundary, and setback 3.14 metres for the rear 14.2 metres (previously 15.83 metres) along the southern boundary.
- (m) The fourth and fifth floors have the same footprint as the third floor with the exception of a 2 metre setback from the front boundary (not staggered as above) with a 2.4 metre (previously 2.49 metre) setback to the rear boundary.
- (n) The sixth floor setback 1.99 metres from the front boundary to the balcony and 7.69 metres to the built form, 3 metres from the northern boundary for the eastern 17.911 metres then constructed on the boundary, and setback 3.14 metres for the rear 14.2 metres along the southern boundary. This level is also setback 2.653 metres from the rear (with the exception of the nib wall).
- (o) The topmost level, a mezzanine to the sixth floor, is setback 7.7 metres from the front boundary to the balcony and 10.7 metres to the built form, 3.14 metres from the northern boundary for the eastern 10.18 metres then constructed on the boundary. The rear setback will be 2.674 metres to the balcony and 10.826 metres to the built form and setback 3 metres for the rear 11.5 metres along the southern boundary.
- (p) The building maintains the three storey street wall height to George Street and the four storey wall height to the laneway, with the overall height increasing to 26.41 metres from 21.9 metres.
- (q) Colours and materials including rose coloured precast concrete, aluminium metal panels, metal louvres, white aluminium frames, and vision, translucent and spandrel glazing.

*Consultant Reports*

- (r) The following reports endorsed under the planning permit are proposed to be modified, to accord with the revised scheme:
  - (i) Waste Management Plan;
  - (ii) Acoustic Report; and
  - (iii) Sustainable Management Plan.

**Existing Conditions**

Subject Site

- 14. A description of the subject site was provided within the officer report for the most recent amendment application, as follows:

*The subject site is nominally rectangular in shape and located on the western side of George Street, approximately 26 metres north of Johnston Street, in Fitzroy. The site has a frontage to George Street of 12.56 metres, a depth of 40.04 metres and a rear boundary to a laneway of 11.58 metres. The southern boundary extends 29.67 metres from the front boundary and then narrows slightly to the rear boundary. The site has an overall area of approximately 505 square metres and falls 0.4 metres from the front boundary to the rear laneway.*

*The site is currently developed with a three storey residential building consisting of four dwellings, each with two bedrooms. At-grade car parking for the existing dwellings is located to the rear of the site, accessed from the rear laneway. The existing footprint of the building covers the eastern portion of the site with the western portion of the site set aside for landscaping and the at-grade car parking.*

*The subject site is currently strata subdivided into eight units, with four units pertaining to the dwellings and four to the car parking spaces, which are accessory units. The site is legally described as Units 1, 2, 4, 5, 6, 7 and 8 and Lot 3A on Strata Plan 029095W and is not affected any restrictive covenants or easements.*

15. The amendment proposes the inclusion of the allotment known as Lot 1 TP428690. This is a triangular shaped allotment that “squares off” the larger lot parcel at the south-western corner, as shown in Figure 3.

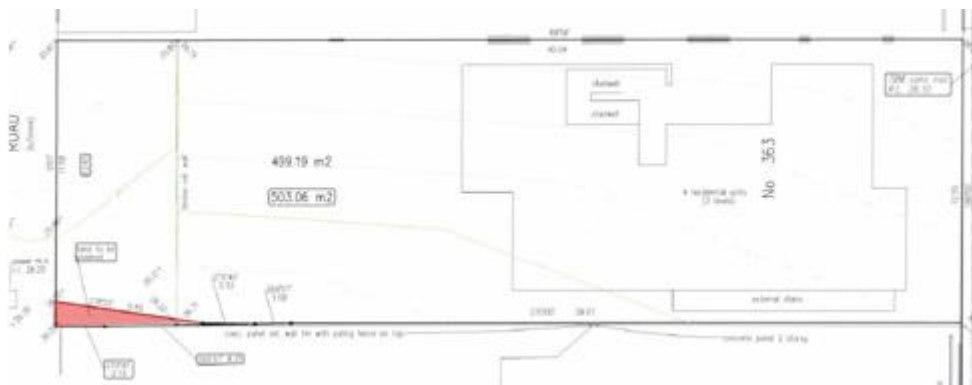


Figure 3: Extract from Site Detail Plan showing Lot 1 TP428690 highlighted.

16. A recent photograph of the subject site, when viewed from George Street, is provided in Figure 4.



Figure 4: Subject site, Officer image taken 14/08/2019

### Title

17. The titles submitted with the application do not show any covenants or easements.

## Surrounding Land

18. A description of the surrounds was provided within the officer report for the amendment application, as follows:

*The surrounding area contains a mixture of commercial and residential uses of varying architectural styles. To the immediate north is a double storey commercial building currently used for training purposes that occupies the full length of the site. Further north is a single storey commercial building on a narrow lot, currently used for manufacturing. To the north of that is a six storey mixed-use building constructed on the corner of George Street and Argyle Street. All of these buildings to the north occupy the full length of the site, have a frontage to both George Street and the rear laneway and are non-contributory to the heritage precinct.*

*To the north-west, on the western side of the laneway, is a six storey mixed-use building with a frontage to Argyle Street and built hard edged to the laneway. This six storey development retains some contributory heritage elements to the Argyle Street frontage, but is otherwise a contemporary building.*

*To the west is the north-south laneway with a width of 4 metres that commences at Argyle Street to the north and ends just south of the subject site. On the western side of the laneway is a double storey commercial building with under croft car parking opposite the subject site. This building has a frontage to Johnston Street to the south and wraps around the southern boundary of the site along the length of the boundary, enjoying a frontage to George Street as well. The building is broken up into numerous tenancies, is currently used for office and restricted retail purposes and is non-contributory to the heritage precinct.*

*To the east is George Street with a width of 19 metres and restricted parallel parking on the west side of the road and angled parking on the east side. Further east, opposite the subject site, is a double storey building constructed hard edged to George Street and containing townhouses that are non-contributory to the heritage precinct. To the south-east, the built form rises to three storeys and is also non-contributory to the heritage precinct.*

*The stretch of Johnston Street between Brunswick Street to the west and Smith Street to the east is located within a neighbourhood activity centre (NAC) within a Commercial 1 Zone, with the subject site appearing to be within the centre as defined in Figure 1. Strategic Framework Plan of Clause 21.03 of the Scheme. The Rochester Hotel, a live music venue, is located approximately 45 metres away to the south.*

*The Johnston Street NAC is located between two designated major activity centres based around the spines of Brunswick Street, 284 metres to the west, and Smith Street, 213 metres to the east, and as such, the surrounding area includes a mixture of commercial uses (taverns, restaurants, retail stores, furniture stores, restricted retail, art galleries, offices etc.), light industrial, warehouses and pockets of residential buildings. The locality is very well served by various modes of public transport (including tram routes and bus routes) and a variety of community and commercial services and facilities.*

19. There have not been any notable changes since the previous report in the immediate context. Within the broader surrounding area, the following changes have occurred:
  - (a) Works have commenced at Nos. 178-182 Johnston Street for the demolition of the existing buildings, the construction of a seven storey building plus two basement levels, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement associated with shops in accordance with Planning Permit PLN16/0563. A render of this development is shown in Figure 5.





Figure 5: Proposed seven storey development approved pursuant to Planning Permit PLN16/0563

- (b) Works have commenced at Nos. 239-249 Johnston Street for the part demolition and development of the land for the construction of an 11 storey building (plus 2 basement levels); use of the land as dwellings; the sale of liquor (packaged liquor licence); and a reduction in the car parking requirements associated with the use of the site as dwellings, shops and a supermarket (no planning permit required for shop and supermarket uses) in accordance with Planning Permit PLN13/0566. The proposed allotment extends away from Johnston Street and along Gore Street by approximately 34 metres. The Gore Street and Johnston Street elevations are shown in Figure 6.



Figure 6: Approved seven storey development approved pursuant to Planning Permit PLN13/0566

- (c) Planning Permit PLN16/1116 concerning the land at No. 341 George Street, Fitzroy, was issued on 12 December 2018 for part demolition and construction of a mixed-use building and a reduction of the car parking requirements. The permit included a condition requiring the deletion of a level from the development, allowing a six-storey development. This condition was appealed at the Victorian Civil and Administration Tribunal (VCAT) and subsequently deleted in accordance with the decision of VCAT on 18 July 2019, allowing a seven-storey development on the site (Figure 7).

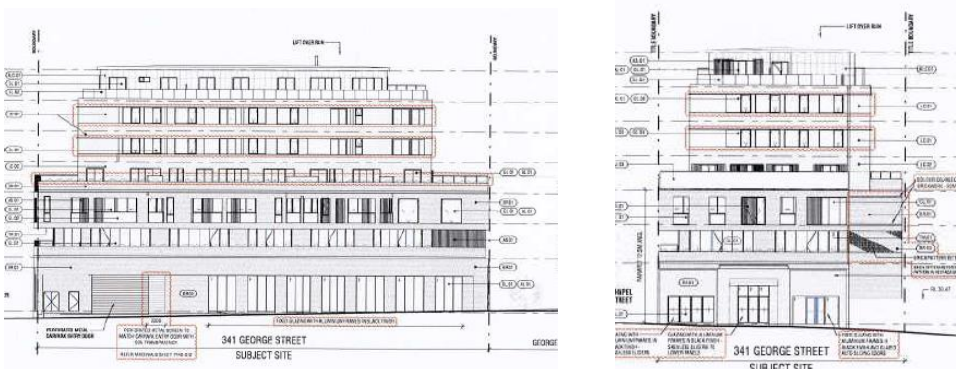


Figure 7: Approved seven storey development approved pursuant to Planning Permit PLN16/1116



- (d) Planning Permit application PLN19/0928 was lodged on 23 December 2019 concerning the land at Nos. 223-233 Johnston Street and No. 369 Gore Street seeking the partial demolition of the building located at No. 369 Gore Street, full demolition of the buildings at No. 223 - 233 Johnston Street, construction of a ten storey building with basement levels and a reduction of the car parking requirements. This development extends along Gore Street to Argyle Street at the north (Figure 8).



Figure 8: Proposed ten storey development at Nos. 223-233 Johnston Street and No. 369 Gore Street

### Legislation Provisions

20. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act 1987* (the Act). Section 72 of the Act states:
- (1) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
  - (2) *This section does not apply to—*
    - (a) *a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
    - (b) *a permit issued under Division 6.*
21. Planning Permit PLN16/0829 was issued on 13 April 2017 and was not issued at the direction of the Tribunal or under Division 6 of the Act. An extension of time to the planning permit was granted on 5 June 2019. The development must now commence no later than 13 April 2020.
22. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

### Planning Scheme Provisions

#### Zoning

#### *Clause 34.01 – Commercial 1 Zone*

23. Pursuant to the table at Clause 34.01-1 of the Yarra Planning Scheme, a shop is a section 1 use and therefore as-of-right. A dwelling, nested under accommodation, is also section 1 use, provided any frontage at ground floor level does not exceed 2 metres. As the residential entrance on the ground floor exceeds 2 metres, the use of the land for dwellings requires a planning permit.
24. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.

## Overlays

### *Clause 43.01 – Heritage Overlay (Schedule 334) (South Fitzroy Precinct)*

25. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to construct or carry out works and for demolition.
26. The existing building on the site is identified as 'not contributory' to the South Fitzroy Precinct as outlined in the incorporated document (*City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015*).

### *Clause 43.02 – Design and Development Overlay (Schedule 10) (Johnston Street Precinct – West of Smith Street)*

27. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works.
28. The policy contains the following design principles:
  - (a) *Buildings should be built to the street frontage and side boundaries of the site.*
  - (b) *Taller buildings should be setback and spaced to create new interest and variety in building forms.*
  - (c) *The form, massing, materials, finishes and detailed design of buildings respond to the preferred character of the area.*
  - (d) *Ensure active ground level frontages and designs which facilitate street level activity.*
  - (e) *The street frontage façade of infill development should complement the predominant street frontage height of nearby and abutting properties.*
  - (f) *The street façade height should not exceed three storeys or 12 metres.*
  - (g) *Development above street façade height should be set-back and not exceed four to six storeys.*
  - (h) *Setbacks should meet the following view line and amenity setback criteria:*
    - a. *Avoid increased overshadowing of street and public space between 10am and 2pm at the equinox (22 September);*
    - b. *Where sites adjoin fine grained, low rise residential development, provide a stepped transition in height at the sensitive interface to minimise amenity impacts;*
    - c. *Minimise the visual intrusion of the upper levels when viewed from footpaths or public spaces.*

### *Clause 45.03 – Environmental Audit Overlay*

29. Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
  - (a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
  - (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
30. As the proposed development includes dwellings, a sensitive use, the requirements of this overlay apply. A note is contained on the existing permit to ensure the permit holder is aware that these obligations must be met.
31. A planning permit is not required for works under the overlay.

## Particular Provisions

### *Clause 52.06- Car parking*

32. The proposed amendment to the uses changes the car parking requirements from:

Use	Bedrooms/Area	Rate	Statutory Requirement	On-site Provision	Reduction requested
Dwelling	0 x 1 bedroom	1 space per 1 and 2 bedroom dwelling	0	14	0
	10 x 2 bedroom		10		
	1 x 3 bedroom		2	2	0
	Visitors	1 space for visitors to every 5 dwellings for developments	2	0	2
Shop	125sqm	4 spaces per 100sqm of leasable floor area	5	5	0
<b>Total</b>			19	21	2

33. to the following; considering the revised car parking requirements for areas noted within the Principal Public Transport Network (PPTN) Area in accordance with Amendment VC148 (gazetted 31 July 2018).

Use	Bedrooms/Area	Rate	Statutory Requirement	On-site Provision	Reduction requested
Dwelling	2 x 1 bedroom	1 space per 1 and 2 bedroom dwelling	2	6	0
	4 x 2 bedroom		4		
	9 x 3 bedroom	2 spaces per 3 bedroom + dwellings	18	9	9
	Visitors	No requirement	N/A	N/A	N/A
Retail	120sqm	3.5 spaces per 100sqm of leasable floor area	4	1	3
<b>Total</b>			28	16	12

34. The car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.
35. A planning permit has already been granted for a reduction of 2 spaces. A further reduction of 10 spaces is therefore required as part of this amendment.
36. As a result of the amendment, the car parking layout and design has been modified from a car shuffler to a car stacker. Clause 52.06-8 provides design standards for car parking areas.

*Clause 52.34 - Bicycle facilities*

37. Pursuant to Clause 52.34-3, in developments of four or more storeys, one resident bicycle parking space should be provided for every five dwellings, plus one visitor parking space for every ten dwellings.

38. The previous proposal provided twelve bicycle spaces, satisfying the requirement for two resident bicycle parking spaces and one visitor bicycle space.
39. The amended proposal requires three resident bicycle spaces and two visitor bicycle space. Seventeen bicycle spaces are provided on the ground floor, with two set aside as visitor parking. A bicycle hoop is also proposed on the George Street frontage.
40. No end of trip facilities (i.e. showers or change rooms) are required by the Scheme as the leasable floor area of the shop does not trigger any bicycle parking spaces.

*Clause 58 – Apartment developments*

41. In accordance with the transitional provisions listed at Clause 34.01-4 of the Commercial 1 Zone, Clause 58 does not apply to an application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.
42. The original permit application was lodged on 15 September 2016. Amendment VC136 was gazetted into the Scheme on 13 April 2017 and therefore the provisions of Clause 58 are not applicable to this amendment.

*Clause 52.43 – Live Music and Entertainment Noise*

43. This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with:
  - (a) *a noise sensitive residential use that is within 50 metres of a live music entertainment venue.*
44. The Rochester Hotel, a live music venue, is located approximately 45 metres away to the south of the subject site. Pursuant to clause 52.43-3, a noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:
  - (a) *indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).*
45. The clause goes on to state:
  - (a) *For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP N2 does not apply).*
  - (b) *A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.*

General Provisions

*Clause 65 – Decision Guidelines*

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

Planning Policy Framework (PPF)

47. Relevant clauses are as follows:

*Clause 11.02 (Managing Growth)*

*Clause 11.02-1S (Supply of Urban Land)*

48. The objective is:

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

*Clause 11.03 (Planning for Places)*

*Clause 11.03-1S Activity Centres*

49. The relevant objectives of this clause include:

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

*Clause 13.05-1S Noise abatement*

50. 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*

51. 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*

52. The relevant objective of this clause is:

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

*Clause 15.01-2S Building design*

53. The relevant objective of this clause is:

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

*Clause 15.01-4S Healthy neighbourhoods*

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 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne*

55. 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*

56. 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*

57. The objective of this clause is:

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

*Clause 15.03 Heritage*

*Clause 15.03-1S – Heritage conservation*

58. The objective of this clause is:

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

59. Strategies include:

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

*Clause 16.01 Residential Development*

*Clause 16.01-1S – Integrated housing*

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:

- (a) *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 16.01-2R – Housing opportunity areas- Metropolitan Melbourne*

64. Relevant strategies for this clause are:

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

*Clause 16.01-3S – Housing diversity*

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

66. Strategies of this policy are:

- (a) *Ensure housing stock matches changing demand by widening housing choice.*

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

*Clause 16.01-3R – Housing diversity - Metropolitan Melbourne*

67. The strategy of this policy is:

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

*Clause 16.01-4S – Housing affordability*

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

*Clause 17.01 Employment*

*Clause 17.01-1S*

69. The objective of this clause is *'to strengthen and diversify the economy'*.

*Clause 17.02 – Commercial*

*Clause 17.02-1S – Business*

70. The objective of this clause is to *'encourage development that meets the community's needs for retail, entertainment, office and other commercial services'*.

*Clause 18.01 Integrated Transport*

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

71. The objective of this clause is:

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

*Clause 18.02 Movement Networks*

*Clause 18.02-1S – Sustainable personal transport*

72. The relevant objectives of this clause is:

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



*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. 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*

75. The objective of this clause is:

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

76. A relevant strategy is:

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

Local Planning Policy Framework (LPPF)

*Clause 21.04-1 Accommodation and Housing*

77. The objectives of this clause are:

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

*Clause 21.04-2 Activity Centres*

78. The relevant objectives of this clause are:

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

79. A relevant strategy is:

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

*Clause 21.04-3 Industry, office and commercial*

80. The objective of this clause is '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) *Objective 16 - To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
  - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
    - 1. *Significant upper level setbacks*
    - 2. *Architectural design excellence*
    - 3. *Best practice environmental sustainability objectives in design and construction*
    - 4. *High quality restoration and adaptive re-use of heritage buildings*
    - 5. *Positive contribution to the enhancement of the public domain*
    - 6. *Provision of affordable housing.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
- (e) *Objective 21 - To enhance the built form character of Yarra's activity centres;*
  - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
  - (ii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*
- (f) *Objective 22 - To encourage the provision of universal access in new development.*

*Clause 21.05-4 Public environment*

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

- (a) *Objective 28 - To provide a public environment that encourages community interaction and activity:*
  - (i) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
  - (ii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*

- (iii) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
- (iv) *Strategy 28.8 Encourage public art in new development.*

*Clause 21.06 – Transport*

85. 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*

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

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

*Clause 21.07-1 Environmental Sustainability*

87. The relevant objectives of this clause are:

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

*Clause 21.08 Neighbourhoods*

88. 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.*
89. The Figure 18 - Built Form Character Map: Fitzroy shows the subject site located within the heritage overlay. The guiding urban design principle is to *‘ensure that development does not adversely affect the significance of the heritage place’.*

Relevant Local Policies

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

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 Commercial 1 Zones (amongst others). The objectives of this clause is to enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes and to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

*Clause 22.07 Development Abutting Laneways*

92. 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)*

93. 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 22.16 – Stormwater Management (Water Sensitive Urban Design)*

94. Under this clause it is policy to:

- (a) *Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- (b) *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
  - (i) *collection and reuse of rainwater and stormwater on site*
  - (ii) *vegetated swales and buffer strips*
  - (iii) *rain gardens*
  - (iv) *installation of water recycling systems*
  - (v) *multiple uses of water within a single manufacturing site*
  - (vi) *direction of flow from impervious ground surfaces to landscaped areas.*
- (c) *Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:*
  - (i) *appropriately designed waste enclosures and storage bins, and*
  - (ii) *the use of litter traps for developments with the potential to generate significant amounts of litter.*
- (d) *Encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.*

*Clause 22.17 Environmentally sustainable Development*

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

Other Documents

*Smith Street Structure Plan*

96. The Smith Street Structure Plan provides guidance for the built form of the precinct. Planning Scheme Amendment C140 sought to introduce the policies within the structure plan into the Yarra. However, following a Panel Report that criticised the amendment, Council resolved to abandon Amendment C140 on 24 October 2013 in accordance with the recommendations made in the Panel Report that was received by Council on 29 June 2012.

In line with numerous Tribunal decisions (*Gleneg Investments Pty Ltd v Yarra CC [2017] VCAT 221* and *Lewin v Yarra CC [2015] VCAT 4*), limited weight can be given to the Smith Street Structure Plan as a result.

## Advertising

97. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 243 letters sent to surrounding owners and occupiers and by a sign displayed on the George Street frontage and the rear boundary. Council received 6 objections, with one later withdrawn on 18 September 2019. The grounds of the 5 remaining objections are summarised as follows:
- (a) Amenity Impacts
    - (i) Loss of daylight / overshadowing; and
    - (ii) Visual bulk;
    - (iii) Overlooking / loss of privacy.
  - (b) Car Parking and Traffic
    - (i) Inadequate turning / parking / loading provisions;
    - (ii) Inadequate bicycle parking; and
    - (iii) Traffic generation (during construction and from the proposed development).
98. Following the submission of amended plans pursuant to Section 57A of the Act, the application was not re-advertised under the provisions of Section 57B of the *Planning and Environment Act (1987)* as the amendments were granted a discretionary exemption at Council's Development Assessment Panel meeting held on 15 November 2019 on the basis that the changes would not result in increased material detriment. The plans however, have been sent to the objectors with the invitations to this IDAC meeting for their reference.

## Referrals

### External Referrals

99. The application was not required to be referred externally under the provisions of the Scheme.

### Internal Referrals

100. The application was referred to the following units within Council:

#### *Urban Design (internal)*

101. Council's Urban Design Unit reviewed the most recent plans amended pursuant to Section 57A and is satisfied with the proposed height and massing of the new development. The following recommendations were made on 2 December 2019 to improve the architecture and design detail, as well as the streetscape improvements:
- *Rose Coloured Precast Concrete (PC-01) – It is recommended that a texture/finish specification is provided. The finish should be fine grain, tactile and of high quality to contribute to the streetscape experience.*
  - *Metal Cladding Doors (MT-01) and Metal Louvre (MT-02) – Clarify the colour finish to ensure services are integrated into the George Street façade (noting, visualisations indicate a rose colour finish in keep with the concrete finish, which is generally supported).*
  - *Expansive blank side walls should be visually divided into smaller elements through architectural treatments to reduce visual mass.*
  - *A bicycle hoop (2 visitor spaces) is proposed on the George Street footpath. Nominated bicycle hoops should be as per Technical Notes: City of Yarra Public Domain Manual. Bicycle hoops are to be located parallel with the George Street kerb (as per required offsets) to ensure a continuous accessible path of travel.*
  - *The George Street footpath is to be reinstated as asphalt footpath. All proposed streetscape materials should be as per Technical Notes: City of Yarra Public Domain Manual and Yarra Standard Drawings. Existing bluestone kerb and channel should be reinstated as per in-situ materials - dressed bluestone pitcher kerb & 2-pitcher bluestone channel. (Refer Yarra Standard YSD1104 – Reinstatement Works Pitcher Kerb & Channel).*

102. In regards to the requirement for the footpath to be reinstated, existing Condition 14 requires any damage to Council infrastructure to be reinstated prior to occupation. This recommendation therefore has already been addressed.

*Acoustic (SLR Consultants)*

103. Significant discussions were held throughout the process between Council's acoustic consultant (SLR Consultants) and the acoustic consultant of the applicant, Norman, Disney and Young.
104. SLR Consultants advised by email on 28 November 2019, that the report prepared by Norman Disney Young, issued 26 November 2019 addressed all outstanding concerns with regards to acoustic considerations.

*Engineering Services Unit*

105. Engineering comments were based on the originally submitted plans. Further comments were not sought on the amended plans, as the car parking arrangement had not been modified.
106. The Engineering Services Unit was generally supportive of the proposal, subject to the following design items being addressed:

Item	Details
Development Entrance	Doorway width to be dimensioned on the drawings.
Headroom Clearance	To be dimensioned on the drawings at the entrance.
Floor to Ceiling Height	To be dimensioned on the drawings.
Finished Floor of Concrete Slab at Edge of Right of Way	The finished floor level of the concrete slab of the setback area to be 40 mm higher than the edge of the Right of Way – this is to be depicted on the drawings.

107. These items will be discussed later in the report.

*Strategic Transport Unit*

108. Council's Strategic Transport Unit reviewed the originally submitted plans and were generally comfortable with the proposal, subject to the following recommendations:
- A minimum of 4 visitor bicycle spaces must be provided in a location easily accessible to visitors of the site. All visitor spaces should be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
  - A minimum of 16 residential bicycle spaces must be provided.
  - At minimum 20% of residential bicycle spaces must be provided as horizontal bicycle rails.
  - Notations indicating the residential and visitor spaces and dimensions of bicycle storage spaces and relevant access ways to demonstrate compliance with Australian Standard AS2890.3 or be otherwise to the satisfaction of the responsible authority.
  - The car park must be electrically wired to be EV ready. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose.
109. The plans formally substituted pursuant to Section 57A largely addressed the above concerns, as follows:
- The proposal provides two visitor spaces on-site and two off-site, meeting the requirement to provide bicycle spaces for four visitor bicycles.
  - Whilst only 15 resident bicycle spaces are provided, this is considered to meet the intent of the condition as the number of dwellings has reduced from 16 to 15.
  - Greater than 20% of residential bicycle spaces are provided as horizontal rails.
  - The plans have been updated to show the dimensions of bicycle storage spaces and access ways, demonstrating compliance with the Australian Standard.

- (e) Advice was sought from the Engineering Unit and Strategic Transport Unit informally on 1 October 2019 on whether a car stacker device could be electrically wired to be EV ready. It was determined that this would not be possible and therefore no longer recommended.

110. There are therefore no outstanding recommendations associated with the strategic transport unit.

*City Works Branch*

111. Council's City Works Unit required a number of items to be addressed and included in the waste management plan, as follows:

- *Commercial waste allocation does not match Yarra's. A private service should be considered.*
- *Yarra does not allow a private and council service to operate out of one building.*
- *Please provide details of net space taken up by the bins on site by M2.*
- *Food waste diversion should be included as a requirement.*
- *Please detail how e-waste will be managed in accordance with legislation*
- *Please provide an explanation on how risk will be managed.*

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

## **OFFICER ASSESSMENT**

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

- (a) Strategic Justification;
- (b) Built Form, Design and Heritage Impacts;
- (c) Off-site Amenity Impacts;
- (d) Internal Amenity;
- (e) Equitable Development;
- (f) Car parking and Access;
- (g) Sustainable Design; and
- (h) Objector concerns.

Strategic Justification

114. State policy (Clauses 11.01-2, 11.04-2, 16.01-1 and 21.05-2) specifically supports higher density development in activity centres (with this site being within a Neighbourhood Activity Centre) and intensifying development within existing urban areas well connected to public transport.

115. The subject site is located within the Johnston Street Neighbourhood Activity Centre, which supports a range of commercial uses and facilities. The site is located close to several public transport options with trams operating along Smith Street, Gertrude Street and Victoria Parade as well as bus routes along the latter.

116. Furthermore, the site is within an area where a change in the area is encouraged and is achieved through the mix of uses proposed. The Commercial 1 Zone which applies to the site is readily acknowledged as a zone capable of accommodating a greater density and higher built form, subject to individual site constraints.

117. The proposed development enjoys strong strategic support at both State and Local level. The proposal is consistent with the strategies of clause 16.01-1S, namely increasing housing supply in an existing urban area and by facilitating increased housing yield on under-utilised urban land. The proposed amendments also result in a greater mix of apartment typologies, and the provision of three bedroom dwellings to facilitate greater housing choice for future residents.

118. It is considered that the proposed development achieves the various land use and development objectives outlined earlier in this report and achieves a sound level of compliance with the relevant policies.

### Built Form, Design and Heritage Impacts.

119. The provisions of the Scheme relevant to design and built form are contained at Clause 15 (Built Environment and Heritage), Clause 21.05 (Built Form) and Clause 22.07 (Development Abutting Laneways). The original officer's report considered a number of aspects including street wall, upper level setbacks to George Street, height, rear interface, architectural quality and materials, street level interface and demolition.
120. A review of the changes made to the development in regards to each heading will be discussed below.

### *Street Wall*

121. As identified within the comments received from the Urban Design Unit, the amended proposal seeks to increase the overall height from six to eight storeys with the six storey envelope generally aligning with the previously approved scheme. There is no appreciable change to the proposed street wall.
122. The amendment results in the inclusion of Lot 1 TP428690 to "square off" the larger allotment at the south-western corner. As a result, the southern portion of the rear wall is extended to the first storey, as the comparison in Figure 9 and 10 identifies.

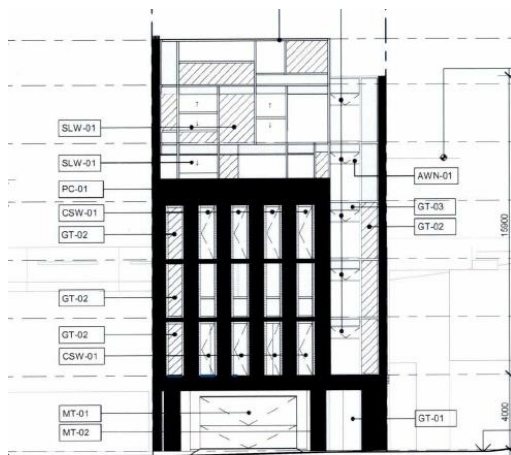


Figure 9: Endorsed rear elevation

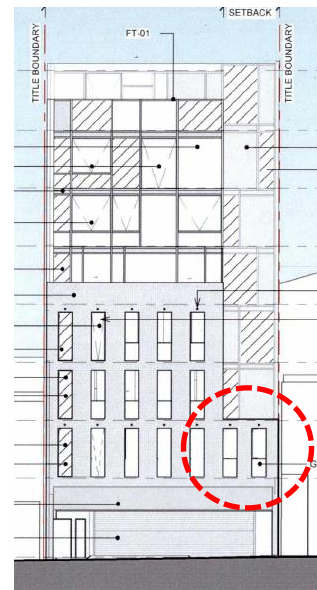


Figure 10: Proposed rear elevation

123. The additional site area results in the ability for the proposal to accommodate more built form in this location. The two-storey on-boundary wall in this location provides a transition to the car parking area associated with the adjoining commercial building to the south, noting that built form of up to five storeys flush to the boundary is the prevailing character within this laneway. For these reasons this modification is considered acceptable.

### *Upper Level Setbacks to George Street and Height*

124. The sixth and seventh level will be setback from the street by 2 metres and 7.7 metres respectively to balcony forms and 7.699 metres and 10.763 metres to the built form. This is demonstrated in Figure 11.



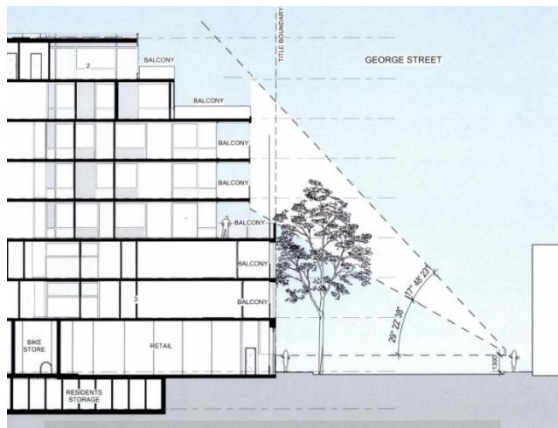


Figure 11: Sight lines from the opposing side of George Street

125. In regards to height, Schedule 10 to the Design and Development Overlay requires buildings to be setback and spaced to create new interest and a variety in building forms. The proposal maintains a setback to the north of 3 metres, where fronting George Street, for a depth of 17.88 metres, providing a sense of spaciousness around the taller built form. To the rear, a 3.14 metre setback to the south is provided for a length of 14.2 metres. This ensures that from all angles the building is well articulated with the bulk of the building mass broken down.
126. Schedule 10 to the Design and Development Overlay recommends that development above the street façade height should be setback and not exceed four to six storeys. The development exceeds six storeys, at eight storeys, however it is considered that the robust surrounding context and proximity to Johnston Street provide sufficient justification for higher form. Upper levels are significantly setback and visual intrusion when viewed from the opposing footpath has been sufficiently managed with the uppermost levels built form restricted to a balcony at the sixth floor and the seventh floor concealed from view (as demonstrated in the previous sightline diagram).
127. The upper level setbacks have the support of Council's Urban Design Unit who commented that the setbacks adopted in the revised plans ensure the additional two storeys are discreet and recessive when viewed from Johnston Street. The development is significantly separated from the MacRobertson complex to avoid visual competition.
128. Consequently, the proposed additional levels and upper level street setback to George Street is considered appropriate in the context.

