



# Agenda

## Planning Decisions Committee

6.30pm, Wednesday 14 July 2021

Microsoft Teams

## The Planning Decisions Committee

The Planning Decisions Committee is a delegated committee of Council with full authority to make decisions in relation to planning applications and certain heritage referrals. The committee is made up of three Councillors who are rostered on a quarterly basis.

## Participating in the Meeting

Planning Decisions Committee meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There is an opportunity for both applicants and objectors to make a submission to Council in relation to each matter presented for consideration at the meeting.

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. Simply raise your hand and the chair will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the chair;
- confine your submission to the planning permit under consideration;
- If possible, explain your 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 you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the chair to make further comment or to clarify any aspects.

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.

## Arrangements to ensure our meetings are accessible to the public

Planning Decisions Committee meetings are held at the Richmond Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (via the entry foyer).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop and receiver accessory is available by arrangement (tel. 9205 5110).
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available.



## 1. Appointment of Chair

Councillors are required to appoint a meeting chair in accordance with the City of Yarra Governance Rules 2020.

## 2. Statement of recognition of Wurundjeri Woi-wurrung Land

*“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.*

*We acknowledge their creator spirit Bunjil, their ancestors and their Elders.*

*We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.*

*We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.*

*We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”*

## 3. Attendance, apologies and requests for leave of absence

Anticipated attendees:

### Councillors

Cr Edward Crossland

Cr Stephen Jolly

Cr Sophie Wade

### Council officers

Amy Hodgen (Senior Co-Ordinator Statutory Planning)

Konrad Bruhn (Senior Planner)

Rhys Thomas (Senior Governance Advisor)

Cindi Johnston (Governance Officer)

## 4. Declarations of conflict of interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

## 5. Confirmation of Minutes

### **RECOMMENDATION**

That the minutes of the Planning Decisions Committee held on Wednesday 30 June 2021 be confirmed.

## 6. Committee business reports

Item		Page	Rec. Page
6.1	PLN20/0869 - 390A Queens Parade Fitzroy North - Partial demolition of existing buildings; alterations and additions to existing buildings for construction of townhouses; use of the land for dwellings; and an associated reduction in statutory car parking requirements.	5	94
6.2	PLN19/0121 - 684 Station Street, Carlton North [SUPPLEMENTARY REPORT - VCAT AMENDED PLANS]	187	190



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- 6.1 PLN20/0869 - 390A Queens Parade Fitzroy North - Partial demolition of existing buildings; alterations and additions to existing buildings for construction of townhouses; use of the land for dwellings; and an associated reduction in statutory car parking requirements.**
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## **Executive Summary**

### **Purpose**

1. This report provides the Planning Decision Committee (PDC) with an assessment of planning permit application PLN20/0869 against the provisions of the Yarra Planning Scheme (the Scheme) and recommends that Council notify the Victorian Civil and Administrative Tribunal (VCAT) and all parties to the proceeding that Council supports the application, subject to conditions contained within the officer recommendation.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Land use;
  - (b) Built form, including urban design, heritage and laneway abuttal;
  - (c) On-site amenity;
  - (d) Off-site amenity impacts;
  - (e) Environmentally sustainable design;
  - (f) Car parking, bicycle parking and traffic.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Policy and strategic support;
  - (b) Dwelling land use;
  - (c) Demolition (Heritage);
  - (d) Design & Development Overlay (including heritage impact of new built form)
  - (e) Clause 55;
  - (f) On-site amenity (outlook from new dwellings)
  - (g) Environmentally Sustainable Design;
  - (h) Car parking, traffic, access and bicycle provision; and
  - (i) Objector Concerns.

### **Submissions Received**

4. Twenty-nine (29) objections were received to the application, these can be summarised as:
  - (a) Overdevelopment of site (excessive height; number of dwellings; and inadequate setbacks);
  - (b) Inconsistency with neighbourhood character;
  - (c) Adverse heritage impacts (loss of heritage fabric and alterations to the former bakehouse building (including single storey component); and proposed new built form);
  - (d) Off-site amenity impacts (visual bulk; overlooking; noise from traffic, roof terraces use and air conditioners);
  - (e) Non-compliance with rear setback provisions of proposed Design & Development Overlay (Schedule 16);
  - (f) Public safety (scale of building will create an unsafe pedestrian environment in laneway, especially at night)
  - (g) Traffic impacts (congestion and pedestrian and cyclist safety conflicts);
  - (h) Inadequate provision of car parking;
  - (i) Inadequate provision of bicycle parking;

- (j) Inadequate vehicle access via laneways (including for cars, larger vehicles such as waste and delivery trucks, and emergency service vehicles);
- (k) Obstruction of vehicles by objects (e.g. bins) placed within the ground level areas adjacent laneway (Section 173 agreement needed);
- (l) Waste management (lack of glass, food waste or green waste bins and blockage of laneway by waste vehicles and bins);
- (m) On-site amenity (lack of ventilation for bin storage; lack of vegetation; lack of acoustic protection to dwellings from noise associated with commercial properties fronting Queens Parade);
- (n) Disruption of power supply to commercial properties fronting Queens Parade (subject site contains electricity meters for some properties);
- (o) Inaccuracies and/or omissions of relevant information (within town planning report, traffic report, and waste management report and lack of heritage impact statement)
- (p) Loss of access to surrounding properties on laneway during construction.

### **VCAT Proceedings**

- 5. On 23 April 2021 (by order dated 22 April 2021) Council was informed that the applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT).
- 6. A total of 21 statements of grounds have been received and a total of 13 parties have joined the appeal.
- 7. A Compulsory Conference is listed for 26 July 2021 with a full hearing scheduled for four days, beginning on 4 October 2021 if the matter does not settle at Compulsory Conference.

### **Conclusion**

- 8. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
  - (a) Reduced extent of demolition to the existing substation building (former bakehouse) building to retain/restore original openings to the upper level north-west and north-east facades;
  - (b) New windows to the to the existing substation building (former bakehouse) to be modified to be timber framed traditional style windows (consistent with the era of the building).
  - (c) Modifications to the entry of Townhouse 12 to provide an improved sense of address.

**CONTACT OFFICER:** Madeleine Moloney  
**TITLE:** Statutory Planner  
**TEL:** 92055009



## 6.1 PLN20/0869 - 390A Queens Parade Fitzroy North - Partial demolition of existing buildings; alterations and additions to existing buildings for construction of townhouses; use of the land for dwellings; and an associated reduction in statutory car parking requirements.

<b>Reference</b>	D21/54681
<b>Author</b>	Madeleine Moloney - Statutory Planner
<b>Authoriser</b>	Senior Coordinator Statutory Planning

<b>Ward:</b>	Nicholls
<b>Proposal:</b>	Partial demolition of existing buildings; alterations and additions to existing buildings for construction of townhouses; use of the land for dwellings; and an associated reduction in statutory car parking requirements.
<b>Existing use:</b>	Warehouses, substation and car park.
<b>Applicant:</b>	Plenty and Dundas Pty Ltd C-/ G2 Urban Planning
<b>Zoning / Overlays:</b>	Commercial 1 Zone Design and Development Overlay (Schedule 20) Heritage Overlay (Schedule 327) Development Contributions Plan Overlay (Schedule 1)
<b>Date of Application:</b>	30 November 2020
<b>Application Number:</b>	PLN20/0869

### Planning History

1. The subject site has the following planning history:
  - (a) Planning permit application PLN19/0155 was lodged with Council on 20 March 2019. The following details are relevant to the current application:
    - (i) The application initially proposed full demolition of existing buildings and construction of 15 townhouses (up to four storeys, plus roof terraces); use of the land for dwellings; and a reduction in car parking with an overall height of 15.3m.
    - (ii) The application was advertised and 94 objections were received.
    - (iii) The applicant lodged a Section 79 'failure to determine within the prescribed time' appeal (P1950/2019) with the Victorian Civil and Administrative Tribunal (VCAT) and 24 parties joined to the proceedings.
    - (iv) Council subsequently determined at its internal Development Assessment Panel on 17 January 2020 that had it been in a position to make a decision, it would have issued a Notice of Refusal to planning application PLN19/0155 on a number of grounds relating to heritage impacts, off-site amenity; equitable development; urban design and internal amenity.
    - (v) Following compulsory conferences at which no agreement was reached by parties, amended plans were circulated by the permit applicant to VCAT and all parties to proceedings on 28 February 2020. The amended proposal was for partial demolition of existing buildings; and buildings and works to construct a mixed use development up to four storeys, plus roof terraces; use of the land for dwellings; and a reduction in statutory car parking requirements associated with an office (as-of-right) and dwellings, with key changes from the original proposal being:

- Retention of the majority of the double-storey section of the former bakehouse building at the northern end of the site and associated deletion of two townhouses (reducing total number of dwellings to 13) and further alterations and additions for its conversion to offices (no permit required for use);
  - Modifications to the building envelope, generally reducing built form and increasing setbacks and reducing bulk to the north-west (residential) interface (no change to the overall building height of 15.3m); and
  - Various changes to design details generally to respond to urban design, heritage and off-site amenity issues.
- (vi) Council determined at its internal Development Assessment Panel on 13 March 2020 that had it been in a position to make a decision on the amended plans circulated on 28 February 2020, it would have issued a Notice of Refusal to planning application PLN19/0155 on a number of grounds relating to off-site amenity, heritage and internal amenity.
- (vii) A hearing was held over 5 days in mid to late August 2020. The Tribunal issued their final decision on the application by order dated 8 October 2020 which refused to grant a planning permit. The reasons for the refusal primarily related to off-site amenity impacts and internal amenity (further details of the decision, where relevant, will be provided within the “assessment” section of this report).
- (viii) It is noted that any reference to the development proposed under planning application PLN19/0155 within this report refers to the final plans on which the Tribunal’s decision was made (i.e. amended plans circulated 28 February 2020).
- (b) Planning permit application SP19/0032 was lodged with Council on 18 June 2019 for a 15 lot subdivision (generally corresponding to the development originally proposed under planning application PLN19/0155). The application has been referred to authorities and has not yet been determined.

## Background

2. The following background information is of relevance to the application:

### Planning Scheme Amendment C238

3. On 01 February 2021, the Minister for Planning formally gazetted Planning Scheme Amendment C238, which introduces a Development Contributions Plan Overlay over the entire municipality. This overlay requires developers to pay a contribution towards essential city infrastructure like roads and footpaths, as well as community facilities. The requirements of this provision have immediate effect. A condition and a note have been included in the recommendation to require the development contributions to be met prior to commencement of the development.

### Planning Scheme Amendment C231 - Queens Parade (Part 2)

4. Amendment C231 (part 2) applies only to the subject site (390A Queens Parade) and was formerly part of a broader Amendment C231. The broader amendment is part of an effort to manage change along a greater length of Queens Parade and guide the scale of future buildings to provide certainty about development outcomes by implementing built form controls as well as changes to the Scheme better protect heritage values of the area.
5. In brief, the broader Amendment C231 proposed application of permanent built form controls (Design & Development Overlay Schedule 16) along the Queens Parade area as well as associated changes to the Heritage Overlay controls applying to some sites and the heritage grading of some sites. It divided the area into 4 precincts, of which the subject site was located within Precinct 4 (Activity Centre Precinct). The proposed DDO16 set out general objectives as well as more specific objectives for the individual precincts.
6. The broader Amendment C231 was publicly exhibited during October to November 2018. The exhibited DDO16 was generally consistent with the current interim controls of DDO20.



Of relevance specifically to the subject site, it included a proposal to relocate the subject site from the North Fitzroy Heritage Precinct (HO327) to the Queens Parade Heritage Precinct (HO330) and provide a heritage grading to the subject site (previously ungraded). It was proposed to grade the subject site as “not contributory” with the exception of the double-storey building (former bakehouse) in the north-east corner of the site which was to be graded as “contributory”.

7. Council heard from submitters at a Special Council Meeting on 12 March 2019. Council considered the officer response to submissions at a meeting on 28 May 2019 and resolved to request that the Minister for Planning appoint an independent planning panel to hear submissions. Council also resolved to endorse the recommended changes to the amendment including the Preferred Version of the DDO schedule. A key change to the controls of the proposed DDO16, relevant to the subject site, was a reduction of the maximum mandatory height for Precinct 4 to 14m (exhibited version was 20.5m) and the adoption of a more restrictive rear setback to Commercial 1 zoned properties from residential zoned properties.
8. An independent Planning Panel, appointed by the Minister for Planning, then sat for 12 days over August and September 2019 to consider the amendment and produced a report that was publicly released in November 2019. Relevant to the subject site, key recommendations of the Planning Panel report relevant to the subject site were:
  - (a) Under the DDO16 apply a maximum mandatory building height applicable to Precinct 4 of 10.5m (compared to Council’s preferred 14m limit).
  - (b) Support the proposed re-location of the subject site from the North Fitzroy Heritage Precinct (HO327) to the Queens Parade Heritage Precinct (HO330) and applying the grading of “not contributory” to all parts of the site other than the two-storey former bakehouse building in the north-east corner.
  - (c) Further investigations be undertaken by Council to ascertain whether any other buildings on-site warrant a “contributory” grading.
9. Of relevance to the subject site, it is noted that, based on one of the recommendations of the Planning Panel Report, Council engaged David Helms Heritage to undertake a further assessment of buildings on the subject site (other than the two-storey “substation” building). The report prepared by David Helms Heritage (dated December 2019) recommends:
  - (a) A minor change to wording of the Queens Parade Heritage Precinct Statement of Significance is recommended to make reference to buildings constructed to the rear of shops fronting Queens Parade.
  - (b) The “contributory” grading to the subject site should be extended to encompass the whole of the former Wilmott Bakery building located at the north-east end of the site (i.e. two-storey substation building as previously proposed plus attached single-storey skillion roofed section extending to the north-east boundary). This is on the basis that it is an original part of the c. 1904 “substation” (i.e. former bakehouse) building – see figure 1.



Aerial view of subject site (Source: Nearmap). Red = Amendment C231 Contributory grading, Green = Recommended extension of Contributory grading, Yellow = Not Contributory

**Figure 1 - David Helms Report 3 December 2019 diagram showing recommended gradings of former bakehouse building (single and double-storey components).**

10. After consideration of the Planning Panel report and further public submissions at a meeting in February 2020, at a meeting on 17 March 2020, Council split the amendment into 3 parts. Amendment C231 parts 1 and 3 (relating to all parts of Queens Parade other than the subject site) were formally adopted at the same meeting and Council resolved to refer these parts of the amendment to the Minister for Planning for Approval. A key change for Precinct 4 applying to the land adjacent the subject site was the adoption of a maximum mandatory height of 11m. In addition, DDO20 was adjusted to reflect its application only to No. 390A Queens Pde (generally deleting parts of the Schedule not relevant to the subject site).
11. Amendment C231 Parts 1 & 3 have since been gazetted into the Yarra Planning Scheme (on 1 October 2020) and thus other properties forming part of the amendment are now subject to the new Design & Development Overlay (Schedule 16).
12. Council did not consider Part 2 of Amendment at the meeting of 17 March 2020. It was deferred because the land at 390A Queens Parade was the subject of an application to VCAT under Section 39 of the *Planning and Environment Act 1987* (the Act) (an appeal regarding process of the amendment not planning merits of an application). As a result, Council resolved to defer consideration of Part 2 of the amendment until after the outcome of the VCAT decision was known.
13. In late April 2020 Council received the VCAT decision dismissing the appeal under Section 39 of the Act.
14. Council subsequently adopted Amendment C231 (part 2) on 2 June 2020 and resolved to forward it to the Minister for Planning for approval. Amendment C231 (part 2) is currently awaiting approval by the Minister for Planning and is therefore considered to be seriously entertained.
15. In summary, Amendment C231 (part 2) proposes to do the following specifically in relation to the property at No. 390A Queens Parade:



- (a) Introduce Design and Development Overlay (Schedule 16) to replace the existing Design and Development Overlay (Schedule 20). This includes a maximum mandatory height control of 11m applicable to the subject site (consistent sites with other adjacent sites within Precinct 4) and changes to other parts of the policy to be consistent with the adopted version for the remainder of Queens Parade.
  - (b) Remove the subject site from the Heritage Overlay HO327 (North Fitzroy Precinct) and instead include it in the Heritage Overlay HO330 (Queens Parade Precinct).
  - (c) Apply a heritage grading (i.e update the Incorporated Document *City of Yarra Database of Heritage Significant Areas, July 2020* as it is now named) to the subject site as follows (currently the whole site is ungraded):
    - (i) Grade the buildings at 390A Queens Parade as “not contributory”, with the exception of:
      - The two storey building in north-east corner of the site, which is to be graded as “contributory”; and
      - The portion of the site containing the one storey building with a skillion roof in the south-east corner, which has the effect of it remaining as ungraded.
16. The rationale behind determining that the single-storey part of the bakehouse building remain ungraded is discussed below (as per the Council resolution on 2 June 2020).
4. *That Council advises the Minister for Planning that Council has not accepted the Panel’s recommendation to apply a ‘not contributory’ heritage grading to the single storey building with a skillion roof in the south-east corner of the land known as 390A Queens Parade for the following reasons:*
- a. *The Panel recommended that Council undertake further heritage assessment of the existing built form and associated structures located at 390A Queens Parade to establish whether other buildings and associated structures on this property would support or warrant a ‘contributory’ grading within the context of HO330;*
  - b. *Council engaged Mr David Helms to undertake further assessment of the buildings on the land at 390A Queens Parade and Mr Helms found that the one storey building with a skillion roof in the south-east corner of the land should be graded ‘contributory’, rather than ‘not contributory’; and*
  - c. *Council will undertake a separate process to advance the findings of the further heritage assessment. This work cannot be implemented through Amendment C231 (as the owner has not been given a reasonable opportunity to test the propositions in the context of a panel hearing noting that the recommendation came out of the C231 Panel). Accordingly, until this separate process has been advanced, the building should remain ungraded.*
17. Council’s Strategic Planning Unit have confirmed that the intention is to undertake a further Planning Scheme Amendment as per Council’s resolution in relation to grading of the single storey part of the former bakehouse building. This would be undertaken as part of a broader amendment to address changes / fix-ups to the Heritage Overlay and gradings which are undertaken by Strategic Planning periodically, however, the timing is not yet confirmed.

#### VCAT Proceedings

18. On 23 April 2021 (by order dated 22 April 2021) Council was informed that the applicant had lodged a Section 79 ‘failure to determine within the prescribed time’ appeal with the Victorian Civil and Administrative Tribunal (VCAT).
19. A total of 21 statements of grounds have been received and a total of 13 parties having joined the appeal.
20. A Compulsory Conference is listed for 26 July 2021 with a VCAT full hearing scheduled for four days, beginning on 4 October 2021.

## The Proposal

21. The application proposes partial demolition of existing buildings; alterations and additions to existing buildings for construction of 16 townhouse-style dwellings; use of the land for dwellings; and an associated reduction in statutory car parking requirements. The key elements of the proposed use and development are as follows:

### Use

- (a) The application proposes to use the land for dwellings.

### Demolition

- (b) Full demolition of the majority of buildings on the site with the exception of:
- (i) The party wall shared with No. 380 Queens Parade (south-east boundary) which is to be retained;
  - (ii) The former bakehouse building (part single and part double-storey) at the north-eastern end of the site, which is to be partly demolished, including:
    - Double-storey section:
      - (a) Removal of roof sheeting to gable roof and creation of opening in north-east corner of roof;
      - (b) Removal of existing windows and doors and sections of the north-east and north-west walls (removal of existing windows within the north-west wall is not clearly depicted).
    - Single-storey (skillion roof) section:
      - (a) Demolition of roof structure;
      - (b) Demolition of south-east, corner splay and part north-east walls (majority of north-east wall retained).

### Buildings and Works

#### *General*

- (c) The application proposes buildings and works including alterations and additions to the former bakehouse building to provide a total of 16 townhouse-style dwellings comprising:
- (i) Fourteen (14) triple-storey dwellings, each with a roof terrace above; and
  - (ii) Two (2) double-storey dwellings (largely accommodated within the existing double-storey storey section of the former bakehouse building).
- (d) Ten dwellings front the north-west abutting laneway; one dwelling fronts the north-east abutting laneway; and five dwellings front the south-east abutting laneway or face the adjacent private road. Townhouse 5 is also provided a secondary entry.
- (e) A total of 16 car spaces are proposed within single or double-garages to individual dwellings, with no on-site car parking provided to six of the dwellings.
- (f) Pedestrian and vehicular access to all dwellings is provided via the abutting laneways.
- (g) Each dwelling is provided a single bicycle rack at ground floor (16 bicycle spaces total).

#### *External alterations to retained Bakehouse building*

- (h) New contemporary style windows and entry doors are proposed to the north-east and north-west facades of the retained double-storey former bakehouse building.
- (i) Existing roofing is to be replaced with Zincolume roof sheeting (no change to roof form where retained).

#### *Building Height*

- (j) The maximum overall height 10.39m to the building parapet and 11m measured to the top of the privacy screening associated with roof terraces.

#### *Form & Massing*

- (k) The new built form has a contemporary, rectilinear form.

- (l) At ground floor, the new building is set back, where abutting public laneways or the private road to the south-east, approximately 1.6m-2m from title boundaries (excluding planter boxes) providing recessed pedestrian and vehicle access to dwellings and effectively widening the adjacent public laneway. The former bakehouse building is provided with a new splayed wall at the corner of its north-east and north-west facades (to facilitate vehicular access). Otherwise it is generally constructed to the title boundaries.
- (m) At level 1, the new building is generally constructed to the north-east and south-west boundaries and along part of the southerly portion of the south-east boundary (commercial interface). The remainder of the south-east boundary also is partly constructed to the boundary, with recesses ranging from 0.5m to 1.93m. Along the north-west boundary (residential interface) the building projects partly to the boundary with recesses otherwise provided between 0.3m and 2.83m.
- (n) At level 2, the new building is constructed to the south-west boundary and the southern portion of the south-east boundary (generally as per level 1). Along the remainder of the south-east boundary, the building is constructed partly to the boundary with setbacks provided at intervals ranging from 0.5m to 1.93m. A setback of 2.07m is provided to the main building façade along part of the north-east boundary, with a balcony located within the setback. Along the north-west boundary (residential interface) a setback is generally maintained to the main building façade of between 1.29m to 3.01m, however, a number of planter boxes, balconies, and associated privacy screening and framing elements project into the setbacks (some elements extending to the boundary). An open balcony area (with associated planter boxes and screening) extends also extends through the centre of the site (between TH15 & 16 and TH6 & TH7) at this level.
- (o) At level 3, the (open) roof terraces are set back from title boundaries at least 0.98m, other than along the south-west boundary of the site where roof terraces associated with Townhouse 4 & 1 extend to the boundary. Associated planter boxes along the south-east elevation extend, in part, to the boundary. The terraces (excluding planter boxes) are all set back approximately 5m from the north-west boundary (residential interface).

#### *Dwelling Configurations*

- (p) The 14 triple-storey townhouses (TH1-TH10 and TH13-TH16) have the following general configuration:
  - (i) Ground floor - pedestrian entries; car parking (where provided) and bicycle parking; a study (TH3, TH5, TH6, TH7, TH8 & TH10 only); a bathroom (TH6 & TH7 only); and European-style laundry.
  - (ii) Level 1 - bedrooms (between one and three); a bathroom; and most also have an ensuite;
  - (iii) Level 2 - open plan kitchen/living/dining area (varying sizes); 8 of the dwellings have an adjoining balcony ranging in size between 8.7sqm and 14.2sqm (TH1 – TH5 have no balcony at this level).
  - (iv) Level 3 - each dwelling has a rooftop terrace (ranging in size between 19.3sqm and 63.7sqm area) accessible via a stair from Level 2.
  - (v) In addition to stair access across all levels, five dwellings (TH1, TH2, TH13, TH15 and TH16) also have lift access between ground floor to Level 2 (with stair access only to the Level 3 roof terrace).
- (q) The two double-storey townhouses (TH11 and TH12) which are largely contained within the former bakehouse building, have no car parking and the following general configuration:
  - (i) Ground floor – pedestrian entries; two bedrooms; a bathroom and ensuite;
  - (ii) Level 1 - open plan kitchen/living/dining area, including study nook to TH12; European-style laundry; adjoining balcony of 12.1sqm (TH11) or 9sqm (TH12).
- (r) All dwellings are provided with an individual bin storage area at ground floor, either in their garage or (where no garage) in a dedicated store.

#### *Materials and finishes*

- (s) Walls: Face brickwork (white and recycled red); rendered brickwork (light grey colour); standing seam metal cladding (charcoal colour)
- (t) Privacy screening – Perforated metal (charcoal or natural anodised) with 25% or 50% transparency.
- (u) Balustrades – Vertical metal (black); perforated metal (charcoal and natural anodized); and clear glass (frameless).
- (v) Planter climbing frame – Metal (natural anodized);
- (w) Garage doors: Timber battens (natural colour);
- (x) Pedestrian entry doors: Glazed with timber frames (natural colour)
- (y) Other window/door frames – Metal (black)
- (z) Substation/services cupboards– Perforated metal
- (aa) Paving to ground floor setbacks – bluestone with square paving (unspecified material) to designate entry pathways.

#### *Other Matters*

- (bb) A number of ESD commitments have been made (with details in the submitted Sustainable Management Plan) including:
  - (i) Capture of stormwater with rainwater tank storage of 11,500L (to be used for flushing toilets, washing bins and irrigation);
  - (ii) Provision of operable windows for natural cross-ventilation;
  - (iii) Low VOC, PVC and formaldehyde construction materials;
  - (iv) Water efficient fixtures and taps;
  - (v) Heating and cooling systems within 1 star of best available.
- (cc) Landscaping is provided to the building as follows (with further details in the submitted landscape plan):
  - (i) Ground floor - planter boxes within ground floor setback adjacent laneways / private road (to 8 of 16 townhouses);
  - (ii) Level 2 -Planter boxes provided along north-west elevation adjacent living areas or balconies;
  - (iii) Level 3 – Planter boxes along one or both sides of all roof terraces.

## Existing Conditions

### Subject Site

- 22. The subject site is located to the rear of properties fronting the north-west side of Queens Parade, at a distance of approximately 34m from the Queens Parade frontage.
- 23. The site comprises a single irregular lot (land in plan of consolidation 156287) with a total land area of approximately 1,041sqm, with title boundaries as follows:
  - (a) North-west: 69.28m
  - (b) North-east: 15.29m
  - (c) South-west: 16.18m (in two sections)
  - (d) South-east: 71.25m (in two sections)
- 24. The site does not have a frontage to a named street and has laneway abutments to its north-western, north-eastern, and part south-eastern frontages. Another section of laneway also connects the south-east laneway abutment to Queens Parade.
- 25. The site is largely occupied by various industrial-style buildings, with face brick or painted brick external walls and a variety of roof forms (all metal clad). Buildings are largely single storey with the exception being a double-storey component located at the north-east/north-west corner of the site. The double-storey building currently houses a substation, with other buildings currently used to store paint associated with the paint shop at No. 380 Queens Parade.
- 26. The buildings extend to the northern-eastern, north-western and south-eastern title boundaries, with the south-western portion of the site devoid of buildings other than



perimeter fencing. This open part of the site is currently utilised as an open car park that extends over land to the west (No. 380 Queens Parade) with vehicular access facilitated via a carriageway easement over that property that extends from the northern end of the right-of-way extending from the service lane of Queens Parade.

27. The buildings appear to have been constructed over an extended period of time starting from the early 1900s, with the oldest buildings (double-storey gable roof building and attached single storey skillion roof building – former bakehouse buildings) located at the northern end of the site, with facades to the north-east, north-west and south-east boundaries. See photos in figures 2 – 7 for images of the subject site.



**Figure 2 – north-east elevation of former bakehouse building (single and double-storey sections).**



Figure 3 – north-west elevation of former bakehouse building (including part attached wall).



Figure 4 – splayed corner to former bakehouse building (north-east to south-east)





**Figure 5 – Part south-east elevation as viewed from the laneway extending to Queens Parade (service road).**



**Figure 6 – North-west elevation (and part south-west elevation) as viewed from north-west laneway abuttal**



**Figure 7 – Part south-west elevation and adjoining car park.**

#### *Title Documents*

28. The certificate of title submitted for the subject site does not include any restrictive covenants.
29. However, the title indicates that a party wall easement is located along a 6.39m long section of the southern boundary (shared party wall with the rear wall of the building at No. 380 Queens Parade).
30. In addition, the title indicates that the subject site benefits from appurtenant carriageway easements over land to the south (designated at A-1 and A-2).
31. While not shown directly on the certificate of title of the subject land, the certificate of title for the south-adjointing site at No. 380 Queens Parade and a written statement from a land surveyor was provided with the previous application for the site (PLN19/0155) to confirm that the site also benefits from a carriageway easement (approximately 3.05m wide) extending from the south-east boundary of the subject site (towards the southern end of the site) to a public laneway that extends to Queens Parade.

#### Surrounding Land

32. The surrounding neighbourhood is predominantly a mixture of residential and commercial uses, reflecting the site's location within commercial zoned land but interfacing residential zoned land to the north.
33. The area is characterised by low-rise development, typically one to three storeys. Built form predominantly derives from the Victorian and Edwardian eras, with a lesser extent of inter war period buildings and other more recent eras. There is a distinctly different built form character from the commercial frontage of Queens Parade in comparison to the surrounding residential streets and the laneway network that runs in between.

34. Built form to the surrounding laneway network is predominantly hard-edged and one to two storeys, as well as high fencing bordering secluded private open space or service yards to dwellings or commercial premises respectively. Built form to the laneway typically has a more utilitarian character, reflecting the historical and current day use of the rear laneway system as a secondary frontage for vehicular access and service needs to properties fronting McKean Street and Queens Parade and the former industrial uses of the subject site. Rendered, painted or exposed (typically red) brick walls are prevalent, as is high rear fencing usually composed of timber or metal. Roof forms vary and include flat, skillion, gabled and hipped, mostly composed of metal sheeting. There are a number of rear outbuildings to dwellings fronting McKean Street that appear to be old stable buildings and which have been re-purposed (generally with additions) for garages with first floor studios/storage areas.
35. Beyond the laneway context, the surrounding streets contain predominantly Victorian and Edwardian-era buildings, with a fine-grained pattern of subdivision.
36. Built form along Queens Parade is characterised by attached buildings with zero front setbacks, with a single or double-storey streetwall. Many of these buildings retain original roof forms, parapets and fenestration (particularly at the upper levels) there is little in the way of new development evident projecting above the roofline of buildings. Buildings fronting Queens Parade have a relatively high level of site coverage – typically 80% or more and some with 100% site coverage. Where open space is provided, it is situated at the rear of buildings, in the form of rear service yards or open car parking areas. Towards Rushall Crescent (north-east of the subject site) the commercial streetscape gives way to a different built form character, being composed of detached dwellings located on larger lots, reflecting the residential zoning of the land.
37. In contrast, along McKean Street and other surrounding residential side streets (such as Howe Street, Rushall Crescent and Michael Street), dwellings are set back from the street frontage, often with verandahs projecting into the front setback. Dwellings usually still provide a front garden and have primary open space at the rear. Dwellings are typically attached or semi-detached and, where not concealed by front parapets, typically having visible hipped roofs. Outbuildings (single and double-storey) are common at the rear of these sites where there is a laneway abuttal. Site coverage for dwellings tends to be more varied than that of the commercial buildings and due in part to the provision of front setbacks, tends to be greater as a percentage of total site area.
38. Buildings along both Queens Parade and the nearby residential street are predominantly masonry in construction, either painted or rendered brick or exposed brickwork (sometimes with polychromatic brickwork).
39. In the immediate context of the subject site:
  - (a) To the north-west of the subject site is a public laneway, approximately 2.77m to 3m wide, and on the opposite side are residences fronting McKean Street (within the Neighbourhood Residential Zone (Schedule 1)). The land immediately abutting the laneway is developed with a mixture of rear outbuildings (one to two storeys) generally constructed to the laneway and rear secluded private open space bordered by high fencing and roller doors. A number of the rear outbuildings have habitable room windows at first floor that face the subject site. At the rear of No. 216 McKean Street (located at the termination of Howe Street) a new two dwelling double-storey apartment style development has been recently constructed (under planning permit PLN15/1189).
  - (b) To the north-east of the subject is a public laneway, approximately 6.15m wide. On the opposite side of the laneway is a triple storey contemporary residential development – two townhouse style dwellings (Units 1 and 2 of No. 404-406 Queens Parade). The residences were constructed under planning permit PL06/1158 and were formerly part of land associated with a double-storey commercial building that fronts Queens Parade. The dwellings' principal frontage is to this laneway, including vehicular entries and recessed pedestrian entries.