#### *Architectural Quality and Materials*

129. The proposed development is considered to be of an appropriate architectural quality and in that regard responds to the design objectives of Clause 15.01-2. The contemporary design is appropriate and responds to the existing character of this part of Fitzroy.
130. Council's Urban Design Unit made three recommendations in regards to architecture and design detail. The recommendation in regards to the services will be discussed later in this report.
131. In regards to the use of PC01 Rose coloured precast concrete, Council's Urban Design Unit has recommended that a texture/finish specification be provided. The finish should be fine grain, tactile and of high quality. This is considered appropriate, as the previously approved design provided this and sufficient supporting information to support its removal has not been provided. In regards to the comment requiring expansive blank side walls to be visually divided into smaller elements, it is considered that this is achieved through the provision of seams within the on-boundary walls. The recommendation for a fine grain, tactile finish will also assist in breaking down the mass of these elevations.

132. Subject to conditions it is considered that the architectural quality and materials utilised will integrate well and continue to be of a high quality.

*Street Level Interface*

133. At ground floor, the proposal maintains an activated frontage through the provision of the residential entrance and retail tenancy to the majority of the ground floor façade.
134. A key decision guideline of Schedule 10 of the Design and Development Overlay is that the ground level frontage is active both physically and visually and it is considered that this is achieved. Whilst the extent of service cabinets is increasing where fronting George Street, the design has ensured that an appropriate level of glazing is maintained. The booster cupboards have been designed to be low height, with glazing above.
135. The residential entrance door and active ground floor use of the Shop adequately activates the street perimeter to increase the safety, use and interest to the street whilst also acknowledging the site's location on a local street in proximity to the main retail core of Johnston Street.
136. The gas metres and booster cabinet have been identified as being treated with metal cladding. Louvres are also proposed over a portion of the gas meter. There is concern that the provision of metal cladding will not integrate with the overall presentation of the building with this material not utilised elsewhere and no colour being specified.
137. Council's Urban Design Unit recommended that MT-01: Metal Cladding and MT-02 Metal Louvre be of a colour finish that is integrated with the overall building (and notes the visualisations provided indicates a rose coloured finish). This will form a condition to ensure that the services are integrated with the overall presentation of the building.
138. The proposed awning over the George Street footpath is proposed to be deleted. It is considered that this will be detrimental to the public realm as this element provided both weather protection and wind protection. Whilst concern was raised with the removal of the canopy in regards to wind protection, this has not been addressed and therefore is not supported. A condition will require this be reinstated.
139. The proposed design continues to provide a modern and interesting built form that revitalises the frontage to George Street. The proposed changes to the external appearance of the building will not result in any unreasonable impacts and are therefore considered acceptable.

*Demolition*

140. The extent of demolition, including all buildings on site, is not proposed to be modified.

Off-site Amenity Impacts

141. As identified in the previous planning report, the subject site is located within the Commercial 1 Zone. Sites to the north, south, east and west are all within the Commercial 1 Zone. The original officer's report assessed: visual bulk, daylight to windows, overshadowing, overlooking and noise.

*Visual bulk*

142. Whilst the proposal will result in additional on-boundary construction and an increase in height, it is considered that visual bulk impacts to adjoining properties would be limited for the reasons advanced in the original officer's report.

143. The site lacks any immediate sensitive interface, with no residentially zoned land adjoining the site or opposite the site. The upper level setbacks to the proposed additional levels also assist in breaking down the mass of the building when viewed from the opposing side of the street.
144. The proposed development adequately responds to its surrounding context and minimises any visual bulk impact.

*Daylight to windows*

145. The subject site benefits from a 19 metre separation to the residences on the eastern side of George Street and a 6.1 metre separation to the residences on the north-western side of the rear right-of-way. The amendment increases setbacks at levels three and four which improves daylight access beyond that originally approved. Due to these separation distances, and the setbacks adopted at the upper levels, it is considered that the proposed amendments would not unreasonably impact on daylight access to existing habitable room windows.

*Overshadowing*

146. The decision guidelines of the Commercial 1 Zone include the consideration of the overshadowing as a result of building or works affecting adjoining land in a residential zone. There is no adjoining land in a residential zone.
147. Nevertheless, the shadow diagrams submitted with the application clearly show that no residential property will be unreasonably impacted upon by the proposed development, with shadows impacting on the residential buildings on the eastern side of George Street at 3:00pm in the afternoon only.
148. This is consistent with the previously approved scheme and it is therefore not considered that the modified built form would result in increased detriment, with regard to overshadowing impacts.

*Overlooking*

149. The previous planning report utilised Standard B22 of Clause 55 as a tool for ensuring existing dwellings are protected against overlooking from the new dwellings created within the development.
150. Standard B22 prescribes that a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into existing habitable room windows or secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.
151. The subject site is separated from the dwellings on the eastern side of George Street by the 19 metre wide street, and therefore views to the east are not required to be screened. The only habitable spaces within 9 metres are the balcony areas associated with the dwellings located to the north-west at No. 160 Argyle Street. The balconies of these dwellings are 6.1 metres from the subject site.
152. The submitted plans show at the first, second and third floors the northernmost west-facing windows are obscure glazed and shown to be fixed. These windows are also designated as awning windows but it is unknown how wide they can be opened and whether the operability would compromise the effectiveness of the glazing. The window/balcony screening to the south of this window on these floors is not screened, however, as Figure 12 indicates the balcony would be within 9 metres.



Figure 12: Level 02 within 9 metres of adjacent development

153. At the fourth level, the balcony is setback between 1.4 metre and 3.6 metres from the northern boundary, ensuring that the balcony edge is in excess of 9 metres from the balconies of No. 160 Argyle Street. The fourth level complies with the Standard requirement.
154. At the fifth and sixth levels, the northernmost west-facing window pane is obscure glazed, with the exception of a lower panel on Level 05. The other windows are in excess of 9 metres from the balconies of No. 160 Argyle Street and therefore these levels would comply with the Standard requirement if the lower panel on Level 05 were also obscure glazed and fixed. The floor plans for these levels do not clearly show the extent of glazing as represented on the western elevation, and this will therefore be required to be updated by condition.
155. At the seventh level, the balustrading around the western edge of the balcony will be 1.7 metres in height. The balustrading will be a mix of clear glazing, spandrel glazing and obscure glazing. Where within 9 metres of No. 160 Argyle Street the balustrading is not entirely obscure, and therefore this level would not comply with the Standard.
156. A condition will ensure appropriate screening measures are included to minimise unreasonable overlooking from the proposed development as evidenced above this has not been resolved.

#### Noise

157. Noise from the dwellings will continue to be residential in nature and acceptable within or adjoining a commercially zoned area. The shop is an “as of right” use and not anticipated to generate unreasonable noise impacts (despite being already approved).
158. Council’s acoustic consultant has reviewed the most recent acoustic report and advised that it satisfactorily addresses noise concerns, both on-site and off-site. The report contains recommendations around the installation of the car stacker device and post-installation testing that is to occur.
159. It is recommended that a condition be included to ensure the report is endorsed and testing of the car stacker is undertaken after the completion of the development and prior to the occupation of the development to ensure the provisions, recommendations and requirements of the endorsed acoustic report are implemented. A condition should also require the key recommendations of the endorsed report be annotated on the development plans.

#### Internal Amenity

160. The original planning report assessed: apartment orientation and layout, daylight and ventilation, layout, private open spaces, storage, safety, internal views, outlook, noise, circulation spaces and site services in regards to achieving a reasonable level of on-site amenity for all new dwellings within the development.

*Apartment orientation and layout*

161. The development continues to provide staggered setbacks from the northern and southern boundaries and orients the primary outlook of dwellings to George Street or the rear right-of-way.
162. Due to the size of each dwelling and proposed layout, where all windows are located in the external face of the building (with the exception of the dwellings provided with winter gardens), it is considered that the high level of amenity is maintained to all apartments.
163. Furthermore, each dwelling continues to include operable windows and either a usable winter garden or a terrace to allow for solar access into the dwelling.

*Daylight and ventilation*

164. In relation to daylight access, the light court is retained along the northern boundary, with dimensions of 3 metres by 4 metres retained. This light court is open to the east above the third floor and is considered to be of an adequate size to allow sufficient daylight access to the bedrooms that rely on it for daylight access.
165. The staggered setbacks, as referenced above, also contribute to the provision of a high level of daylight to all new dwellings with no habitable rooms relying on borrowed light.
166. In regards to ventilation, the majority of the dwellings are dual aspect (86%) and provide appropriate opportunities for cross-ventilation.

*Private open space*

167. The original planning report applied the provisions of Standard B28 of Clause 55 to the proposal, requiring a dwelling to have a minimum area of 8 square metres of private open space with a minimum width of 1.6 metres and easy access from the living room.
168. Each dwelling is provided with a terrace or winter garden with a minimum dimension of 1.6 metres and a minimum area of 8 square metres with most dwellings providing in excess of these requirements. Overall, the proposed development provides sufficient private open space for each dwelling.

*Storage*

169. The development provides storage cages for each dwelling at the basement level, with the capacity ranging between 3m<sup>3</sup> and 6.5m<sup>3</sup>.
170. Tribunal decision *U1 Stanley Street Pty Ltd v Yarra CC [2012] VCAT 1455* identified that the minimum acceptable amount of storage was 3 cubic meters for apartment developments.
171. The proposed development provides an acceptable level of storage for the inner urban setting.

*Safety*

172. The proposal maintains an acceptable response to safety, with a high level of activation provided to both George Street and the rear right-of-way due to the positioning of the dwellings primary outlooks.

*Internal Views*

173. Overlooking between the proposed dwellings has generally been minimised through the appropriate site and building layout, window location and design. Specifically, the primary living areas, bedrooms and private open space of each dwelling is provided an appropriate outlook to achieve this.
174. Some internal overlooking could occur as a result of the design, from the habitable room windows and balconies of the upper levels onto the balcony of residence 1.1 below. Similar to the overlooking standard used, clause 55.04-7 (internal views) will be similarly used as an appropriate tool to assess the potential for internal views within the development. To ensure an adequate level of amenity is afforded to this balcony, a condition will require detailed diagrams be submitted to demonstrate the development complies with the objective of clause 55.04-7 where internal views are to be limited.
175. Light court elevations have been provided to demonstrate no unreasonable overlooking occurs between dwellings that are oriented to face the light court. All windows/doors that access the light court on Level 01 are clear and operable. Above this level, all east-facing and west-facing windows that look onto the lightcourt are obscure glazed to a height of 1.7 metres and are considered to be adequately screened.
176. Only the north-facing windows on the second floor are proposed to be screened, to a height of 1.7 metres with the windows above providing a mix of glazing specifications. It is considered views down from the Level 03 and above would not result in direct overlooking to the light court and windows of residence 1.2 and are acceptable.

#### *Outlook*

177. The proposed amendment does not modify the outlooks of the dwellings, which are oriented to utilise George Street and the rear right-of-way. As discussed within the original officer's report, the outlook of the west-facing dwellings to the rear right-of-way was not considered to be ideal but was determined to be acceptable, subject to conditions.
178. The previous decision required a single-aspect living room of a west-facing dwelling to be setback 4.5 metres from the centre of the laneway to ensure an acceptable, and future proofed, outlook be provided. Residence 2.1 proposes a single-aspect west-facing living room, with a setback of 4.389 metres. It is considered that this setback should be increased to 4.5 metres and a condition will be included to that effect. This recommendation will also be discussed under equitable development.

#### *Noise*

179. The applicant submitted an acoustic report outlining the acoustic assessment of the proposed development, including an assessment of music noise from the Rochester Hotel, a live music venue, located approximately 45 metres to the south. This has been reviewed by Council's acoustic consultant who is satisfied that all issues relating to noise to the future residences have been addressed. It is recommended that conditions be included to ensure the most recent acoustic report is endorsed.

#### *Circulation spaces*

180. The location of the main entrance has not changed and is easily identifiable from George Street. The lobby has been redesigned to provide greater circulation space around the lift and stair core. Whilst the access from the rear right-of-way has been modified, and reduced in width to provide a more 'back of house' access rather than primary access, this is considered to be acceptable. Typical pedestrian movements and access to the building would be expected from George Street.

181. Within the upper levels of the development, corridors are minimised in length with direct access to most dwellings provided within proximity to the lift. The circulation spaces are considered to provide a high level of amenity to future occupants.

#### *Site services*

182. The amended proposal continues to locate site services on the ground level. Mail services continue to be located in the residential lobby on the ground floor of the building.
183. In regards to other services, the roof plan has been provided showing services on the roof with the sectional diagrams demonstrating these have been centrally located to ensure they are screened from prominent views.

#### Equitable Development

184. As identified in the previous report, Objective 2.6 of the GHDRD aims to ensure areas can develop with an equitable access to outlook and sunlight. The design suggestions call for the consideration of the possible future development of adjoining sites and allow, as best as possible, for an equitable spread of development potential throughout an area.
185. The amended design continues to provide equitable development opportunities for the surrounding allotments. The design continues to utilise the George Street and rear laneway frontages for all primary outlooks. The plans were formally substituted to address an identified issue at level 1 with the previous plans, where a limited setback was provided to the southern boundary. The floorplate has been modified, and unit 1.1 is now setback 3.14 metres from the southern boundary. This is shown in Figure 11 and Figure 12.



Figure 11: Superseded Plans, Level 1 (rear)

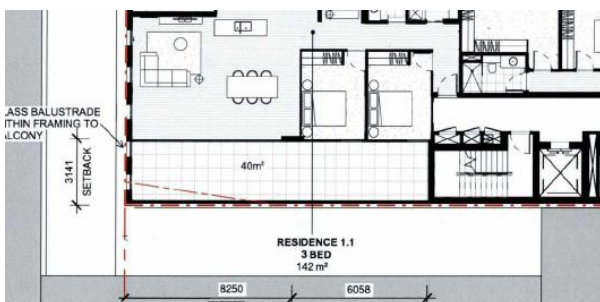


Figure 12: Decision Plans, Level 1 (rear)

186. Whilst the balcony is located along the southern boundary, it does have an unobstructed outlook to the west and would not prejudice future development on the adjoining site.
187. The previous decision required single aspect living rooms where facing the rear to be setback a minimum 4.5 metres from the centre of the laneway. There is only one apartment that provides a single aspect living room that faces the laneway. The living room of residence 2.1 is setback 4.389 metres from the centre of the laneway. A condition will be included to ensure that the living room to this apartment is compliant with this setback, to ensure equitable development of the property on the western side of the right of way is not impacted.

Subject to this condition it is considered that the proposal would result in an acceptable outcome with regard to equitable development.

### Car Parking and Access

#### *Car parking reduction*

188. Under clause 52.06 of the Scheme, the applicant is seeking a car parking reduction of an additional ten car parking spaces, as outlined within the Particular Provisions section earlier in the report.
189. The further reduction being sought by the proposal is supported by the following:
- (a) The site has immediate access to bus services along Johnston Street and has direct access to on-street bicycle lanes within George Street. The site is also within 300m from tram services along Brunswick Street and Smith Street. This offers convenient alternative modes of transport to residents, visitors, staff and customers and is expected to reduce the overall impact on the local car parking conditions;
  - (b) The site has convenient access to shops, businesses, essential facilities and amenities and will thereby reduce resident reliance on private vehicle use/ownership;
  - (c) Customers and visitors to the site who choose to drive might combine their visit by engaging in other business or activities whilst in the area. On this basis, the overall demand for parking would be less than the sum of individual demands;
  - (d) Council's Engineering Services Unit confirmed that although the demand for on-street parking in the area is generally high, there is adequate short-stay parking in the area to accommodate visitors;
  - (e) 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;
  - (f) Practice Note 22 – *Using the Car Parking Provisions* indicates that car parking should be considered on a centre-basis rather than on a site/individual basis. This is applicable to activity centres, such as Johnston Street, where spare on-street car parking capacity would be shared amongst sites within the centre.

#### *Traffic Generation*

190. GTA Consultants has estimated that the residential component of the proposed development would generate three vehicle trips in each peak hour, while the retail component would generate one trip in each peak hour.
191. Council's engineering services unit considers the volume of traffic generated by the proposal would not have a significant impact on the operation of Argyle Street or the surrounding roads.

#### *Car Parking Layout*

192. Council's Engineering Services has reviewed the car parking layout and access arrangements, noting that the swept path diagrams demonstrate vehicles can enter and exit the proposed individual stacker platforms from the laneway satisfactorily.
193. Council's Engineering Unit requested the following be shown on any endorsed plans:
- (a) Development entrance: doorway width to be dimensioned on the drawings.
  - (b) Headroom clearance: to be dimensioned on the drawings at the entrance.
  - (c) Floor to ceiling height: to be dimensioned on the drawings.



- (d) Finished floor of concrete slab at edge of right of way: The finished floor level of the concrete slab of the setback area to be 40 mm higher than the edge of the Right of Way – this is to be depicted on the drawings.

- 194. Whilst some drawings within the recently amended plans have been updated to show the headroom clearance, it is considered the balance of the design items to be addressed have not been consistently included and should therefore form conditions so that they are shown on further amended plans.

#### *Bicycle Parking*

- 195. As outlined earlier in the report, the proposed development is required to provide a total of three resident bicycle spaces and two visitor bicycle spaces under clause 52.34 of the Scheme. The proposal includes seventeen bicycle spaces on the ground floor, as shown in the revised plans and an additional two spaces on-street. Each dwelling will be provided with a bicycle rack and the recommendations of the Strategic Transport Unit have been incorporated into the amended design.
- 196. Through the provision of these spaces, the applicant has responded to the importance that State and Local policies place on encouraging low energy forms of transport such as Clauses 15.02-3, 18.02-1, 18.02-2 and 21.06. This is a development where the use of bicycles can take precedence over the use of private motor vehicles due to the proximity of services and employment opportunities, which will encourage the use of bicycles from this development.
- 197. The bicycle parking spaces have also been provided in a convenient location accessed from the residential lobby and in an area where there is limited potential for conflict. This satisfies the requirements of clause 52.34 of the Yarra Planning Scheme. In relation to residential visitor bicycle parking options, the amended proposal improves on existing conditions through the provision of an on-street bicycle rack.
- 198. The comments received from Council's Urban Design Unit in regards to the bicycle hoop can be incorporated as a condition, to ensure that the bicycle hoop is provided in accordance with Technical Notes: City of Yarra Public Domain Manual.

#### *Loading and Unloading*

- 199. The provision of no on-site and off-site loading areas is maintained within this amendment. This continues to be acceptable for the reasons outlined in the previous planning report, deliveries to the site can be made utilising the nearest on-street loading zone, located approximately 90 metres to the north of the subject site between Argyle Street and Kerr Street. Additionally, the proposed shop is relatively small and on-street deliveries are standard practice for many retail premises along commercial strips within Yarra. This has been reviewed by Council's Engineering Unit who have raised no issues with this arrangement.

#### *Waste Management*

- 200. The applicant submitted a waste management plan with the application, prepared by Waste Space Solutions. The waste management plan outlines the arrangements for the storage and collection of waste from the proposed development. Council's City Works Branch has reviewed the applicant's waste management plan and has raised a number of issues with the updated plan. These issues can be addressed through amendments to the plan, and facilitated by conditions. The comment that Yarra does not allow a private and Council service to operate out of one building is considered to be irrelevant, as only Council collection is proposed, consistent with the previous approval.

201. Whilst the applicant provided a response to these issues by email on 12 August 2019, the current waste management plan is required to be updated to ensure all of the relevant information is provided within the document.
202. Furthermore, the number of dwellings has been modified and no updated waste management plan has been submitted. The waste management plan will therefore be required to be updated to reference the current plans.

#### Sustainable Design

203. Council's local policies at Clause 22.16 and Clause 22.17 call for best practice water quality performance objectives and best practice in environmentally sustainable development from the design stage through to construction and operation.
204. The applicant submitted an updated sustainability management plan prepared by Norman Disney and Young which provides an overview of the sustainability initiatives that have been assessed for inclusion in the proposed development.
205. Council's ESD advisor has reviewed the amended application including the sustainability management plan and outlined one deficiency with the amended application that the rainwater tank has decreased in size along with the connected roof area.
206. The applicant advised by email on 1 October 2019 that an 11,000 litre water tank can be accommodated on site, this has been reflected in the amended plans, with some apartment balconies connected to the tank. The sustainability management plan was not updated to recognise this and therefore would still be required.
207. Furthermore, the sustainability management plan is required to be updated to include the identified outstanding information, as follows:
  - (a) STORM report reflecting the above recommendation.
  - (b) Daylight modelling report matching the current design (or provide a statement clarifying that the amended design does not reduce daylight amenity to already approved apartments)

208. The applicant also advised that page 7 and 8 of the submitted report addresses the outstanding information in relation to daylight. Upon review it is noted that whilst this section of the report identifies that the quantitative findings of the previous modelling can be transferred as a basis of a qualitative assessment of the amended plans, it does not specifically identify whether daylight amenity has been reduced, or not.
209. All recommendations of the ESD Advisor are therefore considered necessary, and should form conditions for an amended SMP to be provided.

#### Other Matters

##### *Modification to the address of the land referenced within the planning permit*

210. The address of the land will be required to be updated to include the additional allotment, Lot 1 TP428690 as this allotment is not known as No. 363 George Street, Fitzroy.

##### *Deletion and replacement of Condition 1*

211. Conditional changes to the plan will be required. As plans to meet the current Condition 1 requirements as shown on Planning Permit PLN16/0829 have been endorsed on 5 March 2018 it is recommended that existing Condition 1 be deleted and replaced with a new Condition 1 referencing the current decision plans and the required changes as referenced throughout the report.

*Deletion and replacement of Condition 3*

212. Conditional changes to the sustainable management plan will be required. As a sustainable management plan to meet the current Condition 3 requirements as shown on Planning Permit PLN16/0829 have been endorsed on 5 March 2018 it is recommended that existing Condition 3 be deleted and replaced with a new Condition 3 referencing the current sustainability management plan and the required changes as referenced throughout the report.

*Deletion of existing Condition 5 and insertion of new Condition 6*

213. Existing Condition 5 requires an amended acoustic report to be submitted. As previously discussed, the latest acoustic report circulated by the applicant is satisfactory. It is therefore considered it could be endorsed. As no further changes are required, it is recommended existing Condition 5 be deleted.
214. A new condition 6 is proposed, to ensure that testing of the car stacker device following the completion of the development and prior to the occupation of the development is undertaken to confirm the assumptions provided within the acoustic report submitted during this application process.

*Addition of a new condition preceding existing Condition 7 and modification to existing Condition 7 (and subsequent renumbering of conditions)*

215. As changes are required to the waste management plan submitted with the application, this will be reflected in a new conditional requirement. The existing Condition 7 will also be required to be modified to remove reference to the superseded waste management plan associated with the original application.

*Addition of a new general condition for the provision of a bicycle rack on public land*

216. The proposed plans show the provision of a new bicycle rack on the George Street frontage. A condition will therefore require this to be provided prior to the occupation of the building to the satisfaction of the responsible authority.

Objector Concerns

217. Many of the objector issues have been discussed within the body of the report. Outstanding issues raised are as follows:

*Traffic during construction.*

- (a) Some construction traffic and other off-site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Local Laws and EPA regulations regarding construction practices to ensure these impacts are mitigated. The planning permit also requires a construction management plan to be submitted prior to construction which includes a requirement for a traffic management plan to comply with the provisions of AS 1742.3-2002 be provided. These measures are considered to adequately address this concern.

## Conclusion

218. The proposed amendment, subject to the conditions recommended throughout this report, is considered to achieve an acceptable planning outcome that demonstrates clear compliance with the relevant council policies, and approval of the amendment is recommended.

## RECOMMENDATION

That a Notice of Decision to Grant an Amended Planning Permit for amendment to Planning Permit PLN16/0829 be issued to include the allotment known as Lot 1 TP428690, and for alterations to the design, setbacks and massing of the approved built form including two additional levels of dwellings (eight storeys in total), modifications to the mix and internal layout of the shop and dwellings (permit required use) and a reduction in the car parking requirements at 363 George Street, Fitzroy generally in accordance with the plans and reports noted previously as the “decision plans”, subject to the following change to the address of the land referenced in the permit and permit conditions (amended/new conditions shown in **bold**).

Address of the land (amended) to:

**363 George Street, Fitzroy and Lot 1 TP428690**

**Conditions (amended or new conditions in bold)**

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 planning 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 plans numbered A001 – A003, A4504 (No revision), A004, A104 – A106, A109, A500, A602, A603, A605, A606 (Revision A) and A101 – A103, A107, A108, A110, A201 – A204, A301, A302, A501 – A503 and A600 – A601 (Revision B) but modified to show:**
  - (a) **The number of car parks (16) accommodated within the car stacker annotated on the ground floor plan;**
  - (b) **MT-01: Metal Cladding and MT-02 Metal Louvre be of a colour finish that is integrated with the overall building**
  - (c) **Reinstatement of the George Street canopy.**
  - (d) **PC01 Rose coloured precast concrete to specify a texture/finish that is fine grain, tactile and of high quality.**
  - (e) **Measures to minimise unreasonable overlooking to the building to the north-west (160 Argyle Street) in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.**
  - (f) **Detailed diagrams demonstrating compliance with the Objective of Clause 55.04-7 (Internal Views) of the Yarra Planning Scheme from the upper level apartments into the balcony of Residence 1.1. Any additional screening measures used to achieve compliance are to be shown.**
  - (g) **The Level 05 and Level 06 plans updated to clearly show the extent of glazing in accordance with the western elevation.**
  - (h) **The living room of ‘Residence 2.1’ to be setback a minimum 4.5 metres from the centre of the laneway.**
  - (i) **The bicycle hoop on George Street designed as per Technical Notes: City of Yarra Public Domain Manual. Bicycle hoops are to be located parallel with the George Street kerb as per required offsets.**
  - (j) **The doorway width of the development entrance to be dimensioned on the drawings.**
  - (k) **The headroom clearance at the entrance to be dimensioned on the drawings.**

- (l) The floor-to-ceiling height of each stacker level to be dimensioned on the drawings.
  - (m) The finished floor level of the concrete slab of the setback area is to be 40 mm higher than the edge of the Right of Way.
  - (n) The recommendations of the endorsed Acoustic Report (Condition 5) annotated on the development plans.
  - (o) Any requirement of the endorsed Sustainable Management Plan (condition 3) where relevant to show on plans.
  - (p) Any requirement of the endorsed Waste Management Plan (condition 7) where relevant to show on plans.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### **Sustainable Management Plan**

3. Prior to the endorsement of plans, an amended sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended sustainable management plan will be endorsed and will form part of this permit. The amended sustainable management plan must be generally in accordance with the sustainable management plan prepared by Norman Disney and Young and dated 28 June 2019, but modified to include or show:
- (a) Increased rainwater capacity and connected roof area.
  - (b) Updated daylight modelling report matching the current design or provision of a statement clarifying that the amended design does not reduce daylight amenity to the amended apartment layouts.
4. The provisions, recommendations and requirements of the endorsed sustainable management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Acoustic Report**

5. The provisions, recommendations and requirements of the endorsed acoustic report, generally in accordance with the Acoustic Services report prepared by Norman Disney and Young dated 26 November 2019 must be implemented and complied with to the satisfaction of the Responsible Authority.
6. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the car stacker operation with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings and dwellings within the development in accordance with the recommendations of the Acoustic Services report prepared by Norman Disney and Young dated 26 November 2019. When approved, the Acoustic Report will be endorsed and will then form part of this permit.

### **Waste Management Plan**

7. Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit.

**The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Waste Space Solutions and dated 24 June 2019, but modified to include:**

- (a) Updated to accord with the development plans prepared by Bayley Ward, Revision B.**
- (b) Commercial waste allocation in accordance with the requirements of Yarra City Council.**
- (c) The net space taken up by the bins on site (sqm).**
- (d) Details of food waste diversion.**
- (e) Details of how e-waste will be managed in accordance with legislation**
- (f) Details of how risk will be managed**

- 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.**

### **Car Parking**

9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

### **General**

10. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the use, including through:
- (a) The transport of materials, goods or commodities to or from land.
  - (b) The appearance of any buildings, works or materials.
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) The presence of vermin.
11. 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.
12. 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.
13. 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.
14. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
15. 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.
16. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

17. 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.
18. **Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one bike rack on the George Street footpath must be installed:**
  - (a) at the permit holder's cost; and**
  - (b) in a location and manner,**

**to the satisfaction of the Responsible Authority.**

### **Construction Management Plan**

19. Before the use and/or development commences, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.
  - (b) Works necessary to protect road and other infrastructure.
  - (c) Remediation of any damage to road and other infrastructure.
  - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.
  - (e) Facilities for vehicle washing, which must be located on the land.
  - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.
  - (g) Site security.
  - (h) Management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil.
    - (ii) materials and waste.
    - (iii) dust.
    - (iv) stormwater contamination from run-off and wash-waters.
    - (v) sediment from the land on roads.
    - (vi) washing of concrete trucks and other vehicles and machinery.
    - (vii) spillage from refuelling cranes and other vehicles and machinery.
  - (i) The construction program.
  - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.
  - (k) Parking facilities for construction workers.
  - (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan.
  - (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
  - (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced.
  - (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

- (p) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
  - (i) using lower noise work practice and equipment.
  - (ii) the suitability of the land for the use of an electric crane.
  - (iii) silencing all mechanical plant by the best practical means using current technology.
  - (iv) fitting pneumatic tools with an effective silencer.
  - (v) other relevant considerations.
- (q) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
- (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
- (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.
- (t) Any site-specific requirements.

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

- 20. 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.
- 21. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Permit Expiry**

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

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

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



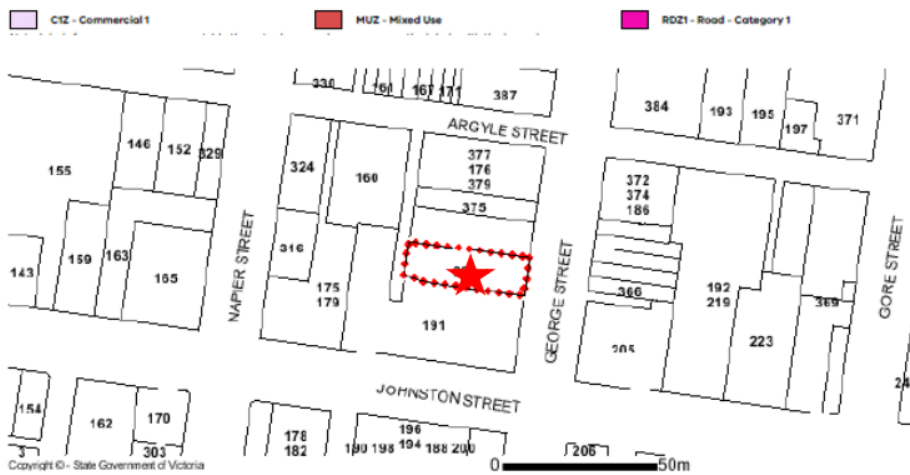
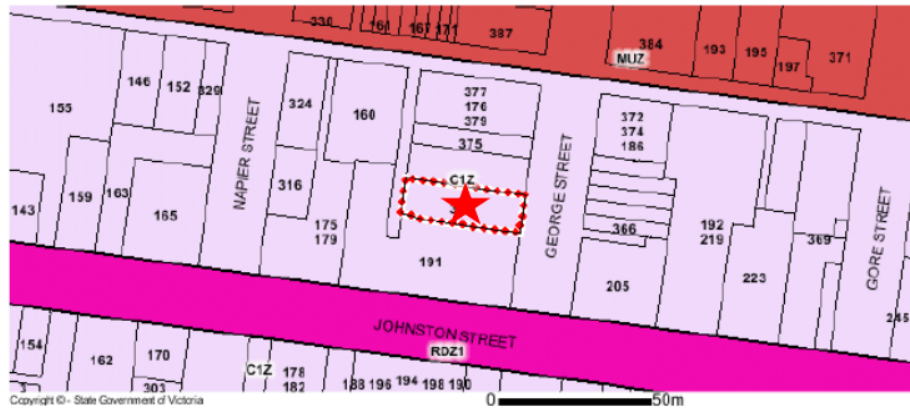
**Attachments**

- 1 PLN16/0829.01 - 363 George Street Fitzroy - Site Plan
  - 2 PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans
  - 3 PLN16/0829.01 - 363 George Street Fitzroy - Urban Design Comments (Decision Plans)
  - 4 PLN16/0829.01 - 363 George Street Fitzroy - Strategic Transport Comments (Advertised Plans)
  - 5 PLN16/0829.01 - 363 George Street Fitzroy - City Works Comments (Advertised Plans)
  - 6 PLN16/0829.01 - 363 George Street Fitzroy - ESD Comments (Advertised Plans)
  - 7 PLN16/0829.01 - 363 George Street Fitzroy - Engineering Comments (Advertised Plans)
- .