At first and second floor the dwellings are largely constructed to the laneway and a number of habitable room windows face the subject site at first and second floor, in addition to a small second floor inset balcony to each dwelling. The main area of secluded private open space (first floor balcony) to each dwelling is provided to the rear (north-east) side of the dwellings. The dwellings have a red brick finish to ground floor walls, articulated grey cement sheet cladding panels to first floor and corrugated galvanised metal cladding to the second floor.

- (c) To the south-east of the subject site are largely commercial properties fronting Queens Parade separated from the subject site, in part, by a 3.05m wide public laneway (northern portion); a 3.05m wide private road (mid- portion) and directly abutting commercial land associated with No. 380 Queens Parade for the southernmost approximately 23m of the site. The rear of properties fronting Queens Parade are almost exclusively either developed with on-boundary construction (maximum of two storeys plus roof terrace) or have service yards or open car parking at the rear. It is noted that a residence has previously been identified at the rear of the double-storey building at No. 386 Queens Parade (as part of a recent planning application PLN17/0705) and that the rear yard of this site used as secluded private open space (see figure 8). The ground floor frontage to Queens Parade is occupied by a retail premises.



**Figure 8 - Photo of rear secluded private open space at No. 386 Queens Pde (source: delegate report for planning application PLN17/0705).**

- (d) To the south-west of the subject site is a continuation of the open car parking area associated with the Bristol paint store at No. 380 Queens Parade and, beyond that, are commercial premises fronting Queens located within the Commercial 1 Zone.
40. Of particular note within the immediate area:
- (a) To the south-east of the subject site (separated from the subject site by approximately 6.5m of land associated with No, 380 Queens Parade) is a three-storey red brick Victorian-era (former ANZ) building which has ornate decorative mouldings, tall chimneys and a slate tiled roof with a prominent tower form to the south-east corner. The building scales down in a stepped fashion to the rear and appears to be highly intact. Single storey skillion roofed structures (with solar panel array) extend from the main building form to the rear of the site. This building is graded as “individually significant” to the Queens Parade Precinct and is listed on the Victorian Heritage Register. The property is addressed as No. 370 Queens Parade.
- (b) Planning permit PLN17/0705 was issued on 19 September 2018, at the direction of VCAT including part demolition of the existing building construction of a five storey addition at the rear at No. 388-390 Queens Parade (located to the south-east of the site, separated by the 3.05m wide private road).

Plans have been endorsed for this development and a subsequent secondary consent amendment approved, however, works are yet to commence. The permit was recently extended, at the direction of VCAT (P144/2021) and must now commence no later than 19 September 2022. Details include:

- (i) At ground floor the addition provides a four car garage (utilising car stackers) accessed from the public laneway to the north-east; bicycle parking and service/storage areas; and maintains the existing restaurant use to Queens Parade.
- (ii) At first floor (Level 1) the addition provides an expanded office tenancy that is constructed to the rear (north-west) boundary.
- (iii) At second to fourth floor (Level 2-4) a dwelling is contained within each level. The second floor is constructed directly to the rear (north-west) boundary and has setbacks of approximately 2.5m – 3m at the third and fourth floor. One habitable room window is located within the north-west façade at each level and secluded private open space (projecting terraces) are provided to the south-east side of the dwellings.
- (iv) The development has a contemporary, rectilinear form and has a maximum overall height of approximately 17.5m, with screened services above (see figures 9-11 below)



Figure 9 – Queens Pde elevation of approved development under planning permit PLN17/0705.



**Figure 10 – North-east laneway elevation of approved development under planning permit PLN17/0705.**



**Figure 11 – Upper level floor plan of approved development under planning permit PLN17/0705.**

41. The subject site is (see figure 12) is located within/adjacent to the Queens Parade Neighbourhood Activity Centre and within proximity to the following:
- (a) Public Transport - 34m north of tram service along Queens Parade (No. 86); 330m north-west of Clifton Hill Railway Station; within 50m of bus services No. 546 (along Queens Parade) 250/251 (along Rushall Crescent) and 504 (along Michael Street); approximately 300m from Hoddle Street bus services.
  - (b) Public Parkland/Reserves - 73m north-west of Raines Reserve; 124m north-west of Mayors Park; 265m north of the Darling Gardens and 516m east of Edinburgh Gardens.





Figure 12 Aerial photo of site and surrounds (Source: Nearmap 29/4/21)

## Planning Scheme Provisions

### Zoning

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

42. The site is located within the Commercial 1 Zone (C1Z). The relevant purpose of the C1Z is:
- (a) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
  - (b) *To provide for residential uses at densities complementary to the role and scale of the activity centres.*
43. Pursuant to clause 34.01-1, a planning permit is not required for accommodation (including dwelling) provided any frontage at ground floor level does not exceed 2m. As the frontage associated with dwellings exceeds 2m at ground floor, a permit is required to use the land for dwellings.
44. Pursuant to clause 34.01-4, a planning permit is required to construct a building or construct or carry out works. The decision guidelines are set out at Clause 34.01-8.

### Overlays

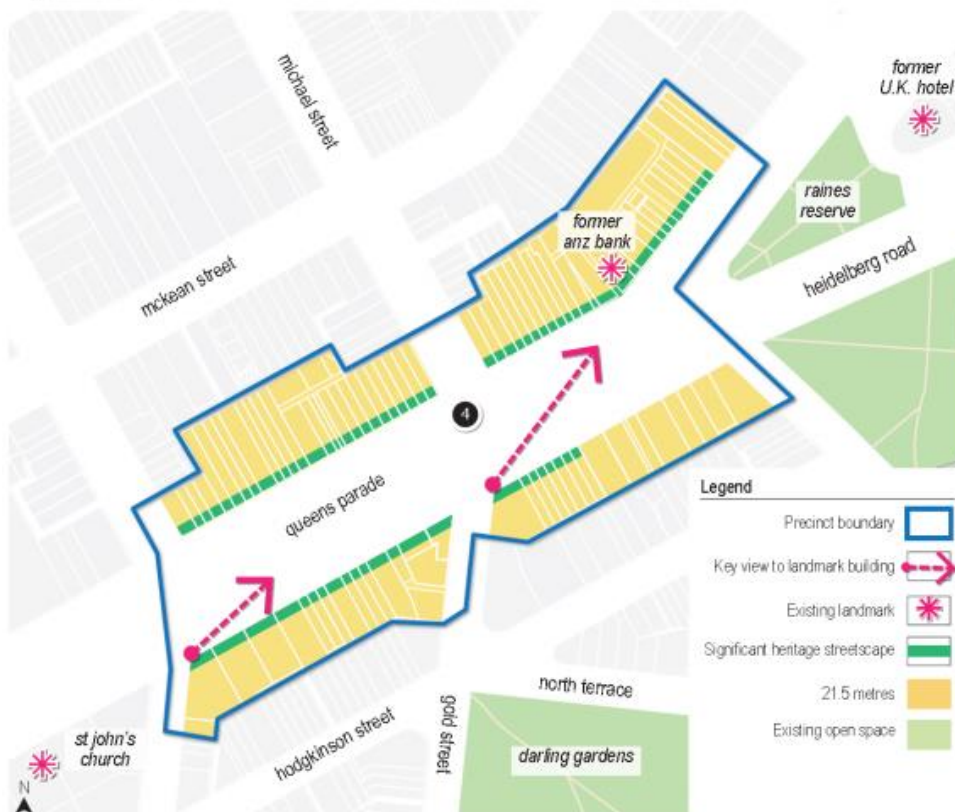
#### *Clause 43.01 – Heritage Overlay*

45. The subject site is affected by Schedule 327 to the Heritage Overlay. The following provisions are applicable:
- (a) Pursuant to clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building and to construct or carry out works.
  - (b) The site has no grading (it is unlisted) in the incorporated document *City of Yarra Database of Heritage Significant Areas, July 2020*.

*Clause 43.02 – Design and Development Overlay (Schedule 20) – Queens Parade*

46. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works.
47. Schedule 20 to DDO20 identifies that the subject site is located in Precinct 4 - Activity Centre Precinct (see figure 13).
48. Of relevance to the application, pursuant to Table 4 of clause 43.02 (Schedule 20):
  - (a) The mandatory maximum height for Precinct 4 is 21.5m;
  - (b) The mandatory upper level setback from Queens Parade is a minimum of 6m (as applicable to a significant heritage streetscape area).
  - (c) The setback from a rear boundary (C1Z interface) is a minimum 3m above 11m (preferred).
  - (d) Side and rear setbacks (NRZ interface) is 45 degrees angle above 8m from rear boundary where there is a laneway (preferred).

**Map of Precinct 4**



**Figure 13 – Map of Precinct 4 from DDO20**

49. Pursuant to Clause 2.2 of Schedule 20:
  - (a) *A permit cannot be granted to construct a building or carry out works which are not in accordance with the mandatory requirements specified in the relevant Precinct Tables.*
  - (b) *A permit cannot be granted to construct a building or carry out works which exceeds the preferred building height and setbacks shown in the relevant Precinct Tables unless the following requirements are met, to the satisfaction of the responsible authority:*
    - (i) *The built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0; and*
    - (ii) *The built form outcome as a result of the proposed variation satisfies the relevant requirements specified in this schedule.*



50. Clause 2.4.1 of Schedule 20 sets out specific design requirements for Precinct 4 and includes the following mandatory design requirement:
- (i) *Development must protect and maintain key view lines and visual prominence of the former ANZ Building from the south-west and north-east, in particular to the upper floor, roof form and chimneys. A permit cannot be granted to construct a building or carry out works if it does not meet this requirement.*
51. Pursuant to Clause 5 of Schedule 20, the requirements of this overlay cease to have effect after 12 September 2021. This is sought to be replaced by Schedule 16 of the DDO, which is currently with the Minister for Authorisation.
52. As will be discussed within the assessment, the proposed development is fully compliant with the relevant requirements of DDO20.

*Clause 45.06 – Development Contributions Plan Overlay (Schedule 1) (DCPO1)*

53. The subject site is affected by the Development Contributions Plan Overlay (Schedule 1). This overlay requires developers to pay a contribution towards essential city infrastructure like roads and footpaths, as well as community facilities. The overlay is applicable to the proposed development as it results in the provision of new dwellings. A condition and a note have been included in the recommendation to require the development contributions to be met prior to commencement of the development.

Particular Provisions

*Clause 52.06 – Car Parking*

54. Clause 52.06-1 of the Scheme prescribes that a new use must not commence, or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. The table below outlines the car parking requirements for the proposal (pursuant to Table 1 at Clause 52.06-5), the proposed car parking provision on site and the resultant car parking reduction. As the subject site is located within the *Principal Public Transport Network Area*, the applicable column of Table 1 is column B, which has reduced car parking requirements.

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated	Reduction of Parking Required
One-bedroom dwelling	1	1 space per dwelling	1	0	
Two-bedroom dwelling	10		10	11	
Two bedroom dwellings – TH6 & TH7 (with separate study counted towards car parking)	2	2 spaces per dwelling	4	0	
Three-bedroom dwelling	3		6	5	
Total			21 Spaces	16 Spaces	5 spaces

55. As shown in the table above, the development requires a planning permit for a car parking reduction pursuant to Clause 52.06-3. A reduction of 5 spaces is sought.

*Clause 52.34 - Bicycle facilities*

56. Pursuant to Clause 52.34-1, this provision is not applicable to residential developments of less than four storeys.

*Clause 53.18 – Stormwater Management in Urban Development*

57. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:

- (a) *Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.*
- (b) *Should meet all of the standards of Clauses 53.18-5 and 53.18-6.*

*Clause 55 - Rescode*

58. As the proposed works relate to the construction of two or more new dwellings on a lot, this clause will be used as a guideline to assess relevant built form outcomes and amenity impacts.

General Provisions

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

Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework., as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is offered in further in this report.

Planning Policy Framework (PPF)

60. Relevant clauses are as follows:

*Clause 11.01-1R (Settlement - Metropolitan Melbourne)*

61. Relevant strategies include;

- (a) *Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.*
- (b) *Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

*Clause 11.03 (Planning for Places)*

*Clause 11.03-1S (Activity Centres)*

62. 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)*

63. The relevant objective of this clause is:

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

64. Noise abatement issues are measured against relevant State Environmental Protection Policy (SEPP) and other Environmental Protection Authority (EPA) regulations.

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

65. The objective of this clause is:

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

*Clause 15.01 – Built Environment and Heritage*  
*Clause 15.01-1S (Urban design)*

66. The objective is:

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

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

67. The objective is:

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

*Clause 15.01-2S (Building Design)*

68. The objective is:

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

69. Relevant strategies of this clause are:

- (a) *Require a comprehensive site analysis as the starting point of the design process.*
- (b) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
- (c) *Ensure development responds and contributes to the strategic and cultural context of its location.*
- (d) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (e) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- (f) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- (g) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
- (h) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
- (i) *Encourage development to retain existing vegetation.*

70. This clause also states that planning must consider as relevant:

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

*Clause 15.01-4S (Healthy neighbourhoods)*

71. The objective is:

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

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

72. The strategy is:

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

*Clause 15.01-5S (Neighbourhood character)*

73. The objective is:

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

74. Strategies are:

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

*Clause 15.02 (Sustainable Development)*

*Clause 15.02-1S (Energy and resource efficiency)*

75. The objective is:

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

76. Strategies are:

- (a) *Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.*
- (b) *Promote consolidation of urban development and integration of land use and transport.*
- (c) *Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.*
- (d) *Support low energy forms of transport such as walking and cycling.*
- (e) *Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation.*
- (f) *Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.*

*Clause 15.03 (Heritage)*

*Clause 15.03-1S (Heritage conservation)*

77. The objective is:

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

78. Strategies include:

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

*Clause 16 – Housing*

*Clause 16.01 – Residential Development*

*Clause 16.01-1S – Housing Supply*

79. The objective is:
- (a) *To facilitate well-located, integrated and diverse housing that meets community needs.*
80. Strategies include:
- (a) *Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.*
  - (b) *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.*
  - (c) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport. Identify opportunities for increased residential densities to help consolidate urban areas.*
  - (d) *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*
  - (e) *Encourage the development of well-designed housing that:*
    - (i) *Provides a high level of internal and external amenity*
    - (ii) *Incorporates universal design and adaptable internal dwelling design.*
  - (f) *Support opportunities for a range of income groups to choose housing in well-served locations.*
  - (g) *Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*

*Clause 16.01-1R – Housing Supply -Metropolitan Melbourne*

81. Strategies are:
- (a) *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.*
  - (b) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
  - (c) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*
  - (d) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
  - (e) *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.*
  - (f) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing*



*Clause 16.01-2S – Housing Affordability*

82. The objective is:
- (a) To deliver more affordable housing closer to jobs, transport and services.
83. Strategies include:
- (a) *Improve housing affordability by:*
    - (i) *Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.*
    - (ii) *Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.*
    - (iii) *Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.*
    - (iv) *Increase the supply of well-located affordable housing by:*
      - *Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.*
      - *Ensuring the redevelopment and renewal of public housing stock better meets community needs.*

*Clause 18.01 – Integrated Transport*

*Clause 18.01-2S – Transport System*

84. The objective is:
- (a) To coordinate development of all transport modes to provide a comprehensive transport system.
85. Strategies include:
- (a) Consider all modes of travel, including walking, cycling, public transport, taxis and private vehicles (passenger and freight) in providing for access to new developments.

*Clause 18.02-1S – Sustainable personal transport*

86. The objective is:
- (a) *To promote the use of sustainable personal transport.*
87. Strategies include:
- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
  - (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
  - (c) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*

*Clause 18.02-1R - Sustainable personal transport- Metropolitan Melbourne*

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

*Clause 18.02-2S - Public Transport*

89. The objective is:

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

*Clause 18.02-2R - Principal Public Transport Network*

90. 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*

91. The objective is:

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

92. Relevant strategies are:

- (a) *Design and locate local car parking to:*
  - (i) *Protect the role and function of nearby roads.*
  - (ii) *Enable easy and efficient use*
  - (iii) *Enable the movement and delivery of goods.*
  - (iv) *Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.*
  - (v) *Create a safe environment, particularly at night.*
  - (vi) *Facilitate the use of public transport.*
- (b) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

[Local Planning Policy Framework \(LPPF\)](#)

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.03 – Vision*

93. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS.

*Clause 21.04 – Land Use*

94. The relevant objectives and strategies of this clause are ‘to accommodate forecast increases in population’ and to ‘support residual population increases in established neighbourhoods’.

*Clause 21.04-1 – Accommodation and housing*

95. The relevant Objectives of this Clause are:

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

*Clause 21.04-2 – Activity Centres*

96. The relevant objectives of this Clause are:

- (a) *To maintain a balance between local convenience and regional retail roles in Yarra’s activity centres.*
- (b) *To maintain the long term viability of activity centres.*

- (i) *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
- (ii) *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*
- (iii) *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

*Clause 21.05 Built Form*

*Clause 21.05-1 – Built Form: Heritage*

97. The objective of this clause is to “*protect and enhance Yarra’s heritage places*”. Of particular relevance to this application are the following strategies:
- (a) *Strategy 14.1: Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
  - (b) *Strategy 14.8: Apply the Development Guidelines for sites subject to a Heritage Overlay policy at Clause 22.02.*

*Clause 21.05-2 – Urban design*

98. This clause incorporates the following relevant objectives to achieve:
- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
  - (b) *Objective 17 - To retain Yarra’s identity as a low-rise urban form with pockets of higher development*
  - (c) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
    - (i) *Significant upper level setbacks*
    - (ii) *Architectural design excellence*
    - (iii) *Best practice environmental sustainability objectives in design and construction*
    - (iv) *High quality restoration and adaptive re-use of heritage buildings*
    - (v) *Positive contribution to the enhancement of the public domain*
    - (vi) *Provision of affordable housing.*
  - (d) *Objective 20 - To ensure that new development contributes positively to Yarra’s urban fabric.*

*Clause 21.05-4 Public environment*

99. The relevant objective of this clause is:
- (a) *Objective 28 - To provide a public environment that encourages community interaction and activity.*

*Clause 21.06 – Transport*

*Clause 21.06-1 – Walking and cycling*

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

*Clause 21.07 Environmental Sustainability*

*Clause 21.07-1 – Ecologically sustainable development*

101. The relevant objective of this clause is:
- (a) *Objective 34 To promote ecologically sustainable development.*

*Clause 21.08 Neighbourhoods*

102. Both the North Fitzroy and Clifton Hill neighbourhoods are relevant to the subject site as while the site is located in Fitzroy North, it is on the interface with Clifton Hill (the southern side of Queens Parade).
103. Clause 21.08-8 (North Fitzroy) includes the following description: *the neighbourhood is largely residential. The northern part of North Fitzroy has a low density residential character consisting of late Victorian and early Edwardian double fronted dwellings. Further south dwellings are more likely to be single fronted and one or two storeys.*
104. Clause 21.08-4 (Clifton Hill) includes the following description: *largely residential neighbourhood has good public open space including the parklands associated with the Yarra River and Merri Creek to its east and Darling Gardens and Mayors Park located within the neighbourhood. The Queens Parade centre is a mixed use centre with strong convenience retailing. There is an opportunity to create stronger linkages between the community facilities to the east and the centre.*
105. Figure 11 of clause 21.08-4 indicates that the site adjoins the Queens Parade Neighbourhood Activity Centre.

Relevant Local Policies

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

106. The applicable objectives of this policy are:
- (a) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
  - (b) *To retain significant view lines to, and vistas of, heritage places.*
  - (c) *To preserve the scale and pattern of streetscapes in heritage places.*
    - (i) *To ensure that additions and new works to a heritage place respect the significance of the place.*
    - (ii) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*
    - (iii) Pursuant to the incorporated document *City of Yarra Database of Heritage Significant Areas, July 2020* land at 390A Queens Parade Fitzroy North is omitted from the Appendix does not have any grading; and

*Clause 22.02-5.1 Demolition*

107. In relation to full demolition or removal of a building, it is policy to:
- (a) *Generally encourage the retention of a building in a heritage place, unless the building is identified as being not contributory.*
108. In relation to removal of part of a heritage place or contributory elements, it is policy to:
- (a) *generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
    - (i) *for a contributory building:*
      - *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or*
      - *the removal of the part would not adversely affect the contribution of the building to the heritage place.*

*Clause 22.02-5.7 New Development, Alterations or Additions*

*Clause 22.02-5.7.1 – General*

109. Encourage *the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
- (a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
  - (b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
  - (c) *Be visually recessive and not dominate the heritage place;*
  - (d) *Be distinguishable from the original historic fabric; and*
  - (e) *Not remove, cover, damage or change original historic fabric.*

*Clause 22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)*

*Industrial, Commercial and Retail Heritage Place or Contributory Elements*

110. Encourage *new upper level additions and works to:*
- (a) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*
  - (b) *Incorporate treatments which make them less apparent.*

*Clause 22.05 – Interface Uses Policy*

111. Objectives at Clause 22.05-2 aim:
- (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
  - (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*
112. Clause 22.05-3 outlines the following policy:
- (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*

*Clause 22.07 – Development Abutting Laneways*

113. The objectives of this clause are:
- (a) *To provide an environment which has a feeling of safety for users of the laneway;*
  - (b) *To ensure that development along a laneway acknowledges the unique character of the laneway; and*
  - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*

*Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)*

114. This policy applies to new buildings and extensions to existing buildings which are 50sqm in floor area or greater. The relevant objective of this policy is to achieve the best practice water quality performance objectives set out in the *Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.*



*Clause 22.17 – Environmentally sustainable development*

115. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The following objectives should be satisfied where applicable:
- (a) *Energy performance;*
  - (b) *Water resources;*
  - (c) *Indoor environment quality;*
  - (d) *Stormwater management;*
  - (e) *Transport;*
  - (f) *Waste management;*
  - (g) *Urban ecology.*

## Advertising

116. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 180 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received 29 objections, the grounds of which are summarised as follows):
- (a) Overdevelopment of site (excessive height; number of dwellings; and inadequate setbacks);
  - (b) Inconsistency with neighbourhood character;
  - (c) Adverse heritage impacts (loss of heritage fabric and alterations to the former bakehouse building (including single storey component); and proposed new built form);
  - (d) Off-site amenity impacts (visual bulk; overlooking; noise from traffic, roof terraces use and air conditioners);
  - (e) Non-compliance with rear setback provisions of proposed Design & Development Overlay (Schedule 16);
  - (f) Public safety (scale of building will create an unsafe pedestrian environment in laneway, especially at night)
  - (g) Traffic impacts (congestion and pedestrian and cyclist safety conflicts);
  - (h) Inadequate provision of car parking;
  - (i) Inadequate provision of bicycle parking;
  - (j) Inadequate vehicle access via laneways (including for cars, larger vehicles such as waste and delivery trucks, and emergency service vehicles);
  - (k) Obstruction of vehicles by objects (e.g. bins) placed within the ground level areas adjacent laneway (Section 173 agreement needed);
  - (l) Waste management (lack of glass, food waste or green waste bins and blockage of laneway by waste vehicles and bins);
  - (m) On-site amenity (lack of ventilation for bin storage; lack of vegetation; lack of acoustic protection to dwellings from noise associated with commercial properties fronting Queens Parade);
  - (n) Disruption of power supply to commercial properties fronting Queens Parade (subject site contains electricity meters for some properties);
  - (o) Inaccuracies and/or omissions of relevant information (within town planning report, traffic report, and waste management report and lack of heritage impact statement)
  - (p) Loss of access to surrounding properties on laneway during construction.

117. A planning consultation meeting was not held.

## Referrals

118. The referral comments are based on the decision plans (i.e. the advertised plans).

## External Referrals

119. The application was not required to be referred externally.

### Internal Referrals

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

- (a) Heritage Adviser;
- (b) Urban Design Unit;
- (c) Engineering Services Unit;
- (d) ESD Adviser;
- (e) Strategic Planning Unit;
- (f) City Works (Waste) Unit; and
- (g) Open Space Unit.

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

### **OFFICER ASSESSMENT**

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

- (a) Strategic context;
- (b) Dwelling land use;
- (c) Demolition (heritage);
- (d) New built form (design development overlay and heritage);
- (e) Clause 55;
- (f) Environmentally Sustainable Design
- (g) Car parking, traffic, access and bicycle provision; and
- (h) Objector Concerns.

### Policy and Strategic Support

123. The development proposes 16 new dwellings (in a townhouse format), partly using existing built form, within a well serviced inner-city area, close to public transport and employment in the Commercial 1 Zone and an Activity Centre.

124. Clause 71.02-3 (Integrated Decision Making) requires planning authorities to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

125. There is strong policy support across both the Planning Policy Framework and Local Planning Policy Framework for both urban consolidation and housing in this location as follows:

- (a) The provision of housing in established urban areas with good access to public transport, services and employment (e.g. Clause 16.01-1S);
- (b) The provision of a diversity of housing types catering to people across different life stages (e.g. Clause 16.01-1S and 16.01-2S);
- (c) The provision of housing that is well-designed and provides a high standard of internal and external amenity (e.g. Clause 16.01-1S);
- (d) The provision of higher density housing in areas that have good access to and around activity centres (e.g. Clause 11.03-1S, Clause 16.01-1S) including in Neighbourhood Activity Centres and in particular those that have good access to public transport (e.g. Clause 16.01-1R);
- (e) The provision of housing in activity centres that does not compromise the business function of the activity centre (e.g. Clause 21.04-2) and development that contributes to the consolidation and viability of existing activity centres (e.g. Clause 21.05-2);
- (f) The provision of housing in built up urban areas and to meet the forecast increases in population (e.g. Clause 16.01-1R and Clause 21.04-1).

126. Furthermore, there is strategic support in the planning policy framework and local planning policy framework for reducing reliance on motor vehicle transport in favour of more sustainable modes of transport such as cycling, walking and public transport (e.g. Clause 18.02-1S, Clause 18.02-2S) whilst ensuring there is still adequate car parking provisions (e.g. Clause 18.02-4S).
127. The Planning Policy Framework and Local Planning Policy Framework also requires that imperatives for urban consolidation and new development must be balanced against imperatives to protect neighbourhood character and heritage values, ensure development makes a positive contribution to the public realm, and mitigates off-site amenity impacts associated with built form and use (e.g. Clause 15.01-1S, Clause 15.01-2S, Clause 15.01-5S, Clause 21.05-1 and Clause 21.05-2). It also seeks to ensure new built form mitigates against adverse environmental impacts and provides a good quality environment for occupants (e.g. Clause 15.02-1S and Clause 21.07).
128. The proposal achieves broad support from higher level objectives of the Scheme, The remainder of the assessment will provide a detailed review of the proposal against relevant policies and decision guidelines to follow will provide seeks to balance the competing objectives of the Scheme, in particular, achieving urban consolidation outcomes whilst ensuring the amenity, built form character and heritage character of the surrounding area is not unreasonably impacted..

#### Dwelling land use

129. Under clause 34.01-2 of the Scheme, the use of the site for a dwelling requires a planning permit where the frontage at ground floor exceeds 2m. In terms of the Commercial 1 zoning of the land, the purposes include:
- (a) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
  - (b) *To provide for residential uses at densities complementary to the role and scale of the activity centres.*
130. The proposed permit required use is considered to be consistent with the purpose of the Commercial 1 Zone to provide for a range of uses which contribute to the vibrancy of the area as the increased density of residential development would bring more people into the area, helping to facilitate the economic development of the area. Furthermore, the density of the residential development - being denser than the surrounding residential zoned land but not as dense as a larger scale apartment development - would be harmonious with the role and scale of the neighbourhood activity centre both current and envisioned in planning policies.
131. Furthermore, it is noted that the trigger for a planning permit for use of the land for a dwelling is the occupation of more than 2m frontage at ground level for the dwelling use, with a dwelling otherwise an as-of-right use. In this case, the site's only frontages to the public realm are to surrounding laneways. As the site does not have any direct frontage to Queens Parade and is accessible only via a laneway from Queens Parade, the occupation of ground floor frontages by the dwellings would not detract from the commercial activity along Queens Parade. As detailed earlier, this is also in line with broader strategic policies of the Planning Policy Framework. In addition, it is also supported by the decision guidelines of the Commercial 1 Zone, which require consideration of impacts on surrounding land uses. The residential uses would have a low impact on surrounding amenity in relation to noise, lightspill or traffic (see the "Car parking, traffic, access and bicycle provision" section of the assessment for an assessment of traffic impacts).

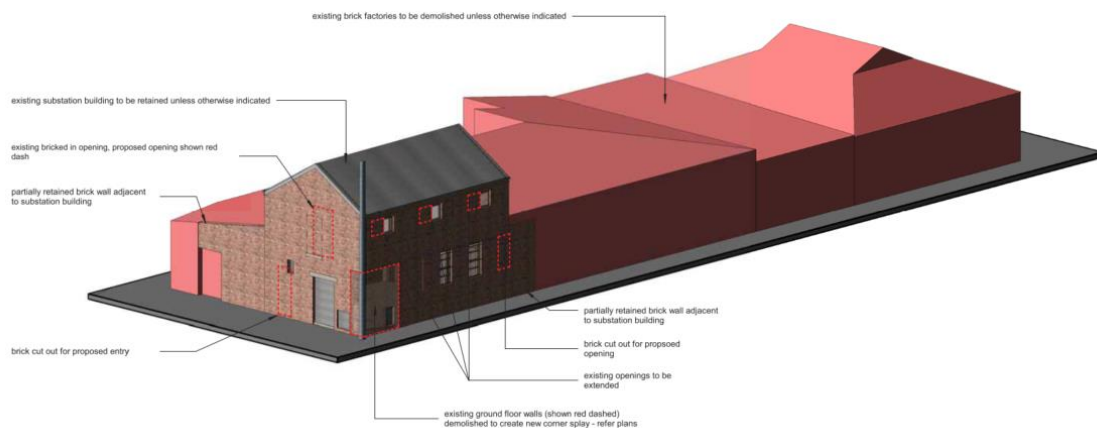
132. In addition, the use of the commercial zoned land for purely residential purposes provides a buffer between commercial uses and more sensitive residential land use fronting McKean Street, which is located within residential zoned land.
133. In respect of amenity impacts, Clause 22.05 seeks to ensure that new residential use (and development) *includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*
134. To the south-east and south-west is commercial zoned land which is part of the Queens Parade Neighbourhood Activity Centre and hosts a range of commercial uses, including a number of licensed food and drink premises. Higher levels of noise from commercial activities, mechanical equipment and traffic noise from Queens Parade (an arterial road) would be expected.
135. The following design features would mitigate against adverse impacts from this commercial interface:
- (a) There are no windows (solid walls only) to the south-west elevation and part of the south-east elevation.
  - (b) All windows and doors for the development are to be double-glazed (commitment within the Sustainable Management Plan);
  - (c) Bedrooms and main living areas are located at first floor and above which would reduce noise impact from commercial delivery vehicles within the laneways (including private road to the south-east).
  - (d) Council's General Local Law sets limits on hours for deliveries and collection from commercial premises without a local law permit.
136. However, as it is not clearly stated on the plans that all glazed windows and doors will be double-glazed, a condition will require a notation to this effect.
137. Overall, it is considered that the proposed dwelling use is an appropriate fit in this site context and can be supported having regard to relevant policies and objectives.

#### Demolition (Heritage)

138. The objectives and decision guidelines of Clause 43.01 of the Scheme will guide assessment of the proposed demolition as well as Council's local heritage policy at Clause 22.02 of the Scheme.
139. Of relevance to consideration of demolition, as detailed the "background" section of this report, as part of Amendment C231 (part 2), the following changes to the heritage controls and gradings applicable to the subject site are proposed:
- (a) The site is proposed to be removed from the North Fitzroy Heritage Precinct HO327) and relocated to the Queens Parade Heritage Precinct (HO330).
  - (b) The buildings on-site (all currently ungraded) are proposed to have the following gradings applied:
    - (i) Double-storey component of former bakehouse building – "contributory"
    - (ii) Single-storey component of former bakehouse building – to remain as ungraded; and
    - (iii) Remaining buildings on-site – "not contributory".
140. Given Amendment C231 (part 2) is seriously entertained it must be given substantial weight in the assessment of the proposal. However, while Council is intending to undertake further strategic work to re-grade the single-storey portion of the former bakehouse building as "contributory" to HO330 (via the Planning Scheme amendment process) this has no formal status at this time.



141. The proposal includes the demolition of most the existing buildings on-site, with the exception of parts of the former bakehouse building (both single and double-storey components) and a small section of adjoining north-west boundary wall.
142. The parts of the former bakehouse building to be removed include:
- (a) Most of the single-storey section (retaining a 5.3m long section of wall along the north-east boundary);
  - (b) Roof sheeting to the double-storey section;
  - (c) Part of the roof structure at the northern corner of the double-storey section;
  - (d) Existing windows, doors and parts of the north-east and north-west walls to the double-storey section.
143. The extent of demolition of the site is depicted in figure 14, however, this perspective does not show all parts of the former bakehouse building to be removed (it does not show removal of roof sheeting, removal of part of the roof structure at the northern corner; and removal of all existing doors and windows which are necessary to be removed to accommodate proposed external alterations). Ground and first floor demolition plans and elevations clearly showing all demolition will need to be provided via condition on any permit that issues.



**Figure 14 – General extent of demolition proposed (exclusive of proposed demolition of roof, doors and windows to former bakehouse building).**

144. The Heritage Overlay *includes* the following objective relevant to consideration of demolition:
- (a) *To conserve and enhance those elements which contribute to the significance of heritage places.*
145. Decision guidelines at Clause 43.01-8 also include consideration of *whether the demolition, removal or external alteration will adversely affect the significance of the heritage place*
146. Policy at Clause 22.02-5.1 of the Scheme, which provides guidance to give effect to heritage objectives of Clause 43.01, is supportive of removal of all or part of buildings graded as “not contributory” but does not support full demolition of “contributory” graded buildings and only supports part demolition of contributory buildings where:
- (a) *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or*
  - (b) *the removal of the part would not adversely affect the contribution of the building to the heritage place.*
147. Council’s Heritage Adviser supported the extent of demolition to the site with the exception of:

- (a) The removal of part of the roof structure at the corner of the double-storey portion of the former bakehouse building;
- (b) The widening of the upper level windows to the north-west elevation;
- (c) The opening associated with the upper level window to the north-east elevation (it was instead recommended that demolition be limited to the location of the former original window above the existing sill).

148. Also of relevance to consideration of the extent of demolition to the existing buildings on the subject site, the Tribunal's decision for the previous application PLN19/0155 (*Plenty & Dundas Pty Ltd v Yarra CC* [2019] VCAT 1950) includes the following finding in relation to the extent of demolition:

*[95] In summary then, weighing up the above considerations, my overall findings are as follows:*

- *There is a consensus that the double-storey remnant brick structure on the north-east corner of the subject land should be retained and I endorse this position.*
- *I accept that a convincing heritage case has been made for the retention of simply the east-facing single-storey brick wall to the immediate south of the double storey brick structure, noting that the applicant has acknowledged that this can be readily incorporated into the project through a new permit condition. Despite the further research work done by Mr Helms, I am not seeing any convincing case that the balance of the single storey structure coloured blue in the relevant plan at page 23 of the Maddocks submission should be considered 'Contributory' and retained.*
- *Consistent with my relevant conversation with Mr Cicero at the end of the hearing about this issue, I find that the existing 'splay' brick wall on the south-eastern corner of the existing remnant brick structure should be retained, if the relevant 'traffic movement considerations' allows for this. However it seems reasonable for this existing 'splay' fabric to be demolished, if this necessary to achieve a workable arrangement for vehicles to move through this part of the laneway area.*
- *In relation to the roof of the single-storey structure at the eastern end of the subject land, plus the south-facing wall of this structure, I find that neither of these features have any particular heritage value, such that it is reasonable that they be demolished. It is for example unclear whether the roof that currently exists is in fact the original roof built around 1900 – 1905.*
- *The Tribunal agrees with the consensus position that the balance of remnant brick structure over more the central and western areas of the subject land have no particular heritage value and can be demolished.*

149. Consistent with the Heritage Adviser's advice, and the Tribunal's decision on PLN19/0155, it is considered that the removal of the buildings that do not form part of the former bakehouse building (single and double-storey portions) can be supported. These buildings are currently ungraded and are proposed to be graded as "not contributory" as part of amendment C231 (Part 2) in recognition of their more recent construction date.

150. In terms of the proposed demolition to the former bakehouse building, the extent of proposed demolition to the single-storey part of the building is also supported.

151. Council's Heritage Adviser raised no concern with removal of the parts of the single-storey portion of the building and had noted that *The proposed partial retention of facades immediately adjoining the former bakehouse is considered acceptable on heritage grounds as it provides a visual evidence that the heritage building was not freestanding and that it was previously part of a larger complex and adjoin buildings.*
152. The Tribunal's comments also provide support for removal of parts of the single-storey portion of the building, including the roof and the corner splay as needed to facilitate traffic movement in the laneway.
153. Although the applicant is proposing to remove a section of the north-east facade where it adjoins the south-east façade, the portion to be removed largely comprises a non-original roller door.
154. The removal of parts of the north-east and north-west wall of the double storey building (to create a splay) is supported given that Council's Heritage Adviser has stated that *the demolition of the north-east corner of the building to create a safety splay is supported due to the context of the site abutting narrow laneways and historic examples of such a detail are not uncommon.* The support for the splay is also consistent with Tribunal's decision for the previous application PLN19/0155.
155. To the north-east facade:
- (a) Demolition is supported to non-original openings (small window and metal louvre door) as these are clearly non-original openings (no concern was raised by Council's Heritage Adviser in relation to these elements).
  - (b) Demolition of the existing roller door to the original opening is supported (maintains original opening and supported by Council's Heritage Adviser).
  - (c) Demolition of the brickwork to create the ground floor pedestrian entry door is support (Council's Heritage Adviser found this to be acceptable).
  - (d) Demolition of brickwork to the upper level to create a new opening for glazing/screening to the balcony is not supported. Council's Heritage Adviser found the opening to be unacceptable as it would be *of non-historic proportions and off-centre from the original opening.* A condition will therefore require the proposed opening be reduced in size to match the original opening (approximately 1.25m wide by 2.3m high) and located centrally above the existing lintel) or, alternatively, that existing brickwork to this area is retained. Details of the replacement window will also be specified (see heritage assessment of new works).
156. To the north-west façade:
- (a) The removal of the two existing lower level windows (to original openings) on the north-west elevation is supported, as per Council's Heritage Adviser's advice, given that openings will be retained in the same location and size as existing maintaining the same pattern and proportion of fenestration of the original building (further comments will be provided in regards to replacement windows to these openings in the section of the assessment pertaining to new built form).
  - (b) The removal of the brickwork to provide a new lower level window is supported, as per the Heritage Adviser's advice, on the basis that it is *consistent with the pattern of existing window openings in this wall.*
  - (c) The removal of additional brickwork adjacent the existing upper level windows (to create new wider windows) is not supported (consistent with advice from Council's Heritage Adviser) as the windows appear to be original to the building. The removal of the existing windows (not shown on plans but implied by the extent of new works) would only be supported on the basis that they are replaced with traditional timber framed windows to match the existing (see discussion in the section of the assessment pertaining to new built form). This will be addressed by condition of any permit that issues.

157. The removal of part of the roof structure (to provide an opening over the balcony to TH11) is supported by Council officers as it will not be readily visible from the public realm, as demonstrated in figure 15 below and the photos in figure 2, 3, and 6 in the “Subject site” section of this report.



**Figure 15 – restricted view form north-west laneway to roof of former bakehouse**

158. Council's Heritage Adviser did not support the removal of the roof in this location, not specifically because of the removal of heritage fabric but rather as *this will result in the ability to see open sky through the north-east window opening from street level. Given that retention of the main roof form is a key heritage policy, it will be obvious from the laneway that the roof has been removed and the building is nothing more than a shell at this point. It is strongly recommended that the space currently proposed for a balcony be enclosed and the balcony relocated to a less obvious location.*
159. However, this concern is addressed by the conditions outlined earlier requiring the retention of the original upper level window opening to the north-west façade and a reduced window size to the upper level north-east façade (with the addition of screening up to 1.7m above finished floor level to address overlooking as will be discussed in the overlooking objective assessment of Clause 55) views from the laneway through windows to the open sky would be limited and presence of the open balcony would not draw attention to itself or be immediately apparent to pedestrians within the adjacent laneways. The removal of the portion of the roof over the proposed balcony is, in this instance, considered to be a relatively unobtrusive modification to the building to facilitate its adaptive re-use.
160. Overall, subject to the conditions outlined above, the extent of demolition is considered to result in an acceptable outcome from a heritage perspective. The proposed demolition will not undermine the integrity of double-storey portion of the former bakehouse building and will strike an appropriate balance between retaining historic building fabric while facilitating the adaptive re-use of the existing building which provides an appropriate level of amenity and supports urban consolidation goals.

[Design & Development Overlay \(including heritage impact of new built form\):](#)

161. The site is subject to the Design & Development Overlay (Schedule 20) relating to Queens Parade. In addition, as detailed in the background section, permanent controls (consolidated DDO16) are being pursued under Amendment C231. Given the advanced stage of this amendment, it is considered seriously entertained and therefore significant weight must be given to the proposed permanent controls and changes to heritage controls and gradings that are contemplated for the subject site. As the Design and Development Overlay controls (as adopted) include various heritage considerations, it is relevant to assess heritage matters concurrently.



The objectives and decision guidelines of Clause 43.01 of the Scheme will also guide assessment of the proposal in addition to Council's local heritage policy at Clause 22.02 of the Scheme. Furthermore, as detailed earlier, changes to heritage controls and grading of the subject site that are sought as part of Amendment C231 (part 2) will also be given significant weight.

162. The table below provides a comparison between DDO20 and the proposed DDO16 (version adopted by Council and referred to the Minister for Planning for approval).
163. Built form requirements not specifically applicable to the subject site are included in the table as they provide an indication of built form outcomes envisaged by the proposed DDO16 for the adjacent parts of Queens Parade within Precinct 4 that are already subject to DDO16 (and equivalent controls).

DDO version	Requirement	Compliant?
<b>Maximum building height</b>		
Current DDO20	21.5m [Mandatory]	YES
Proposed DDO16	11m [Mandatory]	YES
<b>Front street wall height on Queens Parade</b>		
Current DDO20	Retain height of existing heritage façade Where no heritage façade exists, development must be: <ul style="list-style-type: none"> <li>a minimum of 8 metres</li> <li>a maximum of 11 metres or where there is an adjacent heritage building, the parapet height of that building if taller than 11 metres.</li> </ul> [Mandatory]	N/A
Proposed DDO16	For existing heritage facades: <ul style="list-style-type: none"> <li>Retain height of the wall height on existing heritage façade.</li> </ul> Where no heritage façade exists and there is no adjacent heritage building/s: <ul style="list-style-type: none"> <li>at least 8 metres in height and no higher than 11 metres in height.</li> </ul> Where no heritage façade exists and there is an adjacent heritage building/s: <ul style="list-style-type: none"> <li>at least 8 metres in height and no higher than 11 metres unless an adjacent heritage building has a parapet height of more than 11 metres, in which case no higher than the adjacent heritage parapet height.</li> </ul> [Mandatory]	N/A
<b>Street wall height - side streets</b>		
Current DDO20	Retain height of existing heritage façade Where no heritage façade exists development should be: <ul style="list-style-type: none"> <li>a minimum of 8 metres</li> <li>a maximum of 11 metres or where there is an adjacent heritage building, the parapet height of that building if taller than 11 metres</li> </ul> [Preferred]	N/A
Proposed DDO16	For existing heritage facades:	N/A

	<ul style="list-style-type: none"> <li>No higher than the existing heritage facade</li> </ul> <p>Where there is no heritage façade and there is no adjacent heritage building/s:</p> <ul style="list-style-type: none"> <li>at least 8m in height and no higher than 11m in height.</li> </ul> <p>Where no heritage façade exists and there is an adjacent heritage building/s:</p> <ul style="list-style-type: none"> <li>at least 8 metres in height and no higher than 11 metres unless there is an adjacent heritage building with a parapet height of more than 11 metres, in which case no higher than the adjacent heritage parapet.</li> </ul> <p><i>[Preferred]</i></p>	
<b>Minimum upper level setback Queens Parade</b>		
Current DDO20	<ul style="list-style-type: none"> <li>6 metres in significant heritage streetscape area.</li> </ul> <p><i>[Mandatory]</i></p> <ul style="list-style-type: none"> <li>8 metres at 364 Queens Parade</li> </ul> <p><i>[Mandatory]</i></p> <ul style="list-style-type: none"> <li>6 metres at 167-197 Queens Parade</li> </ul> <p><i>[Preferred]</i></p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
Proposed DDO16	8m	N/A
<b>Minimum upper level setback – side streets</b>		
Current DDO20	<ul style="list-style-type: none"> <li>6m</li> </ul> <p><i>[Preferred]</i></p>	N/A
Proposed DDO16	As above	N/A
<b>Street wall setback</b>		
DDO20	0 metre setback- built to front boundary at ground level	N/A
	<i>[Mandatory]</i>	
Proposed DDO16	As above	N/A
<b>Rear setback (C1Z interface)*</b>		
Current DDO20	Minimum 3 metres above 11 metres	YES
	<i>[Preferred]</i>	
Proposed DDO16	As above	YES
<b>Rear setback (NRZ interface)</b>		
Current DDO20	<ul style="list-style-type: none"> <li>45 degree angle above 8 metres from rear boundary to laneway</li> <li>45 degree angle above 5 metres where no laneway</li> </ul> <p><i>[Preferred]</i></p>	YES
Proposed DDO16	<p>Where there is a laneway:</p> <ul style="list-style-type: none"> <li>Height and setbacks as shown in Figure 1</li> </ul> <p>Where there is no laneway:</p> <ul style="list-style-type: none"> <li>Height and setbacks as shown in Figure 2</li> </ul> <p><i>[Preferred]</i></p>	<b>NO</b>

Figure 1 - Setback where there is a laneway to the side or rear

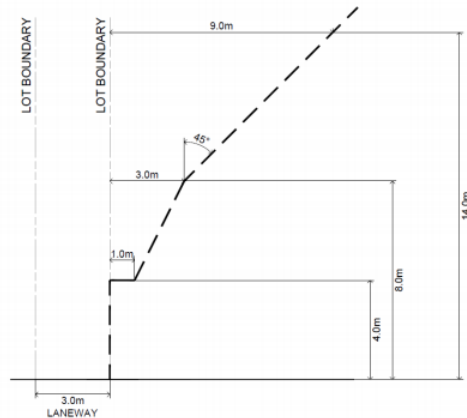
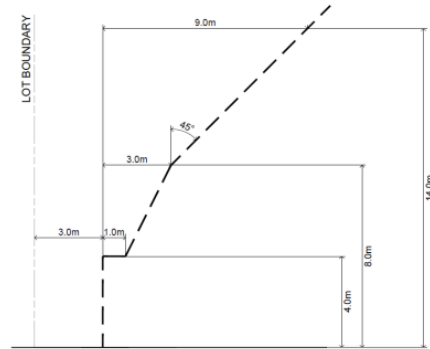


Figure 2- Setback where there is no laneway to the side or rear



\* The rear boundary setback has been applied to the south-east boundary of the subject site in the absence of designated "front" or "rear" title boundaries of the site.

### Height

164. As per the table above, the 11m height of the building is well under with the maximum mandatory building height permissible under the current DDO20 (21.5m), which must be met for a permit to be granted. It also achieves the proposed 11m maximum mandatory height control of proposed DDO16, with most of the development under this height (see sectional diagram below for typical section showing height of building) with only privacy screening elements reaching this height.

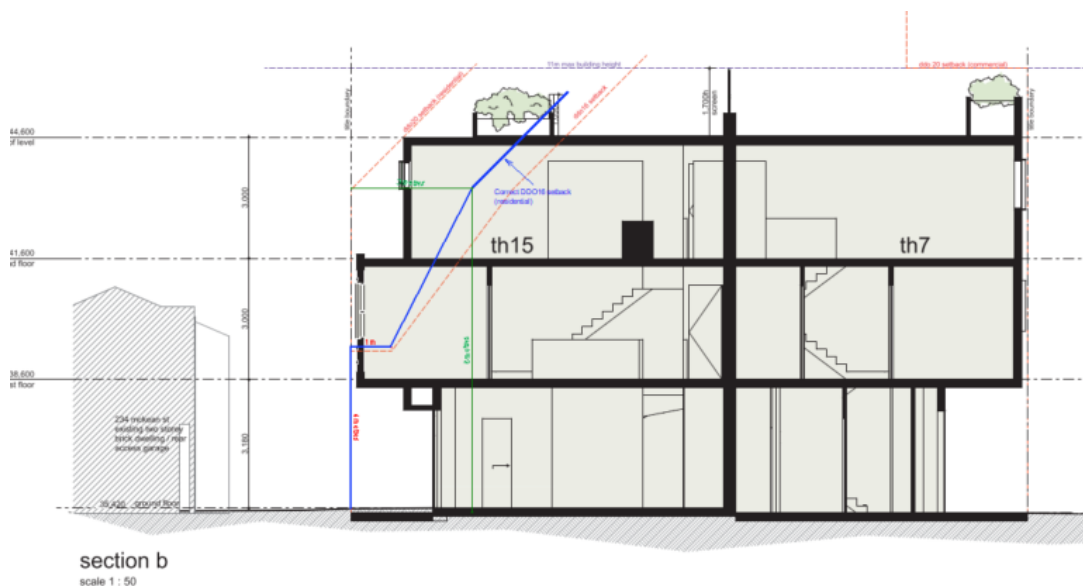


Figure 16 – Typical section showing elements projecting to maximum height

165. The design objectives of the DDO20 include to support a new mid rise character behind a consistent street wall in Precinct 4 and similarly the precinct design requirement seek to facilitate the appropriate mid rise infill of the sites located to the rear of commercial properties fronting Queens Parade, whereas, the proposed DDO16 instead supports the existing low-rise character in Precinct 4 as an objective and seeks to facilitate the appropriate low rise infill of the sites located to the rear of commercial properties fronting Queens Parade. The reduced mandatory maximum building height of the proposed DDO16 reflects this shift in the built form character objectives and design requirements.
166. The proposed development is consistent with the lower (three storey) scale envisaged by the proposed DDO16 controls and the upper level roof terraces are generally recessed from the title boundaries which further reduces their visual impact.

167. The proposed three storey building, plus roof terraces with maximum building height of 11m is in keeping with the low rise character of the area that is sought to be preserved by the proposed DDO16 controls.
168. In comparison to the previous proposal under PLN19/0155 (with most townhouses being four storeys plus roof terraces under that proposal) the development has been reduced in scale by a storey or approximately 3m. Lift access to roof terraces (now level 3 instead of 4) has also been removed whereas the previous development under PLN19/0155 including lift cores to some dwellings that projected higher above roof terraces at level 4 to a height of 15.3m (4.3m higher than the current proposed maximum height).
169. However, although none of the dimensioned heights on the elevations (and sectional diagrams) show any parts of the building exceeding 11m, there are some portions of the privacy screens and some minor projections associated with the stair access to the roof terraces (see figure 17 below) that are not dimensioned or captured in the sectional diagrams. To ensure these elements do not exceed the purported maximum 11m height, a condition of any approval will require additional sectional diagrams demonstrating the all upper level privacy screens and stair structures associated with the proposed roof terraces are no higher than 11m above natural ground level.



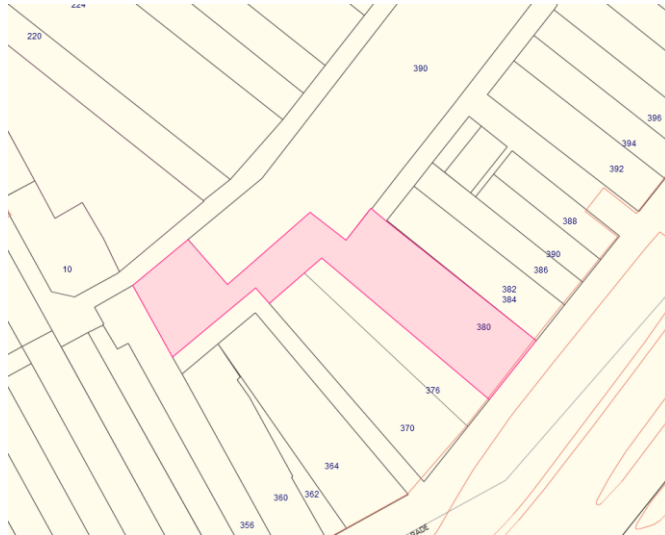
**Figure 17 – location of minor projections above privacy screens (north-west elevation)**

#### *Rear setbacks to C1Z*

170. The subject site does not have clearly defined "front" or "rear" title boundaries as it does not front the street. However, consistent with the Strategic Planning referral, it is considered that the "rear" setback requirements to the C1Z interface are applicable to the south-east boundary of the site.
171. The DDO20 and the proposed DDO16 have the same preferred requirements - a minimum 3m setback above 11m height (i.e. enabling up to 11m height on the boundary).
172. As per the above table, the development is compliant with this setback (maximum height of 10.39m along the south-east boundary) and with all higher sections within 3m of the boundary being no greater than 11m in height. Furthermore, elements up to 11m in height are only minor appurtenances (such as privacy screening between terraces).
173. It is noted that a relevant decision guideline of the DDO20 is *whether side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings*.
174. The C1Z zoned properties fronting Queens Parade largely accommodate commercial uses and form part of the Activity Centre. However, as per the site and surrounds, a dwelling is located at the rear of No. 386 Queens Parade including ground level secluded private open space.



175. Built form opposite the rear secluded private open space of this dwelling extends, in part, to the boundary to a height of approximately 10.2m, with the remainder of the building opposite set back at least 1.9m from the boundary and comprised of lightweight screening and growing frame structure up to the same height. Given the commercial zoning of the land, the amenity expectations for this dwelling must be tempered and in this context the 3m separation provided by the private road is considered sufficient to provide an acceptable outcome in relation to visual bulk. It is also noted that building envelope has been significantly reduced in comparison to the previous development proposed under application PLN19/0155, which proposed an on-boundary wall of approximately 10.2m across the full width of the rear of the property at No. 386 Queens Parade.
176. Although there are no other relevant decision guidelines of the DDO20, from the perspective of equitable development and amenity impacts to existing commercial properties to the south-east of the site are considered acceptable given that:
- (a) The adjoining property to the south-east against which the boundary wall extends up to 10.39m, is part of an irregular shaped parcel of land that is formally addressed as No. 380 Queens Parade – see Figure 18 below. Currently there is a single-storey industrial warehouse style building constructed to the shared boundary with the subject site and thus there would be little amenity impact from the proposed on-boundary construction.
  - (b) In terms of equitable development considerations, given the narrow width of this portion of No. 380 Queens Parade (approximately 6.3m wide) any new development on that site is likely to benefit from higher built form on the subject site's south-east boundary as re-development on that land would be unable to provide setbacks to both the subject site and the abutting sites to Queens Parade (Nos. 370 – 376 Queens Parade). New development would be able to take advantage of an aspect to the south-west (towards the abutting laneway) and to the south-east.
  - (c) Where the new building is constructed to the boundary with the “private road” to the south-east no windows are proposed to the boundary (only “faux” windows to Townhouse 6 and 7). The development otherwise provides lightcourts within the subject site to habitable room windows of the proposed development (see daylight to new windows in the Clause 55 assessment for further detail). This ensures any future development to the south-east would not be unreasonably constrained. The Clause 55 assessment also considers potential impact on habitable room windows of the development approved under PLN17/0705 to 388-390 Queens Parade.
  - (d) Council's Urban Designer has recommended that the parts of the screening and framing elements that are “unnecessary” to the south-east façade be deleted to ensure the development presents as *a series of discrete narrow forms that than a more singular mass*. However, given the screens and framing elements are lightweight, semi-permeable and set back from the boundary it is considered this is unnecessary to achieve articulation to this façade. Furthermore, there are no adverse amenity impacts from the screening itself. However, a condition will require the extent of these screens to be clearly detailed on the elevations as the extent is not clear.



**Figure 18 - land associated with No. 380 Queens Parade.**

177. While the wall on boundary adjacent to the C1Z land to the south-east is considered appropriate from an amenity and equitable development perspective, further consideration will be given to this in relation to the heritage impacts later in the DDO assessment.

*Rear setbacks to NRZ*

178. Setbacks from the NRZ are a critical aspect of determining the acceptability of the proposed development given it was the unreasonable visual impact of the building to the residential interface that was one of the key reasons for refusal of PLN19/0155 at the Tribunal.
179. In relation to setbacks from land in the Neighbourhood Residential Zone (Schedule 1) to the north-west of the site, the sections submitted confirm that the development is compliant with the preferred setbacks of the DDO20 – i.e. 8m maximum on-boundary height and 45 degree profile above.
180. This compares favourably to the previously proposed development under (refused) planning application PLN19/0155, which included elements both on the boundary and set back from the boundary that projected above the rear setback requirements of DDO20 (see figure 19).



**Figure 19 – Areas of non-compliance with the rear setbacks to NRZ under DDO20 for previous proposal under previous application PLN19/0155**

181. The rear setback to the NRZ1 does not comply with the more conservative setback applicable under the proposed DDO16 (as detailed in Figure 1 within the DDO20 controls) which represents a modified version of the Rescode side and rear setbacks standard – permitting wall heights of up to 4m on the boundary; up to 8m at a setback of 3m; and any higher walls thereafter set back within a 45 degree envelope.

182. The more generous setbacks of Council's preferred DDO16 can be given weight due to the controls being part of a seriously entertained amendment (Amendment C231 part 2) and this was also the approach taken by the Tribunal in relation to the previous proposal for the site under PLN19/0155 [P1950/2019].
183. Like the setbacks under DDO20, the proposed DDO16 setbacks to the NRZ are not mandatory but rather preferred and if a variation is to be considered Council must be satisfied that the relevant design objectives and guidelines are met.
184. In this respect it is considered relevant objectives of the proposed DDO16 relevant to the considerations are:
- (a) *To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new buildings provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.*
185. A requirement of the proposed DDO16 specifically in relation to the interface to residential properties in the NRZ is:
- (a) *Development should respond to the low scale form of existing development through an appropriate transition in building height and setbacks to ensure reasonable standards of amenity.*
186. There is also a new, more specific requirement regarding overshadowing that is equivalent to the overshadowing standard of Clause 55 where it pertains to dwellings in the NRZ or GRZ (overshadowing is assessed in the Clause 55 assessment, however, it is noted that there is no additional overshadowing to dwellings in the NRZ, consistent with the new DDO16 requirement).
187. In addition, the 390A Queens Parade Precinct 4 design preferred character statement within DDO16 (not contained in the DDO20) specifies that buildings and works should deliver:
- (a) *Upper level infill that reinforces the prevailing street wall and subdivision grain of significant streetscapes and transitions to residential abuttals to the rear.*
188. As per the Clause 55 assessment later in the report, there would be no adverse impacts on daylight and overshadowing to dwellings to the north-west.
189. In relation to the visual bulk to habitable rooms associated with the double-storey rear outbuildings, all such windows (one each associated with Nos 228, 234, 238 and 240 McKean Street) are elevated (located at first floor) and two of these are also highlight windows providing limited outlook. The 3m separation of the laneway provides sufficient visual relief from the proposed development given that the maximum height of on-boundary built form opposite these windows is also double-storey (approximately 6.2m high) with additional setbacks at level 2 and above. Furthermore, given these buildings directly interface with the Commercial 1 Zone, it is not reasonable to expect an uninterrupted outlook from these windows in perpetuity.
190. Where there are two storey outbuildings spanning the width of the rear of McKean St properties, the outbuildings will also help mitigate visual bulk of the new development from view from rear secluded private open space of dwellings (mostly at ground level) and associated habitable room windows beyond. Dwellings that have open backyards directly abutting the laneway are more sensitive to new built form as discussed below.
191. The Tribunal acknowledged the role of the rear double-storey outbuildings in mitigating visual bulk in their decision regarding the previous proposal under PLN19/0155 [P1950/2019]. They found that double-storey rear outbuildings would be a *major screening feature vis-à-vis the proposed northern façade, but only up to a certain point.*

However, concern was raised in particular with the light coloured projecting features walls to the north-west façade that extended to the laneway boundary. It was considered that the light colour and the height of those elements at the northern end contributed to the visual bulk of the building as per the passage below:

[156] *Turning to the second key issue, I do not doubt that the choice by the project designer to utilise these intended north-facing vertical brick architectural features was well-intended. Certainly, I have no problem with these brick architectural features on the southern façade, given the more robust interface back toward Queens Parade.*

[157] *However, I am unconvinced that (even allowing for the relevant adjacent double-story studios) it was a prudent/respectful choice for the northern façade to involve these quite visually strong light-coloured brick architectural features, given the greater sensitivity of this northern interface. The verticality of these features unnecessarily emphasises the considerable height of the northern façade. I consider that more could have been done with the choice of materials, colours and finishes to try to make the upper levels of the northern façade visually recessive and having a 'lightweight appearance'. Where the brick architectural feature has been utilised on a somewhat lower/more restrained basis on the western section of the northern façade, I am more comfortable with this treatment.*

[158] *Particularly where the eastern end of the proposed northern façade involves four such brick architectural features which essentially are sheer walls rising up (excluding the roof deck) over the two middle levels of the building on a 'zero setback' basis, I see this 'sheer walls' situation as inappropriately heavy-handed.*

192. The Tribunal also raised particular concern with the impact to dwellings that did not have the benefit of intervening double-storey built form [P1950/2019] also states:

[162] *Further to the west, where townhouses 12-13 and 1-3 would sit alongside the more open backyards to the north, I comment as follows. I consider that this part of the northern façade should not just achieve 'bare compliance', but very comfortably meet the DDO20 setback requirements. This would show respect for this more open interface to the north and the more generous setbacks for Precinct 4 suggested by the Amendment C231 Panel. However I do not see a need for this extent of the northern façade to achieve full compliance with the more generous Panel-preferred northern setback, given that the adjacent back yards to the north have a very generous depth and that townhouses 12 and 13 commendably drop down by one level.*

193. Compared to the previously proposed development under PLN19/0155, the building envelope is significantly reduced as it relates to the north-west (residential) interface, in particular, by:

- (a) Lower overall height of the development (maximum of three storeys plus roof terrace instead of four storeys plus roof terrace) – see figures 20 and 21;
- (b) Lower prevailing height of the on-boundary built form to the north-west boundary (residential interface) at the northern end of the development (see figures 20 and 21 and also sightline diagrams within figure 29 later in the report); and
- (c) Significantly greater setbacks at upper levels where opposite unobstructed ground level rear secluded private open space of No. 230 & 240 McKean St (see figure 22 and 23 which compare level 2 setbacks).

194. These changes respond directly to the Tribunal's criticisms of the previous design under PLN19/0155 [P1950/2019].



Figure 20 - 3D view of north-west elevation for previous proposal PLN19/0155



Figure 21 - 3D view of north-west elevation for current proposal

195. As the greatest concern of the Tribunal was the bulk of the building to ground level rear secluded private open space associated unobstructed by rear double-storey outbuildings (Nos 218, 220, 224 and 230 McKean Street) further analysis is provided below in relation to these areas.