Attachment 1 - PLN16/0829.01 - 363 George Street Fitzroy - Site Plan

# ATTACHMENT 1

SUBJECT LAND: 363 George Street Fitzroy



North



Subject Site

## Attachment 2 - PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans

**363 GEORGE STREET,  
FITZROY, VIC 3065****TOWN PLANNING APPLICATION**

SHEET NUMBER	SHEET NAME
A000	COVER SHEET
A001	SITE CONTEXT PLAN
A002	DESIGN RESPONSE PLAN
A003	STREET ELEVATIONS - GEORGE STREET & ROW
A004	DEMOLITION PLAN
A101	GROUND PLAN
A102	LEVEL 01 PLAN
A103	LEVEL 02 PLAN
A104	LEVEL 03 PLAN
A105	LEVEL 04 PLAN
A106	LEVEL 05 PLAN
A107	LEVEL 06 PLAN
A108	LEVEL 06 MEZZANINE PLAN
A109	ROOF PLAN
A110	BASEMENT PLAN
A201	NORTH ELEVATION
A202	SOUTH ELEVATION
A203	EAST ELEVATION
A204	WEST ELEVATION
A301	SECTION AA
A302	SECTION BB
A401	EXISTING SHADOW DIAGRAMS - 9AM
A402	PROPOSED SHADOW DIAGRAMS - 9AM
A403	EXISTING SHADOW DIAGRAMS - 10AM
A404	PROPOSED SHADOW DIAGRAMS - 10AM
A405	EXISTING SHADOW DIAGRAMS - 11AM
A406	PROPOSED SHADOW DIAGRAMS - 11AM
A407	EXISTING SHADOW DIAGRAMS - 12PM
A408	PROPOSED SHADOW DIAGRAMS - 12PM
A409	EXISTING SHADOW DIAGRAMS - 1PM
A410	PROPOSED SHADOW DIAGRAMS - 1PM
A411	EXISTING SHADOW DIAGRAMS - 2PM
A412	PROPOSED SHADOW DIAGRAMS - 2PM
A413	EXISTING SHADOW DIAGRAMS - 3PM
A414	PROPOSED SHADOW DIAGRAMS - 3PM

**TOWN PLANNING AMENDMENT - 20.05.2019****TOWN PLANNING APPLICATION**

SHEET NUMBER	SHEET NAME
A500	SIGHT LINE DIAGRAM
A501	LIGHT COURT PLANS
A502	LIGHT COURT ELEVATIONS
A503	LIGHT COURT SECTION & DIAGRAM
A600	TYPICAL APARTMENT TYPES
A601	TYPICAL APARTMENT TYPES
A602	TYPICAL APARTMENT TYPES
A603	TYPICAL APARTMENT TYPES
A604	TYPICAL APARTMENT TYPES
A605	TYPICAL APARTMENT TYPES
A606	TYPICAL APARTMENT TYPES
A4504	LEVEL 4 NW TERRACE

General Notes	Revision		
<p>THESE DRAWINGS HAVE BEEN PREPARED BY THE ARCHITECT FOR THE CLIENT'S USE ONLY. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT BY THE CLIENT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT BY THE CLIENT.</p>	No.	Description	Date

**TOWN PLANNING**

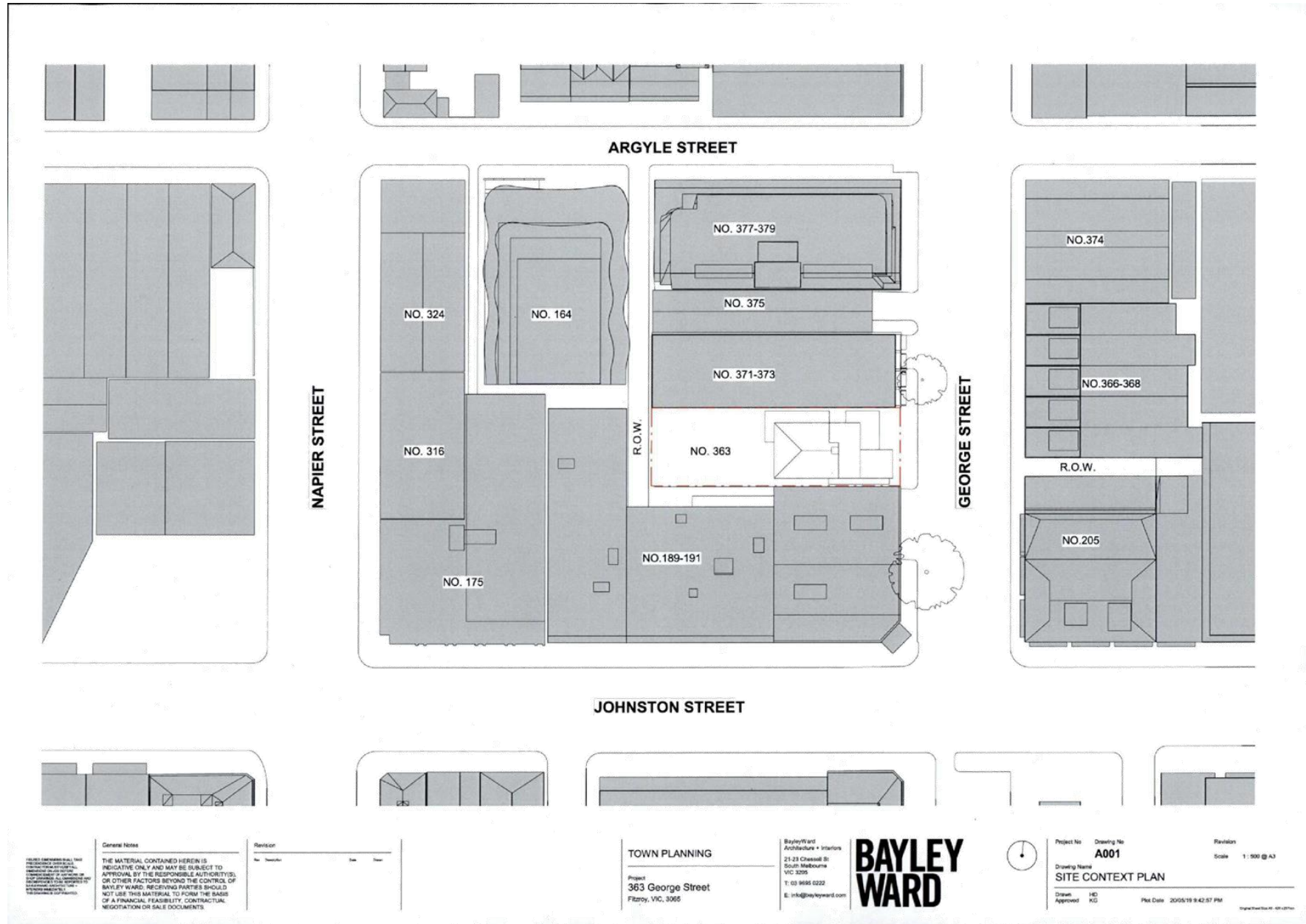
Project  
363 George Street  
Fitzroy, VIC. 3065

BayleyWard  
Architecture + Interiors  
21-23 Chesham St  
South Melbourne  
VIC 3206  
T: 03 9695 0222  
E: info@bayleyward.com

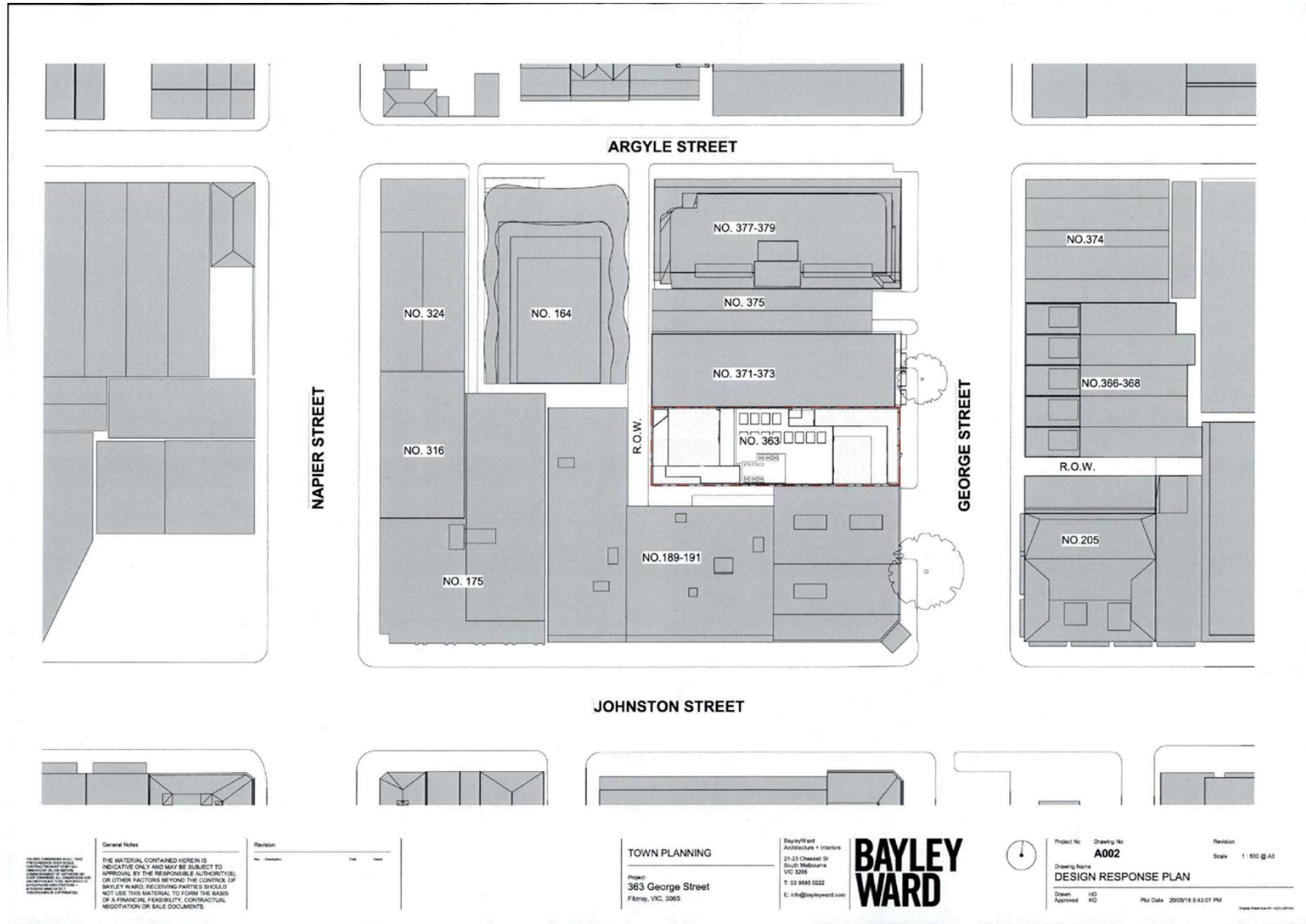
**BAYLEY  
WARD**

Project No	Drawing No	Revision
	<b>A000</b>	
Drawing Name	Scale	@ A3
<b>COVER SHEET</b>		
Drawn	HD	Plot Date 20/05/19 9:42:45 PM
Approved	KG	

Attachment 2 - PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans

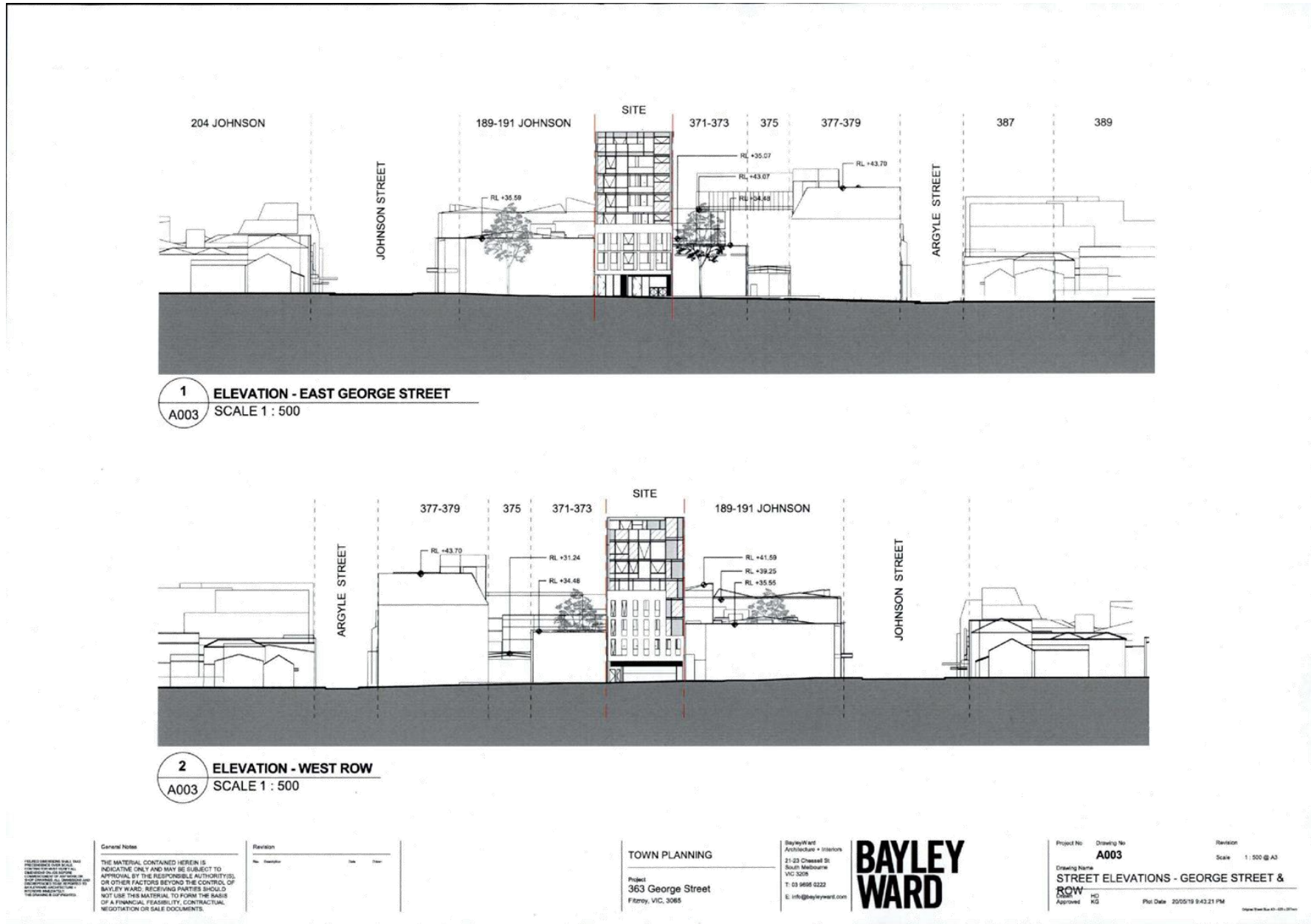


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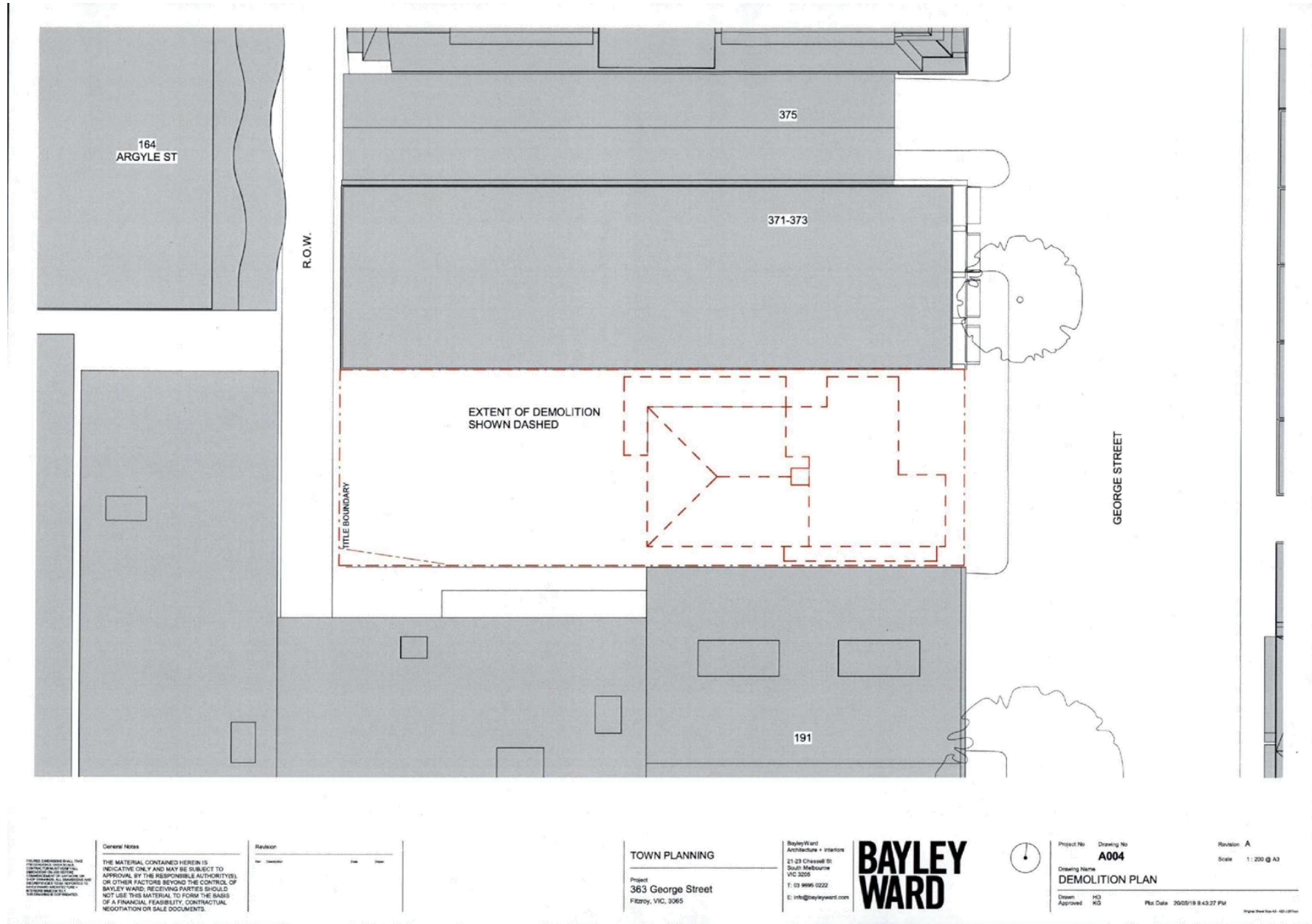




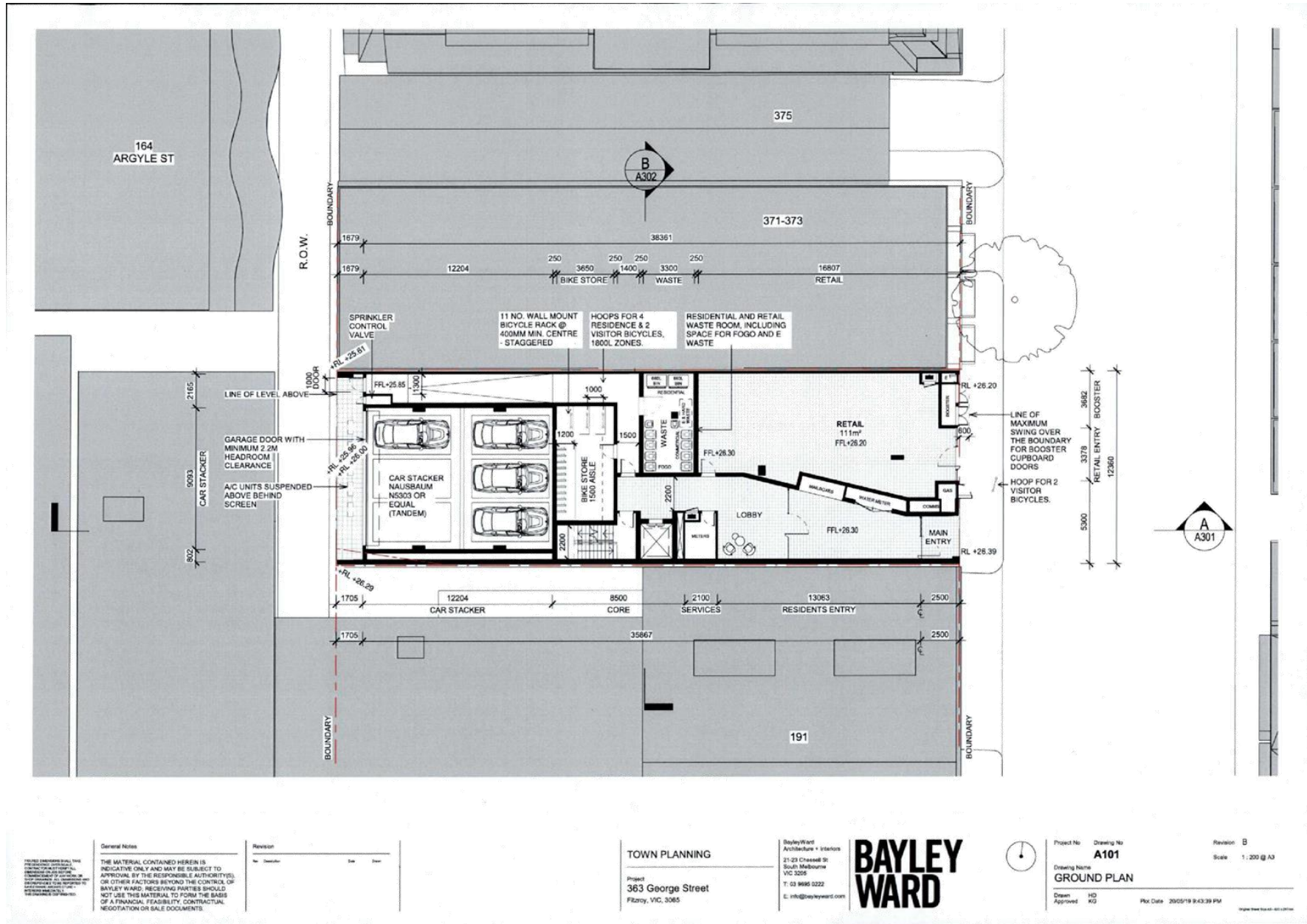
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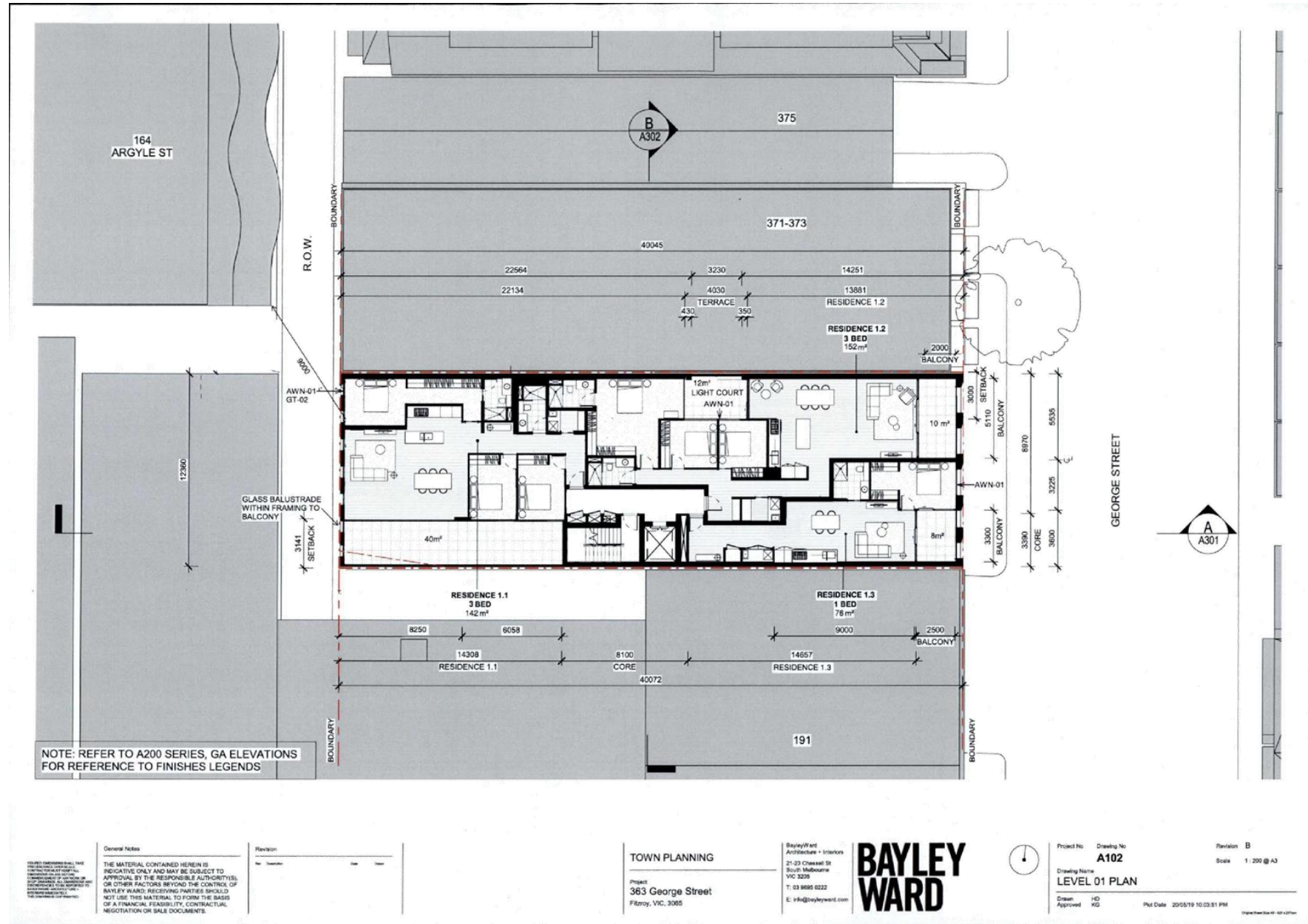


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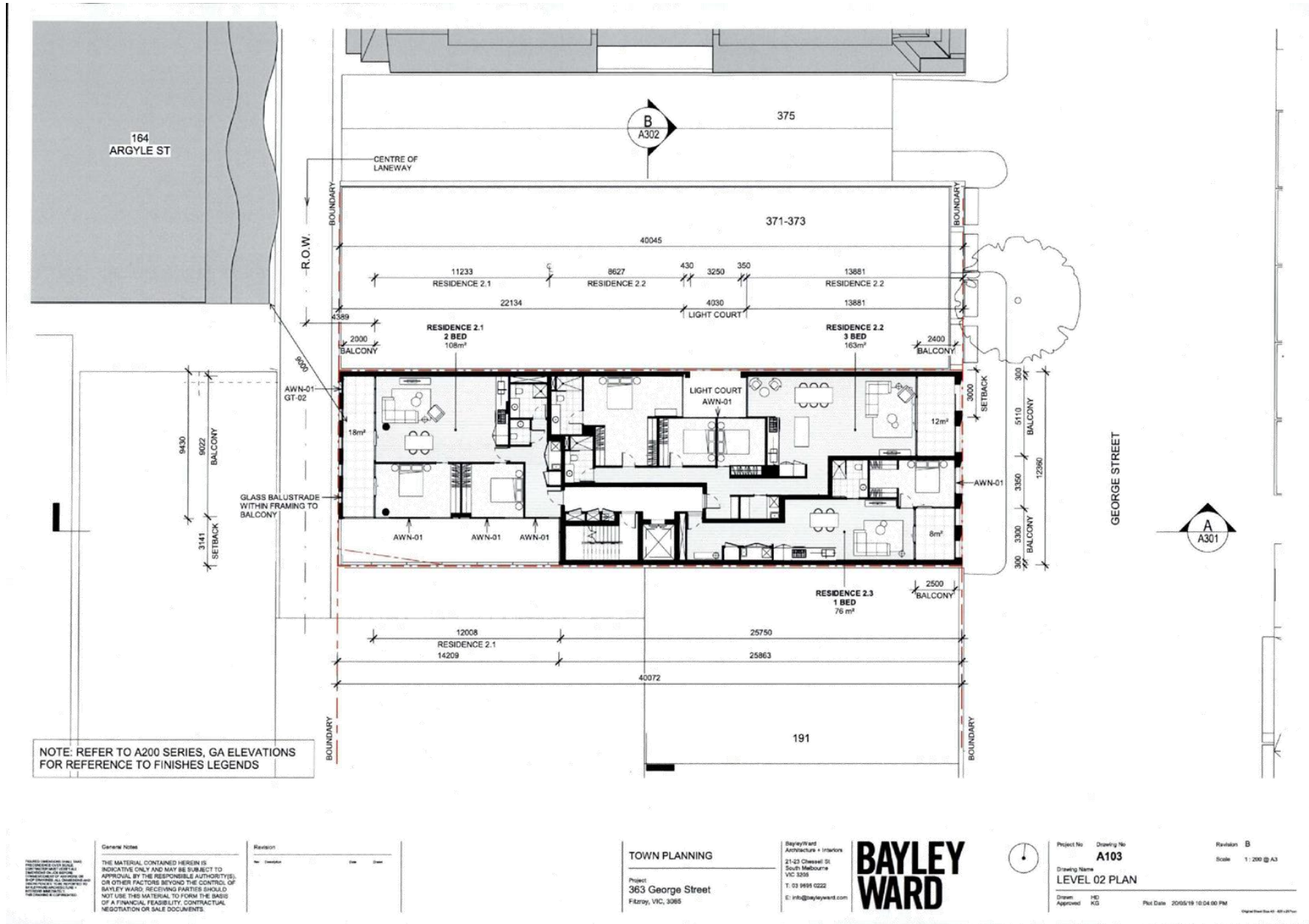