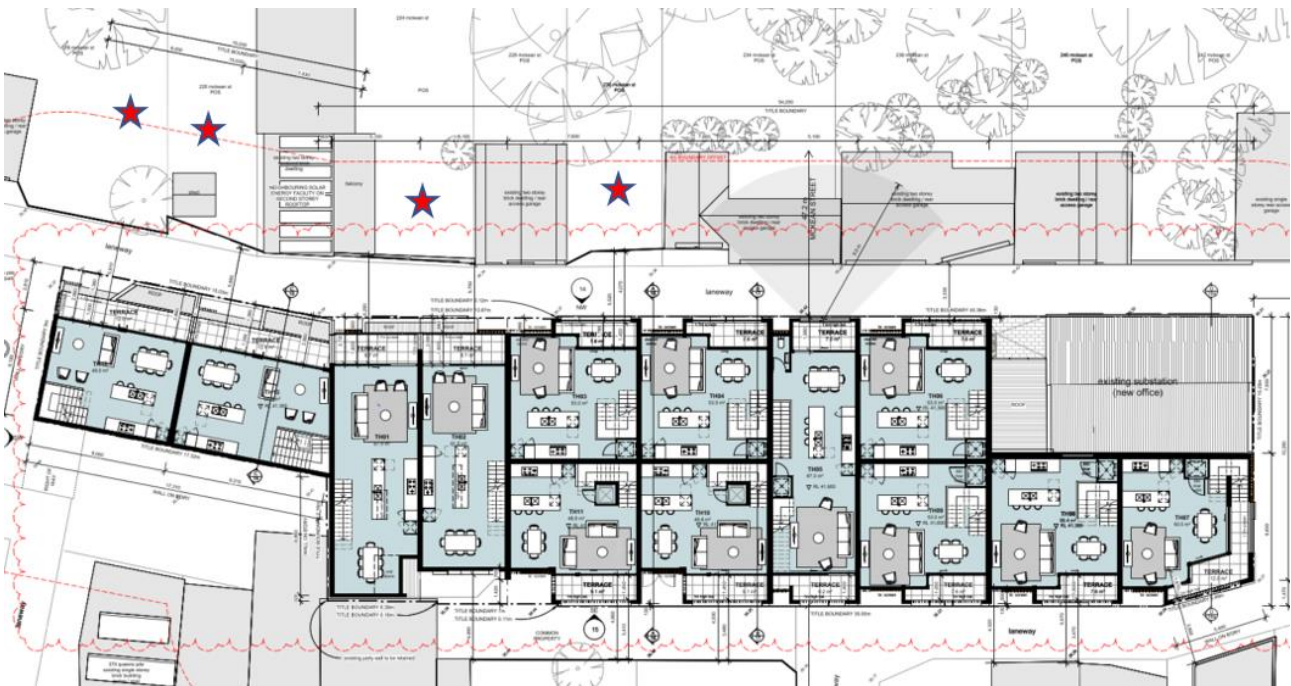


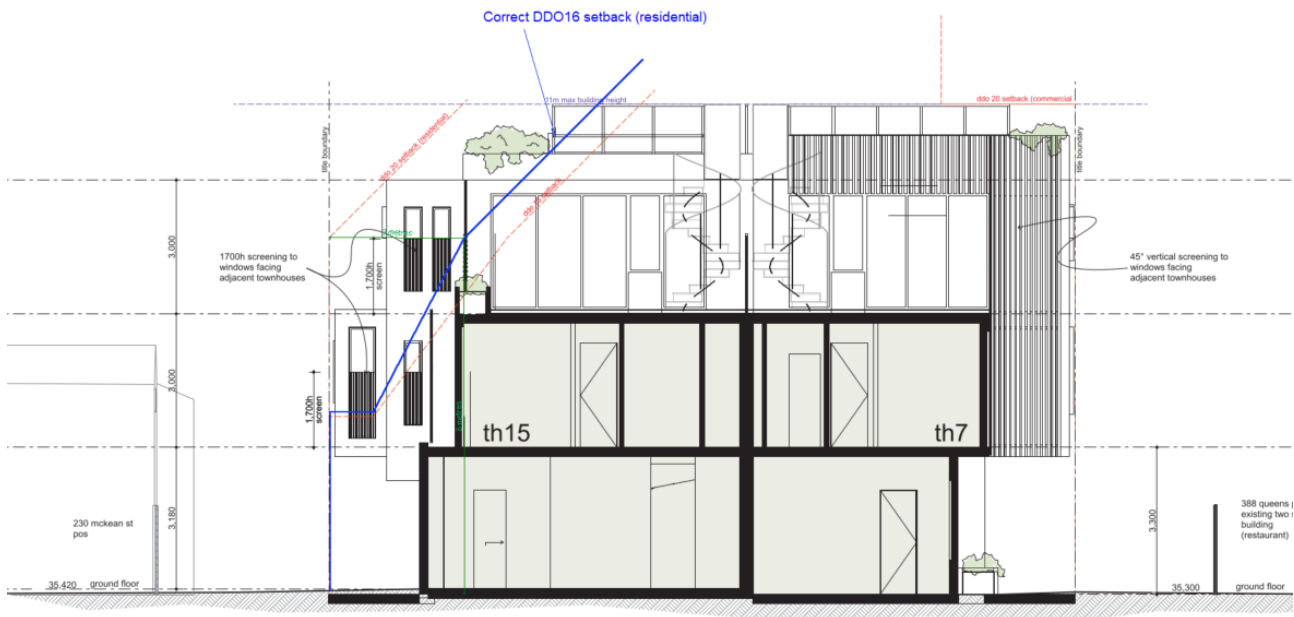
Figure 22 – Proposed Level 2 under previous proposal PLN19/0155 with red stars to SPOS of 218, 220 224 and 230 McKean St (left to right).





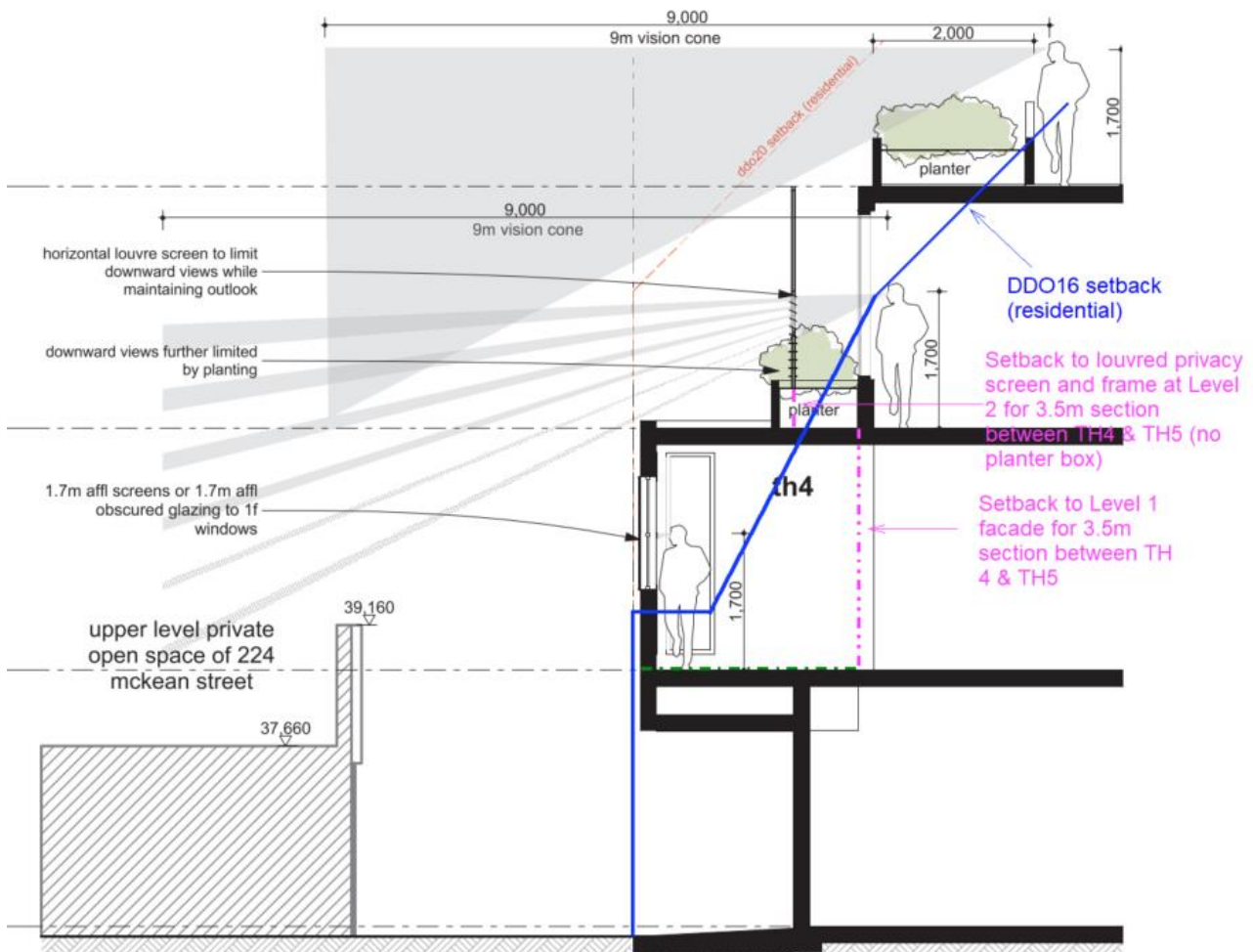
**Figure 23 – Proposed Level 2 under current proposal with red stars to SPOS of 218, 220 224 and 230 McKean St (left to right).**

196. The current proposal, in addition to reducing the proposed overall scale by one storey has provided additional recessed sections of the development opposite the secluded private open space of No. 230 and 224 McKean Street, in particular opposite the central portions of the open space opposite the following response is provided:
- (a) Opposite no. 230 McKean St - An open balcony at Level 2 extends between Townhouse 6, 7, 15 and 16 creating a substantial break in built form with only minor projections (lightweight screening and framing elements) projecting into the DDO16 setback profile – see figure 25.
  - (b) Opposite No. 224 McKean St – A 2.75m setback from the boundary to the main façade at Level 1 and Level 2 for a 3.5m wide section between TH4 & TH5, with only the lightweight framing element and privacy screening extending between the planter boxes projecting into the DDO16 profile – see figure 26 which is a section through an adjacent part of TH4 that has been annotated by the planning officer (pink lines) to represent the 3.5m wide section between TH4 and TH5 where there is an additional setback to the Level 1 façade and no planter box.
197. The applicant has not correctly drawn the proposed DDO16 setback to residential areas (the correct DDO16 profile has been added in blue by the planning officer where relevant). A condition will require this to be drawn correctly on all relevant sections.



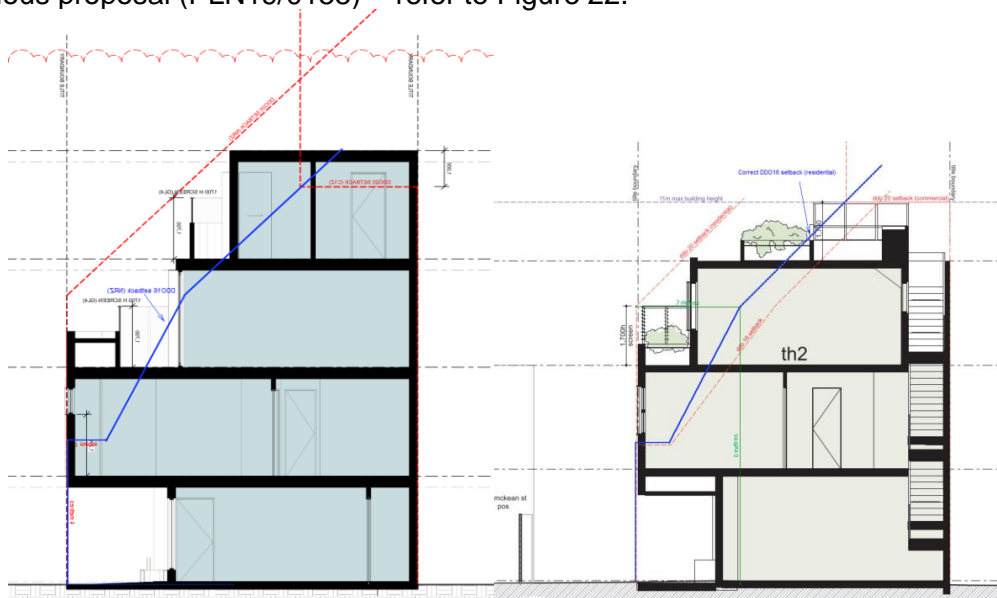
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**Figure 25 – Section through Townhouse 15 showing extent of compliance with DDO20 and proposed DDO16 setbacks (depicted with blue line) to NRZ.**



**Figure 26 – Section through Townhouse 4 showing extent of compliance with DDO20 and proposed DDO16 setbacks to NRZ.**

198. In conjunction with the reduced overall scale of the building (three instead of four storeys), the more generous setbacks to built form where opposite No. 224 and 230 McKean Street are a substantial improvement compared to the previous proposal PLN19/0155. In both cases, the revised setbacks result in a building that both “comfortably” meet the current DDO20 setbacks and has substantial areas within the DDO16 profile.
199. Furthermore, No. 224 McKean Street also has a secondary, elevated area of secluded private open space associated with its rear outbuilding (first floor balcony) and both No. 224 and No 230 McKean St have a generous depth of secluded private open space to help offset any visual intrusion. Hence it is considered that visual bulk impacts would not be unreasonable, meeting one of the key tests for the appropriateness of the setbacks under the DDO16.
200. In relation to built form opposite rear secluded private open space opposite associated with Nos. 218 & 220 McKean Street, the building height is substantially reduced compared to the previous scheme under PLN19/0155, by having an open roof terrace rather than fourth storey. However, there are some increases to the building envelope at the north-west side at Level 1 and Level 2, with key changes being:
  - (a) Level 1 façades are now generally constructed to the north-west boundary, with minimal (0.3m deep) (whereas Level 1 facades to application PLN19/0155 had a 0.9m setback to some sections).
  - (b) The north-west building façade at Level 2 is set back 1.5m compared to a 2.86m proposed under application PLN19/0155.
  - (c) A louvre privacy screening extends above the Level 2 planter boxes located on the north-west boundary whereas screening was applied to the building façade in application PLN19/0155.
201. Figure 27 provides a comparison between proposed Townhouse 2 and the previously proposed Townhouse 13 under PLN19/0155 (the latter of which is representative of the same section of Townhouse 12 in that development). These sections are a “slice” through one relevant section of each dwelling and there is some variation to setbacks, particularly at first floor where a 0.98m setback was provided for much of the level 1 façade under the previous proposal (PLN19/0155) - refer to Figure 22.



**Figure 27 – sectional diagrams showing indicative built form opposite No. 218 and 220 McKean Street for TH13 of previous proposal under PLN19/0155 (section C-C on left hand side) and TH2 current proposal (Section A-A on right hand side).**

202. However, despite the lesser setbacks proposed at level 1 and 2 (compared to the development proposed under PLN19/0155), overall it is considered that visual bulk impacts to the dwellings opposite will be suitably tempered. The rationale for this is as follows:
- (a) The provision of a roof terrace to the upper level, rather than an enclosed storey will have the greatest reduction in visual bulk as viewed from the rear of dwellings fronting McKean Street (No. 218 and 220 McKean St specifically). Due to the generous depth of these blocks, most views to the building (including those from within the main buildings associated with the dwellings themselves) will be from a reasonable distance and in relation to such views the reduction in height will be far more effective in reducing visual bulk than the provision of additional setbacks at lower levels.
  - (b) The articulation of the building through the the varied setbacks and materials, including less obtrusive red bricks applied to sections extending to the north-west boundary (as opposed to light coloured brickwork proposed in PLN19/0155) will assist to break up the bulk of the building as it presents to the dwellings beyond.
  - (c) The proposed screening above the Level 2 planter boxes that extend to the north-west boundary is a lightweight visually permeable material only and its visual impact will be further softened by the growth of vegetation from the associated planter box.
  - (d) The Tribunal found that full compliance with DDO16 is not required for this interface and it is considered that the deletion of the upper storey of the development achieves the Tribunal's intent (refer to excerpt of the decision at paragraph 193 of this report).
203. Overall, the proposed new built form has integrated appropriate setbacks to respond to sensitive areas opposite and has addressed issues of visual bulk. In addition, it is considered that the scaling down of built form to the north-west provides an appropriate transition to the low rise built form to the north-west, this is significantly achieved by the three storey scale of the building when compared to the fourth storey proposed under the previous application PLN19/0155 but is also assisted by reductions to the scale of built form directly abutting the north-west laneway and appropriate setbacks to new built form.
204. Separately to considerations of amenity impacts to residential properties opposite, from an urban design perspective the setbacks along the north-east interface are also considered to be acceptable, Council's Urban Design Unit have noted *DDO16 proposes a maximum height of 4m on the northwest boundary, where the proposed development has a height of about 6.3m-7m. Given that the forms reaching this height at the boundary are broken down into short sections (about 4.5m to 7.5m long) well-separated by substantial recesses (mostly at least 1.29m deep), this encroachment is considered acceptable from an urban design perspective. (The impact on the amenity of residential properties on the opposite side of the lane has not been assessed here.)*
205. Overall, it is considered that the proposal will provide a suitable transition to the residential properties to the north-west, in alignment with objectives of both the DDO20 and the proposed DDO16.

*Side setbacks to C1Z*

206. The DDO20 and proposed DDO16 are silent in respect to side setbacks where there is a C1Z interface (other than where abutting a street). However, a decision guideline for the DDO20 (and similar for DDO16) is *whether side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.*
207. Other boundaries with an interface to the C1Z are the north-east boundary (extending to approximately 9m height on the boundary) with further setbacks to the upper level terrace; and the south-west boundary (in two sections) which extends up to 10.3m on the boundary (with only privacy screening projecting above which is set back from the boundary).

208. The proposed new development reduces the overall height of development and results in reduced height of built form along both the north-east and south-west boundaries than was considered in the previous proposal under PLN19/0155. This aspect of the development was supported by Council and was not a ground of refusal for that application by the Tribunal [P1950/2019].
209. As per the previous proposal under PLN19/0155, the site context is favourable to the proposed extent and height of on-boundary built form, from a neighbourhood character, equitable development and off-site amenity perspective more particularly:
- (a) The laneway network surrounding the subject site is characterised by hard-edged built form up to three storeys (the three storey townhouses at No. 404 Queens Parade) have a façade aheight of approximately 9m on the laneway boundary.
  - (b) To the south-west of the site is in part a single storey industrial building and in part vacant land (irregular shaped property identified as No. 380 Queens Parade that also abuts the south-east boundary of the subject site). For similar reasons as identified in the C1Z rear setback assessment the proposed development will still facilitate equitable development opportunities on that site. The vacant portion of that land abutting the south-west boundary (currently an open car park) has a public laneway abuttal on two sides (north-west and south-east) which could provide a dual aspect, and single-storey on-boundary commercial building to its south-west. Thus it is considered that the setbacks proposed to the south-west elevation of the subject site would not adversely impact the development potential of that site.
  - (c) To the north-east of the site is a 6.15m wide public laneway and opposite two three-storey townhouses that are constructed up to the laneway abuttal at both first and second floor, with habitable room windows at both levels. Although there are dwellings opposite (including habitable room windows and inset balconies) all sensitive areas associated with the dwellings are located at first floor and above and separated by a laneway with a minimum width of 6.15m, thus visual bulk would be acceptably limited. It is noted that the maximum wall height of 9m on the boundary only applies to a small section of the building, with the remainder reduced to approximately 8.1m inclusive of lightweight privacy screening. Furthermore, the dwellings are located in the Commercial 1 Zone within an Activity Centre, and within a laneway environment defined by hard-edged built form, hence compared to the NRZ residences, amenity expectations must be tempered.
  - (d) The variety of materials applied to the new building facade along all elevations (and windows where applicable to the north-east elevation) will also assist to break up the mass of the building as viewed from habitable areas opposite (to the north-east) and the public realm (other areas).
210. Relevant objectives and design requirements of the current Design & Development Overlay (Schedule 20) relating to heritage will also be considered in relation to proposed buildings and works.

#### *Heritage*

211. Given the significant focus of the DDO20 and proposed DDO16 on heritage considerations - particularly in Precinct 4 - the heritage assessment in relation to new built form will be structured around the relevant objectives, design requirements and decision guidelines of the DDO. The local heritage policy at Clause 22.02 of the Scheme will inform this assessment, in addition to the objectives and decision guidelines of Clause 43.01 of the scheme.
212. Heritage impacts of the new built form (up to three storeys, plus roof terraces) as well as external alterations (new windows, doors and roofing) to the retained portions of the former bakehouse building must be considered.
213. The DDO20 has numerous objectives and requirements specifically relevant to heritage considerations throughout, as well as a section that is devoted entirely to heritage matters.



Relevant sections to the proposal are detailed below, with reference to additional or modified considerations in the DDO16, where relevant.

214. The general design objectives of DDO20 include the following of relevance to heritage:
- (a) *To recognise and respond to the distinct character, heritage streetscape and varying development opportunities defined by the four precincts along Queens Parade.*
  - (b) *To ensure development respects the architectural form and qualities of heritage buildings and streetscapes and maintains the visual prominence of the St John the Baptist church belfry and spire, the former ANZ Bank building, the former United Kingdom Hotel and the former Clifton Motors garage.*
215. The DDO20 includes the following general design requirement relevant to heritage considerations for the proposal:
- (a) *Development must provide setbacks which ensure that upper level additions seen from the public realm are high quality and do not diminish the appreciation of the heritage building and streetscape.*
216. In addition, the DD20 has specific requirements for Precinct 4 pertinent to heritage considerations and the current proposal are:
- (a) *Development must protect and maintain key view lines and visual prominence of the former ANZ Building from the south-west and north-east, in particular to the upper floor, roof form and chimneys. A permit cannot be granted to construct a building or carry out works if it does not meet this requirement*
  - (b) *Development must:*
    - (i) *retain the visual prominence of heritage buildings, their street wall and significant 'High Street' streetscapes when viewed from the opposite side of Queens Parade*
    - (ii) *retain the visual prominence of the return facades of buildings that front Queens Parade, Delbridge, Gold and Michael Streets;*
217. The proposed DDO16 has similar provisions – where there is additional guidance or a substantive change from the provisions of DDO20 in relation to heritage considerations, these will be addressed separately.
218. The table below sets out the specific heritage design requirements relevant to the proposal under DDO20:

Element	Design Requirement
<b>Building facade and street frontages</b>	<p><b>Infill buildings and development adjoining a heritage building</b>            Façade treatments and the articulation of infill buildings on land affected by a heritage overlay and development on land immediately adjoining a heritage building must:</p> <ul style="list-style-type: none"> <li>• ensure façade treatments and the articulation of the new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s)</li> <li>• respect the vertical proportions of the nineteenth and twentieth century facades in the heritage streetscape and/or the adjoining heritage building(s) environment</li> <li>• avoid large expanses of glazing with a horizontal emphasis except for ground floor shopfronts</li> <li>• reflect the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building(s)</li> </ul> <p><b>Adaption of contributory or individually significant buildings</b>            Adaptation of contributory or individually significant buildings must:</p> <ul style="list-style-type: none"> <li>• avoid highly reflective glazing in historic openings;</li> </ul>

	<ul style="list-style-type: none"> <li>• encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings</li> <li>• maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.</li> </ul>
<b>Upper level behind heritage street wall</b>	<p><b>Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building must:</b></p> <ul style="list-style-type: none"> <li>• be visually recessive and not visually dominate the heritage building and the heritage streetscape</li> <li>• retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism</li> <li>• utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades</li> <li>• incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape</li> <li>• be articulated to reflect the fine grained character of the streetscape</li> </ul>

219. In relation to the “building façade and street frontages” requirements of DDO20, the new part of the building, the following is supportive of the proposal:

- (a) The facades of the building are simple, using limited materials, colours and simple rectilinear forms and will not compete with detailing of heritage buildings to McKean Street or Queens Parade, where visible. Council's Heritage Adviser has supported the range of materials, noting that *the mix of timber and recycled brickwork of the exterior of the proposed new development will maintain the typical character of structure fronting rear laneways* and has supported the use of white bricks *for highlighting purposes*.
- (b) The development adequately responds to the vertical rectangular proportions of the heritage streetscapes by breaking up massing in a vertical pattern using different materials, colours and setbacks. This includes the provision of different treatments/colours to the south-west boundary wall which will be visible obliquely via the laneway extending to Queens Parade adjacent No. 370 Queens Parade.
- (c) Large expanses of glazing with a horizontal emphasis are limited to ground floor habitable rooms where adjacent the laneway and the Level 2 north-west façade. This is acceptable given these areas will be largely concealed from view from street frontages and the larger areas of glazing to the ground level facades provide important internal amenity and visual surveillance benefits.
- (d) Consistent with Clause 22.02, the new built form will respect the existing heritage streetscapes through the pattern of fenestration, materials (including red face brick and colours that do not contrast strongly with built form to Queens Parade).

220. In relation to the upper level behind the heritage street wall, the following is supportive of the proposal:

- (a) The development will be partly visible from the heritage streetscapes of McKean Street (between gaps in buildings) and Queens Parade (above single storey buildings and via laneways) – see figure 29. Otherwise the development will be concealed from surrounding streets and Council's Heritage Adviser has found that *the impact of the proposed new development on the broader heritage surrounds is very minimal*.
- (b) The development will not interfere with the three dimensional form of existing heritage buildings due to the substantial setback (behind the rear boundary of buildings fronting Queens Parade and McKean St), approximately 34m from the closest (Queens Parade) frontage. The objective to ensure the prominence of buildings along Queens Parade is clearly achieved.
- (c) The development incorporates simple architectural detailing that would not compete with more ornate detailing of heritage buildings fronting Queens Parade, where visible.

- (d) Consistent with Clause 22.02 of the Scheme, the new building will be *articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place* by extending to a height only one storey above the prevailing two storey built form to Queens Parade and McKean Street. The limited visibility will ensure will be both *visually recessive and not dominate the heritage place*. The rectilinear form of the building is appropriate given it ensures height is minimised and it will not disrupt the continuity of the heritage streetscapes as it is located within the rear laneway network.

221. Significantly, the Tribunal did not take issue with the impact of the proposed development under PLN19/0155 [P1950/2019] on either the Queens Parade or McKean Street streetscapes, noting that:

[73] *Accordingly, whilst I acknowledge that there are a handful of viewing points whereby a passer-by can have some extent of views further to the south towards the proposed townhouses, these are very much in the nature of modest 'fleeting views' which would open and then close again fairly quickly.*

[74] *It was established through Mr Cicero's cross-examination of Ms Schmeder that the eastern section of this row of dwellings facing McKean Street does involve one or two south-facing openings, where longer distance views are possible. However it was conceded by Ms Schmeder that these particular view line(s) would simply be to the existing double storey brick structure on the subject land, which would remain essentially unchanged by the proposal.*

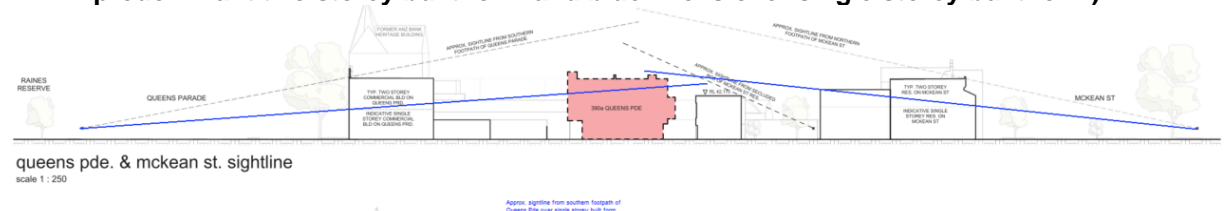
[75] *In summary then, relying on the above points, I consider that if the proposed building went ahead, it would only change in a very modest way the available heritage view lines when standing on the northern side of the McKean Street and looking south towards the subject land.*

[76] *My finding that this is an acceptable outcome is reinforced by the credible evidence Mr Lovell on this issue. In addition, it was significant that when Mr Cicero questioned Ms Schmeder about the extent of change with the view lines available to the south, Ms Schmeder conceded that there would be no fatal heritage impacts involved with these limited southern views from McKean Street across to the subject land.*

222. As can be seen from figures 28 and 29, visibility from both streetscapes is considerably reduced in the current proposal.



**Figure 28 – Sightlines for previous proposal PLN19/0155 (black dashed line is over predominant two storey built form and blue line is over single storey built form)**



**Figure 29 - Sightlines for current proposal (black dashed line is over (predominant) two storey built form and blue line is over single storey built form)**

223. Given the proposed re-grading of the former bakehouse building (double-storey portion) to “contributory” as part of Amendment C231 (part 2) further consideration must also be given to the proposed adaptation of the double-storey section of the former bakehouse building in relation to the specific objectives pertaining to objectives pertaining to “adaption of contributory or individually significant buildings”.
224. Consistent with these objectives, the proposed external alterations to the building will not include highly reflective glazing and maintains the existing inter-floor height and walls cutting through historic openings.
225. While the proposed balcony to Townhouse 11 results in an open area behind the façade of the building and was not supported by Council’s Heritage Adviser, as outlined in the demolition assessment, it is considered, in this instance to be an acceptable outcome given there will be a limited perception of this open area from the public realm (no visibility from the street and limited visibility from laneways) and to retain the roof over would create very poor internal amenity for this dwelling.
226. However, in relation to heritage policy at Clause 22.02, it is considered that some external alterations to the double-storey part of the former bakehouse building cannot be supported. In particular, as highlighted by Council’s Heritage Adviser, Clause 22.02-5.3 encourages re-construction of original contributory elements and Clause 22.02-5.7.1 encourages development that considers *the architectural integrity and context of the heritage place or contributory element* and *does not remove, cover, damage or change original historic fabric*.
227. In line with these policies (and consistent with advice regarding associated demolition) Council’s Heritage Adviser also did not support:
- (a) the new, wider upper level windows to the north-west façade (original openings must be maintained).
  - (b) the new black steel frames to the lower level windows to the north-west façade (only traditional timber framed windows are supported to the original and new openings); and
  - (c) the new “off-centre” opening to the upper level of the north-east façade (the original opening as shown in figure 30 below must be re-instated with a traditional timber framed window).
  - (d) the replacement of existing roof sheeting to the former bakehouse building roof with “zincalume” is not supported (traditional galvanised roofing must be maintained).

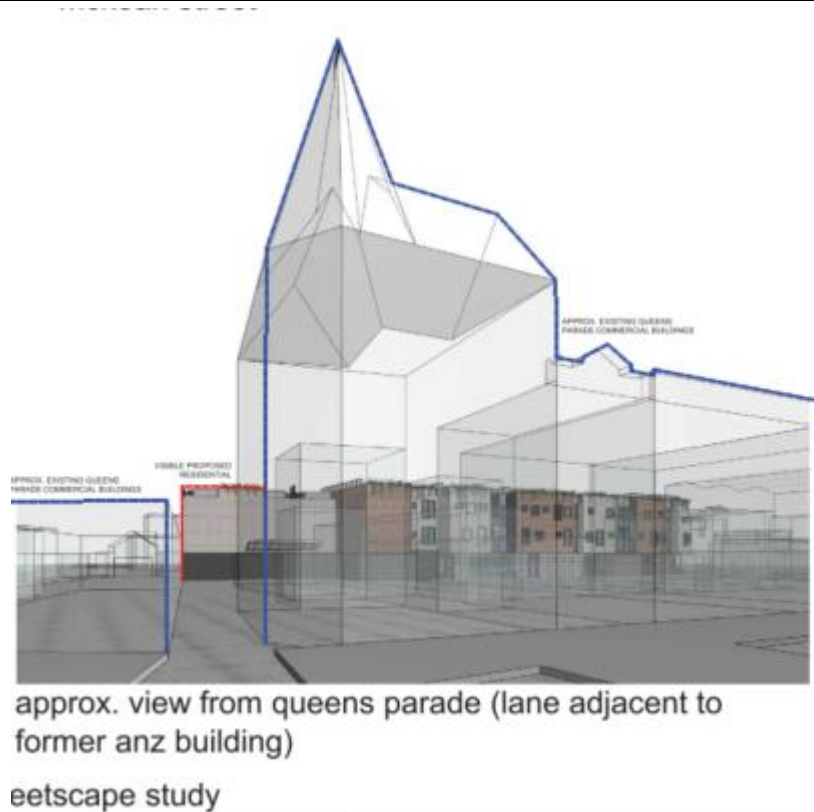


**Figure 30 – excerpt of diagram from Heritage Adviser referral showing location of original upper level window to north-west façade.**

228. The above recommendations will be generally addressed via conditions requiring the existing windows to the north-east and north-west façade only to be replaced by traditional timber framed windows (consistent with the era of the building) and the roof sheeting to be galvanised iron.

229. However, in relation to recommendations regarding the upper level window to the north-west elevation, given the internal layout of Townhouse 11, there may be issues providing a traditional style (e.g. double-hung) in the same position as the original opening as recommended by Council's Heritage Adviser as the window would be positioned at an internal wall joint. Hence some flexibility with regard to this window will be enabled (either simple deletion of the window (i.e. retention of the solid wall) or replacement with a window/opening to the same proportions and timber framed). This will ensure that the same proportions are achieved as the original opening but the window would not have to be fully traditional in appearance. In addition, any window in this location would also need to be screened in accordance with the Overlooking Standard (see Clause 55 overlooking assessment).
230. Although similar modifications to openings to the double-storey portion of the former bakehouse building were previously accepted by Council under application PLN19/0155, as the re-grading to "contributory" is now seriously entertained, it is considered further protection of original detailing is warranted.
231. Furthermore, in relation to the integration of the former bakehouse building into the development (in consideration of Clause 22.02-5.7.1) consistent with policy, the new built form will be clearly *distinguishable from the original historic fabric* through the proposed contrasting materials, contemporary form and detailing. Although the gable roof form of the original building is continued over the new addition on its south-eastern side, from the public realm this would not be appreciated as views would be obstructed by other new built form along the laneway and so would not result in the conflation of the "old" and "new" portions of the building. Council's Heritage Adviser has found that the transition from the double-storey heritage bakehouse building to new development is assisted by the retention of "wing walls" (i.e. part of the single storey portion of the former bakehouse building and part of the north-west façade of the adjoining building to south).
232. The impact on the former ANZ building at No. 370 Queens Parade must also be considered as a permit cannot be granted under the DDO20 unless the following objective is achieved: *Development must protect and maintain key view lines and visual prominence of the former ANZ Building from the south-west and north-east, in particular to the upper floor, roof form and chimneys.*
233. Figure 29 and the perspective in Figure 31 demonstrate that the proposed development is significantly lower in scale than the ANZ building which would protect any of the specified features. It is adequately separated from the ANZ building so as to not compete with it and where visible obliquely from the adjacent laneway will appear as a recessive element.





**Figure 31 – Perspective of development behind ANZ building (370 Queens Parade) as viewed from north-west footpath of Queens Parade via adjacent laneway.**

234. Subject to the conditions resolving the external alterations to the former bakehouse it is considered that the development will be an appropriate outcome within the wider heritage precinct and will achieve the objectives of the Heritage Overlay, as well as the relevant heritage objectives of the DDO20 and proposed DDO16.

*Other Design Requirements*

235. A number of other design requirements of DDO20 that go beyond those already addressed must be considered in determining if the development can be supported.
236. General design requirements include:
- (a) *Facades at ground level must be designed with floor to floor ceiling heights suitable to accommodate commercial activity in the Commercial 1 Zone and the Mixed Use Zone.*
237. The proposed development does not provide floor to ceiling heights sufficient to accommodate commercial uses. However, given the location of the site, with no direct street frontage to Queens Parade, this is considered to be an appropriate outcome – the merit of the use of the ground floor for dwellings was already discussed in the “dwelling land use” section of the report. It also is noted that the applicant has provided some areas that could be used for home offices at ground floor and this may facilitate home businesses within the townhouses.
238. Precinct design requirements (Precinct 4) include:
- (a) *enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.*

239. This will be discussed further in the “Clause 55” assessment as well as the “Car parking, traffic, access and bicycle provision” assessment. However, overall it is considered that the proposed development will enhance activation and visual surveillance of the laneway network, improve vehicular access by effectively widening laneways and will provide a safer environment for pedestrians due to increased activity and visual surveillance.
240. The decision guidelines also included consideration as to whether:
- (a) *If roof decks are proposed, whether they are set back from lower levels and are recessive in appearance.*
  - (b) *Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.*
241. The proposed development is considered to provide an acceptable response having regard to the first consideration. The roof terraces will blend in with the remainder of the development and will not be bulky or structures that draw attention.
242. As discussed in other parts of the report the development results in an improvement to the safety and pedestrian experience of the laneway, including by provision of glazed areas both to habitable rooms, non-habitable rooms and garage doors. The current proposal is comparable in its extent of glazing and visual surveillance as the previous proposal under PLN19/0155, and the Tribunal did not raise this as an issue in their decision.
243. The proposed setbacks are also considered to be consistent with the general design requirements for sites in the DDO20, which specifies that:
- (a) *Development must avoid repetitive stepped built form at upper levels of development.*
244. While the development does step back at upper levels, it is not done in a repetitive “wedding cake” fashion.
245. Most objectives of the DDO20 are similar to those of the proposed DDO16, however, the following additional objectives are considered relevant given the status of the proposed DDO16:
- (a) *Building services and service cabinets should be located away from the street frontage of heritage facades. They should be designed and located so they complement the street frontage and character and appearance of the heritage building.*
  - (b) *Windows of commercial premises, habitable rooms, and principal pedestrian entrances should be orientated toward the public realm and contribute to the safety of the adjoining public realm.*
  - (c) *Vehicle ingress and egress into development, including loading facilities and building servicing, should ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.*
  - (d) *Development on a laneway should include a rear/side setback or a corner splay at ground floor, to facilitate the ongoing functionality of the laneway and allow for building services and car park access.*
  - (e) *Permanent obstructions within a rear/side setback of splay to a laneway should be avoided.*
246. These items are addressed in more detail in the sections of the assessment pertaining to “Clause 55” and “Car parking, traffic, access and bicycle provision” and overall, it is considered that the development responds in a satisfactory manner to each of these requirements.
247. Overall, the various other relevant design requirements of DDO20 and preferred DDO16 are considered to be achieved. It is also noted that Council’s Strategic Planning Unit has reviewed the proposal and found that development to adequately comply with the proposed new DDO16 controls.

### Clause 55

248. Clause 55 comprises 48 design objectives and standards to guide the assessment of new residential development. As the site is located in the Commercial 1 Zone, the objectives, standards and decision guidelines of Clause 55 form a consideration only and it is not mandatory that the objectives are achieved. The provisions of Clause 55.07 are not relevant, as this proposal is not an apartment development.

249. This assessment will also consider, where relevant, clauses 22.05 and clause 22.07 .

#### *Standard B1 – Neighbourhood character objectives*

250. These objectives encourage development to respect and respond to existing neighbourhood character or contribute to a preferred neighbourhood character.

251. The scale and massing of the development is considered to respond appropriately to the immediate neighbourhood, by:

- (a) Providing an appropriate transition to lower built form in the residential area to the north-west (already discussed);
- (b) Responding to adjacent dwellings by providing setbacks to mitigate visual bulk and daylight impacts; appropriate privacy screening to prevent unreasonable overlooking (discussed in more detail in the overlooking objective assessment below);
- (c) The building is only one storey higher than the two-storey prevailing height of buildings fronting Queens Parade and the majority of dwellings fronting McKean Street.
- (d) Council's Urban Designer has generally supported the scale and the massing of the building at its various interfaces.

252. Detailed discussion has already been provided in the earlier section of the assessment pertaining to the Design & Development Overlay and heritage considerations of the new built form and further commentary regarding detailing is provided against Standard B31 later in the Clause 55 assessment.

#### *Standard B2 - Residential policy*

253. In accordance with the residential policy objectives, the development provides medium density residential development in an established, inner city area where development can take advantage of public transport, community infrastructure and services.

#### *Standard B3 – Dwelling diversity objective*

254. The dwelling diversity objective encourages a variety of dwelling sizes and types in developments of 10 or more dwellings.

255. In consideration of the decision guidelines, it is considered that the proposal provides sufficient diversity in a number of respects, to meet this objective with variations such as:

- (a) A range of dwelling sizes (between one to three bedrooms);
- (b) Car parking provision varies between dwellings (0-2 spaces to each dwelling);
- (c) Provision of lift access to level 2 for five of the sixteen dwellings (providing improved accessibility for people with mobility issues or an ageing population);
- (d) Varied layouts, including size and location of open space.

*Standard B4 – Infrastructure objectives*

256. It is expected that the dwellings can be supported by the existing utility services and infrastructure available to the subject site. Council's Engineering Services Unit also did not raise any concerns in relation to the development exceeding the capacity of utility services and infrastructure in the area.
257. It is noted that de-commissioning and re-location of the existing substation infrastructure would require approval from the relevant power authority. This will be noted on any planning permit issued.

*Standard B5 – Integration with the street objective*

258. The objective is to integrate the layout of development with the street.
259. The site does not have any direct street interface, however, all dwellings have been appropriately oriented to front existing public laneways, with the exception of Townhouse 6 and 7 which are accessed only via the abutting private road to the south-east.
260. Activation to the public realm at ground floor is acceptable and this will be discussed in more detail in the "safety objective" part of the assessment.
261. The Standard suggests that development should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. The development relies on the existing public laneways for access and some setbacks from the boundary at ground floor to enhance vehicle and pedestrian access to the site. Pedestrian and vehicle access from the nearest streets can be gained from Howe Street or Queens Parade. This arrangement is considered to be satisfactory (noting that as detailed in the section of the assessment "Car parking, traffic, access and bicycle provision" enhancements for pedestrian access via laneways will be required by condition).

*Standard B6 – Street setback objective*

262. This standard is not applicable to the application as the site does not have direct frontage to the street. Setbacks have been discussed in detail in the assessment against DDO and heritage policy and found to be acceptable.

*Standard B7 – Building height objective*

263. Standard B7 states that *the maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land*
264. A detailed assessment has been undertaken in relation to the maximum building height as determined by the DDO20, having regard to the changes proposed in permanent controls pursued under Amendment C231 (part 2).
265. The proposed 11m maximum height with transitions down to lower residential built form to the north-west is appropriate.

*Standard B8 – Site coverage objective*

266. Site coverage is proposed to be increased from approximately 85% to close to 100%. However, although the site coverage exceeds the maximum 60% prescribed by the Standard, the degree of site coverage is considered to be acceptable given:
- (a) the hard-edged laneway context;
  - (b) that site coverage on the subject site already exceeds 60% under existing conditions;
- and

- (c) that site coverage of properties immediate area, particularly commercial zoned land) is already high – typically between 80 to 100% site coverage.

*Standard B9 – Permeability and stormwater management objectives*

267. Issues of permeability and stormwater management are discussed in detail in the ESD section of the assessment and found to be acceptable, subject to minor conditions.

*Standard B10 – Energy efficiency objectives*

268. Issues of on-site energy efficiency are discussed in the ESD section of the report and found to be generally acceptable.
269. In terms of off-site impacts, impacts on surrounding dwellings are considered limited and acceptable given that:
- (a) The development would not unreasonably impact the daylight access to adjoining dwellings (see daylight to existing windows objective assessment).
  - (b) There are no north-facing habitable room windows affected by the proposal.
  - (c) As per the overshadowing diagrams submitted with the application, there is no impact to solar panels associated with the rear double-storey outbuilding associated with the dwelling at No. 224 McKean Street at the September Equinox. As per the aerial photo of the site at Figure 12 there are no other solar panels associated with dwellings in the Neighbourhood Residential Zone that would be impacted by the proposed development.
270. Given this site is in the Commercial 1 Zone, the decision guidelines do not require consideration of overshadowing to solar panels of sites within the Commercial 1 Zone. Nevertheless, it is also noted that shadow diagrams submitted indicate that there is no overshadowing to solar panels on the rear single storey roof form of No. 370 Queens Parade, at the September Equinox (9am to 3pm).

*Standard B11 – Open Space Objective*

271. There is no public open space adjacent the subject site and thus, this objective does not apply.

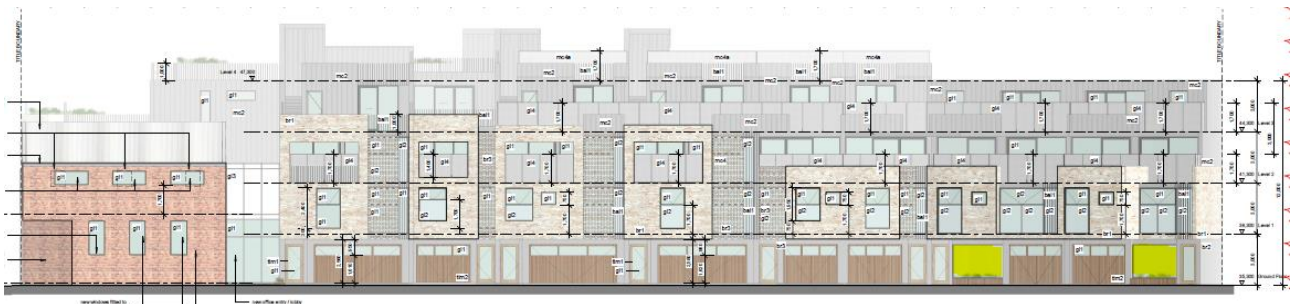
*Standard B12 – Safety objective*

272. The objective is *to ensure the layout of development provides for the safety and security of residents and property.*
273. Similarly, Clause 22.07 of the Scheme (Development Abutting Laneways) includes the following relevant objectives:
- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
  - (b) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*
274. As the site does not have a street frontage due to the pattern of subdivision, by necessity, access to the dwellings must be from the abutting public laneways.
275. Generally, the development is considered to provide an appropriate level of safety given that:
- (a) The building has habitable room windows along all public laneway elevations to facilitate surveillance of the public realm;
  - (b) All dwelling entries have a glazed door and garages also have glazed panels which would assist to provide further visual surveillance and connection to the public realm where there are no habitable rooms at ground floor.



- (c) The new residential use of the building will result in the occupation of the building (and therefore potential for surveillance) outside typical business hours, unlike under existing conditions;

276. However, the entry to Townhouse 12 is located at the end of a covered walkway and the entry door would not be directly visible from the public laneway. As this covered walkway area could provide an area of concealment, it is considered necessary to require the provision of a highly visually permeable (50% or more) security gate within the walkway to prevent the creation of a concealment space. This will form a condition of any permit that issues.
277. Furthermore, there is no lighting shown in association with the dwelling ground floor facades. This will be essential to provide a safe environment for laneway users and residents and visitors given the projection of built form over which could create deep shadows during the evening and undermine safety to the laneway. This aligns with policy at Clause 22.07 which encourages: *Pedestrian entries be well lit to foster a sense of safety and address to a development. Existing lights may need to be realigned, or have brackets or shields attached or additional lighting may be required.* Lighting within the development to each dwelling pedestrian entry (as well as upgraded public lighting to the laneway as per Council's Engineering requirements as detailed later in the assessment) would be required as a condition of any approval.
278. Council's Urban Designer's advice has found that: *The Ground Floor is unduly dominated by car parking, which appears to occupy most of the frontage and most of the built area. It is recommended that the ratio of ground floor space and frontage allocated to habitable uses be increased, noting that a reduction in the extent of driveway could create opportunities for planting.*
279. However, the extent of full length windows to dwellings at ground level to the public laneways is similar to the proposal under PLN19/0155, which was found to be acceptable. While there has been a reduction in the extent of habitable rooms at the southern end of the north-west laneway (only one smaller habitable room instead of two larger habitable rooms) full length windows have also been provided to the generous entry foyers to Townhouse 1 and 2. Furthermore, as these windows are not to sensitive areas it is also less likely that they will be covered up to protect privacy, thus maximising activation to the laneway.



**Figure 32 – New full height dwelling windows (yellow highlight) to north-west laneway under previous proposal PLN19/0155.**



**Figure 33 – New full height dwelling windows (yellow highlight) to north-west laneway under current proposal.**



**Figure 34 – New full height dwelling windows (yellow highlight) to south-east (public) laneway under previous proposal PLN19/0155.**



**Figure 35 – New full height dwelling windows (yellow highlight) to south-east (public) laneway under previous proposal PLN19/0155.**

280. With the inclusion of lighting to pedestrian entries, overall it is considered that the development would improve the sense of safety in this location, in particular at night time.

281. It is noted that the Tribunal decision for the previous application for the site under PLN19/0155 [P1950/2019] was of a similar view, finding that:

*[51] It is also a plus that the proposal would greatly improve the lighting and passive surveillance of this bluestone laneway network, which currently is somewhat isolated and in my view not a very secure area to be walking at night time.*

#### *Standard B13 – Landscaping objectives*

282. Landscaping is not a feature of the site context, given the largely hard-edged built form context, high solid fencing to secluded private open space areas and largely non-vegetated rear service yards and parking areas to commercial premises.

283. In this context, the planter boxes incorporated at the ground floor and upper levels of the townhouses will soften and enhance the presentation of the development. Council's Open Space Unit also found the submitted landscape plan to be generally adequate from a technical perspective, subject to:
- (a) Confirmation that planter depth and width is a minimum of 450mm x 450mm to ensure plant health;
  - (b) Mulch specified on the higher levels should be a wind tolerant mineral mulch.
284. These items will be addressed by condition (an amended landscape plan will be required).
285. Council's Urban Designer has suggested that the interface with the public realm at ground level could be improved by the provision of landscaping to break up the north-west interface. However, the level of landscaping along this elevation is similar to that proposed under PLN19/0155 and the lack of landscaping to this elevation was not identified as a concern by the Tribunal. Furthermore, addition of more landscaping to this façade would potentially interfere with vehicular access.

*Standard B14 – Access objectives*

286. The proposed development does not front a street but rather abuts public laneways and therefore standard B14 is not strictly applicable (i.e. no vehicle crossovers are required). Nonetheless, the proposed garages to the new dwellings are all proposed to be accessed via the abutting laneway, via the recessed area at ground floor along the north-west and south-east elevations. As there is no existing car parking in the laneway the vehicle access will not result in any loss of on-street parking.
287. Although Council's Urban Designer suggested that garages were overly dominant to the north-west facades, as per the comparison of elevations in figures 32 and 33 – this is not similar to the previous proposal under planning application PLN19/0155 and this was not raised as an area of concern in the decision by the Tribunal under P1950/2019.
288. In relation to accessibility of the site to services, delivery and emergency services vehicles it is considered that most will be able to access the site from the laneway and that overall the proposed development will improve vehicle accessibility by providing a corner splay and setbacks at ground level to effectively widen the laneway.
289. The applicant has submitted swept path diagrams (which have been reviewed by Council's Engineers) showing that waste collection vehicles will be able to enter and exit via the northernmost laneway extending to Queens Parade and complete a turn, as required. This confirms that the proposed garbage collection vehicle would be able to undertake rubbish bin collection in the manner as set out in the Waste Management Plan. For larger vehicles (for example larger emergency services vehicles, such as a fire engine) access to the full site may be more restricted. However, this is an aspect to be managed rather than a precluding factor for development of the site.
290. This is the approach taken by the Tribunal in the redevelopment for dwellings of a site with a similar laneway-bound context under planning permit PLN16/1201 at Rear 304 - 308 Queens Parade, Fitzroy North (Ciullo & Yarra CC & Ors [2016] VCAT 912), as summarised in the following comments:
- [23] *While I appreciate the concern of objectors to ensure that there is safe access to the site by emergency services vehicles such as the fire brigade, with respect, I regard these concerns as overstated and unproven in the planning process.*
  - [24] *I also note that there are more direct processes by which this issue can be considered. In any event, even if I was to seek to apply the guidelines referred to by objectors (which sit outside the planning scheme and are administered by a specialist authority), there is a process by which consent could be given by the relevant authority even if the preferred parameters were not met.*

[25] *In these circumstances, I do not regard this allegation as a reliable reason to refuse to grant a planning process in the absence of a clear indication from the relevant authorities that the site is not accessible to fire fighting apparatus, especially when the site is within an existing urban area, is accessed via a 3 metre bluestone surfaced laneway, is proximate to nearby formed roads and does not exhibit any greater than average susceptibility. For all of the reasons outlined above, the proposal is considered to achieve sufficient compliance with the relevant State and Local Planning policies.*

291. As implied in the above extract, the development would also require Metropolitan Fire Brigade sign off at the building permit stage.
292. This approach has been re-affirmed in the Panel Report (Section 3.6, page 34) which states that: *The Panel accepts Council's position that emergency vehicle access should not be a reason to prohibit development and can be assessed on a case by case basis.*
293. Furthermore, the Tribunal's decision to refuse the previous application for the site (PLN19/0155) under P1950/2019, which provided similar vehicular access arrangements, did not include as the reasons for refusal any matters pertaining to emergency service access, or lack thereof. The Tribunal's decision conversely found that the proposed development would generally improve vehicular access along the laneways.

*Standard B15 – Parking location objectives*

294. The proposed car parking arrangements are considered to address the parking location objectives, in particular, the proposed garages are:
- (a) Close and convenient to the dwellings (being contained within them); and
  - (b) Secure.
295. While there is no specific information regarding the ventilation of the garages, as garages will only accommodate one to two cars (as opposed to a common car park where multiple cars must share the space and drive some way internally) it is not anticipated that any special ventilation requirements would be required – cars would not be idling for any long duration internal to the garage with garage doors closed.
296. The vehicular doors to the garages and pedestrian doors are set back within the property line and will not obstruct the laneway, consistent with policies at Clause 22.07 relating to ensuring laneway access is not obstructed.

*Standard B17 – Side and rear setbacks objective and Standard B18 – Walls on boundaries objective*

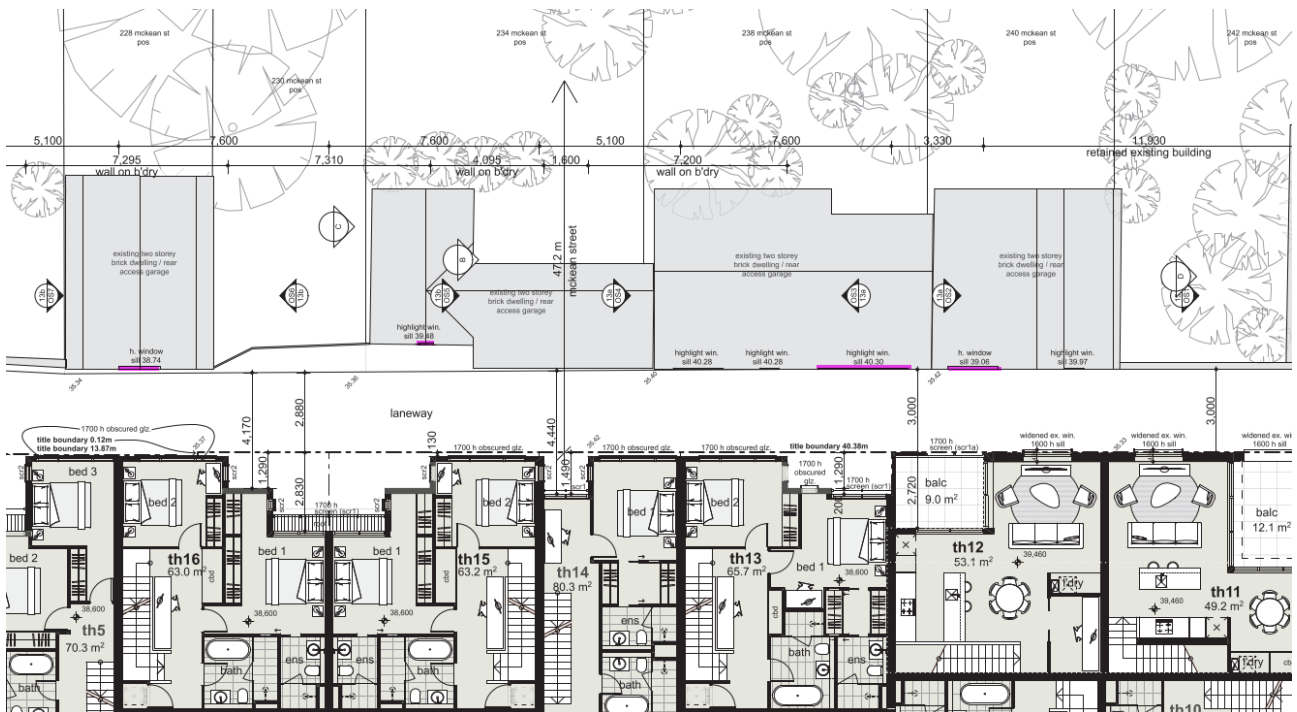
297. Given the specific directions from the DDO20 (and proposed DDO16) in regards to setbacks, appropriateness of setbacks and walls on-boundaries are discussed in the DDO assessment earlier.

*Standard B19 – Daylight to existing windows objective*

298. The Standard prescribes that buildings opposite an existing habitable room window provide for a light court to the existing window of a 3sqm (minimum) area and 1m (minimum) dimension clear to the sky (and may include land on the adjoining lot). For walls over 3m height, a setback from an adjacent habitable room window is required for half the height of the proposed wall. There are no habitable room windows within 6.2m of the building (half the maximum height of the building) and thus the building is compliant with the standard.



299. A number of habitable room windows face the subject site, associated with:
- First and second floor south-west facing windows associated with the two triple- storey townhouses at the rear of No. 404-406 Queens Parade (located in the Commercial 1 zone to the north-east); and
  - First floor south-east facing windows associated with double-storey rear outbuildings associated with dwellings fronting McKean Street (located in the Neighbourhood Residential Zone).
300. In relation to the two three-storey townhouses to the north-east, it is noted that their south-west-facing habitable room windows are located at first floor and above. The elevated position of these windows, in conjunction with the 6.15m separation provided by the abutting laneway would provide daylight access to these windows, in excess of the Daylight to Existing Windows Standard, which requires a 6m setback for a wall height of 12m (in relation to ground floor habitable room windows) given that the overall height of the development is no more than 11m.
301. In addition to existing windows facing the subject site within the C1Z zoned properties to the south-east, a number of habitable room windows have been approved in association with the five-storey mixed use development under planning permit PLN17/0705. Although construction has not yet commenced, it is relevant to give some consideration to the impacts to these windows. In this regard, the private road to the south-east of the subject site would provide more than sufficient separation (minimum 3.1m) between the two buildings to protect daylight to the new habitable windows approved under planning permit PLN17/0705 there are no habitable room windows below level 2 (i.e. equivalent to the upper storey of the development proposed on the subject site) and all habitable rooms with windows facing the subject site have a secondary aspect to the north-east public laneway.
302. In relation to dwellings to the north-west of the site, a number of the residential properties have first floor habitable room windows facing the subject site (see figure 36 below).



**Figure 36– First floor habitable room windows associated with double-storey outbuildings at rear of dwellings fronting McKean St (highlighted in purple)**

303. Each habitable room window is assessed in turn below:



*No. 228 McKean St*

304. The most recent endorsed plans for this site (Planning Permit PLN11/0220) and associated delegate report indicate that the rear double-storey building is a separate dwelling (originally approved under planning permit 981615 in 1999).
305. The first floor habitable room window facing the subject site is associated with a bedroom with a single aspect.
306. In relation to the Daylight to Existing Windows Standard:
- (a) Development opposite (within 55 degrees) of the window is set back:
    - (i) 3m from the window up to a height of 6.3m (Level 1);
    - (ii) A minimum of 4.3m from the window up to a height of 9.3m (level 2);
    - (iii) A minimum of 6.2m from the window up to a height of 9.8m (roof terrace planter box).
  - (b) Taking into account the elevated position of the first floor (finished floor level approximately 3.2m above laneway), the Standard is met.

*No. 234 McKean St*

307. The endorsed plans for the rear outbuilding (garage/studio approved under planning Permit 96/426) indicate the first floor window facing the subject site is associated with a room that does not have a clearly ascribed function. Hence it will be assumed to be a habitable room.
308. In relation to the Daylight to Existing Windows Standard:
- (a) Development opposite (within 55 degrees) of the window is set back:
    - (i) A minimum of 4m from the window up to a height of 6.3m (Level 1)
    - (ii) A minimum of 5.2m from the window up to a height of 9.3m (level 2)
    - (iii) A minimum of 7m from the window up to a height of 9.8m (roof terrace planter box).
  - (b) Taking into account the elevated position of the first floor (finished floor level approximately 2.5m above laneway), the standard is met.

*No. 238 McKean St*

309. The endorsed plans for the rear outbuilding (double-storey garage/studio constructed under planning permit 98/0361) show that of the first floor highlight windows facing the subject site only the northernmost window is a habitable room.
310. In relation to the Daylight to Existing Windows Standard:
- (a) Development opposite (within 55 degrees) of the window is set back:
    - (i) A minimum of 3m from the window up to a height of 6.8m (level 1)
    - (ii) A minimum of 4.29m up to a height of 9.2m (level 2)
    - (iii) A minimum of 6m up to a height of 9.8m (Level 3 planter box).
  - (b) Taking into account the elevated position of the first floor (finished floor level approximately 2.5m above laneway), the standard is met.

*No. 240 McKean St*

311. The endorsed plans for the rear outbuilding (approved under PLN13/0743) show that of the first floor highlight windows facing the subject site only the southernmost window is to a habitable room (a living room).
312. In relation to the Daylight to Existing Windows Standard:
- (a) The existing wall to the former bakehouse building is located opposite part of this building, with the only new built form within close proximity to the window being the level 1 balcony (within 55 degrees of the window).
  - (b) The 3m setback to the balcony which extends to a height of 6.4m (including framing element above screen).

313. Taking into consideration the elevated position of the first floor finished floor level (approximately 2.5m above the laneway), the standard is met.
314. The daylight to existing windows Standard is met and all windows will continue to maintain good access to daylight.

*Standard B20 – North-facing windows objective*

315. There are no north-facing habitable room windows within 3m of a boundary on an abutting lot, in compliance with the requirement of the Standard.
316. Habitable room windows proposed in association with the dwellings approved under planning permit PLN17/0705 issued to No. 388-390 Queens Parade are located beyond 3m (the intervening private road is 3.05m wide).

*Standard B21 – Overshadowing open space objective*

317. Shadow diagrams between 9am and 3pm for the September Equinox, provided with the application, indicate that there would be minimal impact on solar access to secluded private open space of surrounding dwellings, due to the orientation of the site.
318. There are no overshadowing impacts to secluded private open space associated with residences (within the NRZ1) fronting McKean Street during the specified hours and therefore the Standard is met in relation to these dwellings.
319. As noted in the site and surrounds, the rear yard of No. 386 Queens Parade (within the C1Z) is also considered to be secluded private open space. Additional overshadowing occurs from 1pm onward to this area as follows (as measured from plans)
- (a) 1pm – approximately 7sqm;
  - (b) 2pm – approximately 10.5m;
  - (c) 3pm – approximately 20.7sqm.
320. In relation to the dwelling at No. 386 Queens Parade (in the C1Z), overshadowing impacts are acceptable given that:
- (a) The dwelling is located in the Commercial 1 Zone within an Activity Centre. It is a commonly accepted planning principle that the amenity expectations of dwellings within commercial zones, must be tempered given the role of the zone in accommodating commercial land uses and new development.
  - (b) The rear yard would still retain excellent solar access until 2pm due to its northerly orientation.
  - (c) Given the setbacks and heights of the proposed development are compliant with DDO20 and proposed DDO16 along this interface, this level of overshadowing is anticipated by the controls.
  - (d) The proposal slightly reduces overshadowing in comparison to the previous development proposed under PLN19/0155 and the Tribunal did not raise any issue with overshadowing in relation to that proposal.