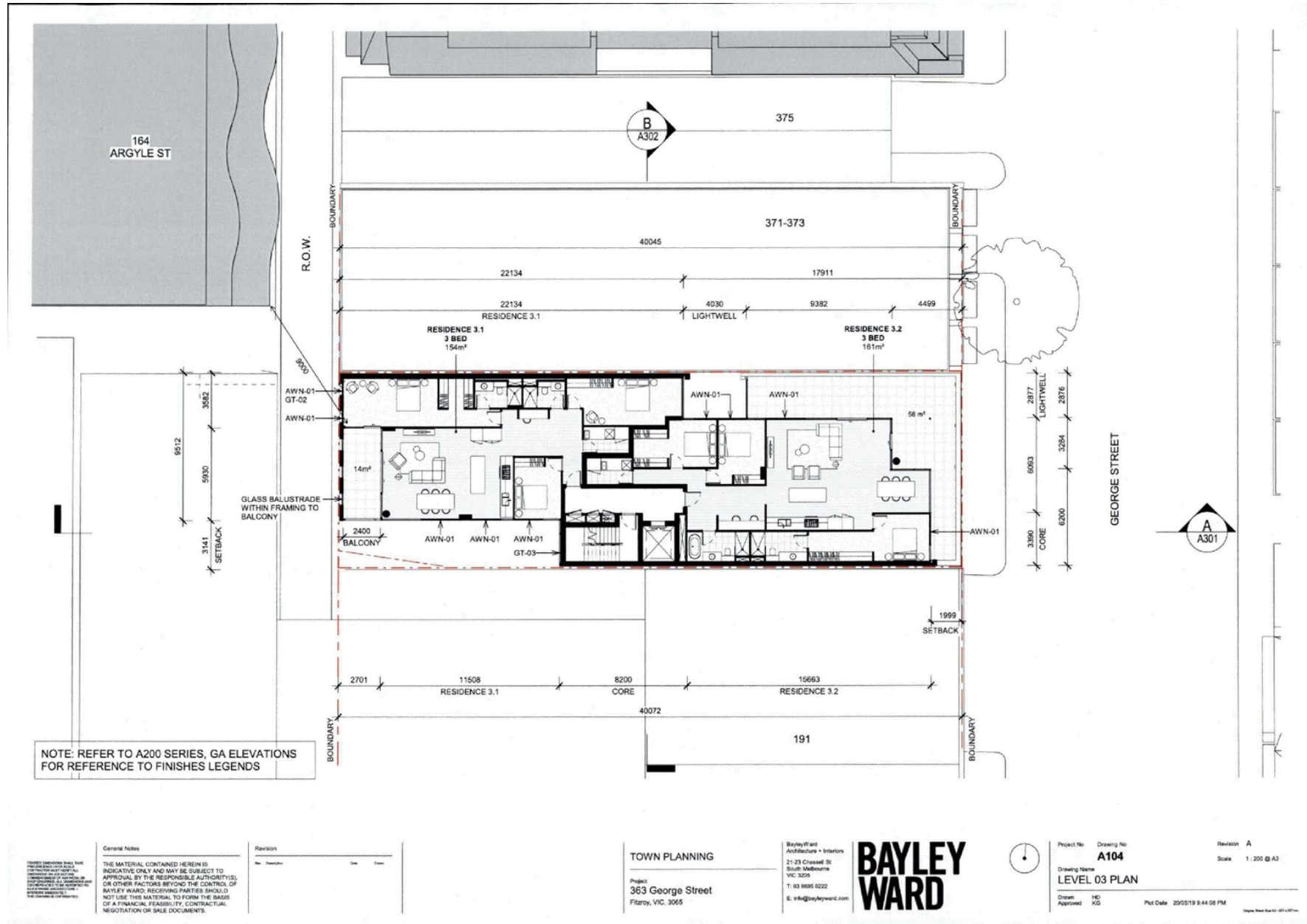
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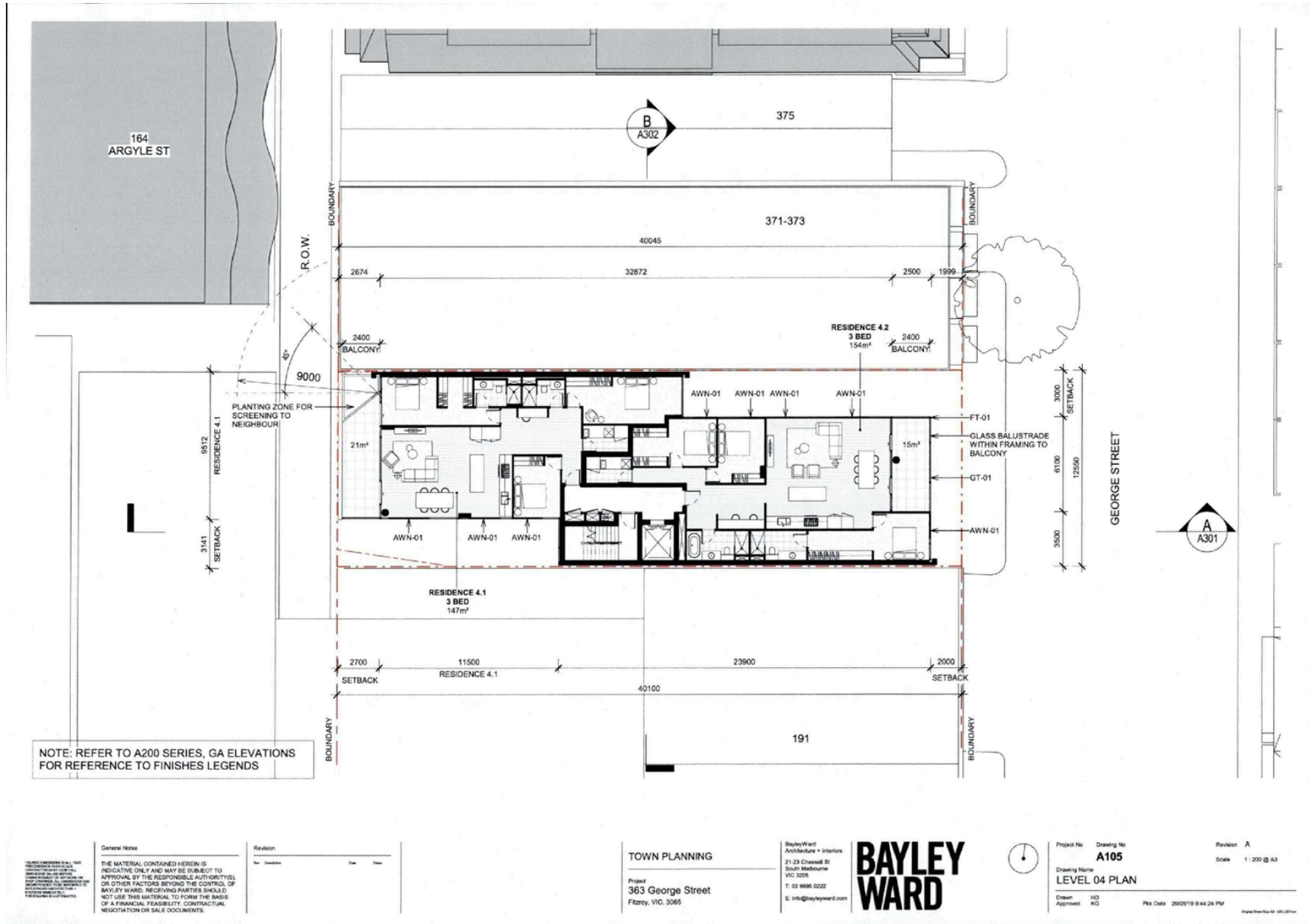


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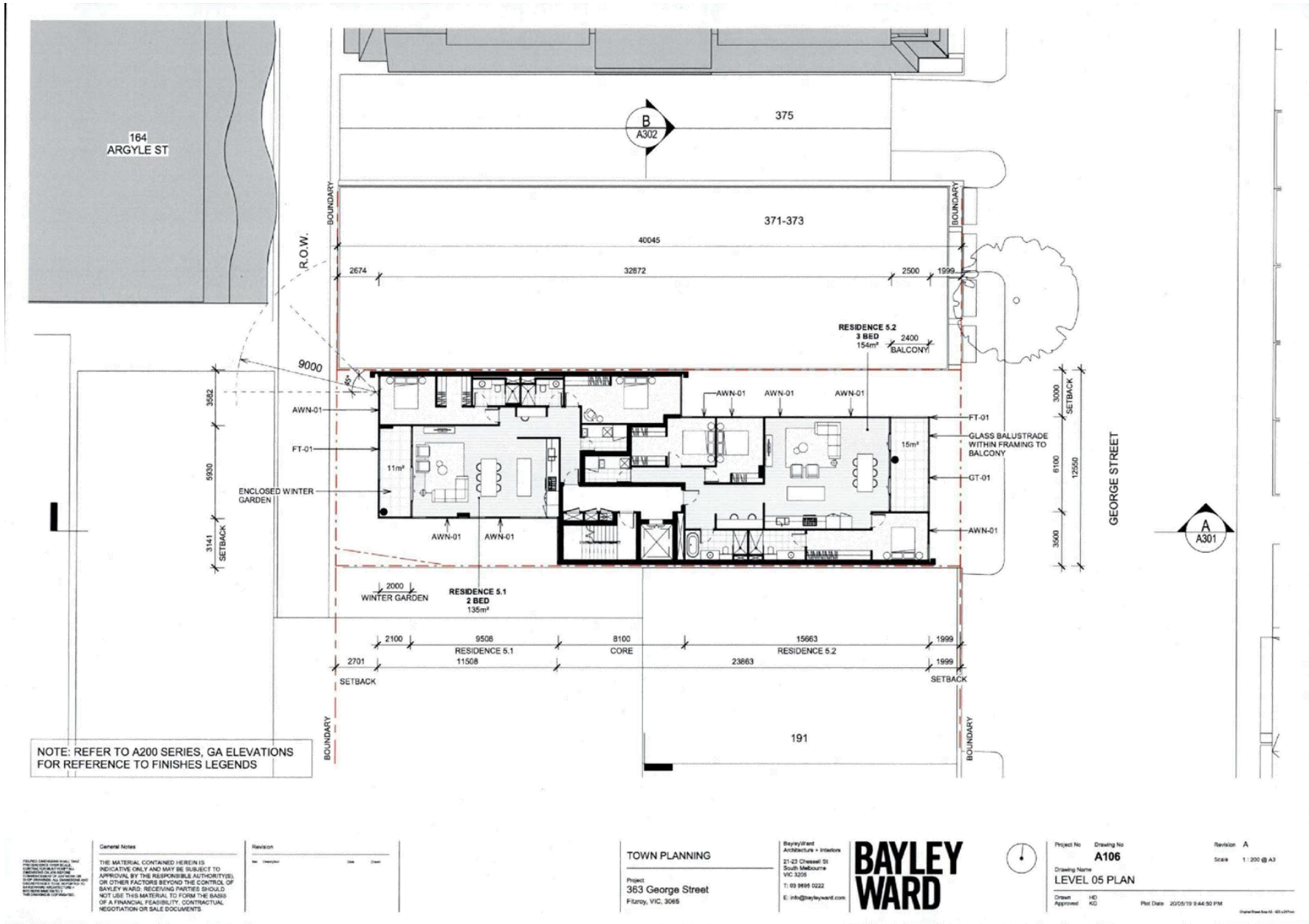




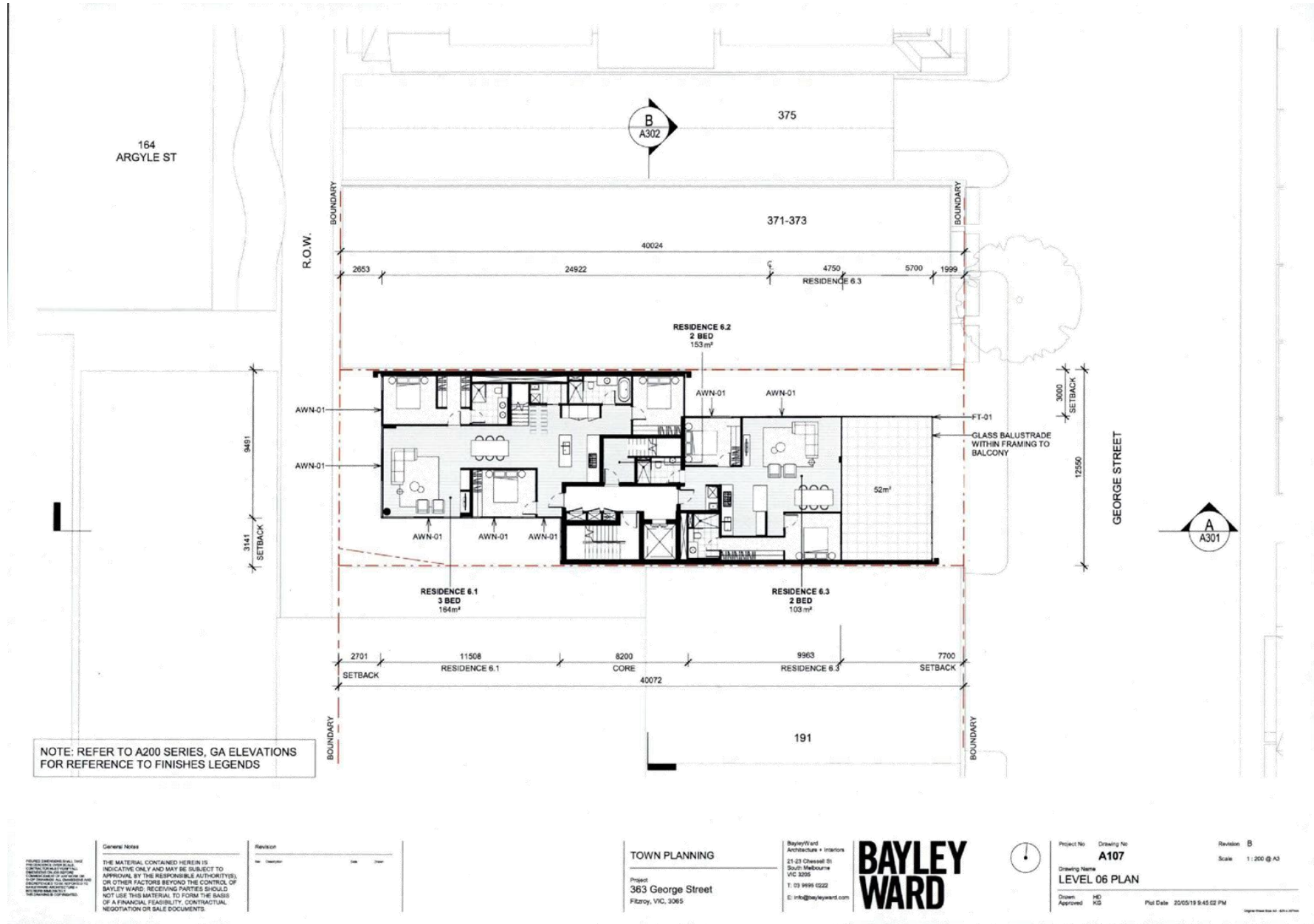
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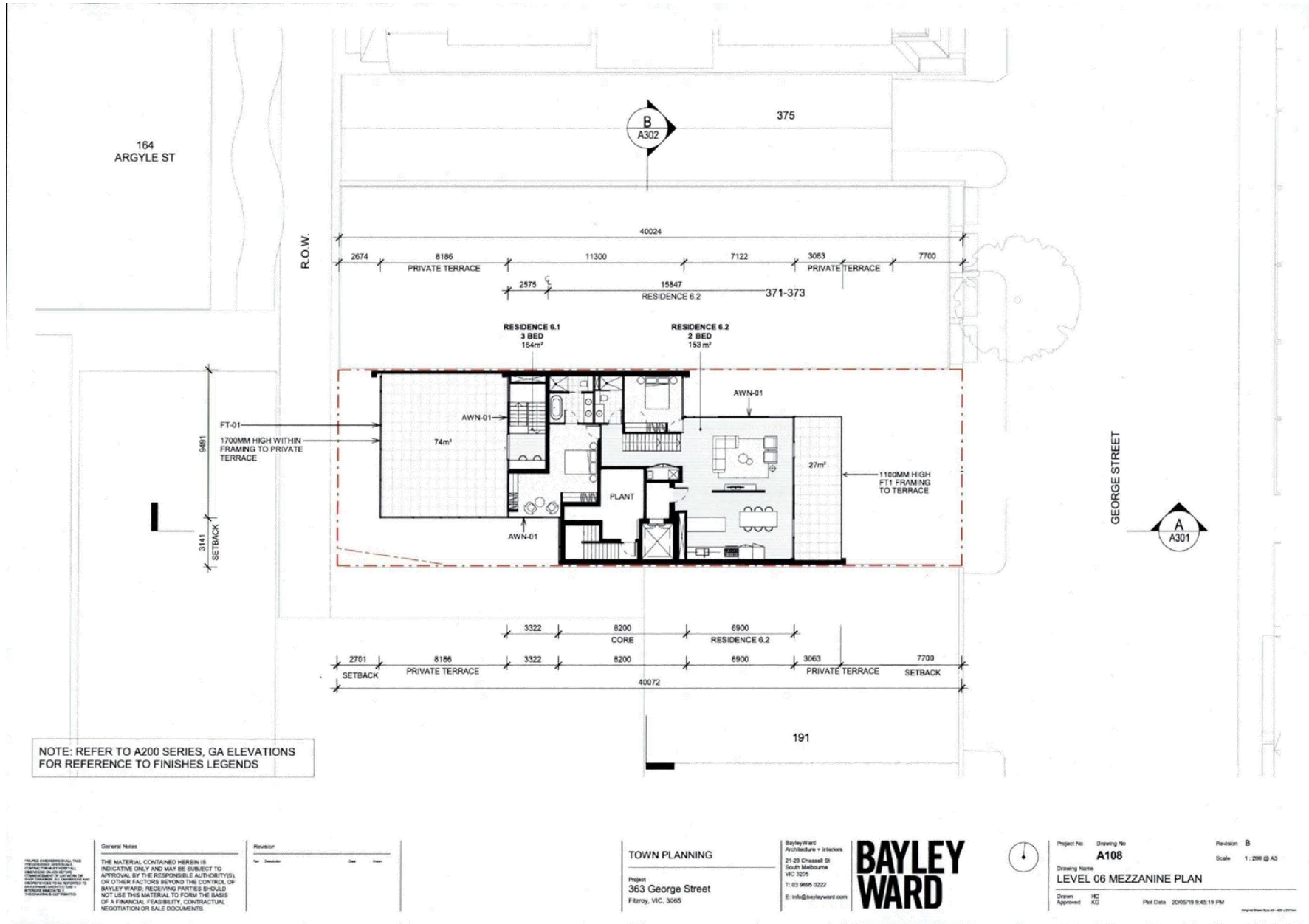
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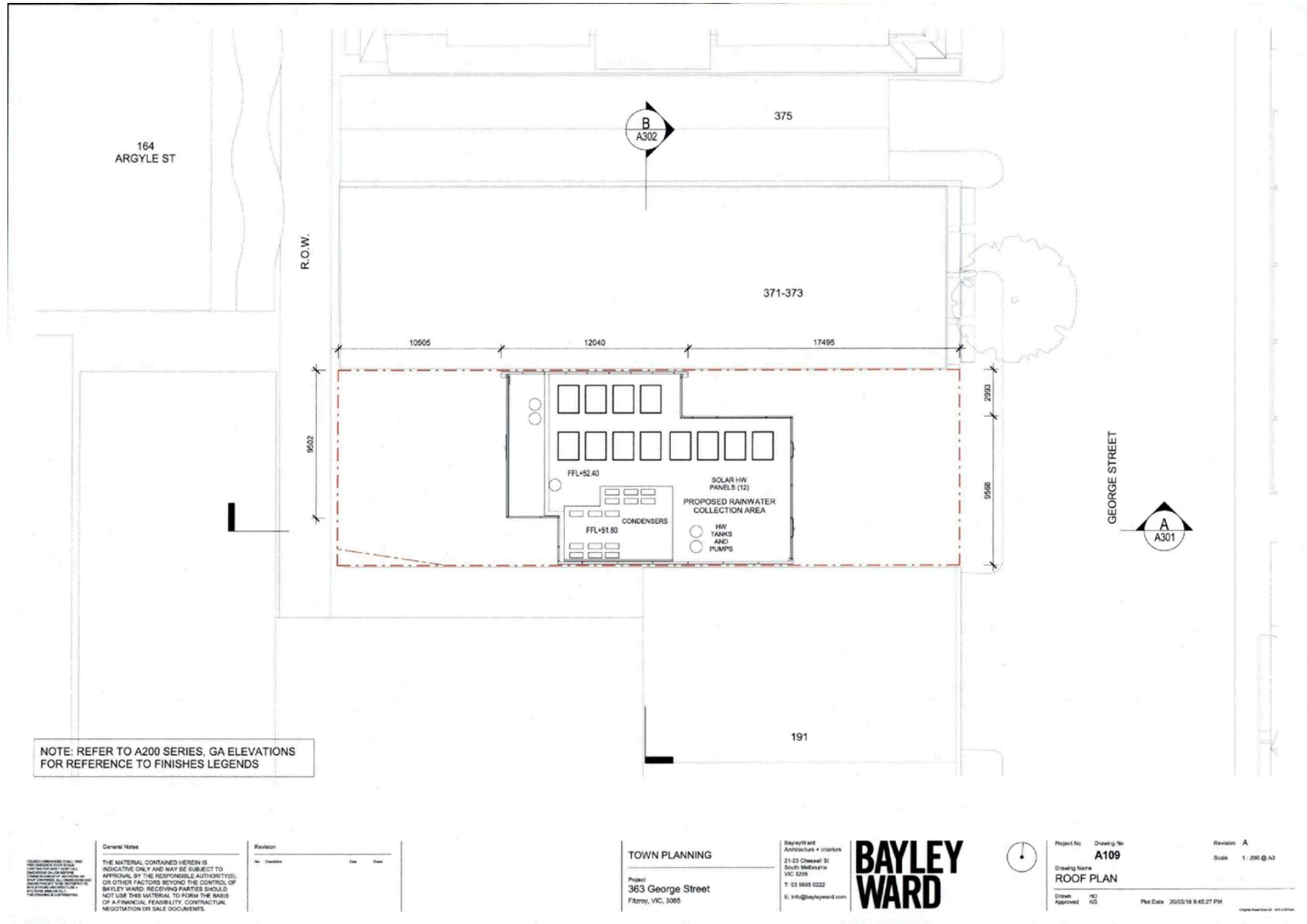


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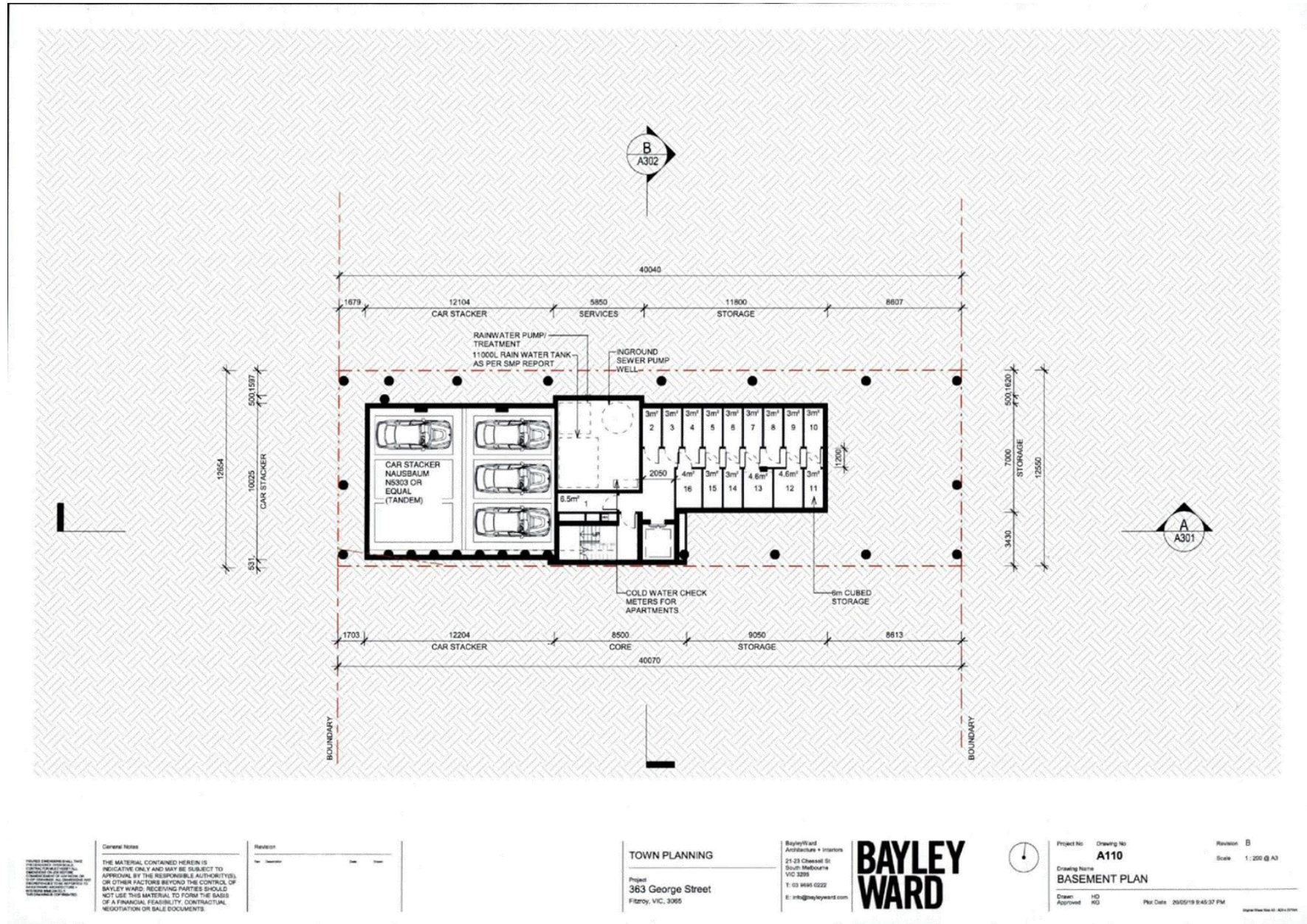


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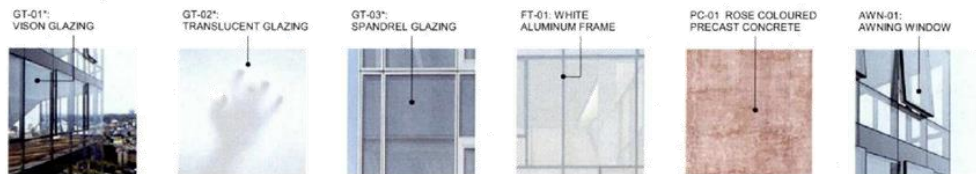
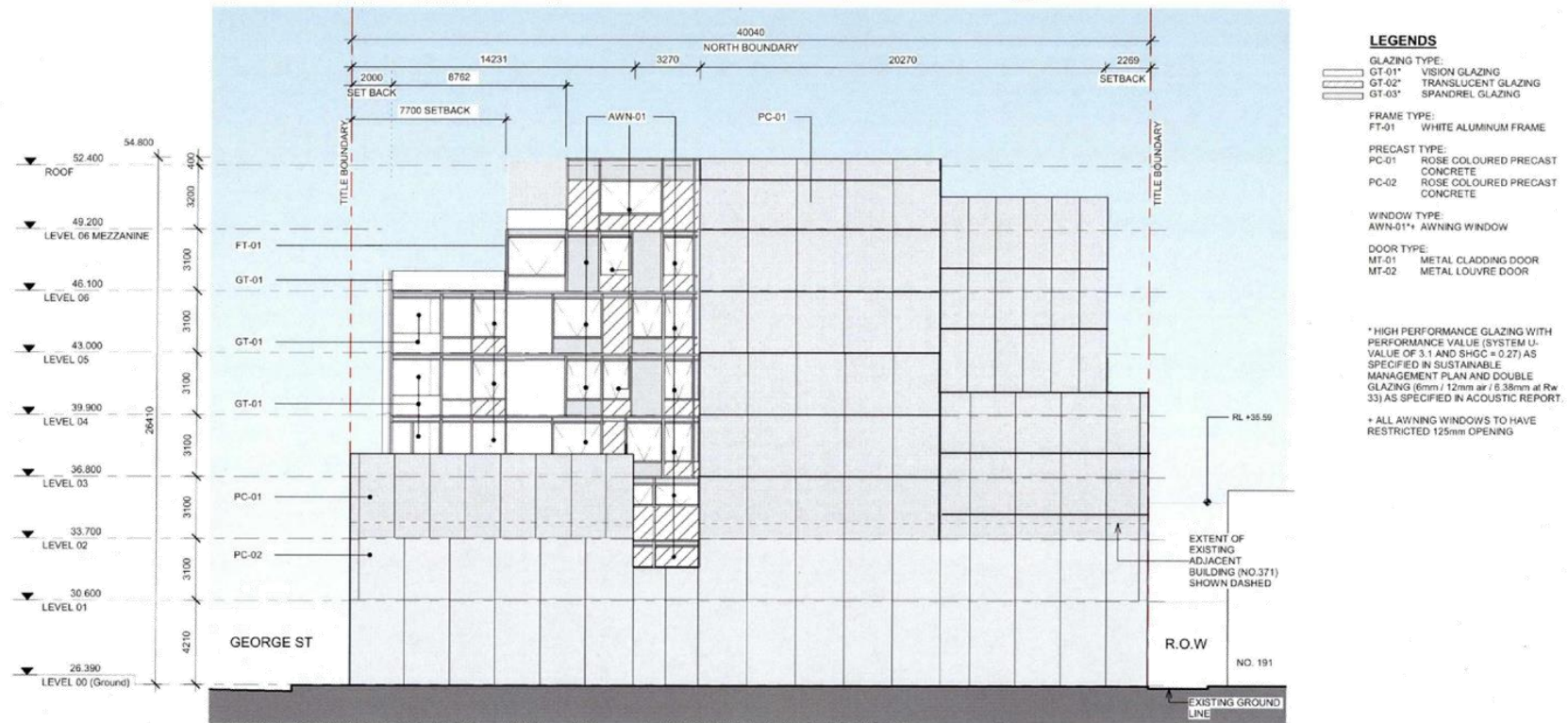




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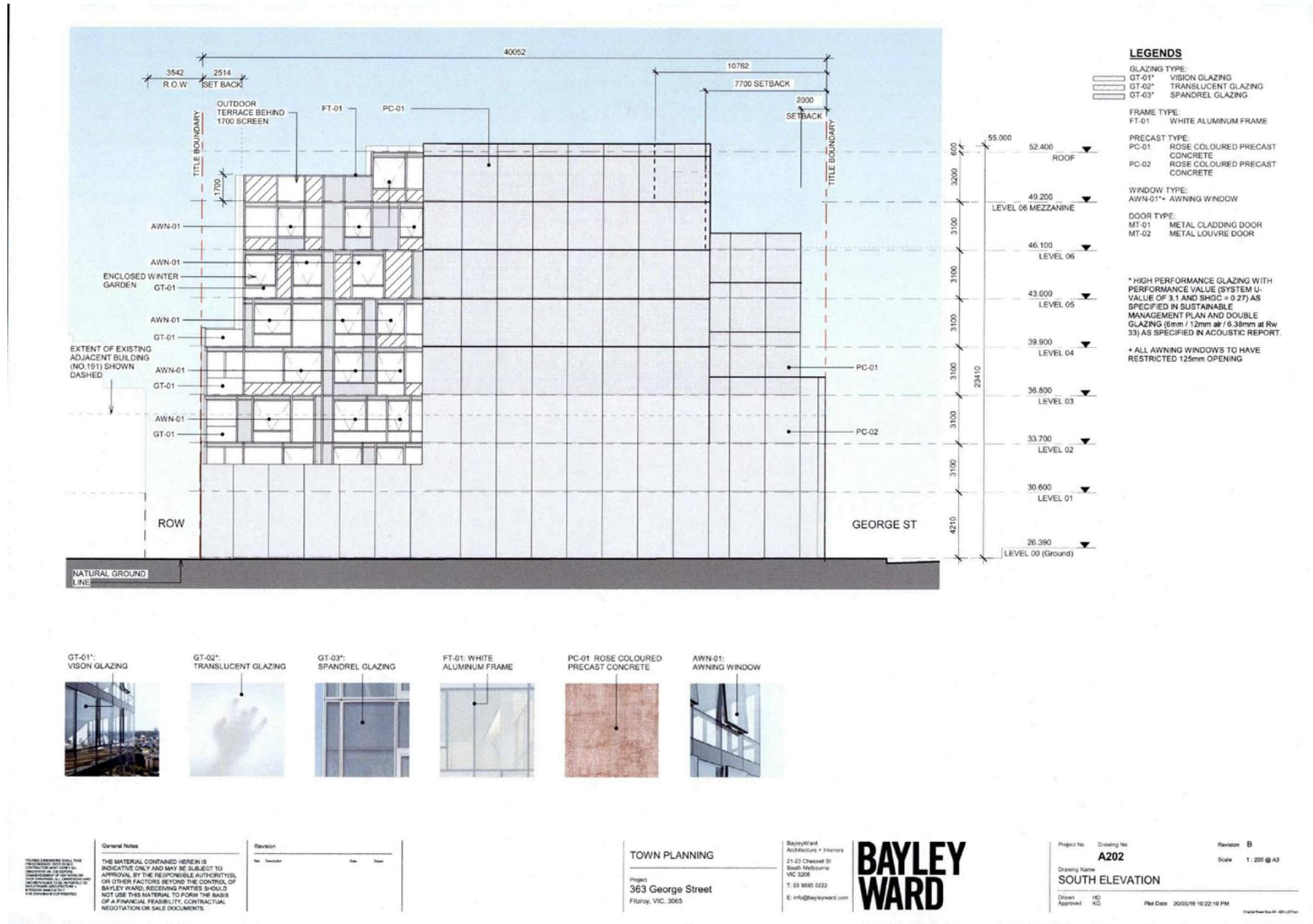
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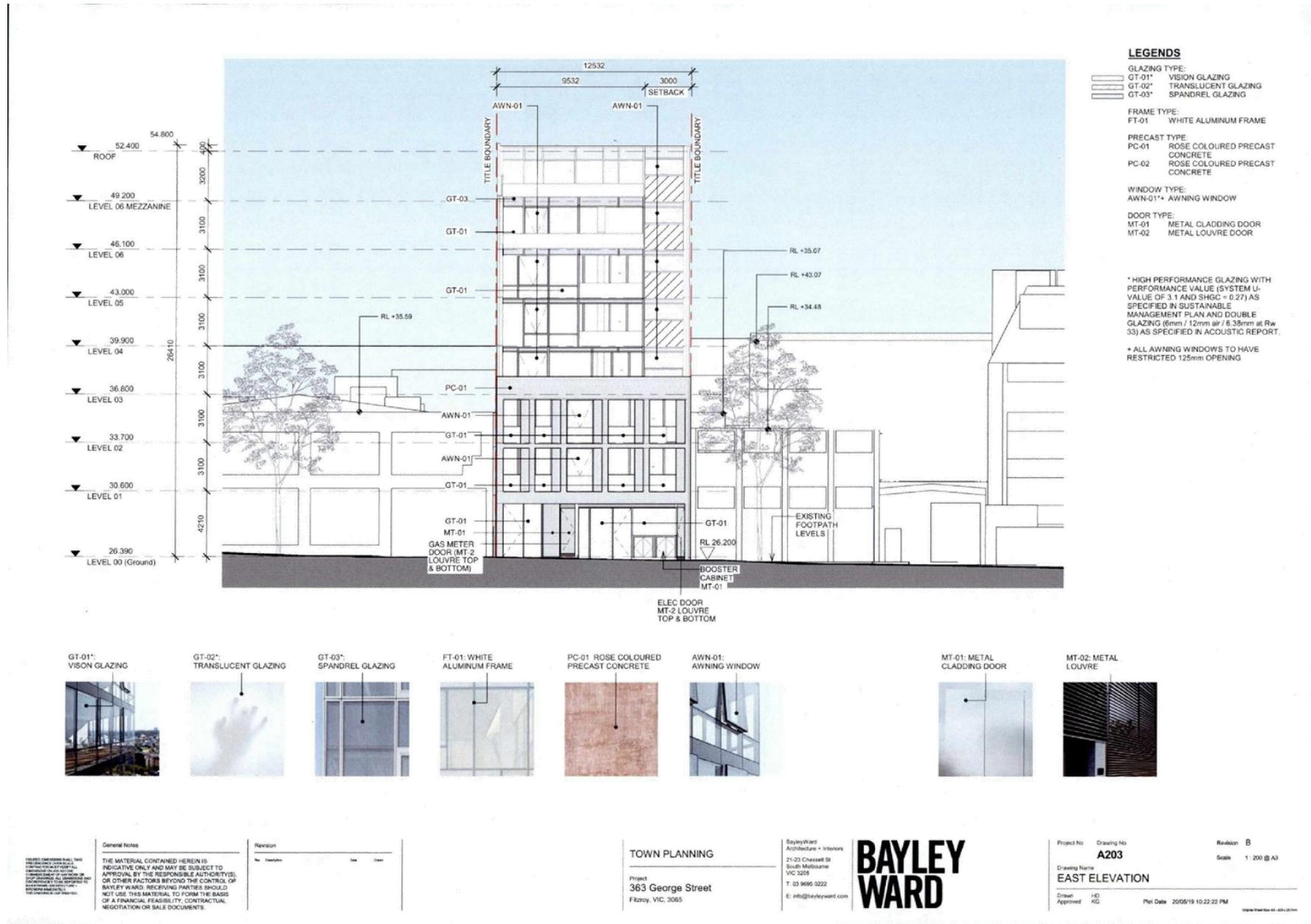
<p><b>General Notes</b></p> <p>THE MATERIAL CONTAINED HEREIN IS INDICATIVE ONLY AND MAY BE SUBJECT TO APPROVAL BY THE RESPONSIBLE AUTHORITY(IES) OR OTHER FACTORS BEYOND THE CONTROL OF BAYLEY WARD. RECEIVING PARTIES SHOULD NOT USE THIS MATERIAL TO FORM THE BASIS OF A FINANCIAL FEASIBILITY, CONTRACTUAL NEGOTIATION OR SALE DOCUMENTS.</p>	<p><b>Revision</b></p> <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> <th>Drawn</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Description	Date	Drawn					<p><b>TOWN PLANNING</b></p> <p>Project: 363 George Street Fitzroy, VIC, 3065</p>	<p>Bayley Ward Architecture + Interiors</p> <p>21-23 Chausell St South Melbourne VIC 3205</p> <p>T: 03 9486 0222 E: info@bayleyward.com</p> <p><b>BAYLEY WARD</b></p>	<p>Project No:      Drawing No: <b>A201</b></p> <p>Drawing Name: <b>NORTH ELEVATION</b></p> <p>Drawn: HD Approved: KG</p> <p>Revision: <b>B</b> Scale: 1:200 @ A3</p> <p>Plot Date: 2025/19 10:21:55 PM</p>
No.	Description	Date	Drawn									