321. Overall, it is considered that the extent of overshadowing is reasonable and acceptable achieves the objective.

*Standard B22 – Overlooking objective and Standard B23 – Internal views objective*

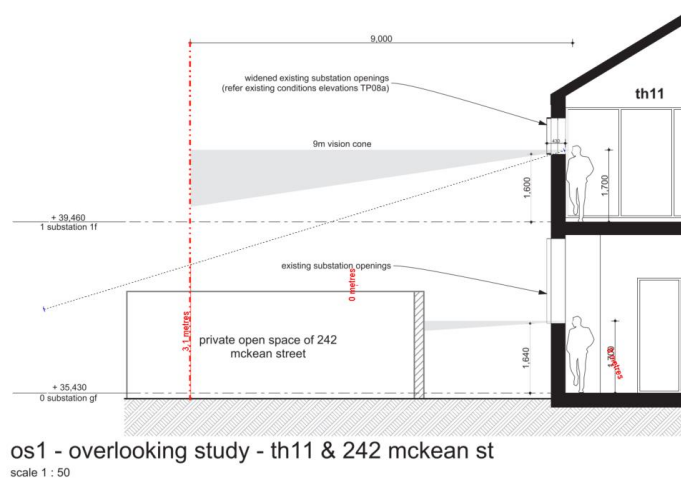
322. In relation to internal views, 1.7m high perforated metal screens with a maximum transparency of 25% are provided between adjoining rooftop terraces (Level 3) and adjoining balconies at Level 2. The privacy screens to the Level 2 balconies also provide privacy protection between habitable room windows of adjoining dwellings that face one another.

323. The north-east side of Townhouse 13 Level 2 balcony (adjacent the planter box), is provided with a privacy screen that is no more than 25% transparent (Scr1) however, the height above finished floor level is not specified and it is unclear how the remaining north-east edge of this balcony is treated and if there is sufficient screening to appropriately limit views into secluded private open space (first floor balcony) of Townhouse 12. This will be addressed by condition.
324. There are also some instances where habitable room windows of adjoining townhouses face one another at Levels 1 and 2 and these are mostly screened by angled louvre screens (Scr2 and Scr4) which direct views away from the windows opposite such that there would be no more than 25% visual permeability to windows opposite but allow for daylight transmission.
325. Townhouse 4 has habitable room windows at level 1 and 2 that would potentially allow for some oblique views into the south-east facing windows of the same level (or below) to Townhouse 5. However, it is considered that because of the acute angle of view and location of the windows within Townhouse 4, there would be limited opportunities and visibility into Townhouse 5 habitable rooms. There is no specific protection for overlooking from habitable rooms to other habitable rooms within the same development under the Internal view Standard. In this instance it is considered that privacy to Townhouse 5 would not be unduly compromised.
326. Overlooking must also be considered to surrounding areas of secluded private open space and habitable room windows within 9m, from the first floor and above (given ground floor areas will have outlook only onto public laneways or private roads).
327. Secluded private open space and habitable room windows within 9m of the site are associated with:
- (a) dwellings over the laneway to the north-west, fronting McKean Street (within the Neighbourhood Residential Zone);
  - (b) the two three storey townhouses over the laneway to the north-east, part of No. 404-406 Queens Parade (within the Commercial 1 Zone);
  - (c) the dwelling contained within the double-storey building at No 386 Queens Parade (also within the Commercial 1 Zone); and
  - (d) if development proceeds, habitable room windows associated with the development approved under planning permit PLN17/0705 at No. 388-390 Queens Parade.
328. A detailed assessment will be undertaken in relation to the above areas below.

*Dwellings to north-west (NRZ1) - Level 1*

329. In relation to the three-storey townhouses:
- (a) North-west facing habitable (bedroom) windows at this level are obscure glazed and fixed to a height of 1.7m above finished floor level or are provided with privacy screens with a maximum 25% transparency also to a height of 1.7m above finished floor level, thus complying with the Standard. However, although implied on the proposed floor plans, it is not clear from the elevations that the obscure glazing continues behind the decorative timber screening ("Tim2") nor is the transparency of the timber screening material stated. In addition, this will be addressed by condition to ensure that overlooking is appropriately limited from these areas.
  - (b) It is not clear if the east facing Bedroom 2 window to Townhouse 13 screened. This may allow for views to the first floor habitable room windows associated with the rear outbuildings to No. 238 and 240 McKean Street. A condition will require that this window be screened to appropriately limit views to these windows.

330. In relation to the two storey townhouses within the former bakehouse building;
- The north-west edge of the balcony associated with TH12 is provided with a screen (Scr1a) that complies with the Standard (1.8m above finished floor level and no more than 25% transparent). It is noted that the floor plans stipulate the screen is 1.7m high but it is dimensioned to a height of 1.8m above finished floor level on the proposed elevations as it is attached to a slightly raised parapet wall below. As the floor plans and elevations do not clearly show the screen continuing around the south-west edge of the balcony, this will be required to be confirmed by condition to ensure the first floor habitable room window associated with No. 238 McKean Street is protected from views from this area.
  - The north-west facing habitable room windows to TH11 and TH12 and the north-west opening to the first floor balcony to TH11, have a sill height of 1.6m above finished floor level (below 1.7m prescribed by the Standard). Even without the modified extruded window frames (to be deleted as part of conditions relating to heritage impacts) the width of the existing wall would prevent views downward to secluded private open space opposite at No. 242 McKean St (as demonstrated by the modified overlooking diagram in figure 37). At the 9m mark the viewline would extend to a vertical distance of 3.1m from the ground which would not permit views to people in that space. As the conditions pertaining to heritage will also result in the original (smaller) windows or openings being kept in place, this would further limit opportunities for overlooking. However, consideration must also be given to the first floor north-east facing habitable room window associated with the rear outbuilding to No. 240 McKean St (see photograph in Figure 38). Extrapolating the information provided in the plans and sectional overlooking diagrams confirms that views into this window (with a sill height of RL39.06) would be possible from the north-west facing first floor window to Townhouse 12 (even with the proposed extruded frame/shroud). Hence, a condition will require that this window be screened in accordance with the standard. .



**Figure 37 – modified overlooking section from Townhouse 11 showing impact of removal of window shroud.**



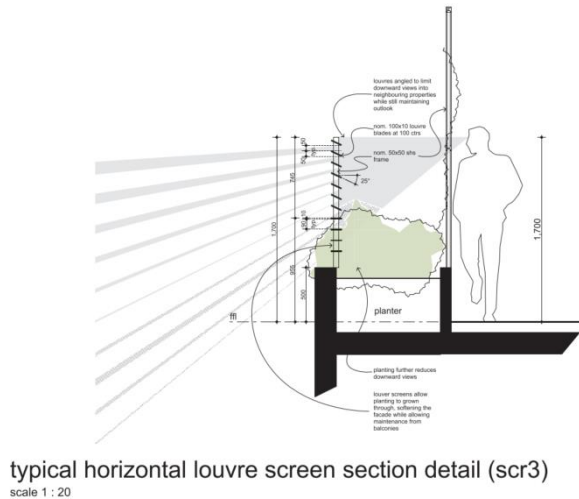
**Figure 38 – photo showing first floor habitable room window (red) associated with No. 240 McKean Street opposite the former bakehouse building.**

*Dwellings to north-west (NRZ1) - Level 2*

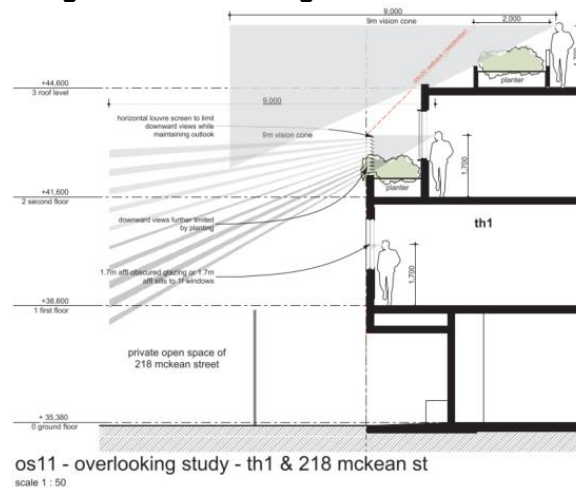
331. At level 2, all habitable room windows to the north-west facade have a sill height of 1.7m above finished floor level (compliant with the Standard) or otherwise are screened with perforated metal screening to a height of 1.7m above finished floor level (compliant with the Standard being to a height of 1.7m and no more than 25% transparent) or planter boxes and angled louvre screens (Scr3). The louvre screening (Scr3) also applies to the Level 2 balconies (TH13, 15, and 16). Details of the Scr3 screen are shown in figures 39 and 40 below, demonstrating how the planter box combined with the louvre screen prevents downward views to ground level secluded private open space opposite (but still allow for outlook).
332. A series of overlooking sections (OS7, OS8, OS10 and OS11 – refer to drawings TP13B and 13C of the decision plans) demonstrate how the proposed planter box/louvre screening combination, in conjunction with built form associated with lower levels, will limit views to secluded private open space at ground and first floor opposite and first floor habitable room windows associated with rear outbuildings to No. 228 and 234 McKean Street.
333. The screening provided by this combination of planter boxes and louvre screen is considered to be effective in limiting overlooking to dwellings fronting McKean St, however, it is noted there are a couple of sections where it has not been demonstrated to protect views to secluded private open space opposite and will be addressed by conditions of any approval, as follows:
- (a) Within a 3.5m wide section of the north-west façade between TH4 and TH5, no planter box is associated with the louvre screening. As no section has been provided through this part of the screening, this will be required to be provided as a condition of any approval and to demonstrate that overlooking to any habitable room windows or secluded private open space is appropriately limited by the screening in this section.
  - (b) It is not clear if the louvre screen extends along the sides of all planter boxes at level 2 where it is used as a privacy treatment for Townhouse 1, 2 and 3 and 14. ) and this may allow for views to the rear secluded private open or habitable room windows opposite. Therefore a condition will require that the extent of louvre screening to the sides of planter boxes along the north-west facade at Level 2 is clearly depicted with additional sectional diagrams provided, where necessary, to ensure that views to secluded private open space or habitable room windows is appropriately limited.
334. In addition, it is unclear how the north-eastern edge of the level 2 balcony to Townhouse 13 is screened/treated. As views to secluded private open space or habitable room windows of dwellings fronting McKean Street may be gained from this side of the terrace, this will also be addressed by condition to ensure views are appropriately limited from this area.



335. It also appears that the material and finish of screens Scr1, Scr2 and Scr3, while included in the legend (with detail provided on TP13D), have not been included within the materials and finishes schedule of TP14 and TP15. This will be required as a condition of any approval.



**Figure 39 – Screening device SCR3 detail**



**Figure 40 - effect of screening SCR3 to overlooking beyond to dwellings fronting McKean Street.**

*Dwellings to north-west (NRZ1) - Level 3*

336. At level 3, the roof terraces are set back substantially from the rear of dwellings fronting McKean Street. The provision of 2m wide planter boxes, where within the 9m distance, ensures that downward views to any areas of secluded private open space or habitable room windows opposite is restricted. This is clearly illustrated in overlooking sections OS3-OS11 (drawings TP13a to TP13c of the decision plans) and Figure 40 above.

*Dwellings to north-east (C1Z)*

337. The dwellings (three-storey townhouses) fronting the laneway to the north-east of the subject site are in the Commercial 1 Zone. As per the description in the site and surrounds, each of the dwellings have habitable room windows at first floor and a second floor balcony along the south-west elevation adjoining the laneway (approximately 6.15m wide).
338. In relation to addressing overlooking from the development to these dwellings;
- (a) At level 1, the north-east facing bedroom window to Townhouse 10 has a sill height of 2m and thereby meets the Standard.

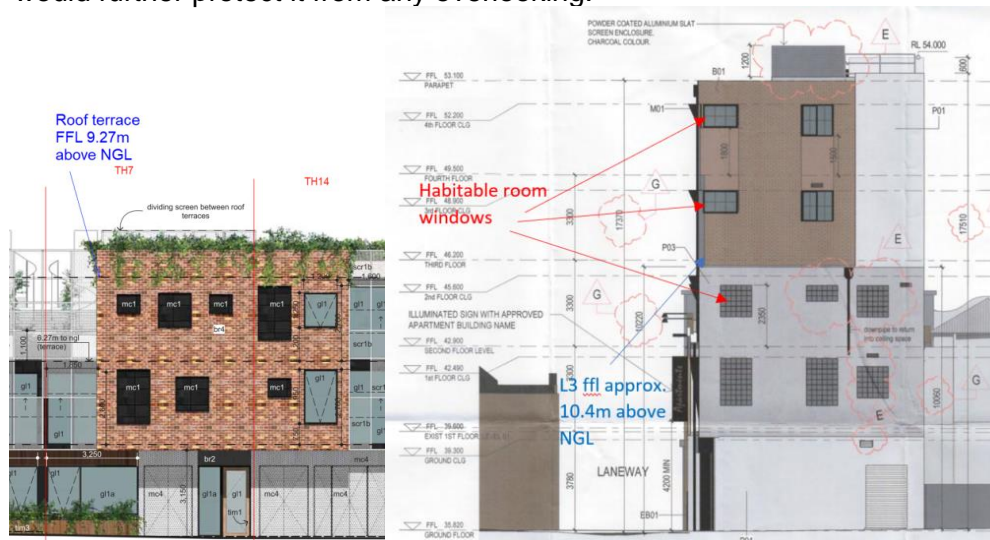
However, the screening applied to the window/opening to the balcony associated with Townhouse 11 is not fully clear, as floor plans indicate a 1.7m high perforated metal screen that is no more than 25% transparent (Scr1a) extends the full width opening/window to the balcony but the elevations also show timber screening (Tim2) to part of this, which has unspecified transparency. As this opening needs to be altered to its original opening (as per conditions pertaining to the heritage assessment) the condition relating to its replacement window will also specify that the modified window be screened in accordance with Standard B22 as the window would otherwise allow views to the first floor habitable room window associated with the townhouse opposite.

- (b) At level 2, the north-east edge of the balcony to Townhouse 10 is screened in accordance with the Standard (1.7m high screen no more than 25% transparent). It is noted that on the elevations the screen is dimensioned to a height of 1.85m above finished floor level. This will also effectively screen the north-east facing habitable room windows to the open plan living and dining area adjacent.
- (c) At level 3, likewise to the level below a 1.7m high screen (no more than 25% transparent) is provided along the north-east edge of the roof terrace to Townhouse 10 and thus complies with the Standard.

*Dwelling to south-east (C1Z)*

339. In relation to the dwelling at the rear of No. 386 Queens Parade (to the south-east), this building does not have any habitable windows facing the subject site so consideration must only be given to overlooking to rear secluded private open space.
340. The proposed development does not comply with the Standard in relation to this area of secluded private open space, however, the following privacy screening measures are provided to habitable room windows and secluded private open space within the 9m/45 degree radius to the rear open space:
- (a) At level 1, the south-east facing bedroom windows to Townhouse 6 and 7 have been partly screened to a height of approximately 1.7m with privacy screening that is 50% transparent (Scr1B). The extent of the screening panels is not clear from the elevations. A louver screen is also provided to bedroom 2 of Townhouse 7 which directs views in a south-western direction and would likely provide a greater transparency than 25% in terms of view toward the rear open space.
  - (b) At level 2, a louvre screen as per level 1 below is provided to the living room window to Townhouse 7 and although not clearly noted on the floor plans, the proposed elevations indicate some of the 50% transparent screening (Scr1b) extends along part of the south-east edge of the level 2 balcony to Townhouse 6 and 7.
  - (c) At level 3, the overlooking sectional diagram (OS12 on drawing TP13C) clearly demonstrates that the intervening planter box associated with the terrace will prevent downward views to the rear private open space of No. 386 Queens Parade.
341. Residential amenity expectations must be tempered for sites in the Commercial 1 Zone (particularly those within Activity Centres). The provision of some level of privacy screening is generally supported and it is not considered that the Standard must be met, especially as the dwelling appear to be within a building also partly used for commercial purposes (as opposed to the purpose built dwellings at No. 404-406 Queens Pde to the north-east). The main concern, however, is whether the extent of the proposed Scr1b privacy screen to south-east facing windows at Level 1 and balconies at Level 2 which are directly opposite the rear secluded private open space adequately limits overlooking. This will be addressed by condition.
342. It is also noted that the approved development at No. 388-390 Queens Parade under planning permit PLN17/0705 has a number of habitable room (bedroom) windows facing the subject site (north-west facing) at the second to fourth floor – see right hand side of figure 41. However, it is considered that, in the event that both developments were constructed, no unreasonable overlooking would occur for the following reasons:

- (a) At second floor (level 2) endorsed plans for PLN17/0705 confirm that the habitable room window facing the subject site (located on the boundary) is composed of translucent glass blocks which would prevent overlooking from the proposed development to this window.
- (b) At third and fourth floor, the bedroom windows are clear glazed, with a sill height of 1.8m above finished floor level, have a shallow (maximum 0.4m deep) shroud and are set back 3m from the north-west boundary. These windows would not be overlooked by development at No. 390A Queens Parade due to the more generous floor to ceiling levels associated with the development at No. 388-390 Queens Parade (as per endorsed plans for PLN17/0705), indicating that the finished floor to Level 3 roof terraces at No. 390A Queens Parade would be lower than the corresponding level 3 finished floor level of development at No. 388-390 Queens Parade – see figure 41 comparing both developments. In addition the 1.8m sill height of the bedroom window would further protect it from any overlooking.



**Figure 41 – Part S-E elevation of proposed development (left) and N-W elevation of development approved under PLN17/0705 (right) indicating FFL of corresponding Level 3 above natural ground level (notations added by planning officer)**

*Standard B24 – Noise impacts objective*

343. As discussed, in the land use assessment, the proposed dwellings are designed with adequate protection from surrounding noise sources.
344. Plant for each dwelling such as air conditioners and the like are not indicated on the plans. Given the style of the development, this is acceptable as there is sufficient space to accommodate these types of services on terraces. Given these would only be domestic services, the surrounding laneways would provide sufficient separation from other dwellings to mitigate any noise emissions.
345. The objective is achieved.

*Standard B25 - Accessibility objective*

346. The proposed development is considered to meet this objective, with the following features considering the needs of people with limited mobility:
  - (a) Entries to all dwellings are at grade to laneways.
  - (b) Five of the fourteen triple storey dwellings (plus roof terraces) have lift access up to Level 2). While lift access is not provided to the roof terrace (Level 2), the provision of a lift up to the main living area would still considerably improve access within the dwelling for those of limited mobility (both residents and visitors).

347. Suggested conditions by Council's Traffic Engineers, to include a smooth pathway (1.2m to 1.8m wide) on one side of the laneway network from the pedestrian entry of Townhouse 1 to the Queens Parade service lane would also help to make the development more friendly to those with a disability and is to be addressed by condition.

348. Overall, the proposed development achieves the accessibility objective.

*Standard B26 – Dwelling entry objective*

349. This objective of this standard is to *provide each dwelling or residential building with its own sense of identity.*

350. Standard B26 *prescribes that:*

(a) *Entries to dwellings and residential buildings should:*

(i) *Be visible and easily identifiable from streets and other public areas.*

(ii) *Provide shelter, a sense of personal address and a transitional space around the entry*

351. Individual entries are provided with shelter by the projecting upper levels and, in most cases, some additional level of recession from the building façade.

352. In addition, dwellings generally provide a sense of transition with small foyer areas or hallways, upon entry, providing separation from remaining internal areas of the dwellings.

353. However, there are also some shortcomings with respect to the sense of address to the overall development and dwellings, in particular:

354. The entry Townhouse 12 is located at the end of a covered walkway and the entry door would not be directly visible from the public laneway. To deal with safety issues (Standard B11), a gate is required to be inserted within the walkway. This will also provide a clearer entry point to the dwelling and ensure an appropriate sense of address.

355. Council's Urban Designer has suggested that the dwelling be re-arranged to *face the entry door of Townhouse 12 toward the lane and reduce the depth of recess in front of this entry.* However, it is considered that this will pose difficulties for storage of bins and that a gate is a better approach.

356. While the upper levels of the development (long elevations) are adequately articulated to give an impression of individual dwellings Council's Urban Designer has raised a concern that at ground level: *the northwest elevation is very repetitive, with nine essentially identical entries. Here, more differentiation is needed between dwellings to provide a sense of fine-grained subdivision and give each dwelling a sense of address and identity.* They have recommended varying colours or materials to improve this outcome.

357. In addition, Council's Urban Designer has advised that: *The placement of the substation, meters and bin collection point at the end of the main approach lane is not supported, as it gives a poor sense of address to the development.*

358. In relation to the concerns regarding the presentation of the development from the intersection laneway from Queens Parade, it is understood that the substation re-location to this position is to address accessibility requirements of the power authority and thus there may be little scope for re-positioning of this element.

359. The position of these elements is unchanged from the previous application under PLN19/0155. However, the current application does differ in design slightly from the previous proposal under planning application PLN19/0155, in that the previous application proposed application of an artwork (unspecified details) to the perforated metal doors of the substation at the termination of the public laneway extending from Queens Parade. The current application proposes simple grey perforated metal. It is considered that the application of artwork would go some way to improving visual interest and, in addition, some wayfinding signage to this area should be added (or integrated into the artwork) to assist in identification of the site and individual dwellings. This will be addressed by condition. In addition, a further condition would also require location of indicative numbering to individual dwellings to ensure individual dwellings are clearly identifiable.
360. In relation to the concerns regarding the repetitiveness of the north-west ground floor façade, the proposed development is similar in appearance to that considered under PLN19/0155 and the Tribunal in their decision [P1950/2019] did not criticize the design from that perspective, rather find that:  
*[77] I am conscious that there was some debate about the proposal's 'sense of address', but do not see this as significant enough to be a 'yes or no' issue. Whilst the proposal's sense of address would self-evidently be less than ideal, if the Tribunal took a very strict approach with this issue, it would potentially be refusing every second proposed development on deep lots and/or refusing many proposed unit developments with a 'front and back' style of layout. With the proposal here, occupants and more regular visitors to them would I expect very soon become familiar with the orientation of this new development.*
361. The conditions outlined are sufficient to resolve the sense of address to the overall development and individual dwellings, with the addition of varied colours or materials to the north-west façade at ground floor not necessary to achieve an acceptable outcome.
- Standard B27 – Daylight to new windows
362. The objective is: *To allow adequate daylight into new habitable room windows.*
363. To achieve this the Standard prescribes that a window in a habitable room should be located to face:
- (a) *An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or*
  - (b) *A verandah provided it is open for at least one third of its perimeter, or*
  - (c) *A carport provided it has two or more open sides and is open for at least one third of its perimeter.*
364. The ground floor habitable room windows do not strictly meet the Standard, as they are cantilevered by built form of levels above (to a maximum depth of approximately 2.6m from the face of the window). For those windows which face onto a public laneway this arrangement, with the 2.4m-3m clearance from ground level to the overhang, is considered to function much like an open-faced verandah and thus still achieves the objective, with the remainder of the public laneway functioning as a lightcourt.
365. The habitable room windows that face the private road abutting the south-east boundary, must also give consideration to the potential for future development over the adjoining private road. Title details for the land that forms the private road and instruments attached to the title confirm that it provides carriageway easement rights to properties at No 386 and No. 388-390 Queens Parade but not for the subject site. There is also no daylight easement benefitting the subject site.



366. In terms of Townhouses with ground floor habitable room windows adjacent the private road, the following is noted:
- (a) The provision of setbacks from the south-east title boundary to upper levels of Townhouse 6 and Townhouse 7 to provide a lightwell adequately addresses protection of daylight to this area, including in the event of future development.
  - (b) The small open area provided to the ground level study to Townhouse 5 is under the requisite area prescribed by the Standard (approximately 1m by 1.8m or 1.8sqm area) and the built form opposite rises up to approximately 10.2m. The room would receive poor daylight and in the event of development to land to the south-east this would be further adversely impacted. However, given the small size of this room, it is not considered to warrant the same level of amenity as, for example, a bedroom or more substantially sized habitable room. Despite the less than ideal internal amenity in terms of daylight, it is considered acceptable to allow for the flexible use of this space for the purposes of a small study in this context. However, to supplement daylight provided by the glazed door and sidelight window, protect against impacts of any future development to the south-east and to provide some additional ventilation given it appears that the sidelight window is fixed, a condition will require that an operable skylight be provided to this room.
367. At first floor and above all habitable room windows have access to an open area in accordance with the Standard, either within the subject site (when facing internally to the development or adjacent the private road to the south-east; or by using all or in part land associated with the public laneway (an acceptable response given the public laneway would remain undeveloped).
368. However, to ensure that the north-east facing habitable room windows to Townhouse 4 (Level 1 and 2) maintain adequate daylight into the future (as they effectively have a window at the “boundary” with Townhouse 5, a condition will require that the shared lightwell with Townhouse 5 be designated as common property, or similar, to protect daylight to the habitable room windows at level 1 and level 2. Although at level 2 a skylight is also provided this is considered insufficient as this space is part of the main open plan living/kitchen/meals area. This condition will ensure that protection of daylight to these windows is carried through to any future subdivision stage
369. It is noted that the Sustainable Management Plan also outlines that overall the development receives a good level of daylight to habitable rooms, with a daylight factor of 2% or higher to 90% of the zones.
370. Subject to the condition outlined, the daylight objective will be achieved.

*B28 - Private Open Space Objective*

371. Total area of private open space to each dwelling ranges between approximately 9sqm and 37 sqm, with areas are broken up in a variety of ways across the different townhouse configurations.
372. The Standard is met for all Townhouses other than Townhouse 3, with each dwelling having (at a minimum) either:
- (a) *A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or*
  - (b) *A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.*
373. As indicated by Figure 42 below, the notated sqm area on the terraces appears to erroneously include the adjacent planter boxes. A condition will also require that sqm area of all terraces and balconies include only trafficable areas to provide a more accurate depiction of secluded private open space.



380. Townhouse 11 and 12 are provided a first floor balcony only. Townhouse 12 does not meet the Standard as the north-west side of the balcony is screened to 1.7m and the depth of the balcony is less than the requisite 3.53m. However, it will still receive good solar access, given its northerly orientation.
381. Townhouse 11 would have limited solar access to the first floor balcony as the full wall height is maintained. However, it is considered that compromise must be made when re-purposing a heritage building, also given the balcony will be entirely open to the sky, it will receive high levels of solar access at the mid-point of the day. The site is also well positioned with respect to public open space, such as Darling Gardens within 300m, the Merri Creek Trail within 400m and Edinburgh Gardens within 550m.
382. The objective is achieved.

*Standard B30 - Storage objective*

383. Standard B30 suggests that each dwelling should be provided with a minimum of 6 cubic metres of externally accessible storage space.
384. Dedicated storage areas that provide a minimum 6 cubic metres space are provide as follows:
- (a) Townhouse 4 has a dedicated store room (approximately 12sqm area) providing provide well over 6 cubic metres of storage;
  - (b) Townhouse 13, 14, 15 and 16 have 6 cubic meters of dedicated storage provided within their respective garages.
385. In terms of other townhouses, the applicant has provided a plan detailing “typical internal storage” (drawings TP18B and TP18C) which details storage provided across the dwellings ranging from 10.1 cubic metres to 18.2sqm. This includes bedroom, bathroom and kitchen and living area storage.
386. It is noted that the volume of storage provided is generally consistent with the new apartment requirements for storage at Clause 55.07, which quantifies storage across the whole dwellings (i.e. minimum 10 cubic metres for a 1 bedroom apartment, 14 cubic metres for a 2 bedroom apartment and 18 cubic metres for a 3 bedroom apartment). While the townhouses are not “apartments” they are similarly quite compact. Townhouses 1 and 2 and Townhouse 12 have under 14 cubic metres of storage (13.7 cubic metres for townhouse 1 and 2 and 10.1m cubic metres for Townhouse 12). However, the addition 0.3 cubic metres of storage could easily be accommodated at the rear of the respective garages to Townhouse 1 and 2 and there would be spare capacity in the understair bicycle parking area at the ground floor of Townhouse 12 to accommodate at least 2 cubic metres of additional storage in addition to a bicycle given the understair area is approximately 4sqm in footprint.
387. Given the townhouse format of the development, it is not considered necessary to require that storage is externally accessible.
388. Overall the dwellings will have adequate storage for the needs of residents and the objective is achieved.

*Standard B31 – Design detail objective*

389. Heritage considerations of design and material have already been covered separately.
390. Overall it is considered that an appropriate range of materials are used to relate to surrounding built form, including extensive use of red brickwork.
391. Council’s Urban Designer was broadly supportive of the materials and finishes subject to:

- (a) some further differentiation to materials defining the ground level dwellings along the north-west elevation (see “dwelling entry objective” discussion below);
- (b) ensuring that natural timber is used (deletion of ‘or equivalent’ from the materials schedule); and
- (c) ensuring that brickwork along the south-east façade (except where windows are required) is provided to the return side of the wall so that the formes *present well in the round*.
- (d) The finishes to the soffits of upper-level projections to be shown.

392. The latter three items will be addressed by condition (see further discussion in the “dwelling entry objective” section of the assessment regarding the first recommendation. These conditions will help ensure the development achieves a high quality urban design outcome which is supported by higher level planning objectives at the State and Local level.

*Standard B32 – Front fences objective*

393. Not applicable - no front fences are proposed.

*Standard B33 – Common property objectives*

394. The objectives are:

- (a) *To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.*
- (b) *To avoid future management difficulties in areas of common ownership.*

395. There would be little common property associated with the dwellings due to the townhouse format of the development. This would consist primarily of common services such as the meter area and substation.

396. However, it is noted that the undercroft area at ground floor appears to be divided up amongst individual townhouses, according to the indicative property boundary lines on the floor plan.

397. Swept path diagrams indicate that vehicles entering garages will need to traverse over parts of the ground floor setback in front of adjoining dwellings, which suggests the need for carriageway easements, or preferably that these areas are in common property. This is addressed in the “Car parking, bicycle parking and traffic” part of the assessment via requirement for a Section 173 agreement which would facilitate public access over ground level setbacks adjacent public laneways which would of course apply to occupants of the development.

398. The use of the bluestone material to the majority of the ground level external areas may not be readily distinguishable from the abutting laneway, particularly if it adjoins the smooth 1.2m to 1.8m wide bluestone pedestrian pathway which is to be required by condition. Therefore a condition will require that a different material replace the proposed bluestone pavers (designated as “pav2” on the plans and finishes schedule. This would delineate private parts of the site from the abutting public laneways.

399. In addition, pedestrian access to the south-east side of Townhouses 5, 6 and 7, where there is abuttal by the private road, cannot be legally gained via the private road and the portion of the ground floor setback adjacent the private road would need to be designated as a common area.

400. To ensure this is carried through to the subdivision stage a condition will require that the communal pedestrian pathway abutting the private lane to the south-east at ground level (i.e. the ground level frontage to Townhouse 5, 6, and 7) is clearly delineated on the plans.

401. Subject to this condition, the development will achieve the common property objectives.

*Standard B34 – Site services objectives*

402. Each dwelling will have bin storage in their respective garages or in separate externally accessible stores. An accompanying Waste Management Plan sets out the waste collection arrangements by private contractor.
403. Council's City Works (waste) Unit has advised that the waste management plan is not acceptable as it does not:
- (a) Provide food waste diversion;
  - (b) Provide space for provision of a fourth (glass) waste stream in the future;
  - (c) Include swept path diagrams of the waste collection vehicle.
404. As the State Government is intending to mandate four waste streams in the future, it is considered important to future proof the waste facilities of the development to ensure that waste storage issues do not become an issue when this occurs. The above items will be addressed by condition, noting that swept path diagrams for the waste vehicle have been provided in the Traffic Report prepared by the applicant and have been reviewed by Council's engineers.
405. The collection of bins from outside the individual townhouses or from the communal area adjacent the substation (by private contractor) is acceptable as the proximity of the collection point to bin storage is close and convenient.
406. The arrangement is similar to that previously proposed under planning application PLN19/0155. In their decision of P1950/2019, the Tribunal found waste collection arrangements under that proposal to be acceptable, stating that:

*[66] I accept that the proposed 'waste collection' arrangements are workable and reasonable.*

407. In relation to letterboxes, the location of letterboxes to each dwelling has been shown on the plans and is generally in an accessible location. However, it appears that the mailbox for Townhouse 12 is attached to the adjoining garage wall of Townhouse 13. This may create confusion and issues with responsibilities for maintenance and the like given it is not a true party wall. Therefore the mailbox to townhouse 12 will be required to be located within the security gate that is to be required by condition to address issues of safety.