**Attachment 2 - PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans**

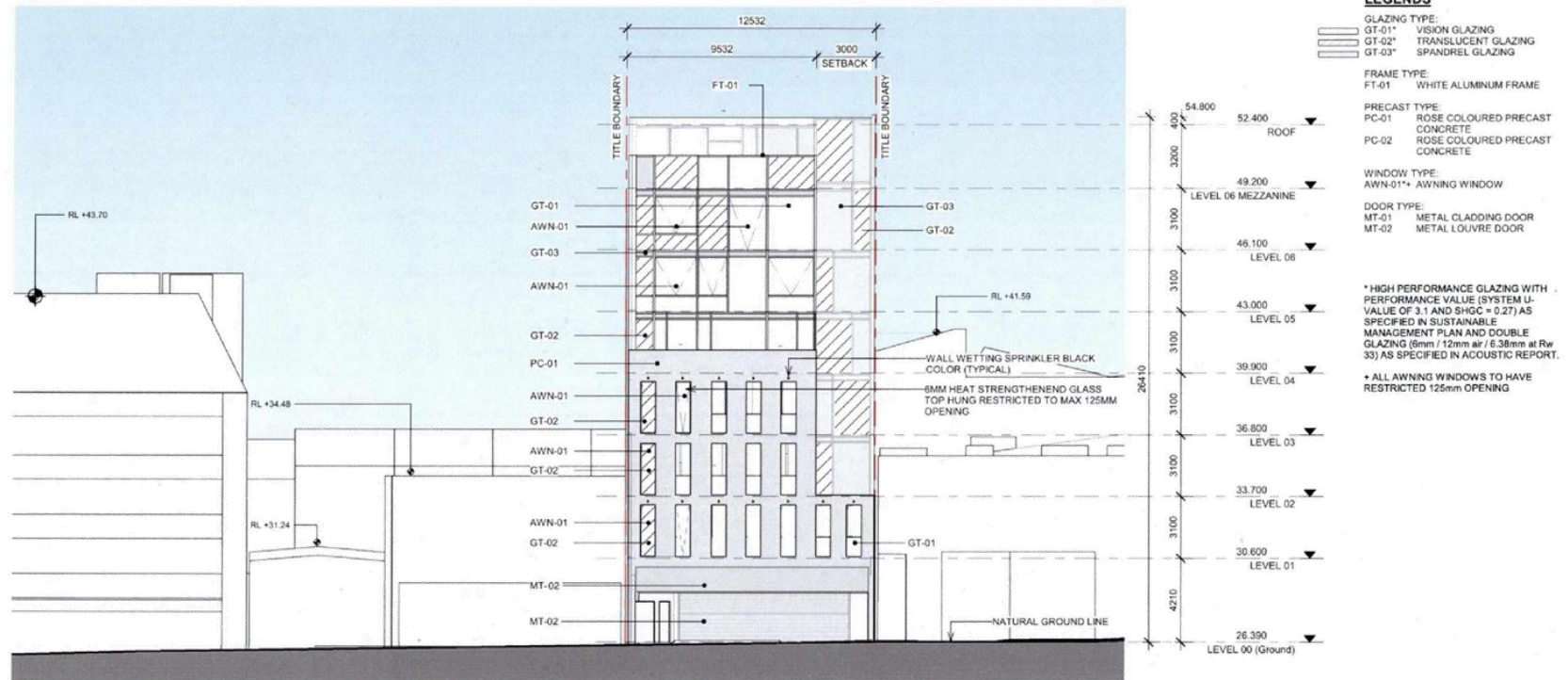


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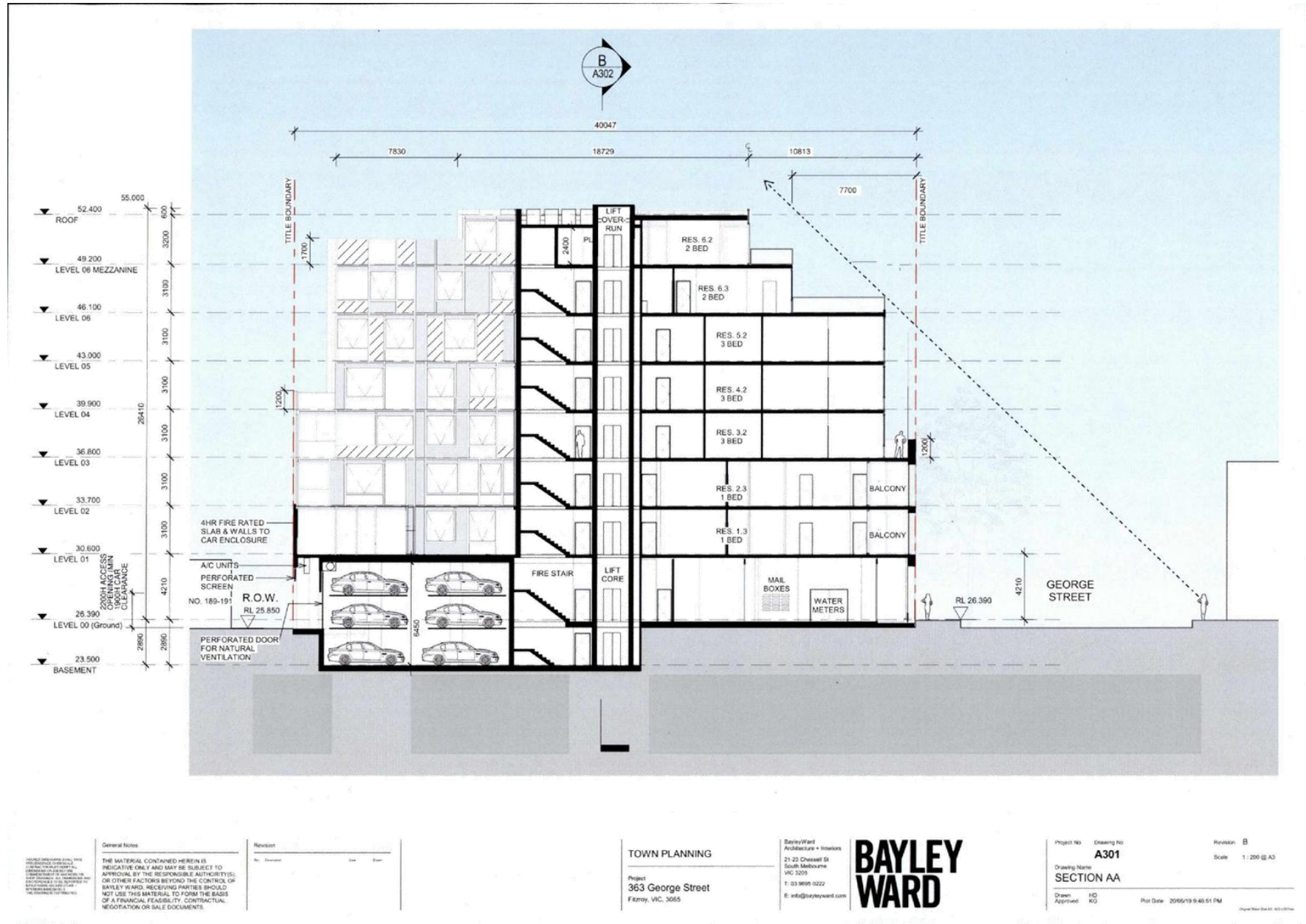


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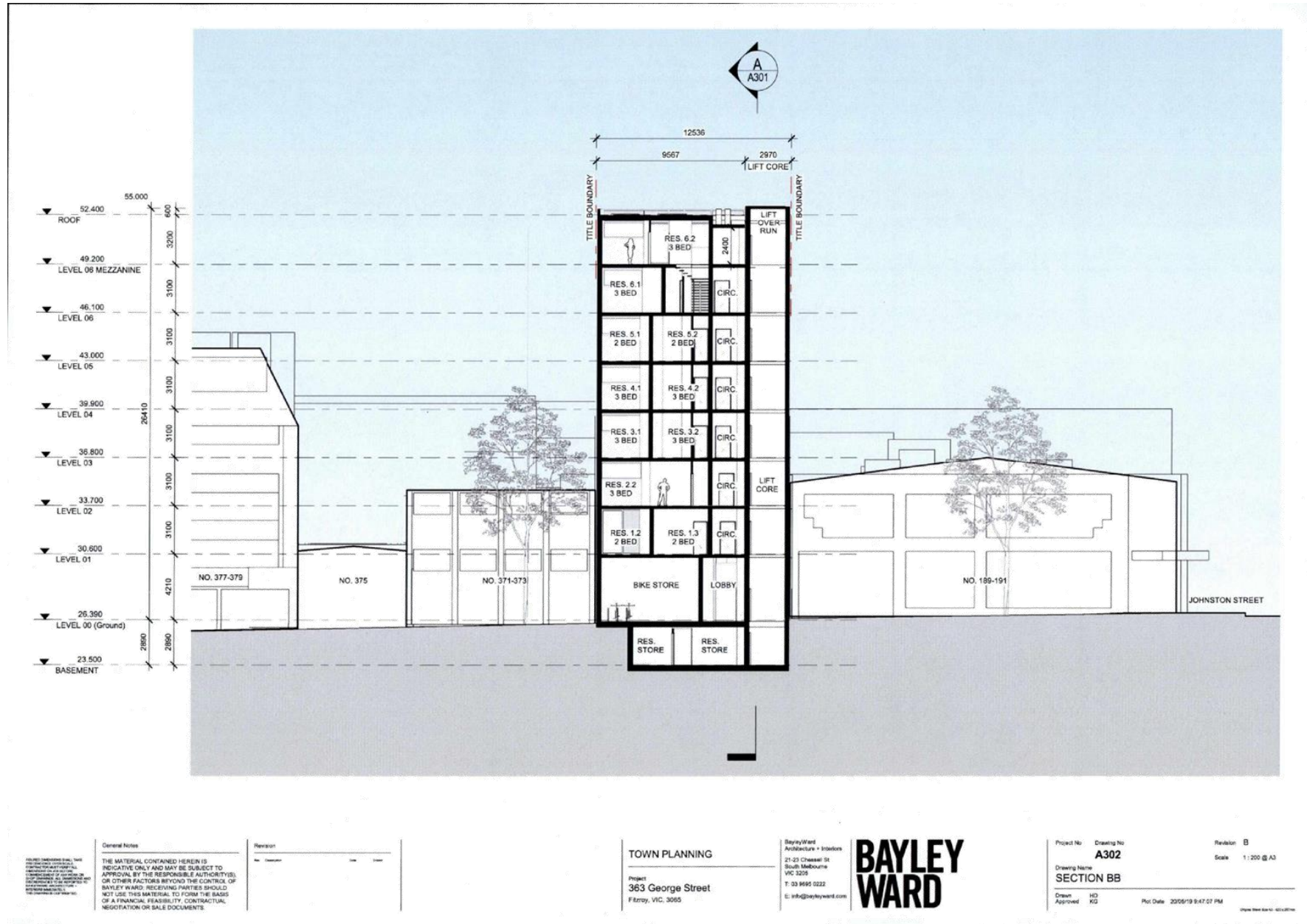
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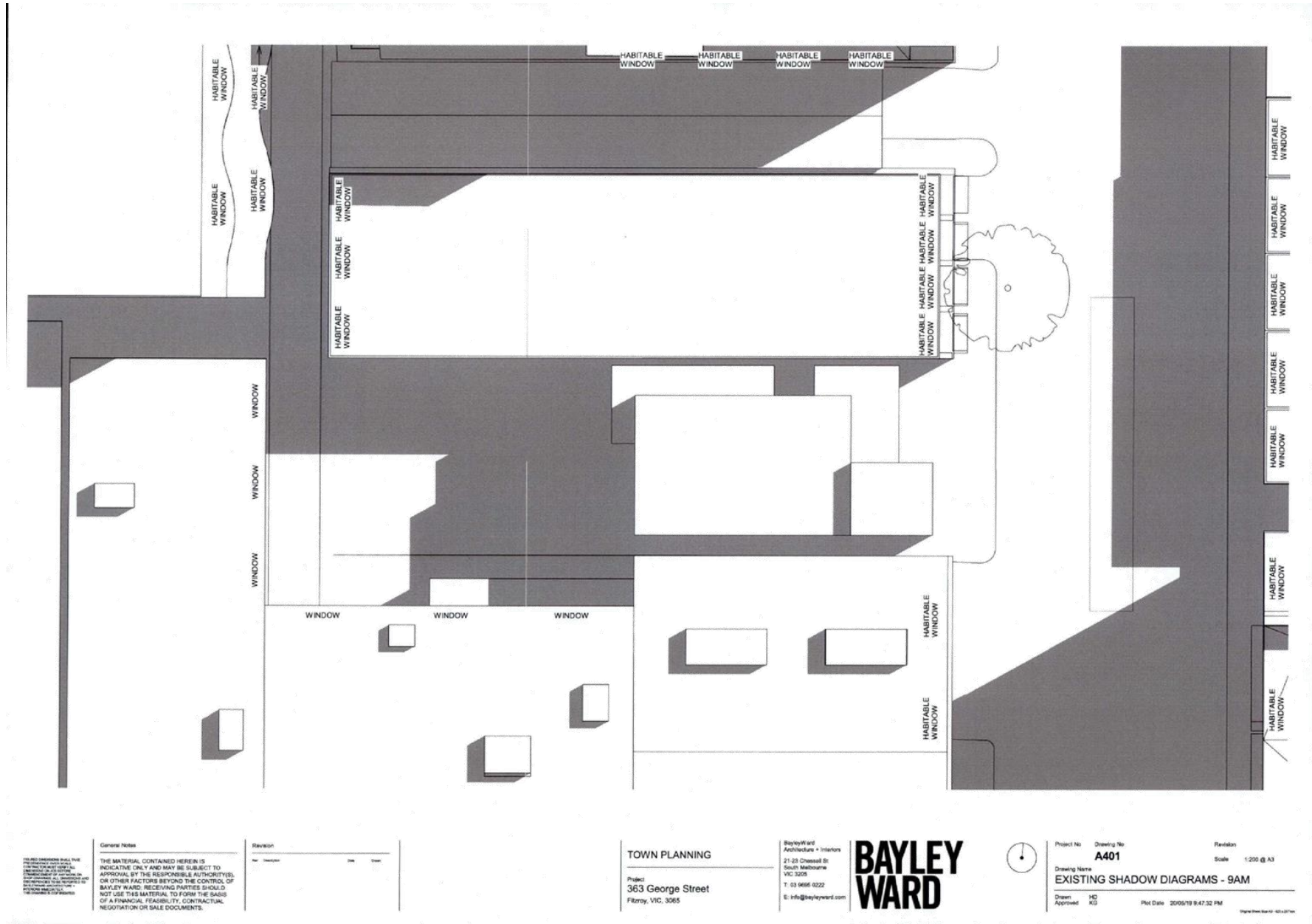




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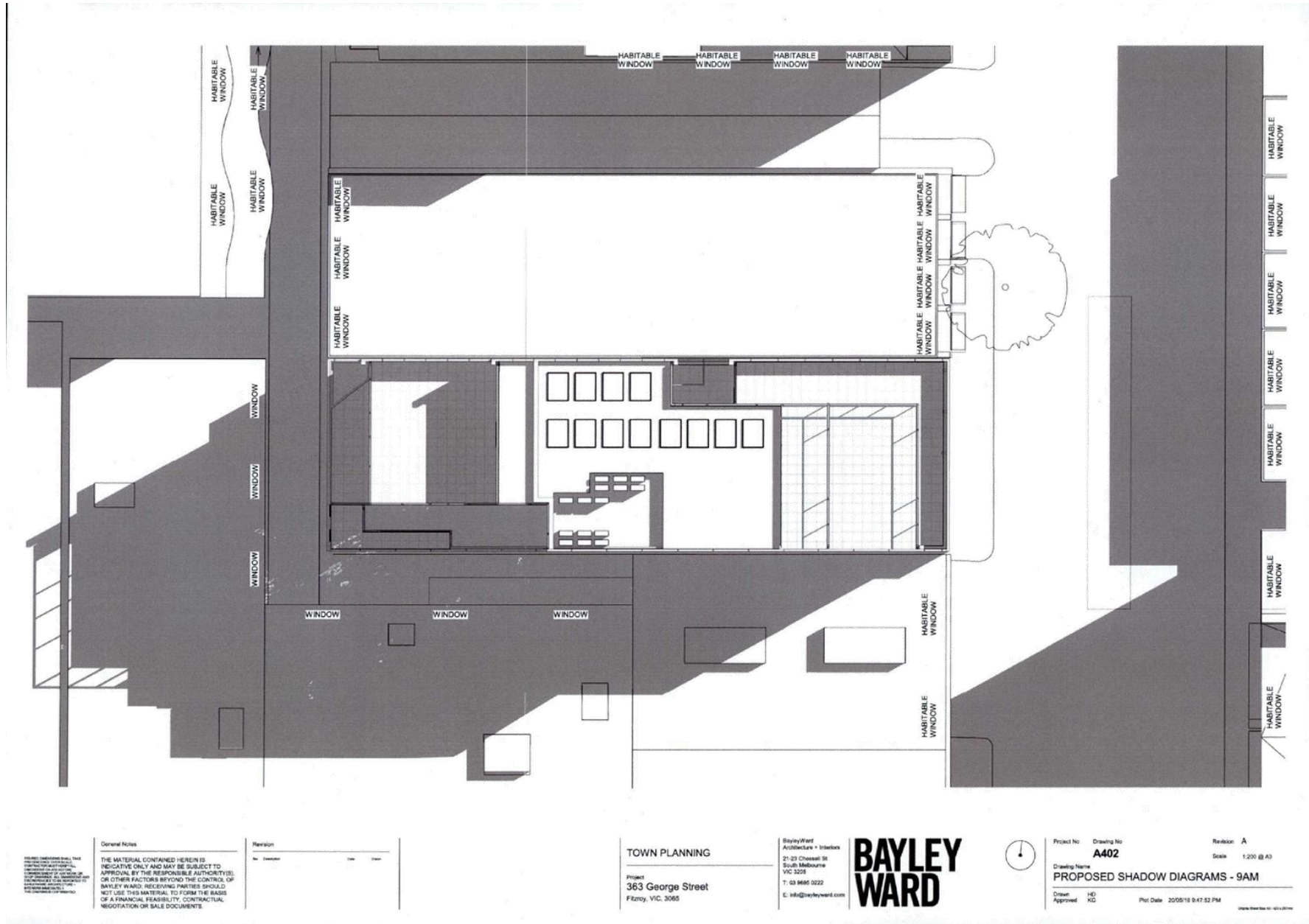


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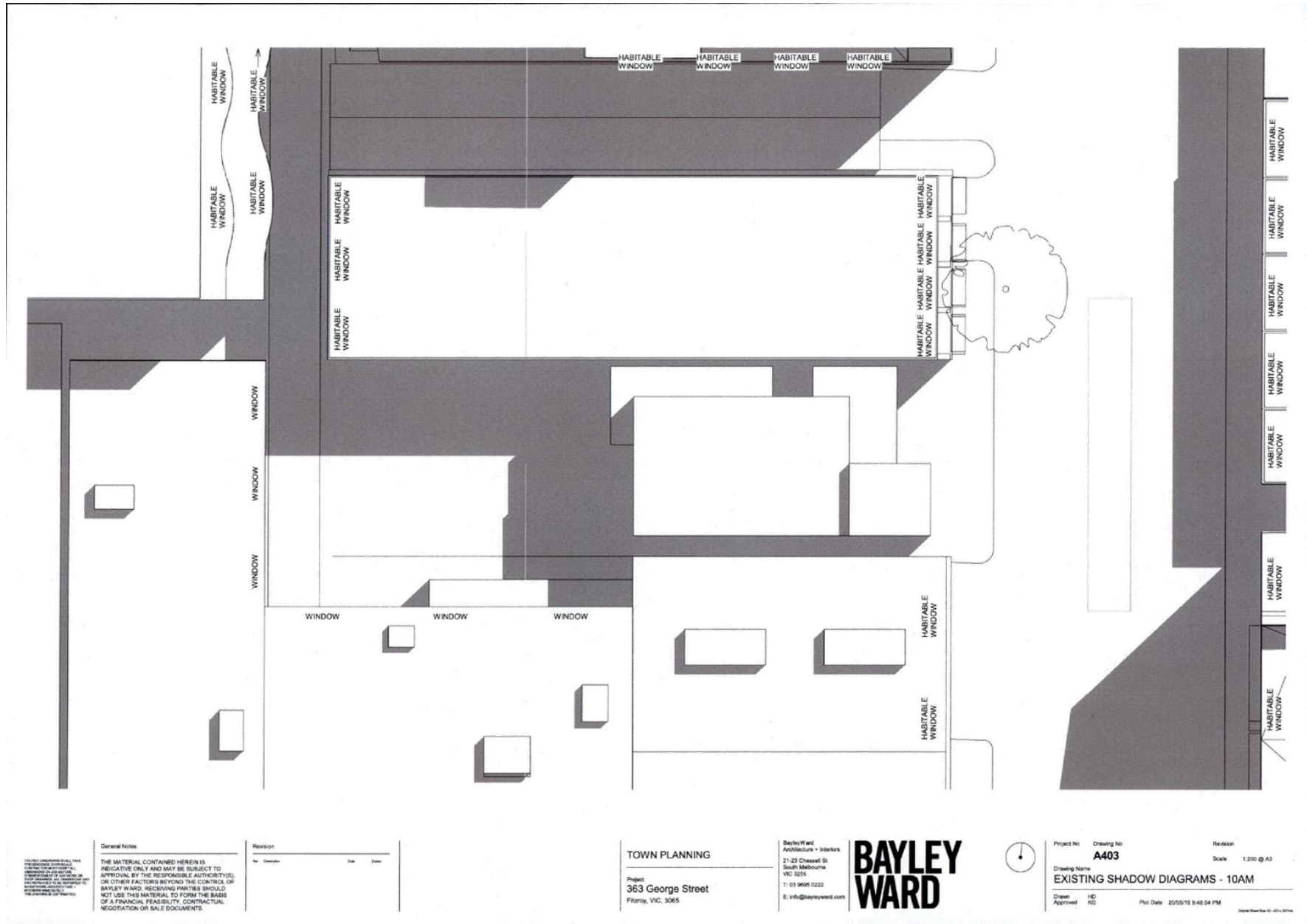




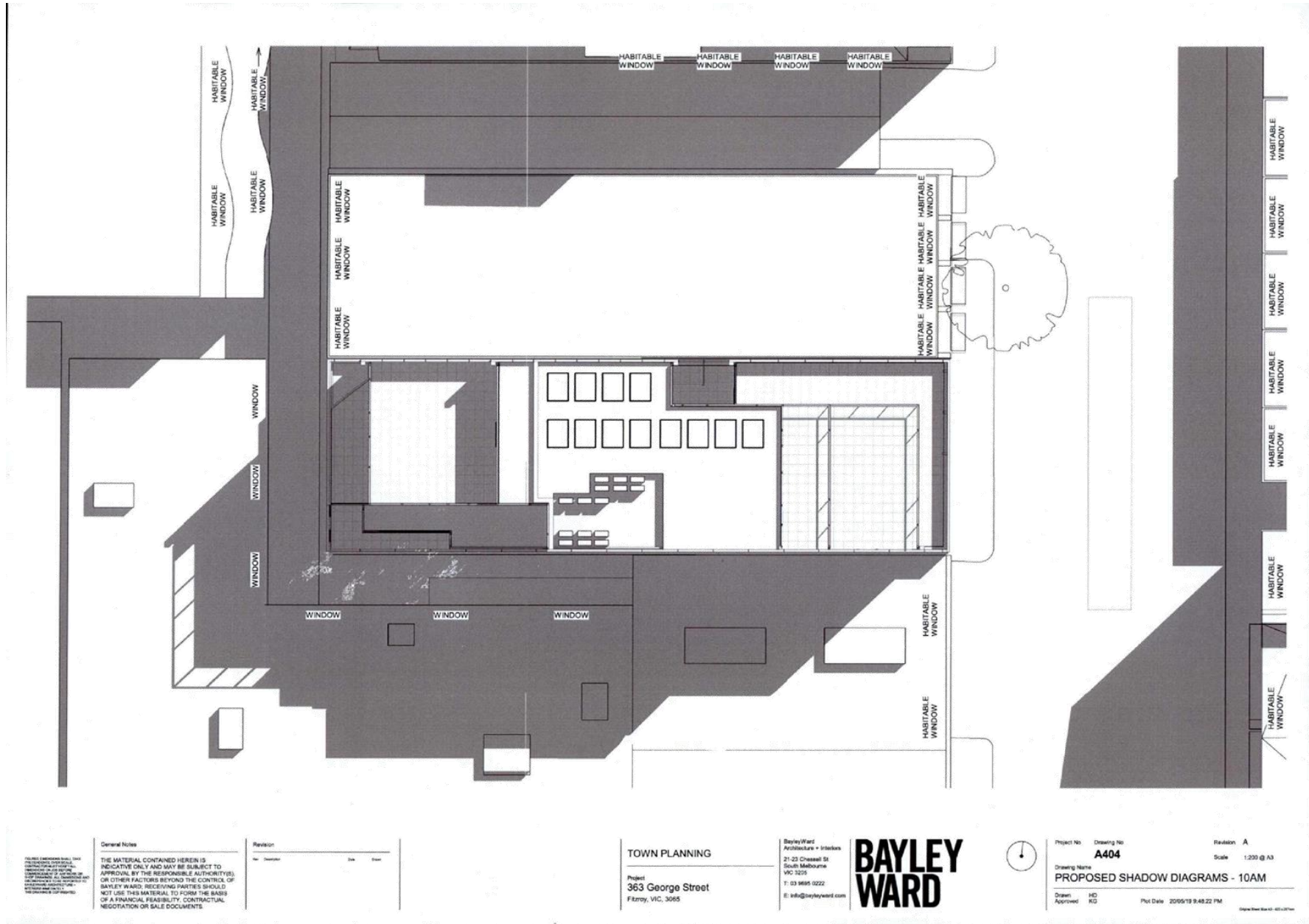
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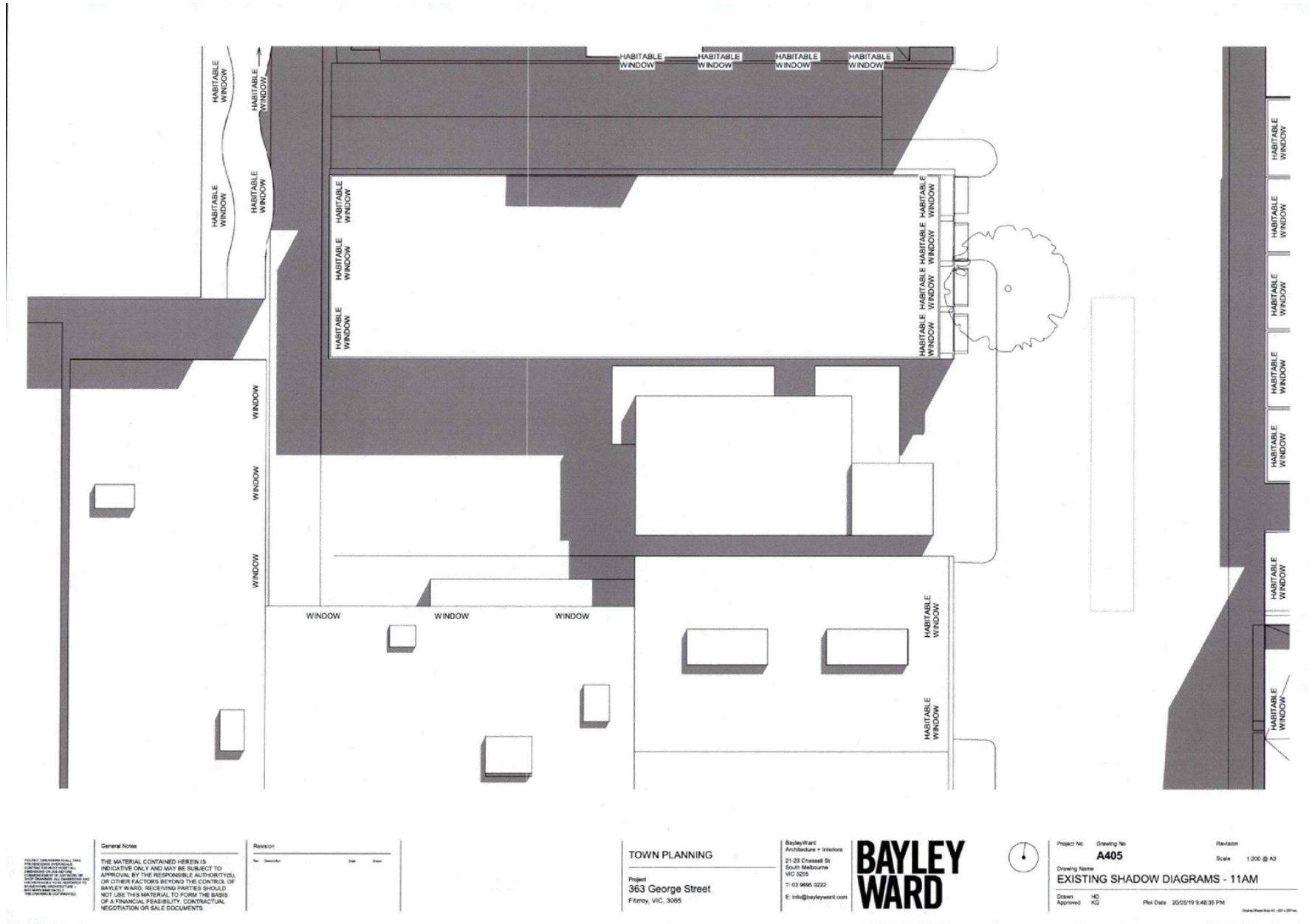