Environmentally Sustainable Design

408. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes which reduce residents and visitors from relying on private vehicles.
409. Policy at clauses 15.02-1S, 21.07, 22.16, 22.17 and 53.18 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.
410. A Sustainable Management Plan (prepared by Energy Lab) was submitted as part of the application. The SMP contained a number of sustainability initiatives to meet best practice environmentally sustainable design across the 7 categories specified Clause 22.17 of energy performance, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.
411. The SMP includes a number of commitments, including:
- (a) Capture of stormwater with rainwater tank storage of 11,500L (to be used for flushing toilets, washing bins and irrigation);
  - (b) Provision of operable windows for natural cross-ventilation;



- (c) Low VOC, PVC and formaldehyde construction materials;
- (d) Water efficient fixtures and taps;
- (e) Heating and cooling systems within 1 star of best available; and
- (f) Double-glazing to all glazed windows and doors.
- (g) Provision of 1 bicycle space per dwelling.

412. The SMP also include:

- (a) a BESS report which achieves a score of 52% (indicating best practice in environmentally sustainable design is achieved).
- (b) a Melbourne Water STORM report which achieves a score of 104% (indicating best practice stormwater management is achieved).

413. However, in relation to the STORM report, rainwater tanks are only provided to 10 of the 16 dwellings. Furthermore, rainwater tanks collect runoff from roof terraces and/or roofed areas beyond the dwellings where the tanks are located. Given the townhouse format of the development, it is anticipated that each dwelling would be subdivided into its own lot and this could present issues with ongoing maintenance and management of stormwater in the development. On this basis, a condition will require that SMP be updated to ensure that stormwater treatment is self contained within each dwelling, ensuring a minimum 100% rating is still achieved with the STORM for each dwelling.

414. The SMP and proposed plans have been reviewed by Council's ESD Adviser, who supported the commitments but identified number of shortcomings and made the following recommendations (as summarised):

- (a) Increased external shading treatments along the north-west elevation to address high cooling loads (in particular, to Townhouse1 2, 13 and 16).
- (b) Modify building design such that all cooling loads are less than 30mj/m<sup>2</sup>.
- (c) Remove gas ducted heating from dwellings to be replaced with reverse cycle heating and cooling as it is a superior technology);
- (d) Include organic (food) waste collection.

415. The above recommendations will, for the most part, be included in permit conditions (noting that the provision of food waste collection is consistent with recommendations of Council's City Works Unit regarding the Waste Management). However, the requirement for provision of gas ducted heating instead of reverse cycle heating and cooling is considered to go beyond what is required for the development to achieve best practice sustainable development and overly prescriptive and therefore will not be included in conditions (requiring an amended SMP).

416. A number of additional details were identified as lacking by Council's ESD Adviser (as summarised at page 4 of their referral response, as follows:

- (a) *Provide full set of cross-flow diagrams referenced in the SMP on page 5.*
- (b) *Please provide VLT used in daylight calculations and provide modelling for all townhouses.*
- (c) *Clarify provision of high-quality views throughout.*
- (d) *Clarify absence and/or strategy around formaldehyde (in engineered timber and other products).*
- (e) *Clarify reduction in peak energy associated with townhouse designs.*
- (f) *Clarify relationship between water use monitoring and behavioural analysis mentioned on page 13*
- (g) *Confirm irrigation strategy for landscaped areas.*
- (h) *Clarify post-development stormwater flows do not exceed pre-development levels.*
- (i) *Confirm any stormwater treatment required beyond the rainwater tanks*
- (j) *Confirm commitments, clarify recycled materials to be used in concrete mixes (fly ash, aggregates etc.) and consider increasing to 20-30%.*

- (k) *Clarify approach to steel and reducing embodied energy (i.e. reducing reinforcement where possible, replacing with timber frame or procuring from ethical steel manufacturer).*
- (l) *Confirm extent (by materials, cost or weight) and clarify 'best practice' guidelines for PVC are to be addressed.*
- (m) *Clarify the design of the bicycle cages and garage storage.*
- (n) *Clarify vegetation site coverage and amend BESS report accordingly.*
- (o) *Provide a statement as to how the development mitigates urban heat – and consider increasing ground level vegetation (i.e. climbers) and provide SRI values or external (and roof) finishes. Consider also providing shade/climbing structures on terraces to reduce heat impacts during summer.*
- (p) *Confirm tuning strategy prior to occupancy.*

417. These details will be addressed by condition, with the exception of:

- (a) Additional landscaping at ground level and shade/climbing structures on terraces to reduce heat impacts. These will not be included as requirements of the amended SMP as the former could obstruct vehicle access and the latter could result in additional visual bulk to upper levels and increase overall height of the building. In addition, the planter boxes at Level 2 will assist in reducing the heat island effect. The remaining items will be required to be addressed by condition.
- (b) Clarification of "high quality views". The planning officer assessment has already found the proposal provides adequate outlook to dwellings and this is reflected already in the built form proposed. Therefore it is unnecessary for the SMP to provide this detail.
- (c) Clarification of the design of bicycle cages and car storage. This is considered unnecessary detail for the SMP. The storage areas in the garages are clearly depicted on floor plans and the various types of bicycle rails are on drawing TP18B.

418. Further opportunities for improvement of the development were identified by Council's ESD adviser as follows (as summarised on page 4):

- (a) *Consider avoiding gas for HWS and instead using a heat pump.*
- (b) *While the majority of the roof area is consumed by the terrace's – consider incorporating solar PV on the smaller roof zones to further offset the buildings energy use.*
- (c) *Consider a small pallet of materials and construction techniques that can assist in disassembly.*
- (d) *Consider reducing double garages to single to increase opportunities for ground level vegetation and/or internal amenity.*
- (e) *Consider a green roof (i.e. level 2 roof areas) or wall (i.e. ground level) to improve the ecological value and heat mitigation of the proposal.*
- (f) *Consider Head contractor to be ISO14001 accredited.*

419. While a number of further opportunities were highlighted for consideration, given these are not considered to be critical to support of the proposal from an ESD perspective, while ideally these would also have been included as part of the development, these go beyond what is required by policy and would not form part of conditions to any permit.

420. The commitments within the BESS report noted as "to be marked on the floorplans" will also be required to all be shown on the plans, as some items such as glazing specifications, tap for all balconies and external sensor lights are not shown.

421. It is also noted that the SMP is difficult to read as it has a watermark of the word "preview" repeatedly stamped on each page. A condition will require this be removed.

422. Overall, subject to the conditions outlined, the development will achieve an acceptable level of sustainable design and will satisfy Clause 22.16, Clause 22.17 and Clause 53.18 of the Scheme.

On-site amenity (outlook from new dwellings)

423. The Clause 55 and ESD assessment have addressed various aspects of internal amenity. However, given the lack of outlook from the north-west facing living areas of new dwellings was highlighted as a fatal aspect of the previous development proposed under PLN19/0155 by the Tribunal in their decision (P1950/2019) a separate discussion of the development's response to this matter is warranted.
424. The previous application under PLN19/0155 screened all the north-west facing living areas at Level 2 in such a way that would not allow for outlook (privacy screening to windows or associated balconies to a height of 1.7m and no greater than 25% transparent).
425. The Tribunal found as follows:

*[124] Even allowing for the various nearby attractions on Queens Parade and the nearby Darling Gardens which I outlined just above, it is a very underwhelming 'internal amenity' outcome that that all of the north-facing Level 2 living areas look out to either a window and/or a terrace which is screened to a full 1.7 metres. Whilst I am not suggesting there is any 'simple fix' to this awkward situation, there should be a 'better way to skin the cat' than the current lacklustre approach. This is particularly the case for townhouses 12 and 13 that do not have the benefit of any rooftop deck.*

...

*[126] The dilemma of even the north-facing living areas being heavily screened is a stand-out problem, particularly for townhouses 12 and 13. I think what is needed here is not merely some 'tinkering around the edges', but a major re-think whether there is a more creative/positive way to screen the north-facing terraces. In this regard, I note the query during the hearing by Mr Gale whether the proposed townhouses (at a global level) should have had a more southerly orientation with their principal entrances. Because the southern interface to Queens Parade is both more robust and more proximate to the shopping strip, this seems a fair query to raise. If this project was to be pursued further, perhaps the whole project could be tweaked to at least minimise the number of living areas needing heavy screening to avoid views over the adjacent back yard areas.*

426. While the applicant has not sought to re-orient the development, the issue has been adequately addressed by:
- (a) Provision of roof terraces to all townhouses in the new portion of the development;
  - (b) Replacement of obscure glazed/perforated metal screening with louvred screens which allow for upward views to the sky.
  - (c) Inclusion of planter boxes at Level 2, creating a more green space.
427. The current proposal also introduces two dwellings (TH11 and TH12) within the former bakehouse building (previously proposed to be converted to an office under PLN19/0155). TH11 will retain some outlook to the north-west from the first floor living areas and balcony as openings along the north-west façade have a sill height of 1.6m.
428. Outlook from Townhouse 12 however will be constrained as the (replaced) north-west facing window must be screened to prevent views to the first floor window of the double-storey rear outbuilding to No. 240 McKean Street diagonally opposite and the first floor balcony is screened to an overall height of 1.8m above the finished floor level (as per elevations).

Screening of this balcony along its north-west edge is required due to the first floor habitable room windows associated with rear outbuildings to both No. 238 and 240 McKean Street opposite.

429. However, while the lack of outlook is not ideal, it is noted that the dwelling is located to front onto double-storey built form on the opposite side of the laneway (approximately 3m away). Even if outward views across or down were possible from its north-west façade it would allow views only onto built form of a similar scale and thus would not provide a high amenity outlook. Given this site context and the constraints of protecting privacy of dwellings opposite and adequately protecting heritage values of the existing building, it is considered on balance the dwelling is afforded an acceptable level of amenity.
430. The current proposal has taken the Tribunal's guidance and significantly improved outlook to dwellings contained wholly within the new built form (14 of the 16 dwellings) and it is considered that overall, the development achieves an acceptable level internal amenity to the dwellings in this respect.

Car parking, traffic, access and bicycle provision.

431. As detailed earlier, the development provides in excess of the requisite number of bike spaces under Clause 52.34 of the Scheme (bicycle parking) but requires a reduction of car parking of 5 spaces under Clause 52.06 of the Scheme.
432. While there is strategic policy support for reducing parking, consideration must be given to whether the proposed reduction can be supported having regard to the site context, actual demand and likely impacts on the surrounding on-street carparking.
433. A car parking demand assessment forms part of the Traffic Assessment (prepared by Traffix Group) submitted as part of the application and finds that the parking spaces provided would be sufficient to meet demand of residents of the townhouses based on the following factors:
- (a) The site's excellent access to public transport (tram, bus and rail services all walking distance);
  - (b) The site's location adjacent the Principal Bike Network of Melbourne.
  - (c) Three car share pods within 400m of the subject site;
  - (d) ABS data for 2016 which indicates that the average rate of car ownership for a three-bedroom dwelling in Fitzroy North is 1.4 vehicles and 35% of 1 bedroom dwellings do not own a vehicle.
  - (e) The lack of available car parking on-site (dwellings with zero or one car space) and within the surrounding street network as well as lack of access to parking permits will suppress demand from residents (parking surveys provided indicate that effectively only short-term and permit zone parking is available) but would be sufficient to accommodate visitor parking.
434. Council's Traffic Engineers have reviewed the traffic report and also support the 5 space car parking reduction based on a similar rationale. It is also noted that the development provides one bicycle space per dwelling (not required under Clause 52.34) and this would promote cycling as an alternative transport mode for occupants. It is also noted that the provision of 1 secure bicycle space per dwelling achieves a credit in the BESS report contained within the Sustainable Management Plan provided with the application.
435. Visitors to the site could take advantage of short term parking along Queens Parade or surrounding side streets.
436. The car parking reduction sought in conjunction with the current application (5 spaces) is less than the 14 space reduction sought under the previous application for the site, which was found by the Tribunal to be appropriate.

437. Council's Engineers found that the vehicle access (including that of the waste vehicle) and design of car parking spaces is satisfactory, subject to some conditions to be addressed, namely:
- (a) Provision of a sectional diagram (1:20 scale) for each garage, showing provision of a 40mm lip/bullnose along the edge of the laneway and incorporating any further modifications to confirm satisfactory access from the laneway.
438. No concerns were otherwise raised in relation to pedestrian or cyclist safety from vehicle traffic nor were there any concerns raising regarding the proposed built form arrangements in terms of accessibility to car spaces or vehicular access from the surrounding laneway network more generally.
439. The application is very similar to the previous application under PLN19/0155 in terms of the location and access to car parking, the location of pedestrian entrances and the provision of splays to both the laneway corners associated with the former bakehouse building (which was supported by Council's Engineers subject to similar conditions). One pedestrian entry is now provided directly from the (north-east) laneway (to townhouse 11) rather than via a recessed façade like the other dwellings. However, the entry has its door inset from the boundary providing an entry foyer that will provide a pedestrian refuge from vehicles (without providing an excessively deep recess for concealment).
440. The setbacks at ground level, where adjacent public laneways, will effectively widen the laneway. However, to ensure that the proposed open areas adjacent the public laneways are maintained free of obstructions (to facilitate vehicles passing) a condition will require that a section 173 agreement be entered into with Council to this effect (with some allowance made for temporary storing of bins during bin collection).
441. Council's Engineers found that traffic generated by the development would be low (maximum 5 trips per hour at peak hour estimated) and would not adversely impact the operation of the surrounding road network, including laneways.
442. The Tribunal in relation to the previous application for the site under PLN19/0155 provided a detailed reasoning (at paragraphs 52-67 of the decision for P1950/2019) as to why the vehicular access arrangements and traffic impacts of that application were acceptable and it is considered that a similar rationale can be applied given the similarities of the previous and current proposals.
443. Conditions were also recommended by Council's Engineers regarding:
- (a) Civil Works (requirements for re-location of the existing electrical poles within the north-western Right of Way)
  - (b) Pedestrian access off the right of way (provision of a 1.2m to 1.8m wide smooth pavement to *extend* along one side of the rights-of-way from the pedestrian entry of Townhouse 1 to the Queens Parade service road).
  - (c) Road asset protection (re-instatement of Council assets damaged by construction)
  - (d) Provision of a Construction Management Plan;
  - (e) Impact of assets on proposed development (requirements for re-location of Council or authority assets; and ensuring that any private services (pits, valves and meters) are contained within the property and not on public land).
  - (f) Removal, Adjustment, Changing or Relocation of Parking Restriction Signs (must seek Council approval for any changes);
  - (g) Public lighting (requirement to upgrade public lighting to abutting rights-of-way as necessary to achieve relevant Australian Standards and to ensure that existing and new public lighting does not spill into new residences or existing nearby residences (all at the cost of the developer).
444. These items will be addressed by way of standard conditions or (where relevant) notes on the permit.
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445. In relation to the provision of a smooth pedestrian pathway along the perimeter of the laneway, this is considered to be necessary given the site proposes to significantly intensify the use of the land and introduce 16 individual dwelling entries either directly from or via the laneway network. By facilitating pedestrian access, it will help improve access for people with limited mobility and also encourage more sustainable forms of transport such as walking and cycling. This measure has also been supported by Council's Urban Designer.
446. In addition, as it is likely any new public lighting will need to be attached to the building (given limited space in the laneways), a separate condition will require a section 173 agreement be entered into with Council to ensure that the developer is responsible for maintaining and bearing the cost of maintaining any public lighting attached to the building in perpetuity.
447. A note will also be included on any approval to indicate that residents and visitors are ineligible to obtain on-street resident or visitor car parking permits. This would help ensure that residents are fully aware of the restrictions and the development does not generate unreasonable demand for existing public on-street car parking spaces.
448. Overall, the traffic impacts associated with the development would be limited and acceptable, pedestrian safety would not be compromised; and proposed car parking and vehicle access arrangements are satisfactory.

### Objector Concerns

449. Objector concerns have been addressed throughout the report as follows:
- (a) *Overdevelopment of site (excessive height; number of dwellings; and inadequate setbacks)* – discussed at paragraphs 163-169, 208, 220-221, 250-251 and 263-265.
  - (b) *Inconsistency with neighbourhood character* – discussed at paragraph 251.
  - (c) *Adverse heritage impacts (loss of heritage fabric and alterations to the former bakehouse building (including single storey component); and proposed new built form)* – discussed at paragraphs 138-160 and 211-234.
  - (d) *Off-site amenity impacts (visual bulk; overlooking; noise from traffic, roof terraces use and air conditioners)* – visual bulk and overlooking discussed at paragraphs 322-341. Noise from air conditioners and the like is discussed at paragraphs 343-344. In relation to noise from traffic, as per the engineering referral response, traffic levels will be low and therefore it is unlikely vehicles will substantially add to noise. Likewise, there is no reason to anticipate the use of individual roof terraces will result in noise beyond normal domestic use. If there are instances of excessive noise, on occasion, the normal domestic noise complaints process (e.g. referral to police) would be sufficient to address the issue.
  - (e) *Non-compliance with rear setback provisions of proposed Design & Development Overlay (Schedule 16)* – discussed at paragraphs 178-205.
  - (f) *Public safety (scale of building will create an unsafe pedestrian environment in laneway, especially at night)* – discussed at paragraphs 272-281.
  - (g) *Traffic impacts (congestion and pedestrian and cyclist safety conflicts)* - discussed at paragraphs 437-442.
  - (h) *Inadequate provision of car parking* - discussed at paragraphs 431-436..
  - (i) *Inadequate provision of bicycle parking* – discussed at paragraph 434.

- (j) *Inadequate vehicle access via laneways (including for cars, larger vehicles such as waste and delivery trucks, and emergency service vehicles)* - discussed at paragraphs 286-293.
- (k) *Obstruction of vehicles by objects (e.g. bins) placed within the ground level areas adjacent laneway (Section 173 agreement needed);* - discussed at paragraph 440 and addressed by condition.
- (l) *Waste management (lack of glass, food waste or green waste bins and blockage of laneway by waste vehicles and bins)* – Discussed at paragraphs 402-407.
- (m) *On-site amenity (lack of ventilation for bin storage; lack of vegetation; lack of acoustic protection to dwellings from noise associated with commercial properties fronting Queens Parade)* – Landscaping is discussed at paragraphs 282-285. Noise from commercial properties is discussed at paragraphs 132-137. Bins are housed in enclosures that are externally accessible (with perforated metal doors) or in garages which will provide appropriate ventilation.
- (n) *Disruption of power supply to commercial properties fronting Queens Parade (subject site contains electricity meters for some properties)* – This is a civil matter between the landowner of the subject site and affected properties that is beyond the scope of planning considerations. There are no easements encumbering the site pertaining to metering arrangements with other properties.
- (o) *Inaccuracies and/or omissions of relevant information (within town planning report, traffic report, and waste management report and lack of heritage impact statement).* The submitted documents have provided sufficient information to determine the application. The traffic report and waste management report have been reviewed by relevant Council departments and no concerns have been raised in relation to accuracy or omissions. A full assessment has been undertaken against relevant provisions of the Scheme, including relevant changes proposed under Amendment C231.
- (p) *Loss of access to surrounding properties on laneway during construction* – This has been addressed by the requirement for provision of a Construction Management Plan. More generally, while construction impacts must be managed but are not a valid planning ground to refuse the application.

## Conclusion

- 450. The proposed use and development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives.
- 451. The proposal has substantially responded to the design issues that formed the basis of the Tribunal's decision to refuse the previous planning application for the subject site (Council reference PLN19/0155 and VCAT reference P1950/2019) for redevelopment of the subject site, in particular, the transition (and associated visual bulk impacts) to the low rise residential area to the north-west and internal amenity (provision of sufficient areas of secluded private open space to all dwellings and an outlook from living areas of dwellings oriented to the north-west).
- 452. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

## RECOMMENDATION

That having considered all submissions and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in the position to, it would have issued a Notice of Decision to Grant a Planning Permit PLN20/0869 for partial demolition of existing buildings; alterations and additions to existing buildings for construction of townhouses; use of the land for dwellings; and an associated reduction in statutory car parking requirements subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Jam Architects (TP00-TP21) but modified to show:
  - (a) A notation confirming all glazed windows and doors are double-glazed.
  - (b) The proposed window (and associated opening to the upper level north-east wall of the double-storey “substation” building) to match the original window in terms of size (approximately 1.25m wide by 2.3m high) and location (centrally above the existing lintel) with the replacement window to have a traditional timber frame and be screened in accordance with the Overlooking Standard B22 of Clause 55.04-7 of the Yarra Planning Scheme.
  - (c) New upper level metal framed windows/openings to the north-west façade of the existing double-storey former bakehouse building (and associated demolition of brickwork) deleted and original windows retained or replaced with timber framed windows within the existing openings.
  - (d) The three new lower level windows to the north-west façade of the existing double-storey former bakehouse building to be traditional timber framed windows.
  - (e) Demolition plans and elevations updated to ensure all parts of the double-storey section of the former bakehouse building to be removed are shown clearly and consistently.
  - (f) Sectional diagrams to demonstrate all parts of the upper level roof terrace privacy screens and stair structures have a maximum height of 11m above natural ground level.
  - (g) Lighting provided to all pedestrian entrances of dwellings with location shown clearly on floor plans and (where relevant) elevations.
  - (h) Deletion of words “or equivalent” in relation to use of natural timber on the materials and finishes schedule.
  - (i) The finishes to the soffits of upper-level projections specified.
  - (j) Additional sectional diagrams to show brickwork along the south-east façade is continued to the return side of the walls (except where windows are required).
  - (k) The extent of screening “Scr1b” to the south-east façade of the building to be shown clearly and consistently across floor plans and elevations, demonstrating the overlooking to rear secluded private open space of No. 386 Queens Parade is appropriately limited.
  - (l) Provision of a security gate (minimum 50 transparent) within the ground floor entry walkway to townhouse 12; including accommodation of a mailbox.
  - (m) Further details and sectional diagrams (as necessary) to demonstrate that views from the Level 2 north-east balcony of Townhouse 13 to the first floor balcony of Townhouse 12 are appropriately limited.
  - (n) Details of screening (including sectional overlooking diagram(s) as necessary) to demonstrate that overlooking is appropriately limited to the rear secluded private open space and habitable room windows of dwellings fronting McKean Street:
    - (i) From the north-east facing first floor bedroom window to Townhouse 13.
    - (ii) From Townhouse 4 and Townhouse 5, where there is no planter box associated with the Level 2 north-west façade;

- (iii) From level 2 living areas / balconies of Townhouse 1, 2, 3 and 14 over side edges of planter boxes.
  - (iv) From the north-east edge of the Level 2 terrace of Townhouse 13.
  - (o) Transparency of north-west facing habitable room windows to Level 1 which are provided with timber screening ("Tim2") confirmed to be screened in accordance with Standard B22 of Clause 55.04-7 of the Yarra Planning Scheme.
  - (p) Continuation of screening Scr1a (or equivalent that meets the Overlooking Standard B22 of Clause 55.04-7 of the Yarra Planning Scheme) to the south-west edge of the Level 1 balcony to Townhouse 12.
  - (q) Inclusion of material/finish to Scr1, Scr2 and Scr3" on the materials and finishes schedule
  - (r) Provision of an operable skylight to the ground floor study of Townhouse 5.
  - (s) Provision of artwork (including details) to the proposed substation and meters enclosure to the south-east façade and integrated way-finding signage;
  - (t) Surface material of the ground level setback area within the property boundaries to match into Council assets at ground level, with use of a differing material to clearly delineate the public/private realm;
  - (u) Provision of a sectional diagram (1:20 scale) for each garage, showing provision of a 40mm lip/bullnose along the edge of the laneway and incorporating any further modifications to confirm satisfactory vehicle access from the laneway.
  - (v) The frontage of Townhouses 5, 6 and 7 at ground level and the lightwell between Townhouse 4 and Townhouse 5, from level 1 and above, identified as common property.
  - (w) Mailboxes and location of indicative numbering to each dwelling shown on proposed elevations.
  - (x) The correct profile of the proposed DDO16 setback from the residential interface on relevant sections.
  - (y) Any changes required as a result of the amended Sustainable Management Plan required at Condition 3 and all items specified as "to be marked on floor plans" in the BESS report.
  - (z) Any changes required as a result of the amended Waste Management Plan required at Condition 5.
  - (aa) Any changes required as a result of the amended Landscape Plan required at Condition 7.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### **Sustainable Management Plan**

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Energy Lab and dated November 2020 but modified to include or show:
- (a) Consistency with the endorsed plans under condition 1.
  - (b) Increased external shading treatments along the north-west elevation to address high cooling loads (in particular, to Townhouse 12, 13 and 16).
  - (c) Modify building design such that all cooling loads are less than 30mj/m2;
  - (d) Include organic (food) waste collection (consistent with details in the Waste Management Plan required under condition 5.0).
  - (e) Provide full set of cross-flow diagrams referenced in the SMP on page 5.
  - (f) Please provide VLT used in daylight calculations and provide modelling for all townhouses.
  - (g) Clarify absence and/or strategy around formaldehyde (in engineered timber and other products).

- (h) Clarify reduction in peak energy associated with townhouse designs.
  - (i) Clarify relationship between water use monitoring and behavioural analysis mentioned on page 13
  - (j) Confirm irrigation strategy for landscaped areas.
  - (k) Clarify post-development stormwater flows do not exceed pre-development levels.
  - (l) Confirm any stormwater treatment required beyond the rainwater tanks
  - (m) Confirm commitments, clarify recycled materials to be used in concrete mixes (fly ash, aggregates etc.) and consider increasing to 20-30%.
  - (n) Clarify approach to steel and reducing embodied energy (i.e. reducing reinforcement where possible, replacing with timber frame or procuring from ethical steel manufacturer).
  - (o) Confirm extent (by materials, cost or weight) and clarify 'best practice' guidelines for PVC are to be addressed.
  - (p) Clarify vegetation site coverage and amend BESS report accordingly.
  - (q) Provide a statement as to how the development mitigates urban heat and provide SRI values or external (and roof) finishes.
  - (r) Confirm the tuning strategy will be finalised prior to occupancy.
  - (s) Stormwater treatment measures provided to each dwelling and the STORM rating report updated to confirm a minimum 100% rating is achieved for each townhouse.
  - (t) Remove the "preview" watermark from all pages.
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.

#### **Waste Management**

5. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 17 November 2020, but modified to include:
- (a) Consistency with the endorsed plans under condition 1.
  - (b) Swept path diagrams for the Waste Collection Vehicle, consistent with the Traffic Engineering Assessment prepared by Traffix Group dated 28 January 2021.
  - (c) Consider the space required to enable separation of 4 waste streams (i.e. also including glass);
  - (d) Food waste diversion.
6. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Landscaping**

7. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects and revision A dated 19/2/2021, but modified to include (or show):
- (a) Consistency with the endorsed plans under condition 1.
  - (b) Confirmation that planter depth and width is a minimum of 450mm x 450mm.
  - (c) Mulch specified on the higher levels to be wind tolerant mineral mulch.



8. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

#### **Public Lighting**

9. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the laneways abutting the subject site. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) A lighting scheme designed for the property's Right of Way frontages to comply with the minimum lighting level of P4 as per the Australian Standard *AS/NZS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements*
  - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting";
  - (c) The locations of any new light poles/fixtures so as not to obstruct access into private garages or pedestrian entrances;
  - (d) A maintenance regime for the lighting scheme within the curtilage of the property.
  - (e) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission where possible.
  - (f) The supply and installation of any additional or upgraded lighting, poles or other fixtures shall be funded by the Permit Holder and to the satisfaction of the Responsible Authority.
10. In the event that public lighting as required pursuant to Condition 9 is to be affixed to the buildings approved by this permit, prior to its occupation, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987, which provides for the following:
- (a) The owner of the land is to be responsible for maintaining (in working order) any public lighting affixed to the buildings approved under Planning Permit PLN20/0869, at the full cost of the owners of the land at 390A Queens Parade, Fitzroy North and to the satisfaction of the Yarra City Council;
11. The owner, or other person in anticipation of becoming the owner, must prepare and submit documentation for title amendments and meet all of the expenses of the preparation and registration of the agreement in Land Title Office Victoria, including the costs borne by the Responsible Authority.

#### **Laneway Accessibility**

12. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, a 1.2m to 1.8 metre wide smooth bluestone pavement must be constructed on one side of the Right-of-Way extending from outside the pedestrian entry to Townhouse 1 to the Queens Parade service road at the permit holder's cost; and to the satisfaction of the Responsible Authority.

**Infrastructure Works**

13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
14. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

**Lighting**

15. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating each dwelling entrance must be provided within the property boundary. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.

**Privacy screening**

16. Before the buildings are occupied, 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.

**General**

17. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
18. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

**Council assets**

19. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
20. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

**Construction hours**

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

**Construction management**

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

**Section 173 Agreement**

22. Prior to commencement of development authorised by this permit, or at a later date as agreed in writing by the Responsible Authority, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Save for the circumstances provided in (d) below, the Owner must provide unfettered 24 hour public access over that part of the land comprising all external surfaces at ground level located adjacent public laneways (excluding areas occupied by planter boxes and the paved entry to Townhouse 12 beyond a depth of 2m from the title boundary, as depicted on the endorsed plans for this permit);
  - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 22(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;

- (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 22(a).
  - (d) Rubbish bins may be placed in the area described in paragraph (a) above on any rubbish collection day but must be removed from that area as soon as possible after collection has occurred.
23. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

**Development Contribution**

24. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

**Permit expiry**

24. This permit will expire if:

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

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

**Notes:**

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

All future property owners, residents, employees and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

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.

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.

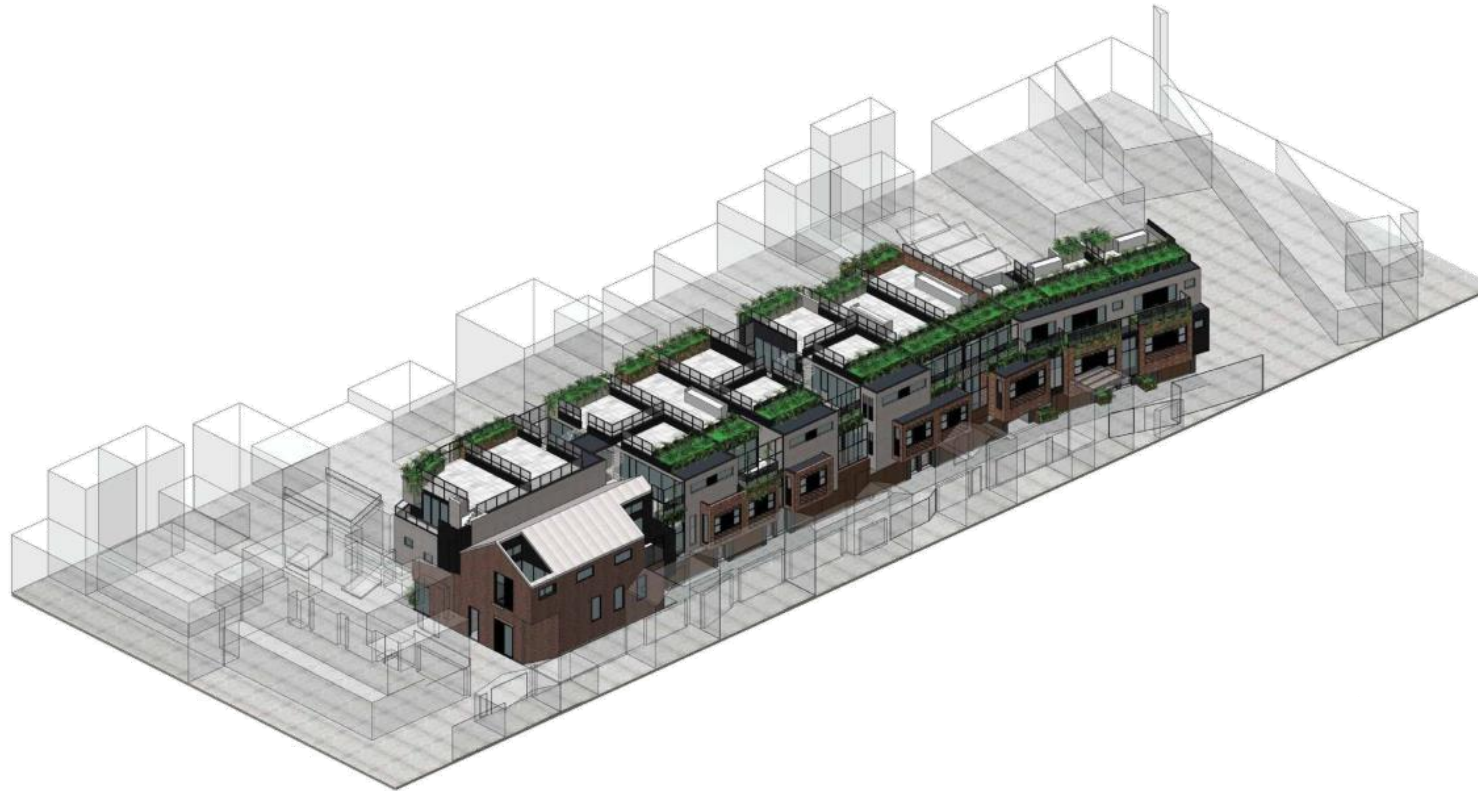
The decommissioning/relocation of the existing substation infrastructure must be undertaken with approval from the relevant authority.