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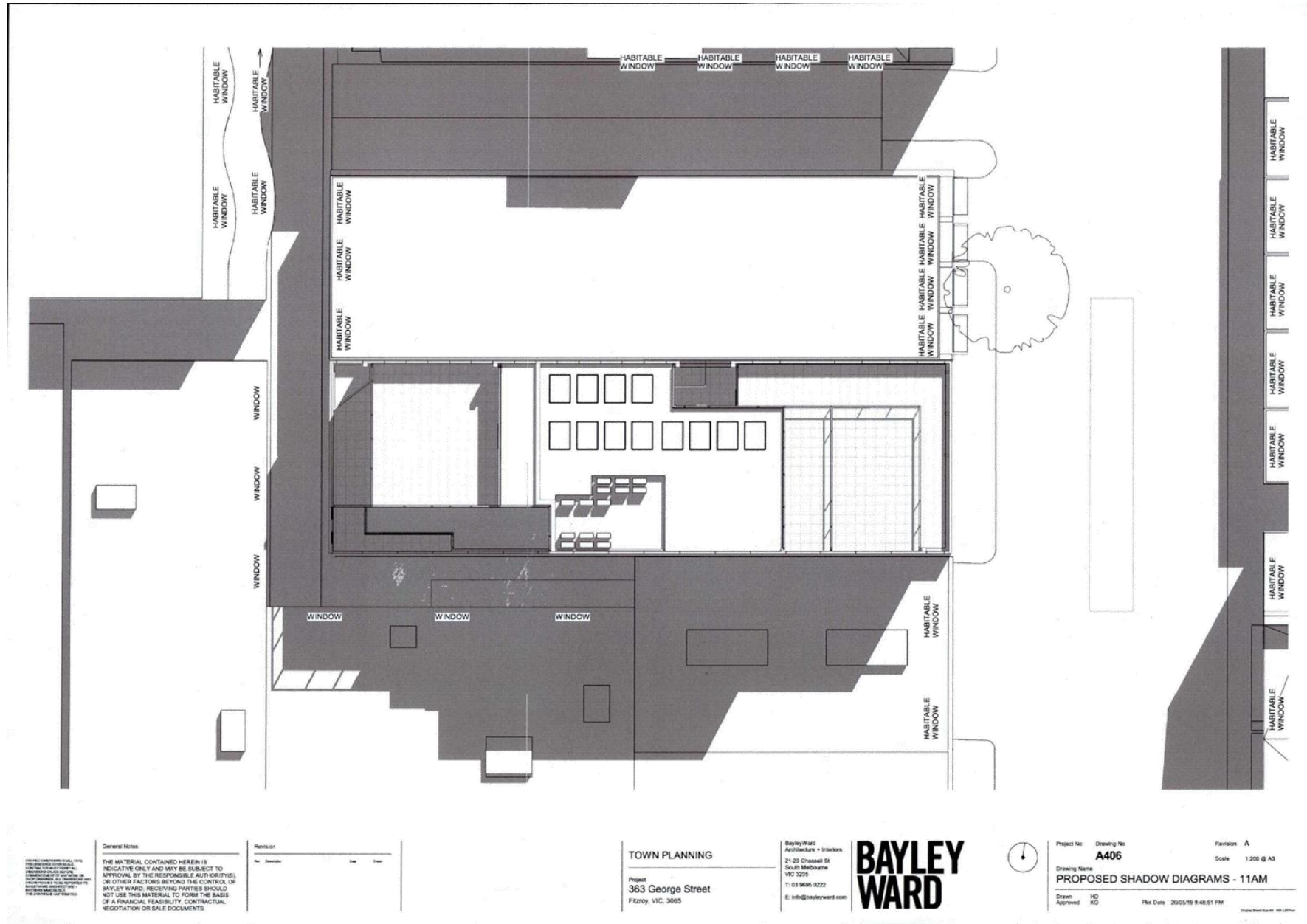




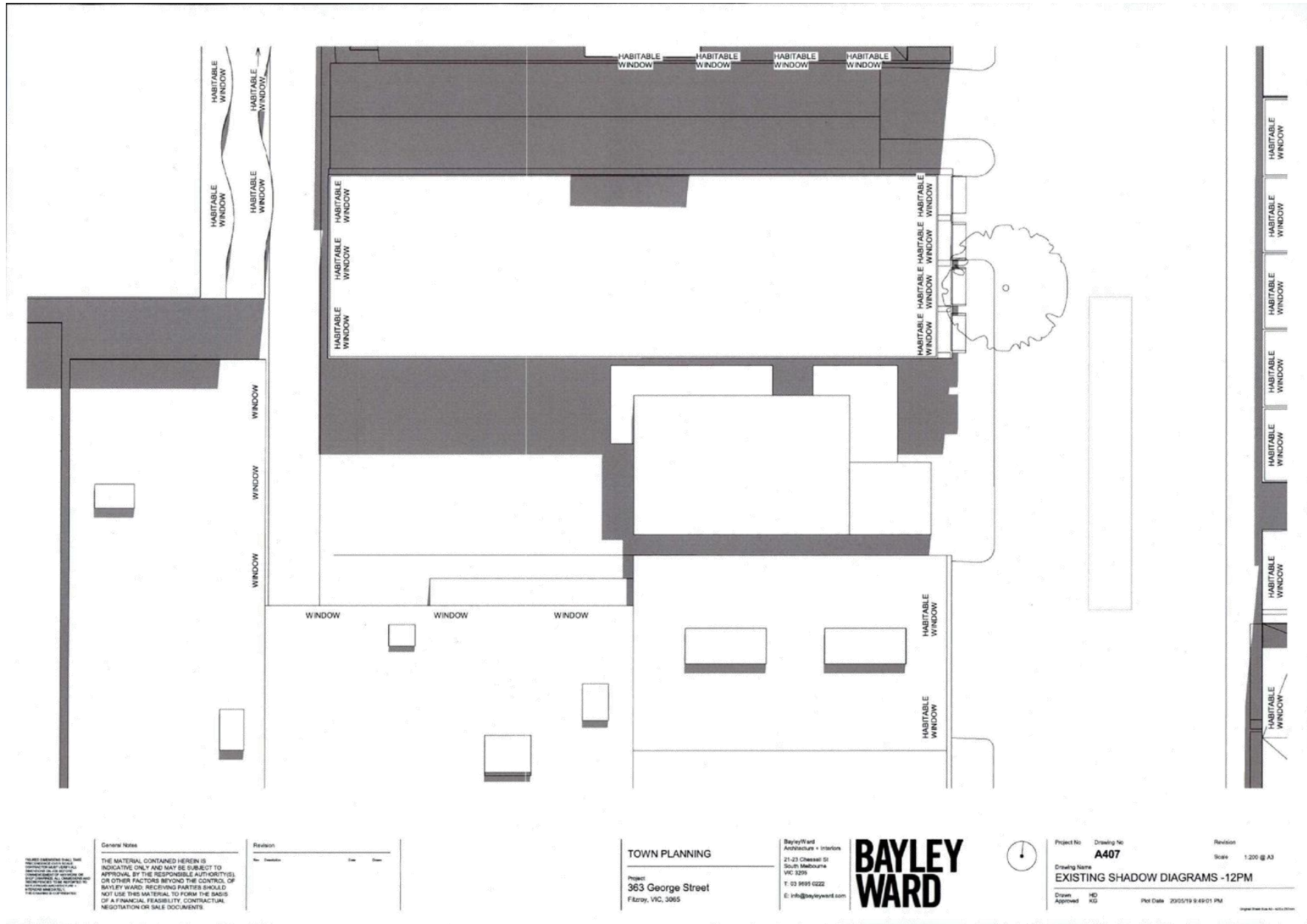
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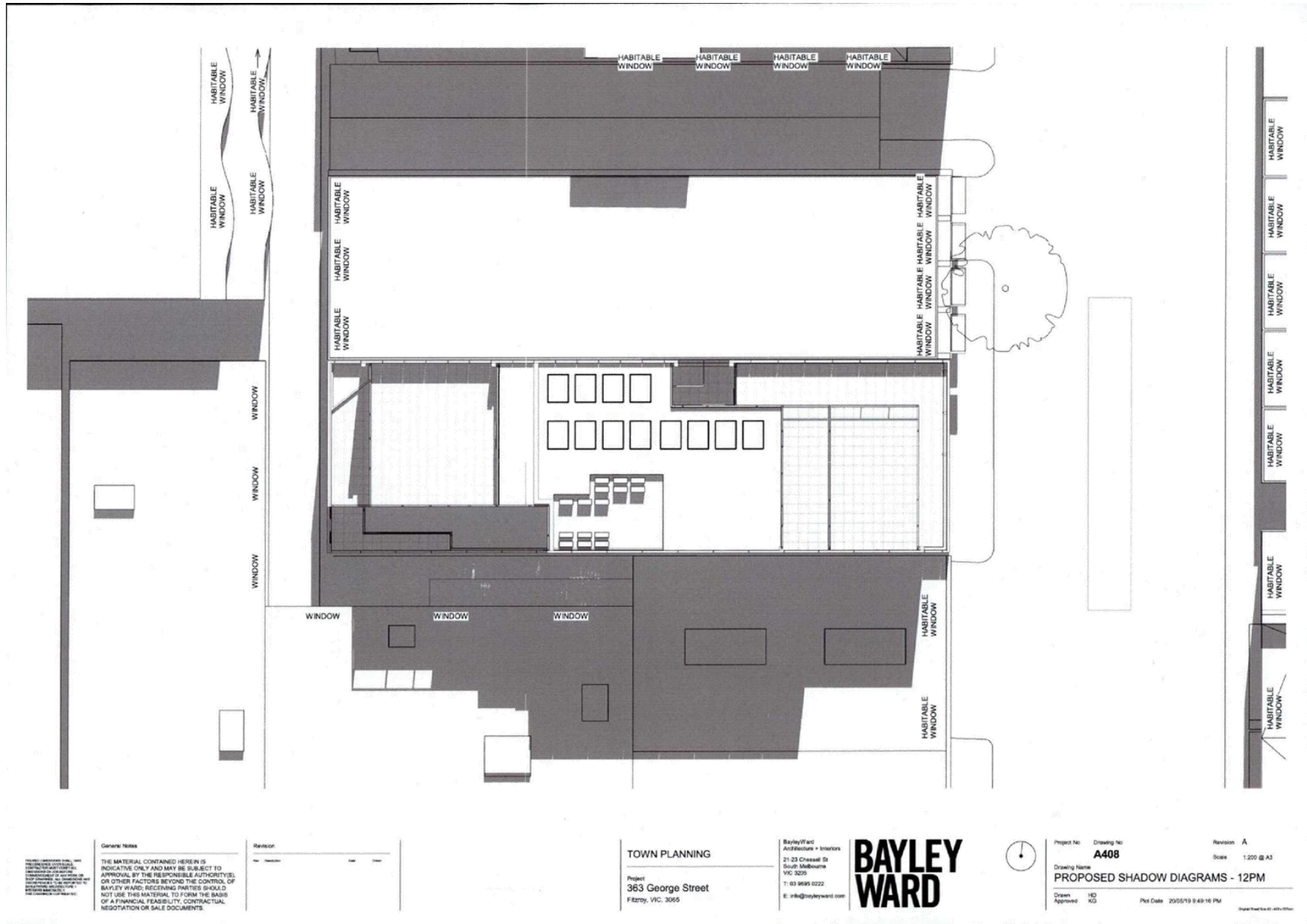


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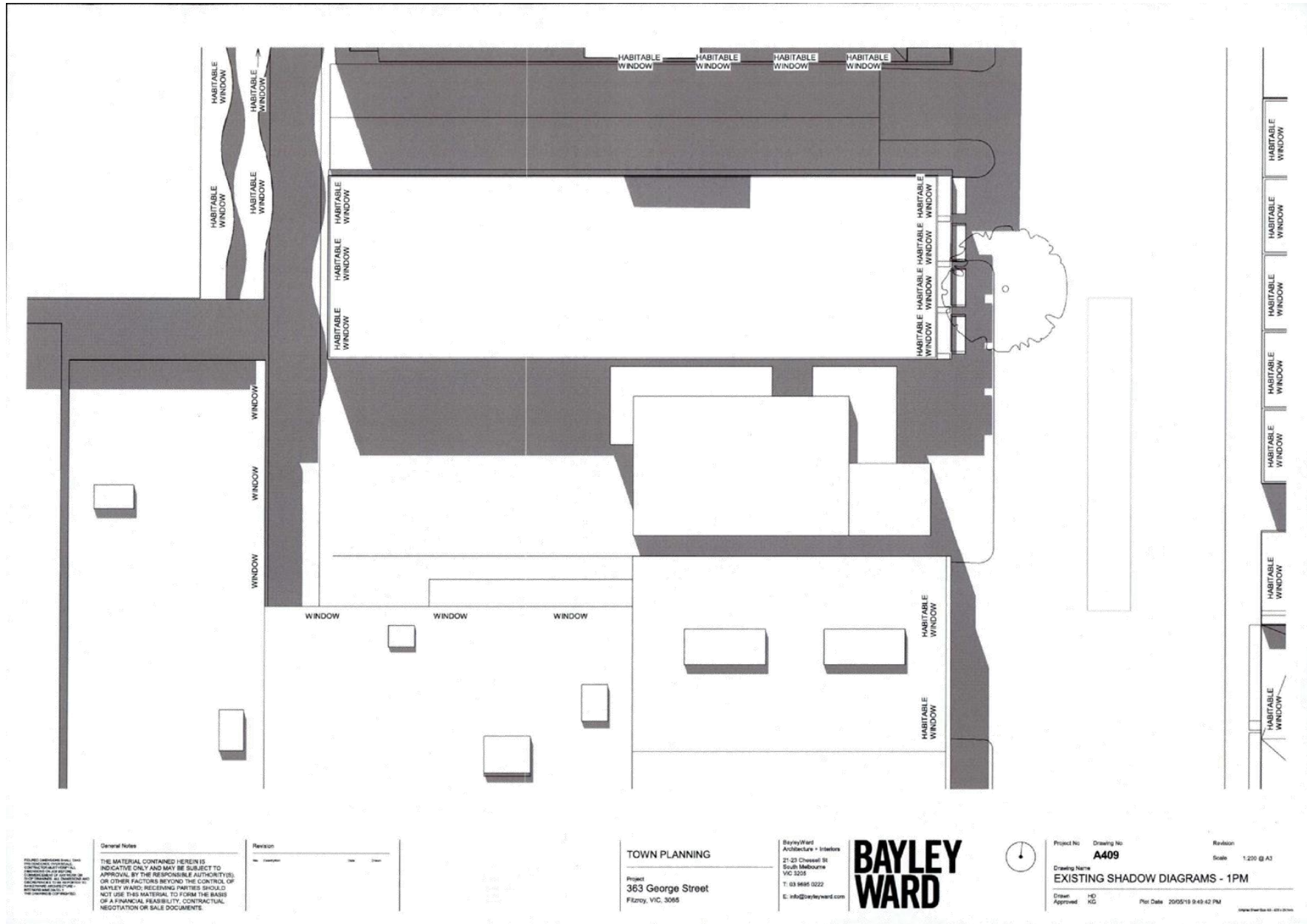




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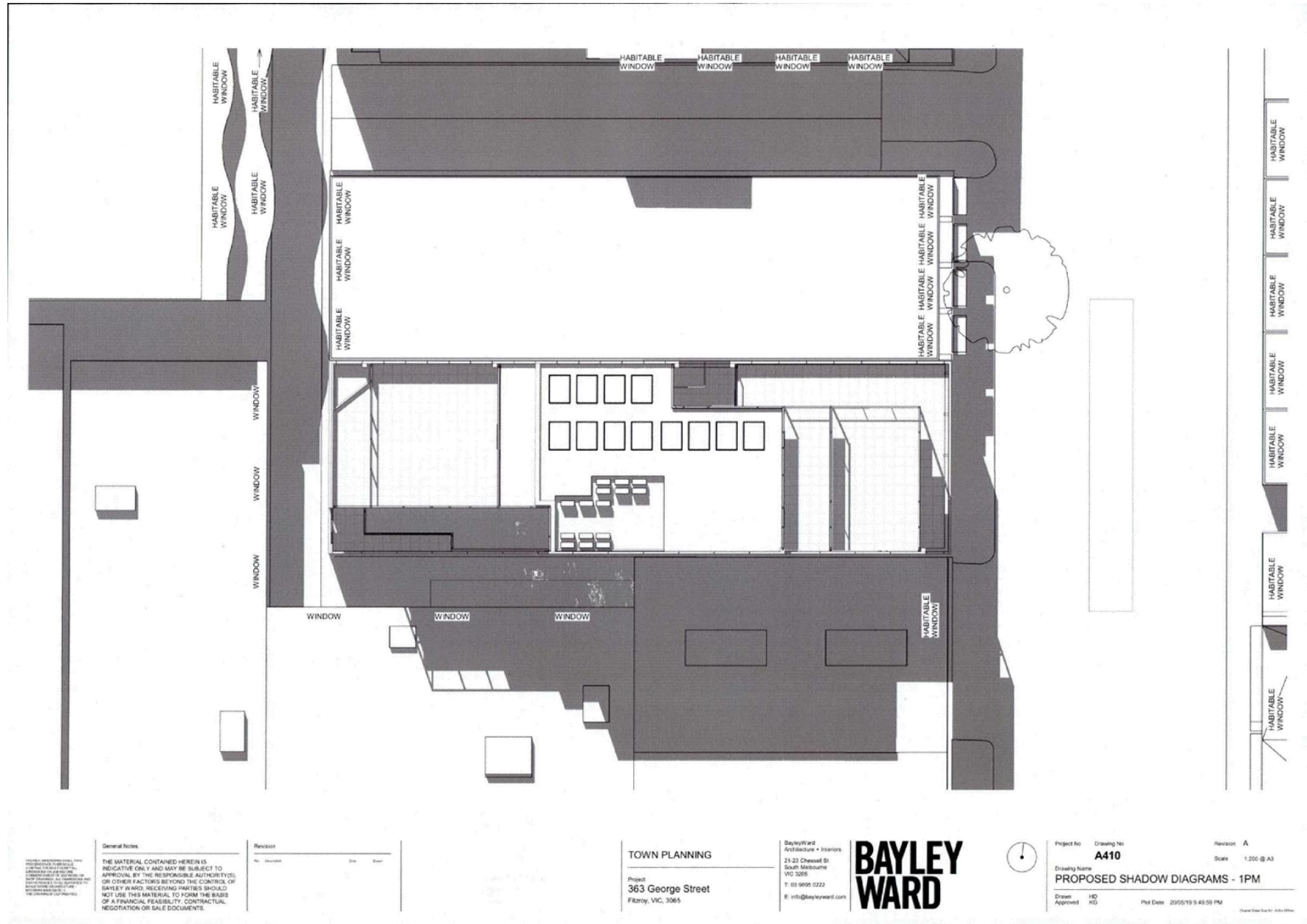


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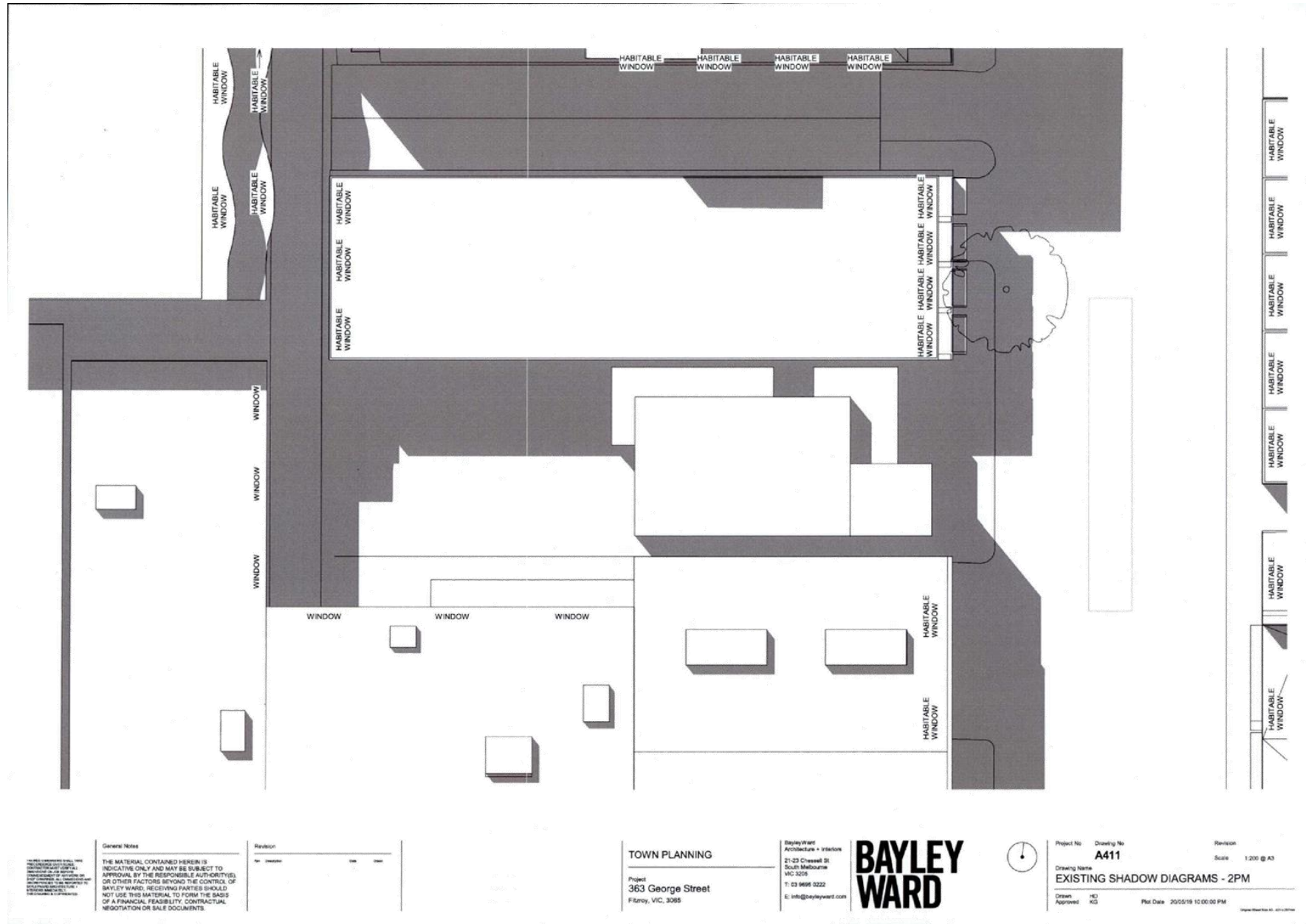




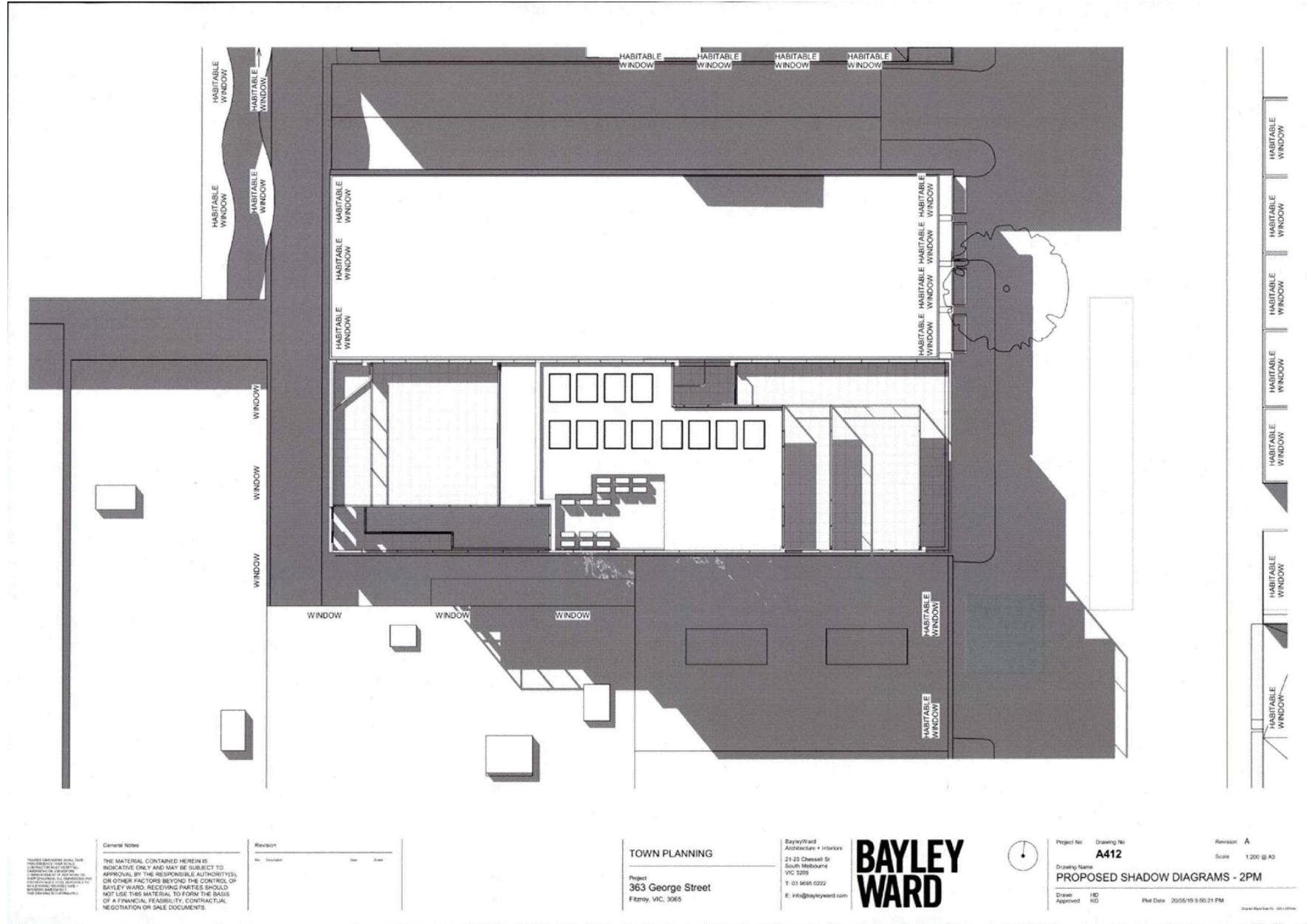
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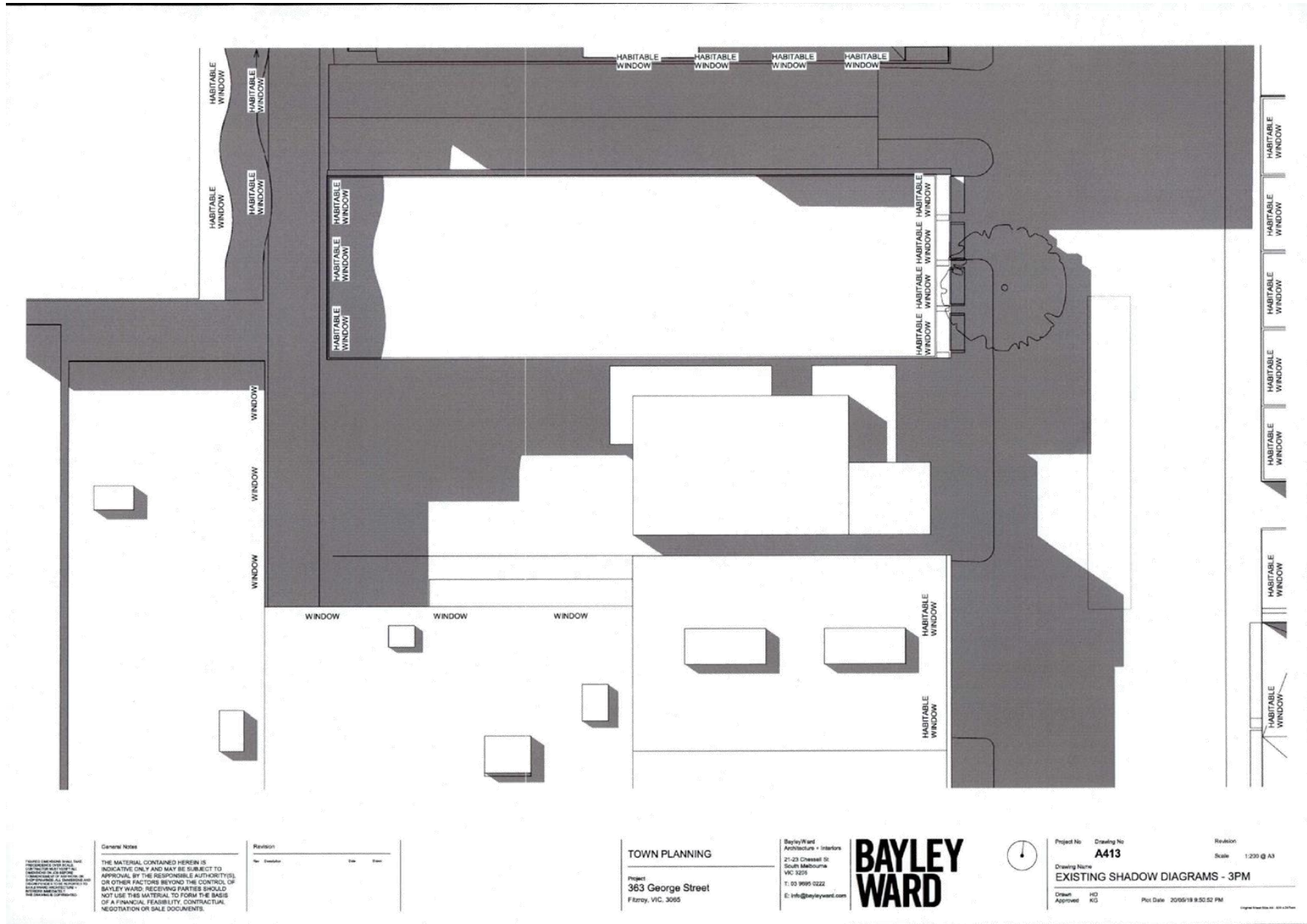


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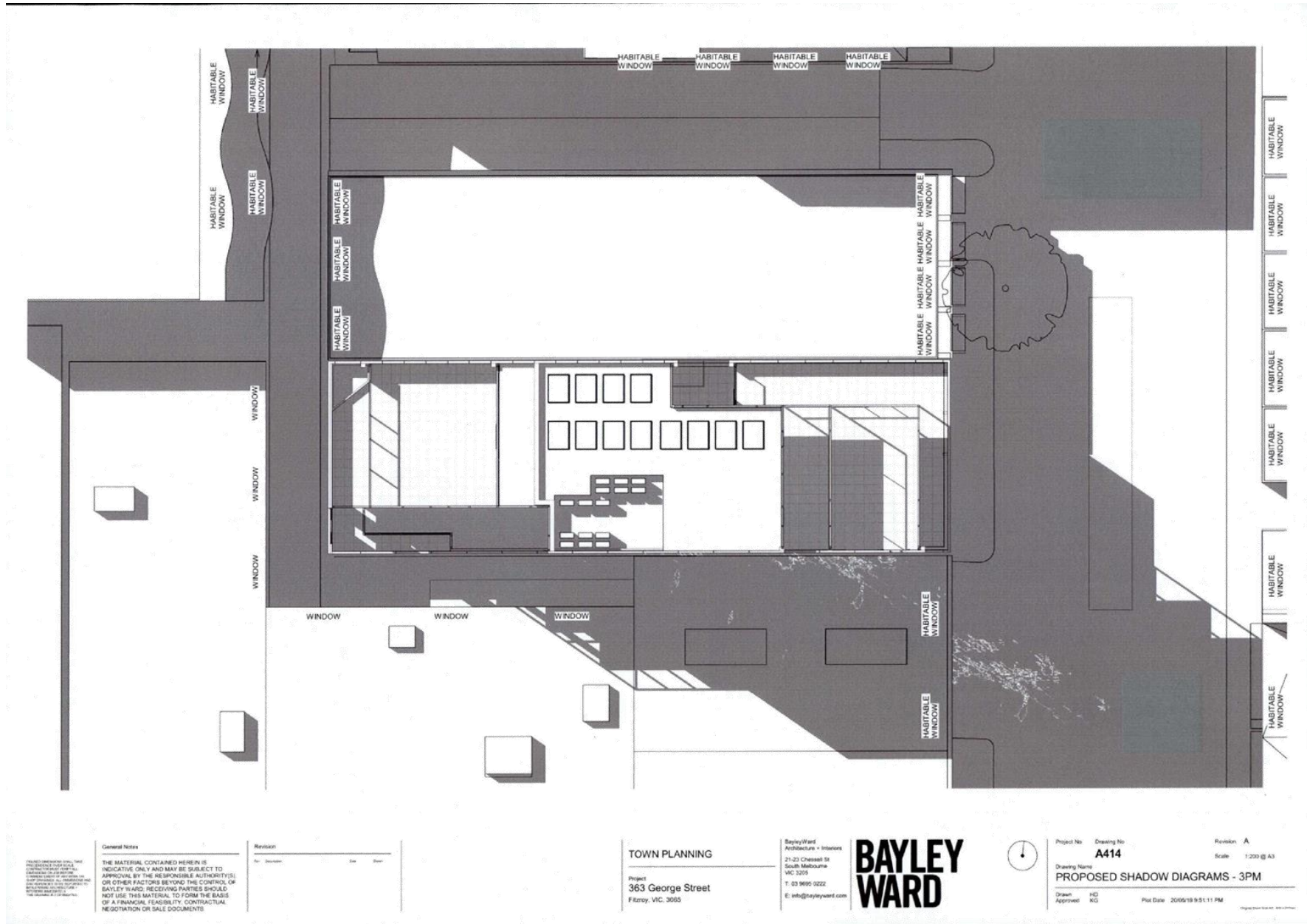




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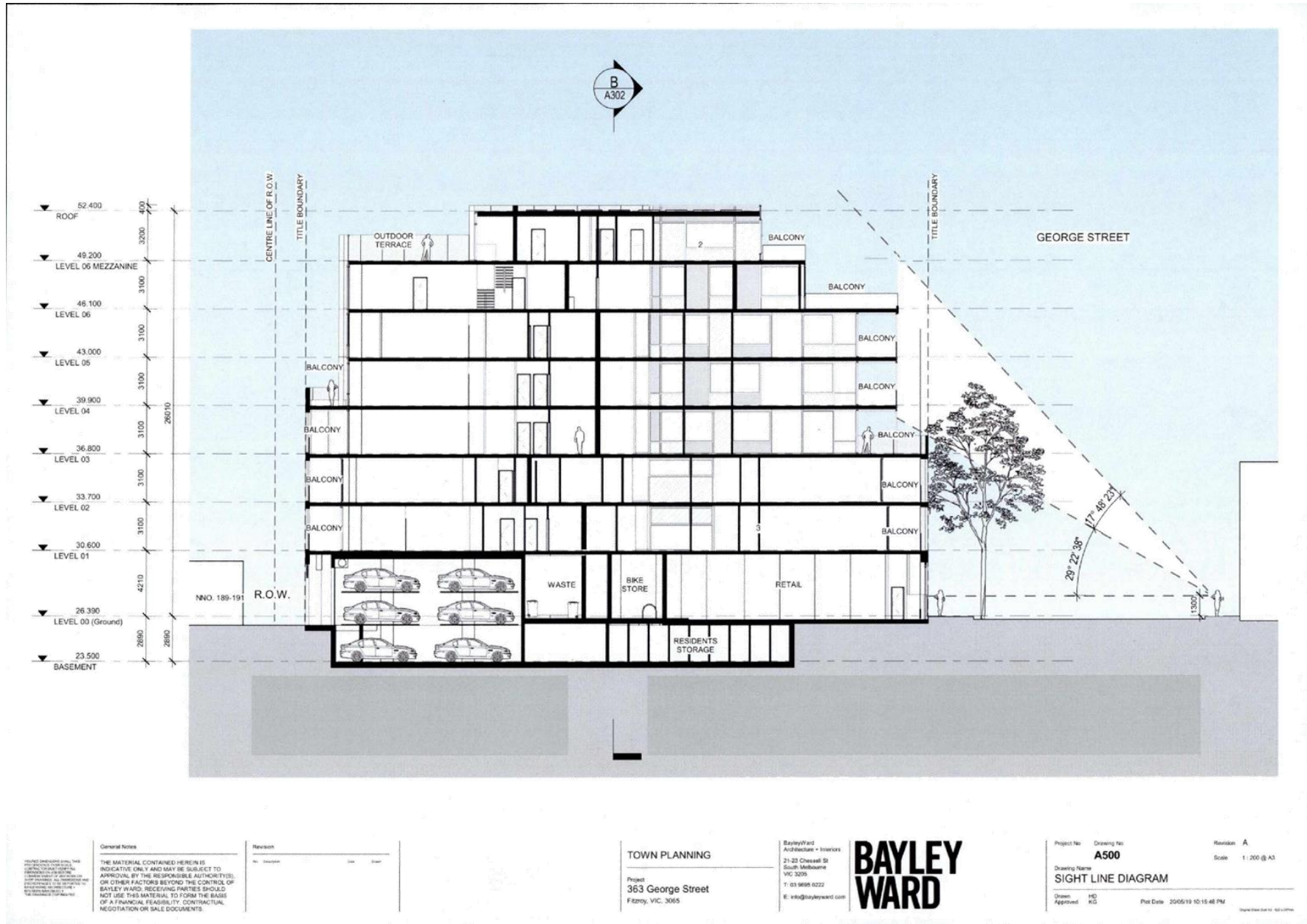


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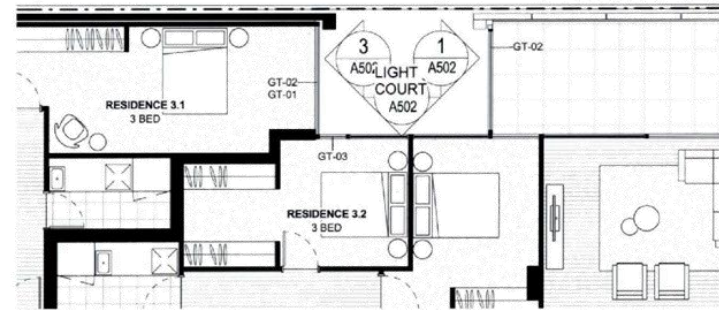
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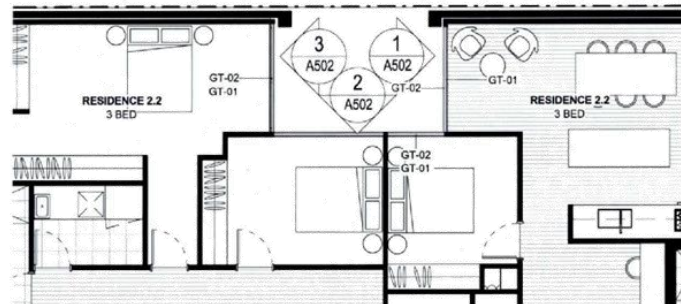
Attachment 2 - PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans



**1** LEVEL 01 - RESIDENCE 1.2  
SCALE 1 : 100



**3** LEVEL 03 - RESIDENCE 3.1 & RESIDENCE 3.2  
SCALE 1 : 100



**2** LEVEL 02 - RESIDENCE 2.2  
SCALE 1 : 100

NOTE: REFER TO A200 SERIES, GA ELEVATIONS  
FOR REFERENCE TO FINISHES LEGENDS

General Notes	Revision		
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TOWN PLANNING

Project:  
363 George Street  
Fitzroy, VIC, 3065

Bayley Ward  
Architecture + Interiors  
21-23 Chesham St  
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VIC 3205  
T: 03 9495 0222  
E: info@bayleyward.com

**BAYLEY  
WARD**



Project No: Drawing No:  
**A501**

Drawing Name:  
**LIGHT COURT PLANS**

Drawn: HD  
Approved: KG

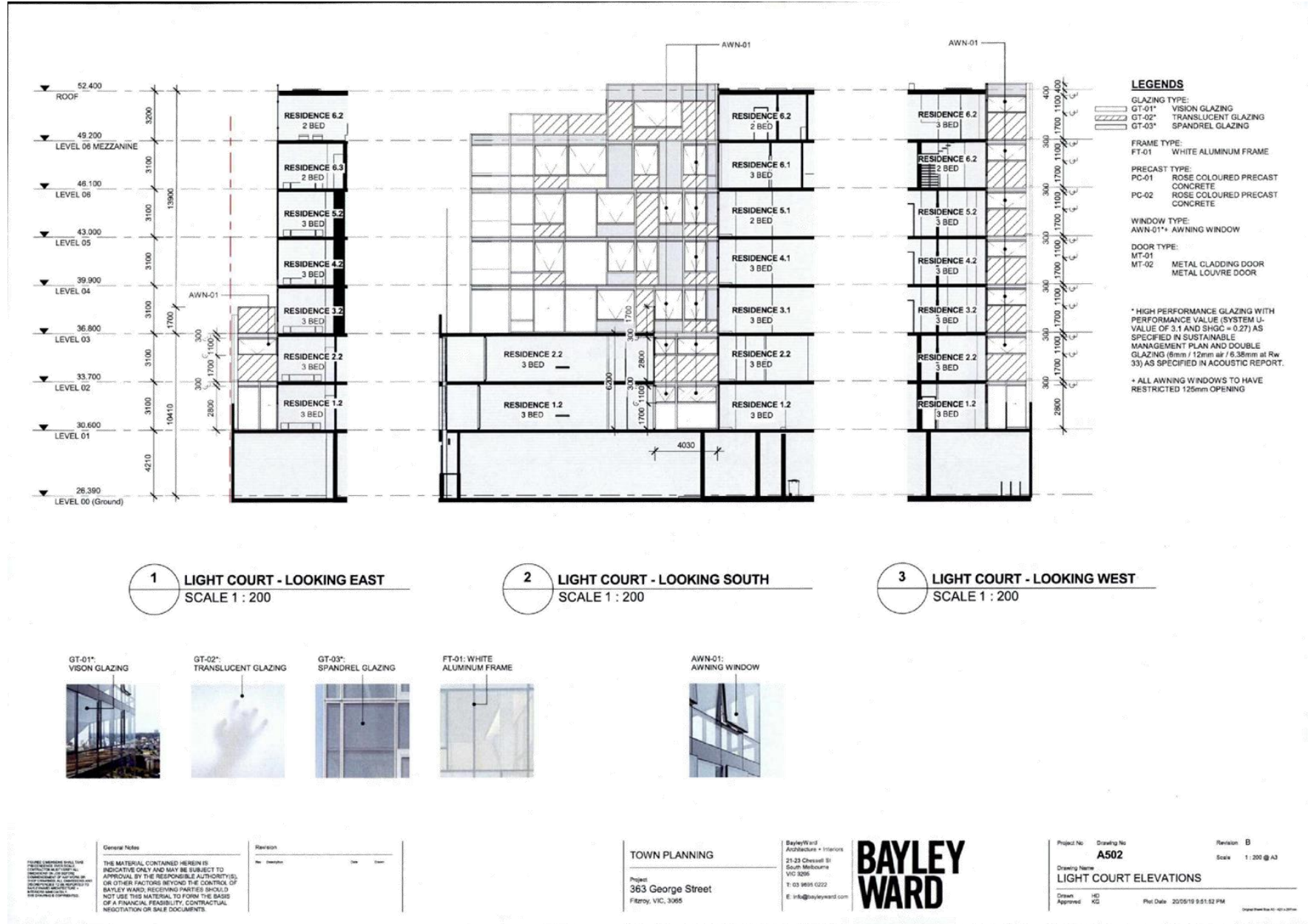
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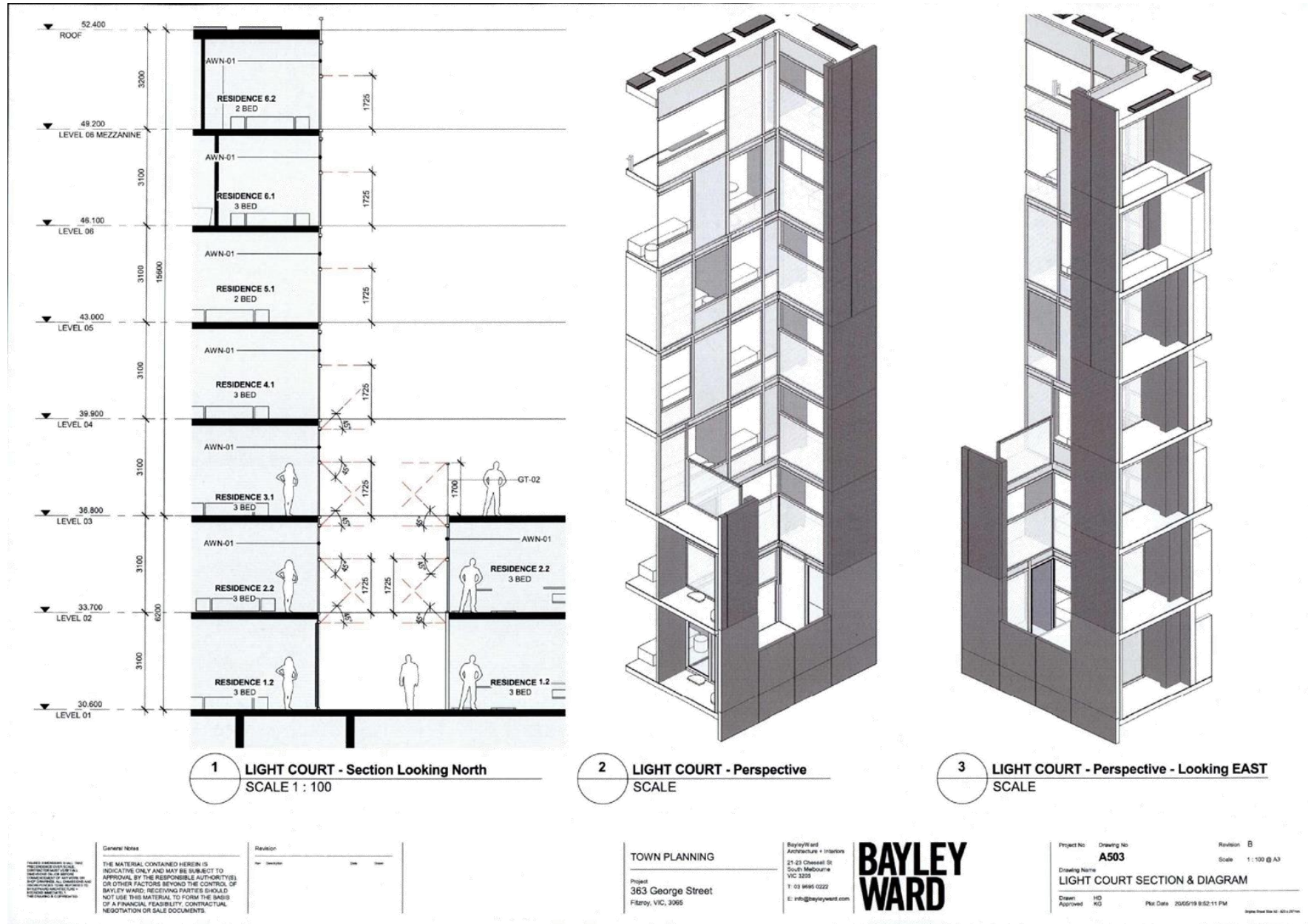
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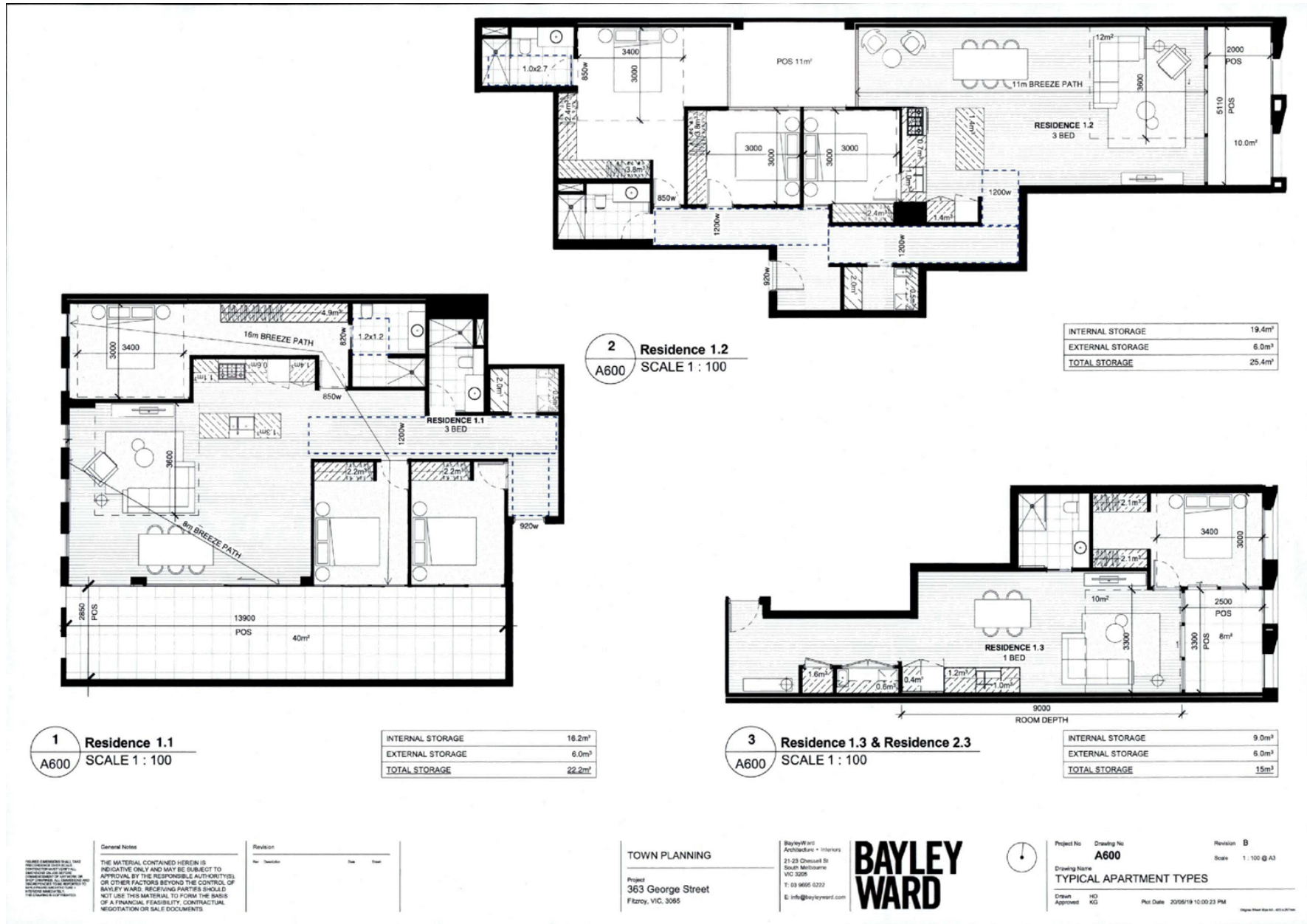
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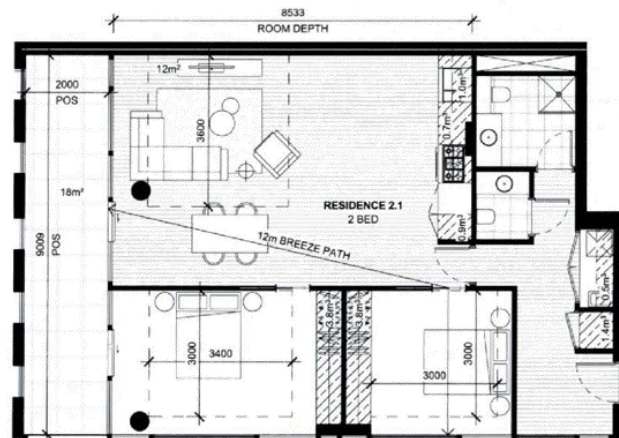


# Attachment 2 - PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans





**Attachment 2 - PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans**



1  
A601

INTERNAL STORAGE	12.0m <sup>3</sup>
EXTERNAL STORAGE	6.0m <sup>3</sup>
<b>TOTAL STORAGE</b>	<b>18.0m<sup>3</sup></b>



2 RESIDENCE 2.2  
A601 SCALE 1 : 100

INTERNAL STORAGE	20.0m <sup>3</sup>
EXTERNAL STORAGE	6.0m <sup>3</sup>
<b>TOTAL STORAGE</b>	<b>26.0m<sup>3</sup></b>

[illegible]

**General Notes**

THE MATERIAL CONTAINED HEREIN IS INDICATIVE ONLY AND MAY BE SUBJECT TO APPROVAL BY THE RESPONSIBLE AUTHORITY(S), OR OTHER FACTORS BEYOND THE CONTROL OF BAYLEY WARD. RECEIVING PARTIES SHOULD NOT USE THIS MATERIAL TO FORM THE BASIS OF A FINANCIAL FEASIBILITY, CONTRACTUAL, NEGOTIATION OR SALE DOCUMENTS.

Revision			
No.	Description	Date	By

TOWN PLANNING

Project  
363 George Street  
Fitzroy, VIC, 3065

**BayleyWard  
Architecture + Interiors**  
21-23 Chessell St  
South Melbourne  
VIC 3205  
T: 03 9685 0222  
E: info@bayleyward.com

# BAYLEY WARD



Project No. **A601**

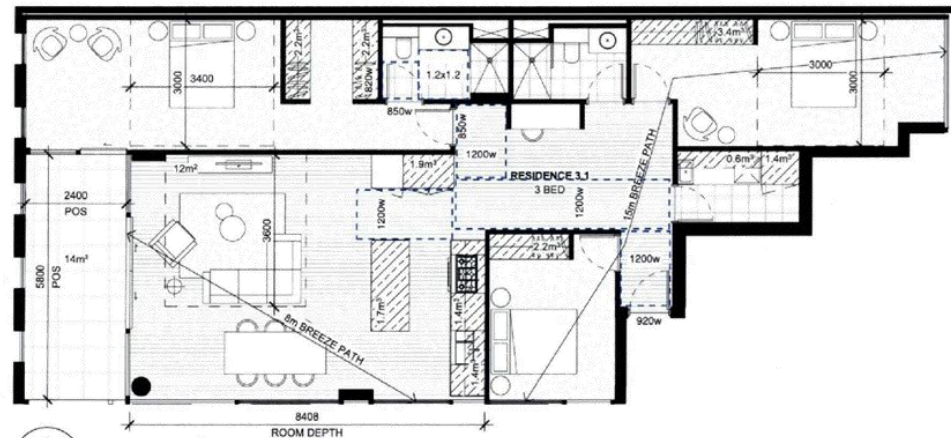
Drawing Name  
**TYPICAL APARTMENT TYPES**

Revision **B**  
Scale 1 : 100 @ A3

Drawn: HD  
Approved: KC  
Plot Date: 20/05/19 9:52:42 PM

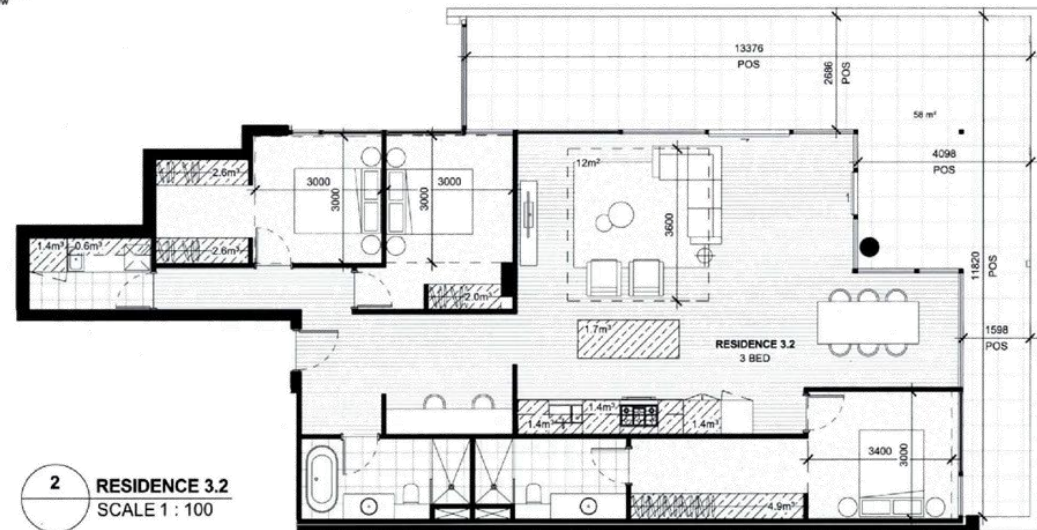
Journal of Management Education 33(4)p. 431-446

# Attachment 2 - PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans



**1 RESIDENCE 3.1**  
SCALE 1 : 100

INTERNAL STORAGE	18.4m <sup>2</sup>
EXTERNAL STORAGE	6.0m <sup>2</sup>
TOTAL STORAGE	24.4m <sup>2</sup>



**2 RESIDENCE 3.2**  
SCALE 1 : 100

INTERNAL STORAGE	20.0m <sup>2</sup>
EXTERNAL STORAGE	6.0m <sup>2</sup>
TOTAL STORAGE	26.0m <sup>2</sup>

General Notes	Revision
THE MATERIAL CONTAINED HEREIN IS INDICATIVE ONLY AND MAY BE SUBJECT TO APPROVAL BY THE RESPONSIBLE AUTHORITIES OR OTHER FACTORS BEYOND THE CONTROL OF BAYLEY WARD. RECEIVING PARTIES SHOULD NOT USE THIS MATERIAL TO FORM THE BASIS OF A FINANCIAL FEASIBILITY, CONTRACTUAL NEGOTIATION OR SALE DOCUMENTS.	

## TOWN PLANNING

Project  
363 George Street  
Fitzroy, VIC, 3065

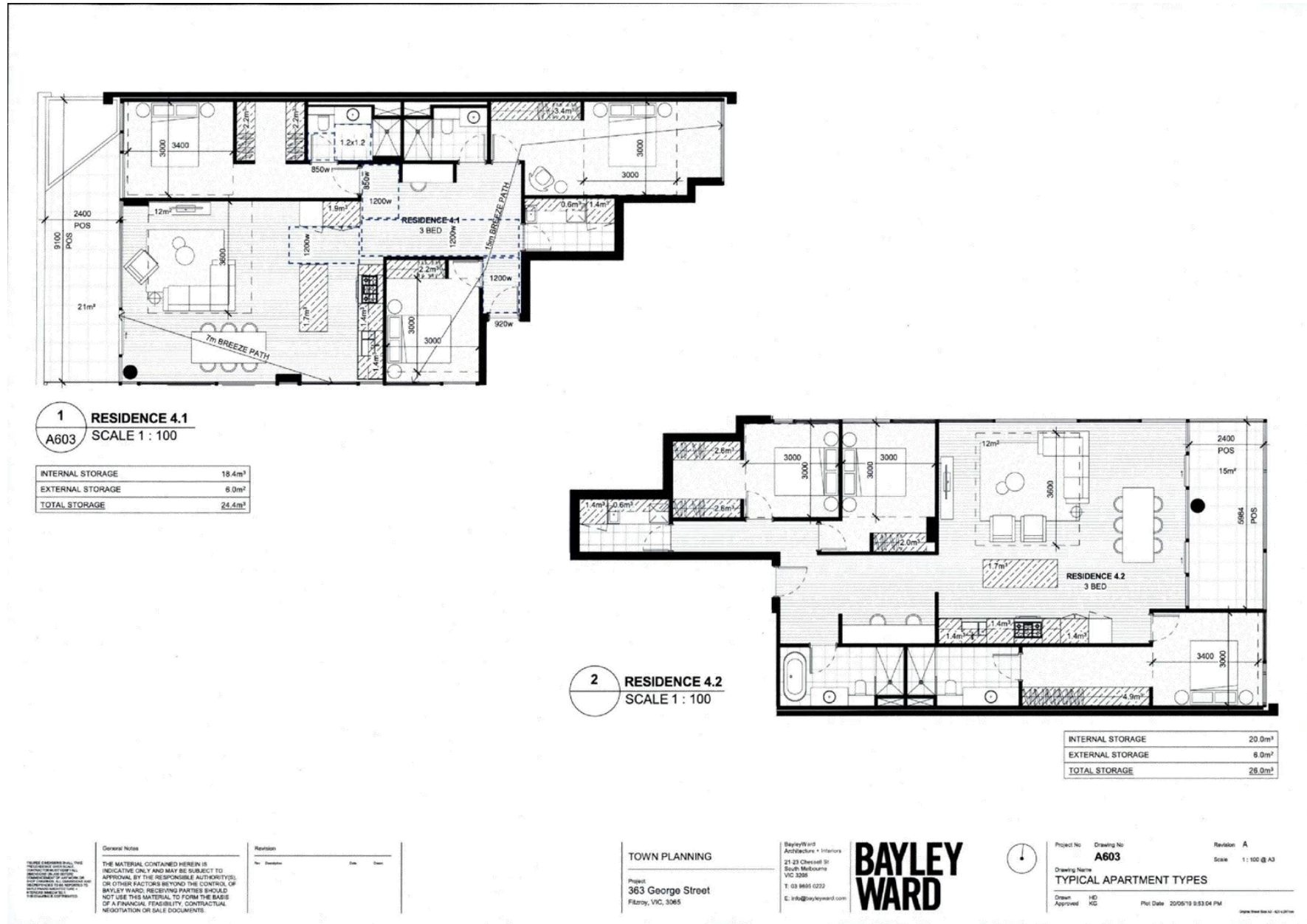
Bayley Ward  
Architecture + Interiors  
21-23 Chesham St  
South Melbourne  
VIC 3206  
T: 03 9666 0222  
E: info@bayleyward.com

**BAYLEY  
WARD**



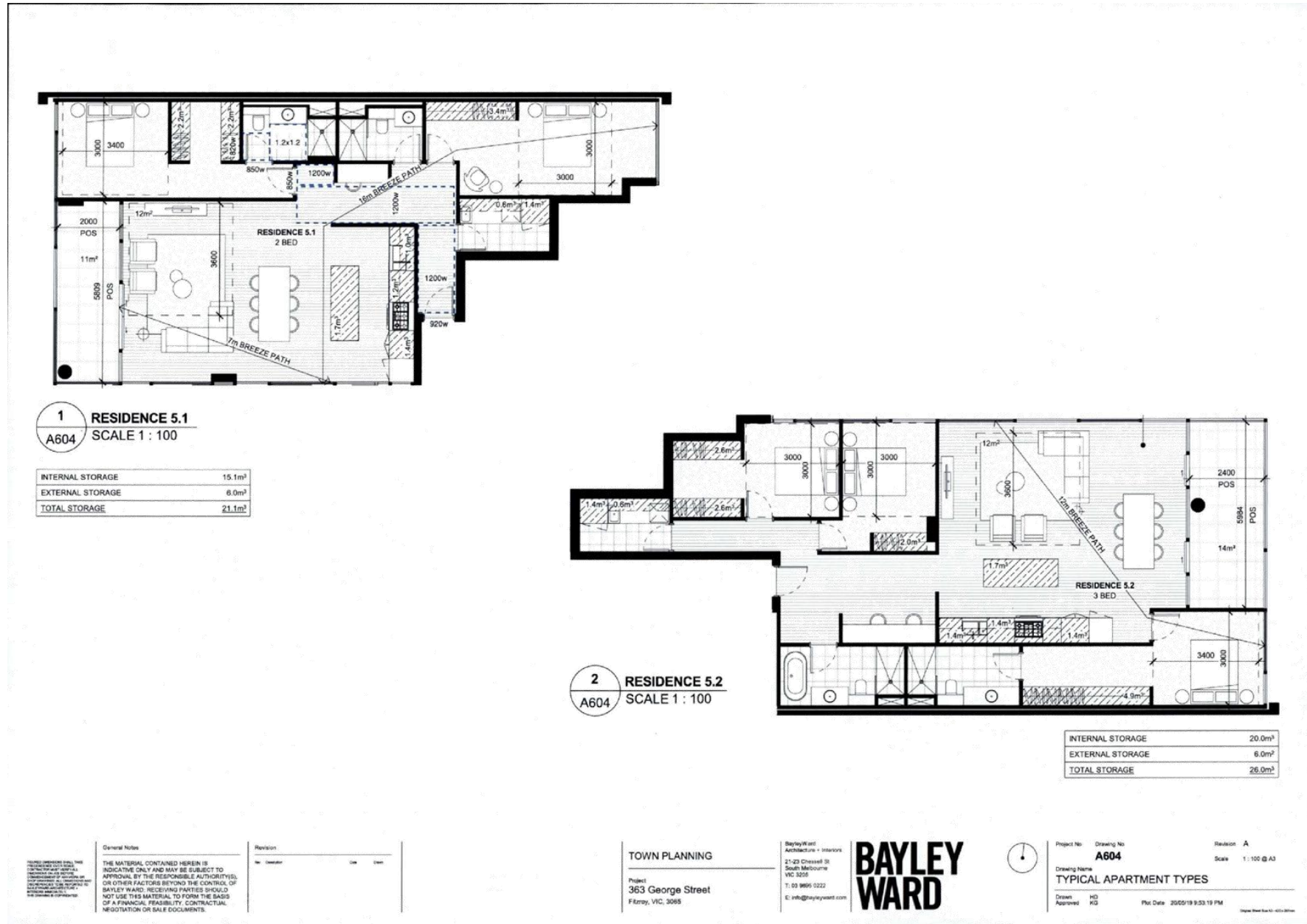
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HD	KG	20/05/19 9:52:53 PM

# Attachment 2 - PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans



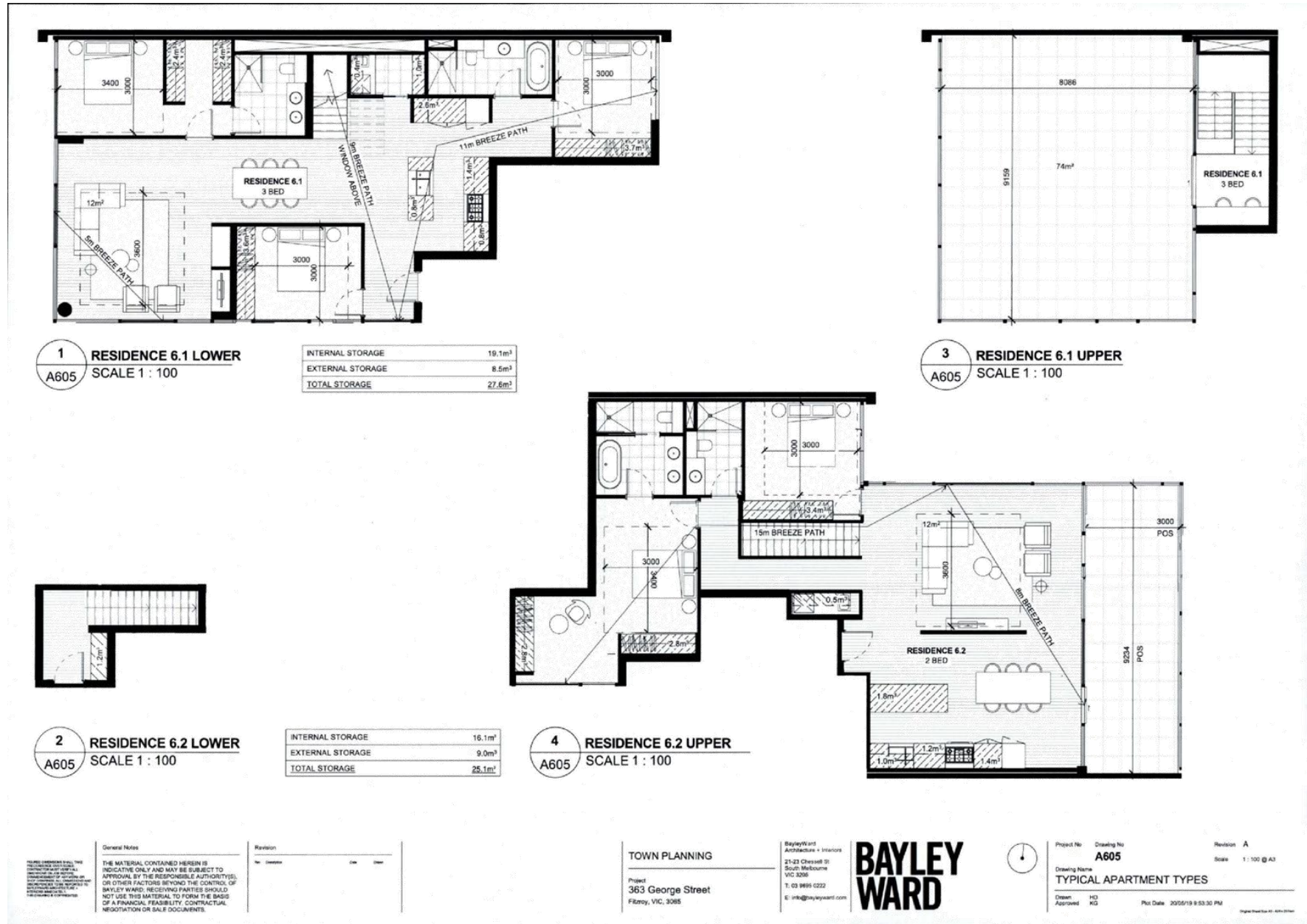


# Attachment 2 - PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans

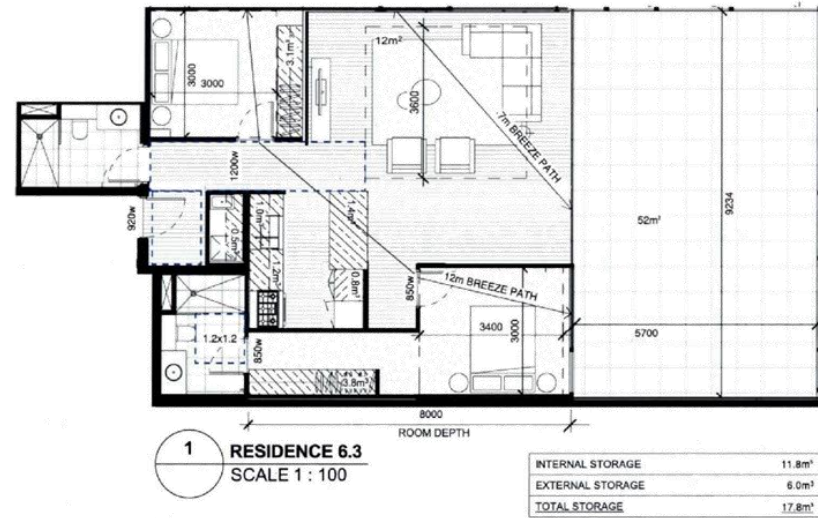




# Attachment 2 - PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans

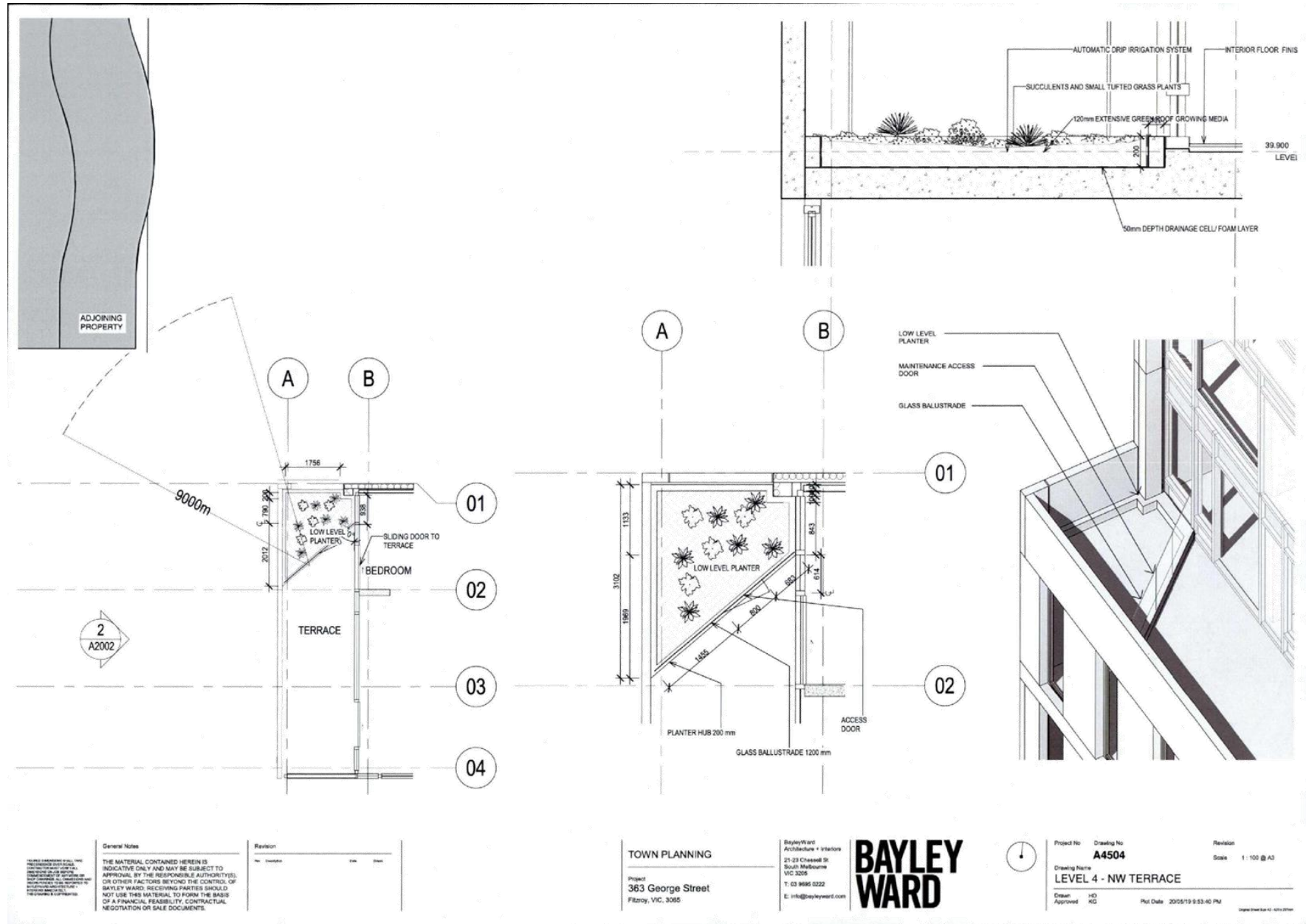


# Attachment 2 - PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans



<p><b>General Notes</b></p> <p>THE MATERIAL CONTAINED HEREIN IS INDICATIVE ONLY AND MAY BE SUBJECT TO APPROVAL BY THE RESPONSIBLE AUTHORITIES, OR OTHER FACTORS BEYOND THE CONTROL OF BAYLEY WARD. RECEIVING PARTIES SHOULD NOT USE THIS MATERIAL TO FORM THE BASIS OF A FINANCIAL FEASIBILITY, CONTRACTUAL, NEGOTIATION OR SALE DOCUMENTS.</p>	<p><b>Revision</b></p> <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> <th>Drawn</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Description	Date	Drawn					<p><b>TOWN PLANNING</b></p> <p>Project: 363 George Street Fitzroy, VIC, 3065</p>	<p>Bayley Ward Architecture + Interiors 21-23 Chesham St South Melbourne VIC 3205 T: 03 9605 0222 E: info@bayleyward.com</p> <p><b>BAYLEY WARD</b></p>	<p>Project No: Drawing No: Revision: <b>B</b></p> <p><b>A606</b></p> <p>Drawing Name: <b>TYPICAL APARTMENT TYPES</b></p> <p>Drawn: HC Approved: NG</p> <p>Plot Date: 20/05/19 9:53:48 PM</p> <p>Scale: 1:100 @ A3</p> <p>Original Plot Size: A1, 481 x 297mm</p>
No.	Description	Date	Drawn									

# Attachment 2 - PLN16/0829.01 - 363 George Street Fitzroy - Decision Plans



**Attachment 3 - PLN16/0829.01 - 363 George Street Fitzroy - Urban Design Comments (Decision Plans)**



# MeMO

---

TO: Michelle King (Statutory Planning)  
FROM: Lucy Ferguson (Urban Design)  
DATE: 2 December 2019  
SUBJECT: 363 George Street, Fitzroy  
APPLICATION NO: PLN16/0829.01  
DESCRIPTION: S57A Amendment

---

## COMMENTS SOUGHT

Comments have been sought on whether the amended proposal is acceptable from an Urban Design perspective. Urban design comments have previously been provided on the application on 13/09/2019.

*The application seeks to amend Planning Permit PLN16/0829 (13/04/2017). These comments are provided on the S72A Plans (Bayley Ward) and Updated Render (Bayley Ward, 09/10/2019).*

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## URBAN DESIGN FEEDBACK

### Height and Massing

- The amended proposal seeks to increase the overall height from six to eight storeys. The six storey envelope generally aligns with the previously approved scheme, with a base (three storey) and upper form (setback 2m) composition.
- Previous advice from Urban Design recommended significant upper level setbacks to ensure the additional two storeys are recessive and discreet when viewed along George Street (pursuant to Clause 21.05 - Strategy 17.2). In response Level 06 has been recessed 5.7m and Level 07 an additional 3.1m. Overall we are satisfied with the massing outcome in creating a base, middle and recessive upper composition.

### Architecture and Design Detail

There are outstanding comments in regard to the proposals materiality and finishes which require resolution:

- Rose Coloured Precast Concrete (PC-01) – It is recommended that a texture/finish specification is provided. The finish should be fine grain, tactile and of high quality to contribute to the streetscape experience.
- Metal Cladding Doors (MT-01) and Metal Louvre (MT-02) – Clarify the colour finish to ensure services are integrated into the George Street façade (noting, visualisations indicate a rose colour finish in keep with the concrete finish, which is generally supported).
- Expansive blank side walls should be visually divided into smaller elements through architectural treatments to reduce visual mass.

## **Attachment 3 - PLN16/0829.01 - 363 George Street Fitzroy - Urban Design Comments (Decision Plans)**

### **Streetscape**

- A bicycle hoop (2 visitor spaces) is proposed on the George Street footpath. Nominated bicycle hoops should be as per *Technical Notes: City of Yarra Public Domain Manual*. Bicycle hoops are to be located parallel with the George Street kerb (as per required offsets) to ensure a continuous accessible path of travel.
- The George Street footpath is to be reinstated as asphalt footpath. All proposed streetscape materials should be as per *Technical Notes: City of Yarra Public Domain Manual* and *Yarra Standard Drawings*. Existing bluestone kerb and channel should be reinstated as per in-situ materials - dressed bluestone pitcher kerb & 2-pitcher bluestone channel. (Refer Yarra Standard YSD1104 – *Reinstatement Works Pitcher Kerb & Channel*).



# Attachment 4 - PLN16/0829.01 - 363 George Street Fitzroy - Strategic Transport Comments (Advertised Plans)



## Planning Referral

<b>To:</b>	Michelle King
<b>From:</b>	Chloe Wright
<b>Date:</b>	05/09/2019
<b>Subject:</b>	Strategic Transport Comments
<b>Application No:</b>	PLN16/0829.01
<b>Description:</b>	Amendment to Planning Permit PLN16/0829 to include the allotment known as Lot1 TP428690, and for alterations to the design, setbacks and massing of the approved built form including two additional levels of dwellings (eight storeys in total), modifications to the mix and internal layout of the shop and dwellings (permit required use) and a reduction in the car parking requirements
<b>Site Address</b>	363 George Street, Fitzroy

I refer to the above amendment proposal referred on 31/07/2019, and the accompanying Traffic report prepared by GTA consultants in relation to the proposed development at 363 George Street, Fitzroy. Council's Strategic Transport unit provides the following information:

### Access and Safety

No access or safety issues have been identified.

### 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
Dwellings	16 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	3 resident spaces	
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	2 visitor spaces.	
Shop	115 sqm	1 employee space to each 600 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	0 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	0 visitor spaces.	
Bicycle Parking Spaces Total			3 resident spaces	18 resident / visitor spaces
			2 visitor spaces	
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	0 showers / change rooms	0 showers / change rooms

## Attachment 4 - PLN16/0829.01 - 363 George Street Fitzroy - Strategic Transport Comments (Advertised Plans)

The development provides a total of 11 additional bicycle spaces over the total requirements of the planning scheme.

### Adequacy of visitor spaces

The number of visitor spaces is not specified on the plans. The Traffic Report refers to the residential bike store room as the designated area for visitors to park bikes, however it is unclear how many spaces are provided for visitors.

The following comments are provided in relation to visitor spaces:

- Council's best practice rate<sup>1</sup> generates a recommended provision of 4 visitor spaces.
- The type of bicycle rack for visitor spaces is not specified. All visitor spaces should be provided as horizontal at-grade spaces as per requirements of AS2890.3
- Designating 1 horizontal rack within the residential bike storage room for visitor parking and 1 horizontal rack at the George Street verge would be considered acceptable.

### Adequacy of residential spaces

#### *Number of spaces*

18 spaces are proposed within a bike store room at the ground floor of the development. It is unclear how many spaces are designated for residents, as visitor bike parking is collocated with residential bike parking. Council's best practice rate<sup>2</sup> recommends 16 residential spaces.

#### *Design and location of residential spaces and facilities*

The following comments are provided in relation to residential spaces:

- Residential bike parking appears to be adequately located within a secure facility at ground-floor, in an easy to access location.
- The traffic report states that vertical bicycle racks will be provided as residential bicycle spaces. Pursuant with AS2890.3, at least 20% of residential bike spaces should be provided as horizontal at ground-level spaces.
- Assuming the proposed horizontal racks are designated for visitor parking, 3 additional horizontal racks are required to provide. It appears that if 1 wall rack is removed, 3 horizontal double-sided racks (accommodating 6 bikes) could be provided at the northern side of the bike store room.

### ***Electric vehicles / share cars / other relevant topics***

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). Provision of EV charging points, or electrical wiring to allow easy retrofitting of EV charging capacity should be provided throughout the development. A minimum 40A single phase electrical sub circuit should be installed for this purpose.

### ***Recommendations***

The following should be shown on the plans before endorsement:

1. A minimum of 4 visitor bicycle spaces must be provided in a location easily accessible to visitors of the site. All visitor spaces should be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
2. A minimum of 16 residential bicycle spaces must be provided.
3. At minimum 20% of residential bicycle spaces must be provided as horizontal bicycle rails.

<sup>1</sup> Category 6 of the Built Environment Sustainability Scorecard (BESS) recommends "Residential developments should provide 0.25 visitor spaces per dwelling."

<sup>2</sup> Category 6 of the BESS offers the following for best-practice guidance for resident bicycle parking rates: "As a rule of thumb, at least one bicycle space should be provided per dwelling for residential buildings".

**Attachment 4 - PLN16/0829.01 - 363 George Street Fitzroy - Strategic Transport Comments  
(Advertised Plans)**

4. Notations indicating the residential and visitor spaces and dimensions of bicycle storage spaces and relevant access ways to demonstrate compliance with Australian Standard AS2890.3 or be otherwise to the satisfaction of the responsible authority.
5. The car park must be electrically wired to be EV ready. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose.

Regards

**Chloe Wright**

Sustainable Transport Officer  
Strategic Transport Unit

**Attachment 5 - PLN16/0829.01 - 363 George Street Fitzroy - City Works Comments (Advertised Plans)**

**King, Michelle**

---

**From:** Orr, Patrick  
**Sent:** Thursday, 8 August 2019 3:01 PM  
**To:** King, Michelle  
**Subject:** RE: Waste Referral - PLN16/0829.01 - 363 George St Fitzroy

Hi Pat,

The waste management plan for 363 George Street, Fitzroy authored by Waste Space Solutions and dated 24/6/19 is not satisfactory from a City Works branch's perspective. Issues to be rectified include, but may not be limited to the following:

1. Commercial waste allocation does not match Yarra's. A private service should be considered.
2. Yarra does not allow a private and council service to operate out of one building.
3. Please provide details of net space taken up by the bins on site by M<sup>2</sup>
4. Food waste diversion should be included as a requirement.
5. Please detail how e-waste will be managed in accordance with legislation
6. Please provide an explanation on how risk will be managed

---

**From:** King, Michelle  
**Sent:** Wednesday, 31 July 2019 4:13 PM  
**To:** Orr, Patrick <Patrick.Orr@yarracity.vic.gov.au>  
**Subject:** Waste Referral - PLN16/0829.01 - 363 George St Fitzroy

Hi Patrick,

**Planning application No.: PLN16/0829.01**  
**Address: 363 George St Fitzroy**

**Description: Amendment to Planning Permit PLN16/0829 to include the allotment known as Lot1 TP428690, and for alterations to the design, setbacks and massing of the approved built form including two additional levels of dwellings (eight storeys in total), modifications to the mix and internal layout of the shop and dwellings (permit required use) and a reduction in the car parking requirements**

Could you please review the modified waste management plan and advise if the application is satisfactory from a waste perspective and if there are any comments/conditions you recommend.

The docs can be found at the following TRIM references:

D19/129755	Plans
D19/129757	
D19/129758	
D19/129759	Town Planning Report
D19/129760	Engineering report
D19/129761	WMP
D19/129750	ESD Report
D19/129754	
D18/43258	Current endorsed plans
D18/43281	Current WMP

Many thanks,

Michelle

# Attachment 6 - PLN16/0829.01 - 363 George Street Fitzroy - ESD Comments (Advertised Plans)

## Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



### Assessment Summary:

Responsible Planner:	Michelle King
ESD Advisor:	Gavin Ashley
Date:	05.09.2019
Subject Site:	363 George St Fitzroy, VIC
Site Area:	Approx. 500m <sup>2</sup>
Project Description:	6 storey apartment building including mixed use on GF. Assess amendment to add <u>two additional levels</u> of dwellings (eight storeys in total). Number of apartments has increased from 10 to 16. Number of bedrooms has increased from 22 to 37. [68% increase]
Pre-application meeting(s):	Unknown.
Documents reviewed	NDY SMP Rev 2.6 NDY SMP Rev 2.4 Architectural drawings TP amendment 20/05/2019

**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:

Commitment in SMP Rev 2.6 c.f. commitments in SMP Rev 2.4 (endorsed)

- Dwellings will achieve a minimum 6.8-star average NatHERS rating, and target a 10% improvement on energy efficiency over a baseline dwelling; [was 6.6 stars]
- Achieve a minimum general 10% energy performance improvement, unless otherwise specified below; [NC, no change]
- Achieve a minimum 20% reduction in total annual gas consumption; [NC]
- Achieve a minimum 35% reduction in gas consumption for water heating (achieved partially through the use of solar thermal); [12 solar collectors shown, was 8]
- Achieve a minimum 50% reduction in total annual electricity consumption; [NC]
- Achieve a minimum 20% reduction in lighting electrical consumption; [NC]
- Rainwater harvesting (8kL tank) to provide water for toilet flushing to all apartments; [8kL on plan; was 10kL in BESS]
- Stormwater treatment as detailed in a separate report by MA Civil Design (Feb 2018); [NC]
- A minimum 20% reduction in potable water use; [NC]
- Best practice daylight factors in dwellings; [NC]
- A minimum of 10 bicycle parking facilities will be provided for residential tenants; [Plans show 18 spaces was 12]
- A minimum of 70% recycling by mass of waste produced during the construction process; [NC]

#### (2) Application ESD Deficiencies:

Despite a 68% increase in the number of bedrooms (and hence occupants):

- The rainwater tank has decreased in size, along with the connected roof area. Please explore options to increase tank capacity and collect off private terraces.



## Attachment 6 - PLN16/0829.01 - 363 George Street Fitzroy - ESD Comments (Advertised Plans)

### Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



#### (3) Outstanding Information:

- Please provide STORM report reflecting the above recommendation.
- Please update daylight modelling report matching the current design (or provide a statement clarifying that the amended design does not reduce daylight amenity to already approved apartments)

#### (4) ESD Improvement Opportunities

##### 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 6 - PLN16/0829.01 - 363 George Street Fitzroy - ESD Comments (Advertised Plans)

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



### Applicant Response Guidelines

#### Project Information:

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

#### Environmental Categories:

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

#### Objectives:

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

#### Issues:

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

#### Assessment Method Description:

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

#### Benchmarks Description:

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

#### How does the proposal comply with the benchmarks?

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

#### ESD Matters on Architectural Drawings:

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

# Attachment 7 - PLN16/0829.01 - 363 George Street Fitzroy - Engineering Comments (Advertised Plans)



## MEMO

**To:** Michelle King  
**From:** Mark Pisani  
**Date:** 10 September 2019  
**Subject:** Application No: PLN16/0829.01  
 Description: Amendment; Mixed Use Development  
 Site Address: 363 George Street, Fitzroy

I refer to the above Planning Application received on 31 July 2019 in relation to the proposed development at 363 George Street, Fitzroy. Council's Civil Engineering unit provides the following information:

### CAR PARKING PROVISION

GTA Consultants Transport Impact Assessment

Issue C dated 26 June 2019

#### Proposed Development

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

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	3	1 space per dwelling	3	2
Two-bedroom dwelling	5	1 space per dwelling	5	5
Three-bedroom dwelling	8	2 spaces per dwelling	16	8
Retail	120 m <sup>2</sup>	3.5 spaces per 100 m <sup>2</sup> of leasable floor area	4	1
<b>Total</b>			<b>28 Spaces</b>	<b>16 Spaces</b>

\* 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 Dwellings.** On-site car parking for the one-bedroom dwellings would be provided at a rate of 0.66 spaces per dwelling whereas the three-bedroom dwellings would be provided at a rate 1.0 space per dwelling. GTA Consultants have sourced car ownership data for the Fitzroy area from the 2016 ABS Census. The data indicates that the one-bedroom

## Attachment 7 - PLN16/0829.01 - 363 George Street Fitzroy - Engineering Comments (Advertised Plans)

dwelling have an average car of 0.73 cars per dwelling and for three-bedroom dwellings, 1.14 cars per dwelling. The proposed on-site parking rates for the dwelling sizes are fairly consistent with the statistical averages for Fitzroy and are considered appropriate for the development.

- *Parking Demand for Retail Use.* GTA Consultants have adopted an empirical retail parking rate of 2.5 spaces per 100 square metres of floor area. This rate is considered reasonable and applying it to the retail space would result in a car parking demand of three spaces. GTA estimate that that car parking demand for staff at the shop would be one space. One on-site staff space has been allocated.
- *Availability of Public Transport in the Locality of the Land.* The site is within walking distance of tram services along Brunswick Street and Smith Street. Bus services operate along Johnston Street – a few minutes' walk from the site.
- *Multi-Purpose Trips within the Area.* Customers to the shop might combine their trips to the area by engaging in other activities or business.

### 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 had conducted on-street occupancy surveys of the streets surrounding the site on Thursday 12 November 2015 and on Saturday 21 November 2015 at 1:00pm and 8:00pm (on both days). The data from these surveys would be considered outdated. Although on-street parking demand in the area is high, the short-stay parking overflow from the site could be accommodated on-street.
- *Relevant Local Policy or Incorporated Document.* The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

### Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking associated with the resident and retail uses are considered appropriate in the context of the development and the surrounding area. The site has very good access to public transport services, bicycle facilities, shops, businesses etc. Any parking overflow generated from the site should not adversely impact on existing parking conditions in the area.

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

## TRAFFIC GENERATION

### Trip 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
Resident 15 spaces	0.2 trips per resident space in each peak hour 2.0 trips per resident space per day	30	3	3
Retail 1 space	0.2 trips per resident space in each peak hour 2.0 trips per resident space per day	2	1	1
<b>Total</b>		<b>32</b>	<b>4</b>	<b>4</b>

## **Attachment 7 - PLN16/0829.01 - 363 George Street Fitzroy - Engineering Comments (Advertised Plans)**

### **Traffic Operation of Rear Right of Way**

GTA Consultants had undertaken turning movements counts at the junction of the Right of Way and Argyle Street on 23 August 2016 (data is now a little outdated). The post development traffic volumes of the Right of Way would be 14 vehicle trips in the AM peak hour and 7 vehicle trips in the PM peak hour).

The Right of Way has a length of approximately 40 metres (Argyle Street to development entrance) and does not provide any areas for two on-coming vehicles to pass one another. The Australian/New Zealand Standard AS/NZS 2890.1:2004 provides guidance on the provision of vehicle passing areas on single lane roads or driveways. Generally, a single lane road or driveway that experiences 30 or more vehicle trips in a peak hour should be provided with a vehicle passing area (a width of 5.5 metres). On long roads, passing opportunities should be provided every 30 metres along the length of road.

In this instance, the post development peak hour traffic volume of Right of Way is below the 30 vehicle trips specified in the Australian/New Zealand Standard before vehicle passing areas could be introduced. Therefore, passing areas are not required along this Right of Way.

The volume of traffic generated by the site should not have a significant impact on the operation of Argyle Street or the surrounding roads.



## Attachment 7 - PLN16/0829.01 - 363 George Street Fitzroy - Engineering Comments (Advertised Plans)

### DEVELOPMENT LAYOUT DESIGN

Bayley Ward Architecture + Interiors

Drawing Nos. A101, A110 and A301

Revision A dated 20 May 2019

### Layout Design Assessment

Item	Assessment
<b>Access Arrangements</b>	
Development Entrance	Not dimensioned on the drawings.
Access via Right of Way	The north-south aligned bluestone Right of Way has a carriageway width of approximately 3.9 metres. A B99 design vehicle can adequately enter and exit the Right of Way via Argyle Street.
Headroom Clearance	Doorway headroom clearance has not been dimensioned on the drawings.
<b>Mechanical Parking</b>	
Stacker Device	The development would be using the Nussbaum Uniparker N5303 shuffle type car stacker in a tandem arrangement. This stacker system can accommodate cars up to 5.0 metres in length.
Queuing Analysis – Performance of Car Stacker	<p>The PM peak hour would be the critical time for the operation of the car stacker.</p> <p>The proposed car stacker would be capable of servicing 45 vehicles per hour, based on a total service time of 80 seconds derived our own calculation*. By conservatively assuming 4 vehicles per PM peak hour wishing to access the development, the utilisation ratio for the car stacker (usage/capacity) would be 0.09 (4 vehicle trips per hour/45 vehicles per hour).</p> <p>To determine the storage queue of the car lift, guidance is sought from the Australian/New Zealand Standard AS/NZS 2890.1:2004. The mechanical device such as this car lift should have sufficient vehicle storage to accommodate the 98<sup>th</sup> percentile queue (the queue that will be exceeded on 2% of occasions). By knowing the utilisation ratio of the car lift (in this case, 0.09), the 98<sup>th</sup> percentile queue length can be calculated.</p> <p>Queue Length, <math>N = (\text{Log}_n \text{Pr}(n &gt; N) / \text{Log}_n \rho) - 1</math>  <math>\text{Pr}(n &gt; N) = \rho^{N+1}</math>            where <math>\rho = r / s</math> (utilisation factor)  <math>\rho = \text{average arrival rate} / \text{average service rate}</math>  <math>= 4 / 45</math>  <math>= 0.09</math></p> <p><math>N = (\text{Log}_n 0.02 / \text{Log}_n 0.09) - 1</math>  <math>= 0.62</math> car lengths, say 1 car</p> <p>The 98<sup>th</sup> percentile queue length for the car lift during the PM peak hour would be one car length. The queue length also includes a car inside the stacker. The operation of the car stacker should not result in a queue external to the site.</p>

\* Calculation of car stacker service time:

- Time to activate remote control – 5 seconds
- Time for stacker to shuffle to ground level – 30 seconds
- Time for car to enter into stacker – 15 seconds (including correction movement)
- Stacker operation – 30 seconds
- **Total time taken – 80 seconds**

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**Attachment 7 - PLN16/0829.01 - 363 George Street Fitzroy - Engineering Comments  
(Advertised Plans)**

## Attachment 7 - PLN16/0829.01 - 363 George Street Fitzroy - Engineering Comments (Advertised Plans)

Item	Assessment
Floor to Ceiling Height	Not dimensioned on the drawings.
Vehicle Clearance Heights	Since floor to ceiling height has not been specified, it is not known what model type has been selected. GTA have indicated that some 33% of spaces have a height clearance of at least 1.8 metres, which satisfies <i>Design standard 3: Mechanical parking</i> in Clause 52.06-9.
<b>Other Items</b>	
Vehicle Turning Movements via Right of Way	The swept path diagrams for B85 design vehicle accessing and exiting the individual stacker platforms via the Right of Way are considered satisfactory. Additional correction movements for long-stay users (i.e. – resident and employee parking) are permissible under AS/NZS 2890.1:2004.
Loading Arrangements	GTA have indicated that there is an existing Loading Zone in George Street, approximately 90 metres north of the site. There is no objection to the use of this on-street facility.
Finished Floor of Concrete Slab at Edge of Right of Way	The finished floor level of the concrete slab (setback area) must be set 40 mm higher than the edge of the bluestone Right of Way.

### Design Items to be Addressed

Item	Details
Development Entrance	Doorway width to be dimensioned on the drawings.
Headroom Clearance	To be dimensioned on the drawings at the entrance.
Floor to Ceiling Height	To be dimensioned on the drawings.
Finished Floor of Concrete Slab at Edge of Right of Way	The finished floor level of the concrete slab of the setback area to be 40 mm higher than the edge of the Right of Way – this is to be depicted on the drawings.

## **Attachment 7 - PLN16/0829.01 - 363 George Street Fitzroy - Engineering Comments (Advertised Plans)**

### **ENGINEERING CONDITIONS**

#### **Civil Works**

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

- The footpath along the property's George 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.

#### **Public Lighting (On Roads)**

- The developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any new dwellings or any existing nearby residences. Any light shielding that may be required shall be funded by the Permit Holder.
- The developer must replace the existing luminaire or install a shield on the existing electrical pole on the east side of George Street opposite the site (pole number 23681) in order to avoid light spillage into the habitable windows of the development.

#### **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.

## Attachment 7 - PLN16/0829.01 - 363 George Street Fitzroy - Engineering Comments (Advertised Plans)

### 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 <i>Building Regulations</i> 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 <i>Local Government Act</i> 1989 and Regulation 133.
Clearance to Electrical Assets	Overhead power lines run along the west side of George 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, <i>Building design near powerlines</i> , which can be obtained from their website:  <a href="http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs">http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs</a>