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

## Attachments

- 1 PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans
- 2 PLN20/0869 - 390A Queens Parade Fitzroy North - Heritage Adviser Referral Comments
- 3 PLN20/0869 - 390A Queens Parade Fitzroy North - Urban Design Referral Comments
- 4 PLN20/0869 - 390A Queens Parade Fitzroy North - Engineering Referral Comments
- 5 PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments
- 6 PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments
- 7 PLN20/0869 - 390A Queens Parade Fitzroy North - City Works (waste) Referral Comments

# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



**PROJECT/**  
390A QUEENS PARADE, FITZROY  
NORTH

**DRAWINGS/**  
FOR INFORMATION

**DRAWING LIST/**

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TP 20	3D VIEWS	6
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TP

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REVISION

7a

TP00

PROJECT/ 390A QUEENS PARADE, FITZROY  
NORTH

DRAWING/

COVER PAGE CLIENT/

BERNARDI PROPERTY GROUP SCALE/

DATE/ 16.02.2021

LEVEL 2

JAMRCHITECTS PTY LTD

JOB NUMBER/

1819



# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans

DEVELOPMENT SCHEDULE

Project

Project No. 1819

Date 24.11.2020

Revision

JAMRCHITECTS®

Townhouses	Carpark	Services/Circ	Residential				Balconies	Area Per Level		
	Spaces	Area (m2)	Area (m2)	1 Bed + Study	2 Bed	3 Bed	Total	Area (m2)	(Sellable) NSA (m2)	GFA (m2)
TH1	1		147		✓			35	147	182
TH2	1		146		✓			34	146	180
TH3			91	✓				19	91	110
TH4	2		220			✓		64	220	284
TH5	2		202			✓		57	202	259
TH6			130		✓			52	130	182
TH7			129		✓			52	129	181
TH8			127		✓			49	127	176
TH9	2		172		✓			57	172	229
TH10	1		157		✓			55	157	212
TH11			107		✓			12	107	119
TH12			107		✓			9	107	116
TH13	2		166		✓			51	166	217
TH14	1		186			✓		72	186	258
TH15	2		165		✓			47	165	212
TH16	2		164		✓			47	164	211
proposed substation		33							0	33
Totals	16	33	2416	1	12	3	16	712	2416	3161

For preliminary Feasibility purposes only. Areas are not to be used for the purposes of Lease or Sale agreements. Layout may not comply with the Building Regulations or other Regulatory requirements. The information contained in this schedule is believed to be correct at the time of printing. Areas are generally measured in accordance with the Property Council of Australia - Method of Measurement. JAM Architects Pty Ltd retain all common law, statutory law and other rights including copyright and intellectual property right in respect of this document. The recipient indemnifies JAM Architects Pty Ltd against all claims resulting from use of this document for any purposes other than its intended use, unauthorized changes, or reuse of the document on other projects without the permission of JAM Architects Pty Ltd. Under no circumstances shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document.

Project Site Analysis

Site Area (m2)

Ground Building Footprint

Site Coverage

Non-Permeable Site Area

Non-Permeable Site Coverage

1041

771

74%

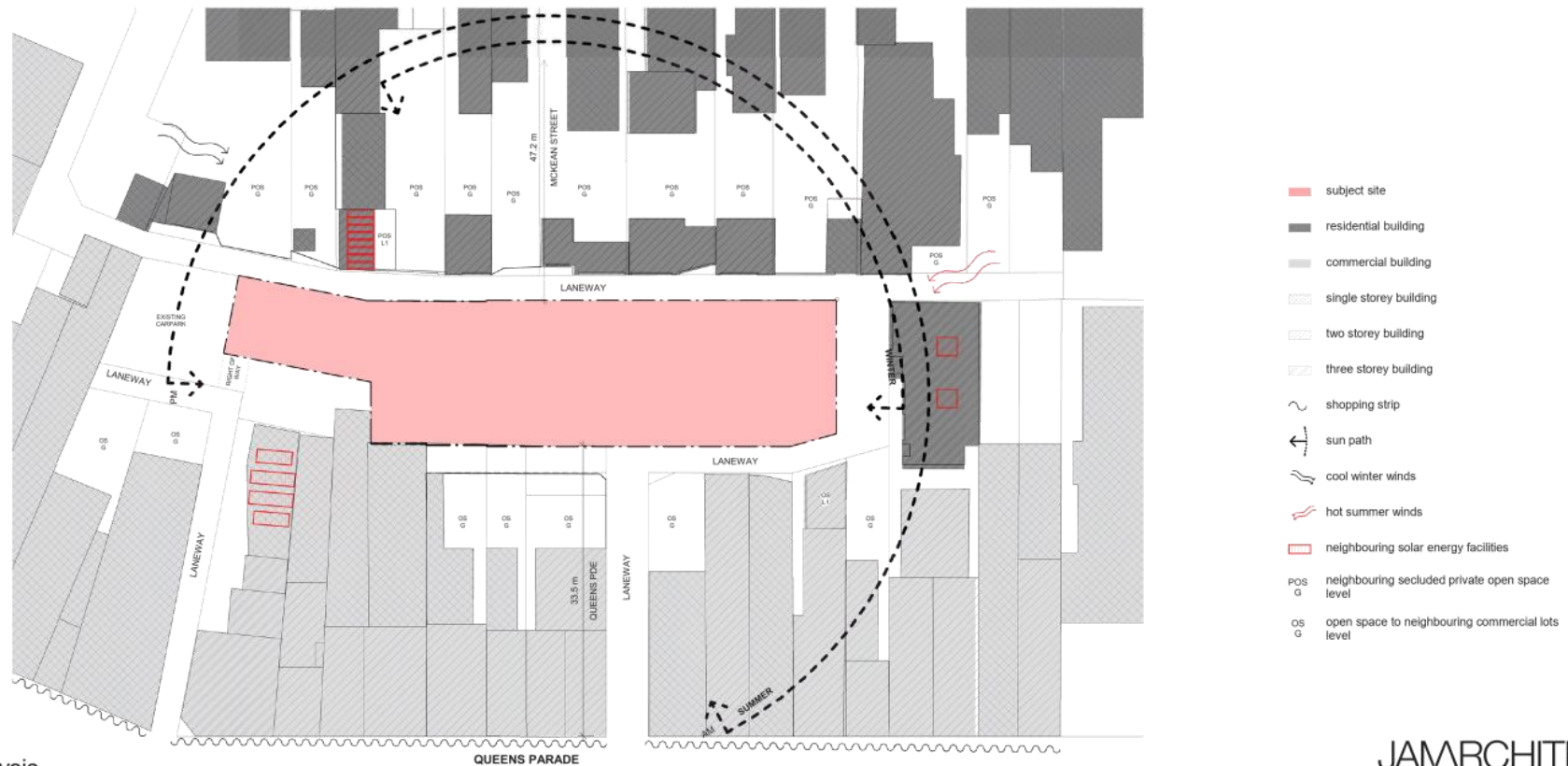
0

0%

development summary

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**Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans**



## site analysis

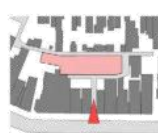
Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



queens parade - laneway entry (370 queens)



queens parade - laneway entry (392 queens)



laneway - south-east boundary of site



laneway - south-east boundary of site



laneway - south-east boundary of site



laneway - east boundary of site



site analysis - context photos

NTS

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# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



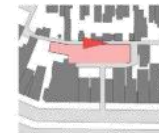
laneway - east boundary of site



laneway - north-west boundary of site & neighbouring townhouse



laneway - north-west boundary of site



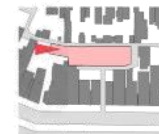
neighbouring window / balcony west of site



laneway - north-west boundary of site



existing car park - west corner of site



site analysis - context photos

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Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



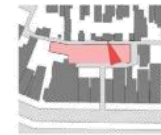
neighbouring townhouse development - north of site



neighbouring windows - west of site



neighbouring highlight windows - west of site



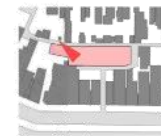
neighbouring highlight window - west of site



neighbouring pos - west of site



neighbouring pos - west of site



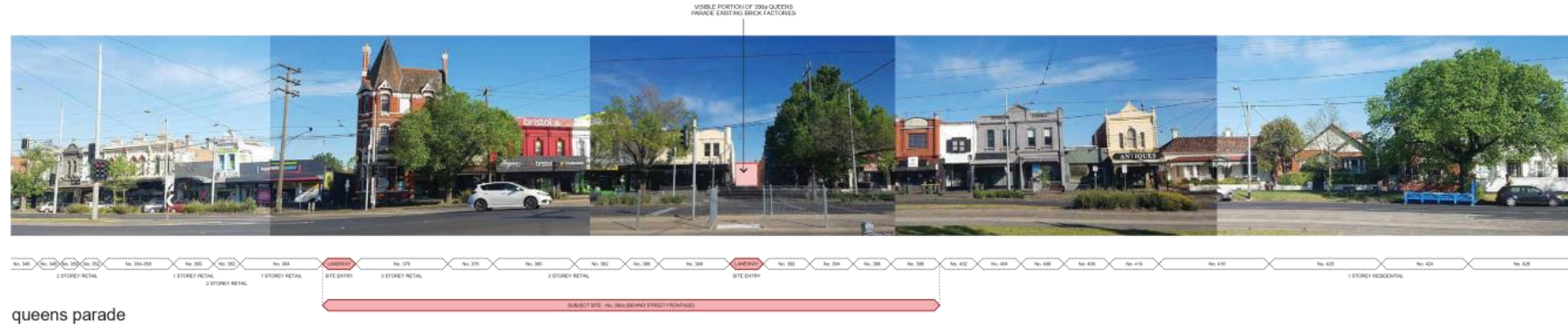
site analysis - context photos

NTS

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streetscape

NTS

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PROJECT/	390A QUEENS PARADE, FITZROY NORTH	DRAWING/	STREETSCAPE	CLIENT/	BERNARDI PROPERTY GROUP	SCALE/	NTS	DATE/	27.11.2020	LEVEL 2	JAM ARCHITECTS PTY LTD.	JOB NUMBER/	1819	TP05
											7 HOWARD STREET RICHMOND VICTORIA 3121 AUSTRALIA	T 61 3 9429 7744 F 61 3 9429 3955 jamarchitects.com.au	REVISION/	6



# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



perspective view 1 - southern laneway

- stepped roof forms and screens to further reduce the impact of the building as well as meeting NRZ and CZ1 setback requirements
- existing substation building retained and converted to townhouses with enlarged window openings for increased natural light
- planters on upper floors conceal terraces from surrounding properties as well as providing a softening effect to the building form
- integrated screening elements within building form reduce impact of potential overlooking onto neighbouring properties
- increased ground floor setbacks as required to facilitate laneway traffic as well as providing improved amenity for proposed dwellings and existing neighbouring properties
- southern ground floor studies provide activation to laneway as well as passive surveillance for pedestrian traffic from queens parade



perspective view 2 - northern laneway

site plan - design response

1:200 @ A1

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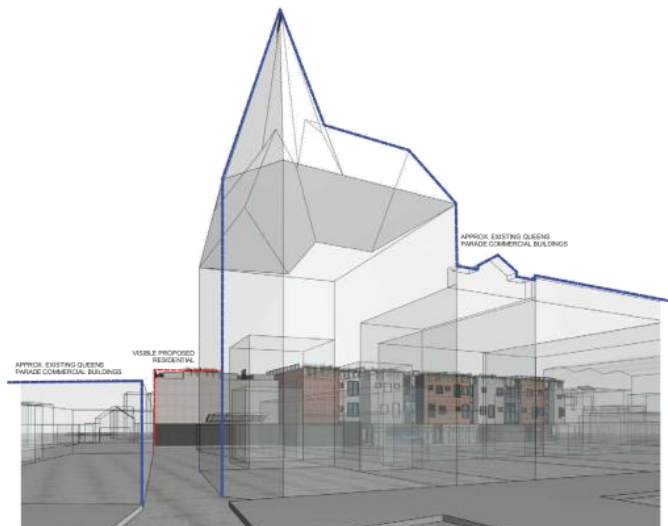
# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



queens parade



mckean street



approx. view from queens parade (lane adjacent to former anz building)



approx. view from queens parade (from south footpath of service rd)



approx. view from mckean street (from north footpath)

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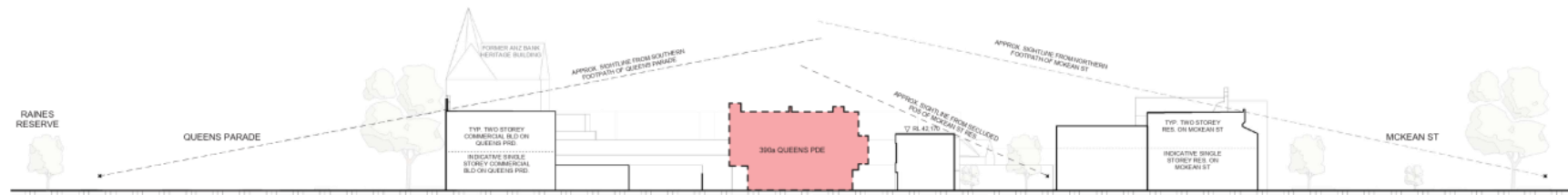
# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



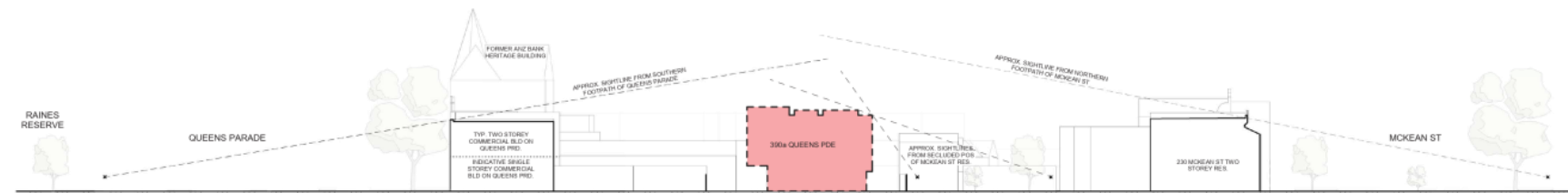
michael st sightline  
scale 1 : 250



rushall cres. sightline  
scale 1 : 250



queens pde. & mckean st. sightline  
scale 1 : 250



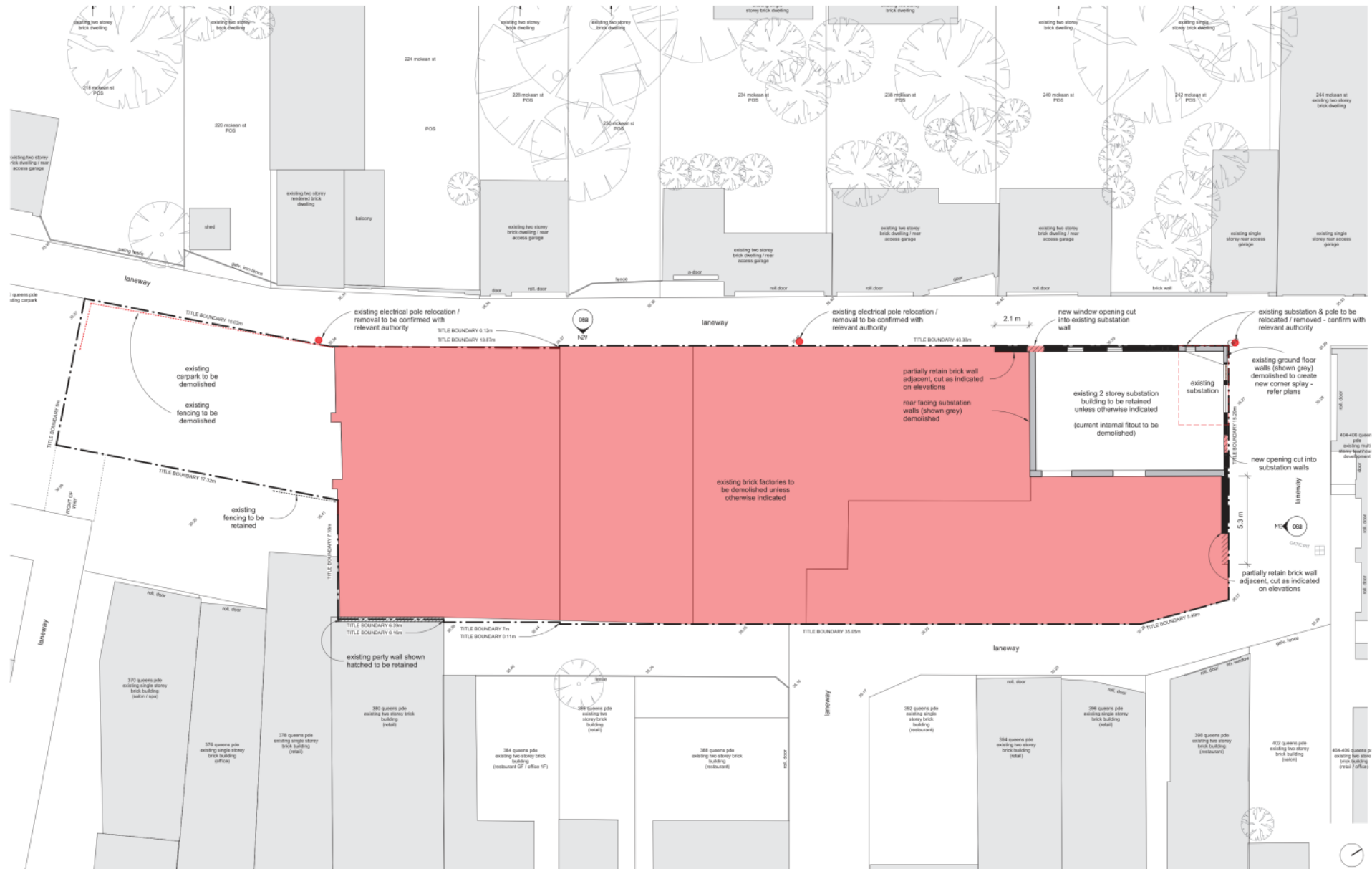
queens pde. & mckean st. sightline (230 mckean)  
scale 1 : 250

sightlines

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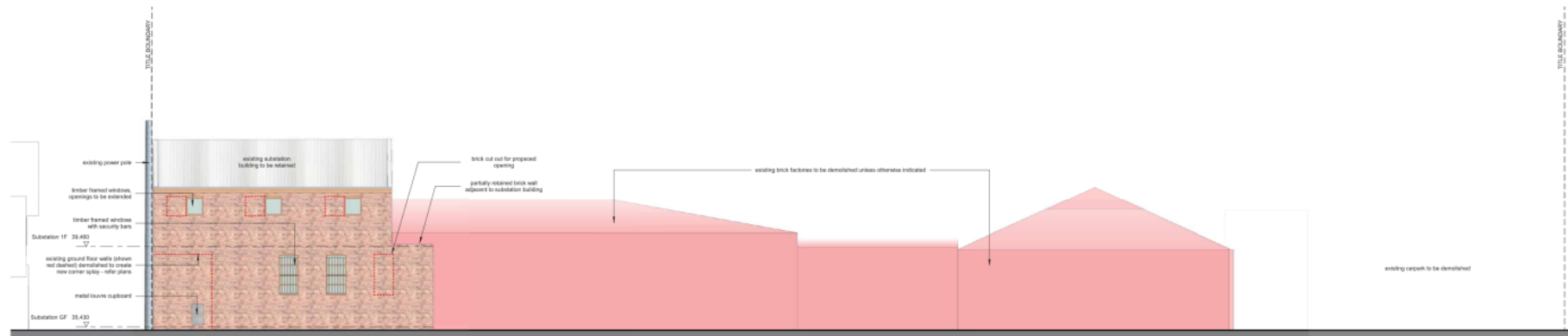


existing conditions and demo. plan

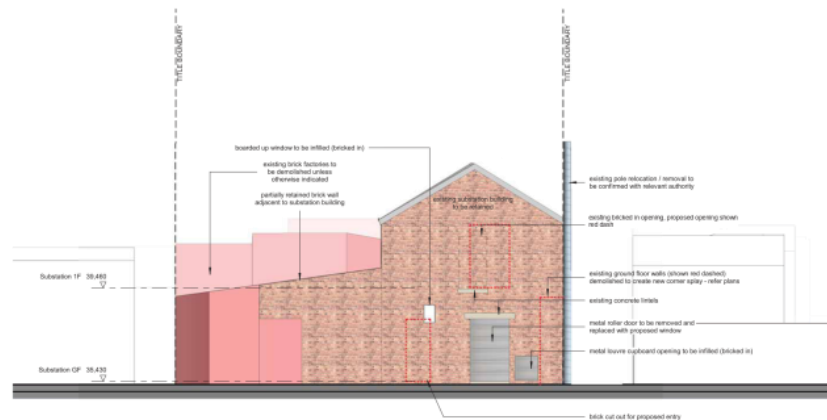
1 : 100 @ A1

JAMRCHITECTS®

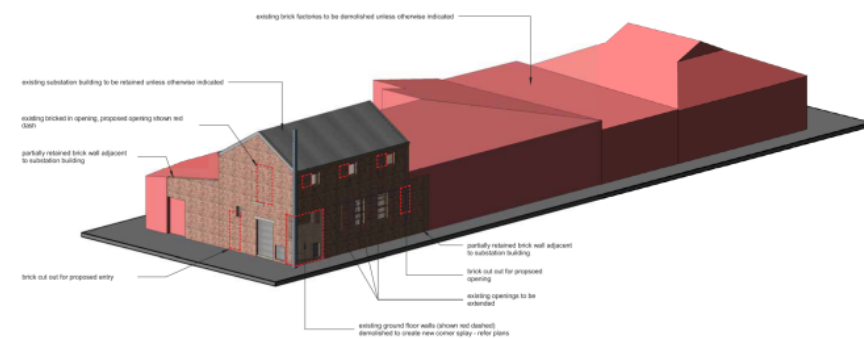
# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



existing north-west elevation  
scale 1 : 100



existing north-east elevation  
scale 1 : 100



existing conditions and demo. elevations

1 : 100 @ A1

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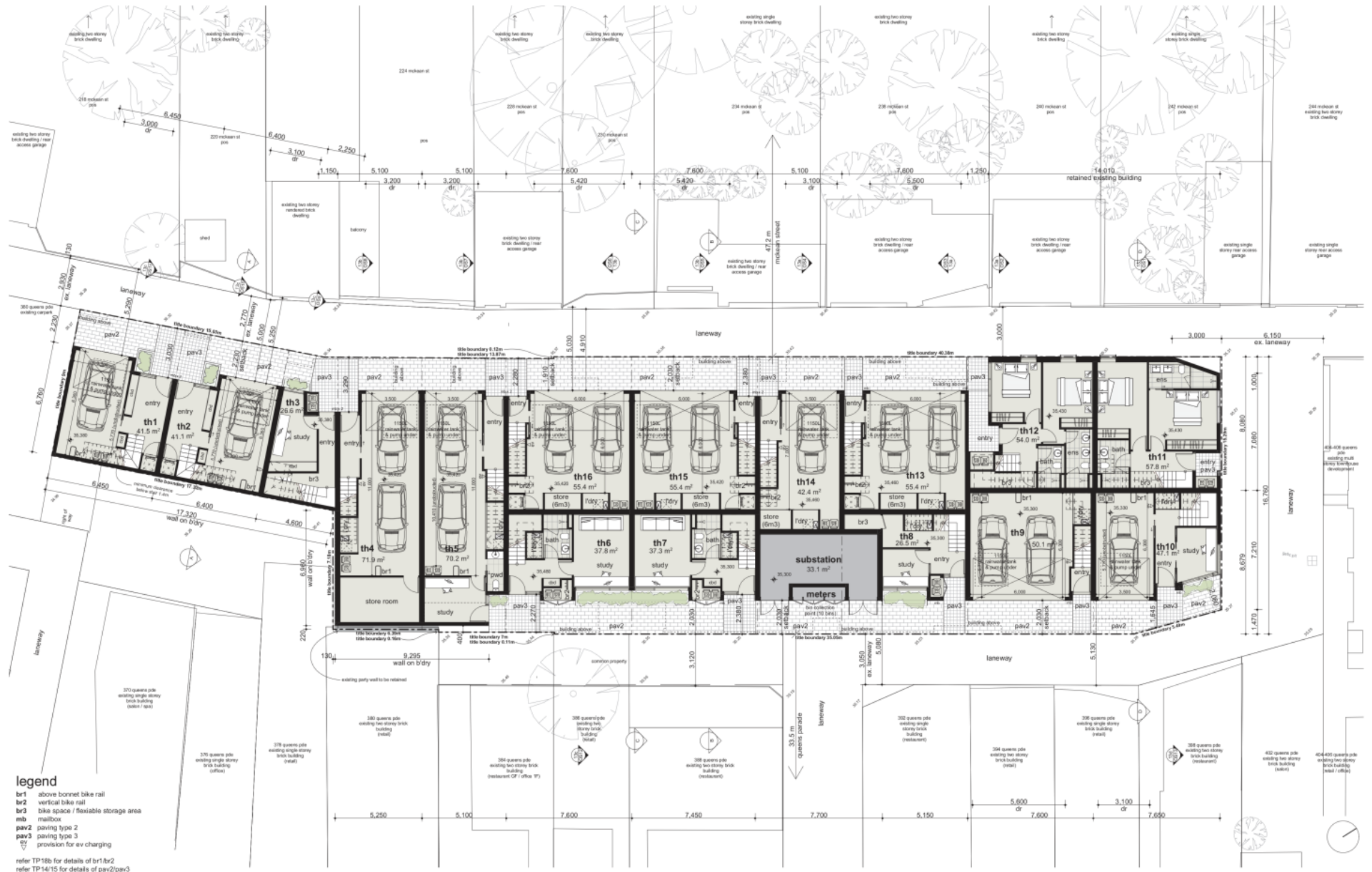
PROJECT/	390A QUEENS PARADE, FITZROY	DRAWING/	EXISTING CONDITIONS AND DEMO. ELEVATIONS	CLIENT/	BERNARDI PROPERTY GROUP	SCALE/	1:100 @ A1	DATE/	27.11.2020	LEVEL 2	JAM ARCHITECTS PTY LTD.	JOB NUMBER/	1819
	NORTH										7 HOWARD STREET RICHMOND VICTORIA 3121 AUSTRALIA T 61 3 9429 7744 F 61 3 9429 3950 jamarchitects.com.au	REVISION/	TP08a





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# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans





# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



1:100 @ A1

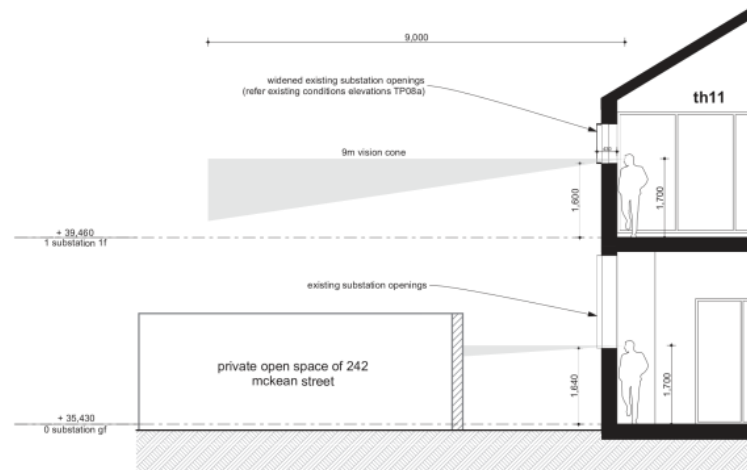
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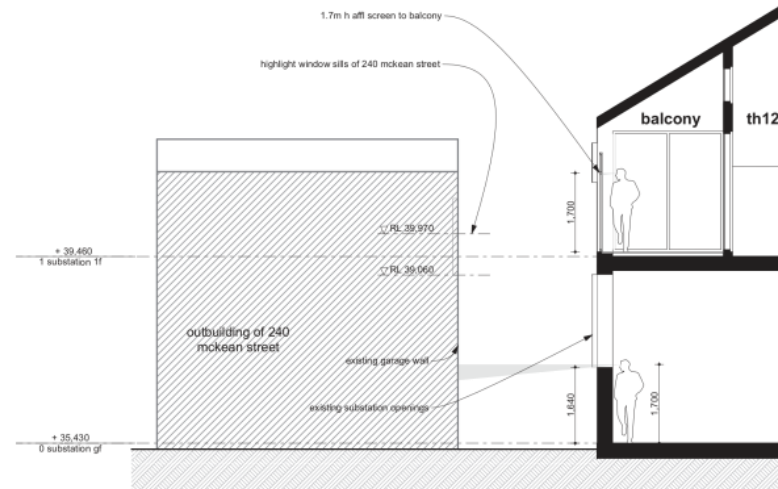




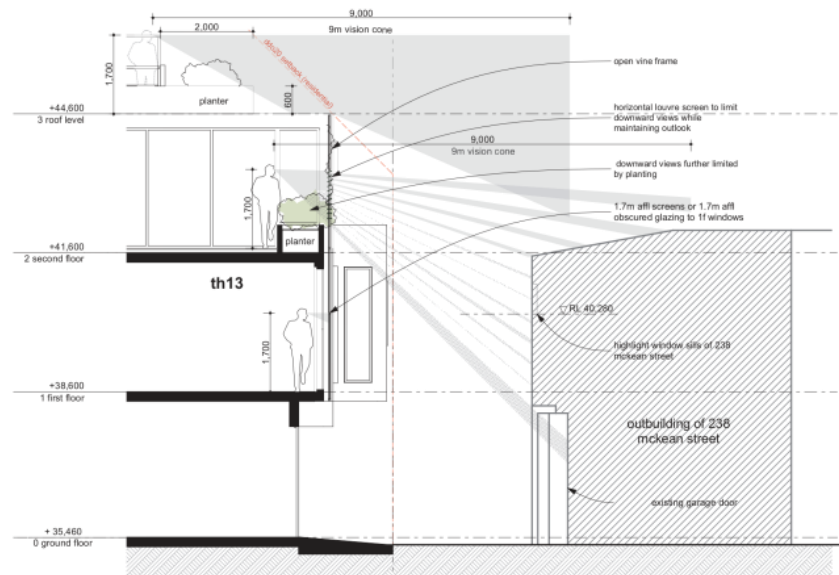
# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



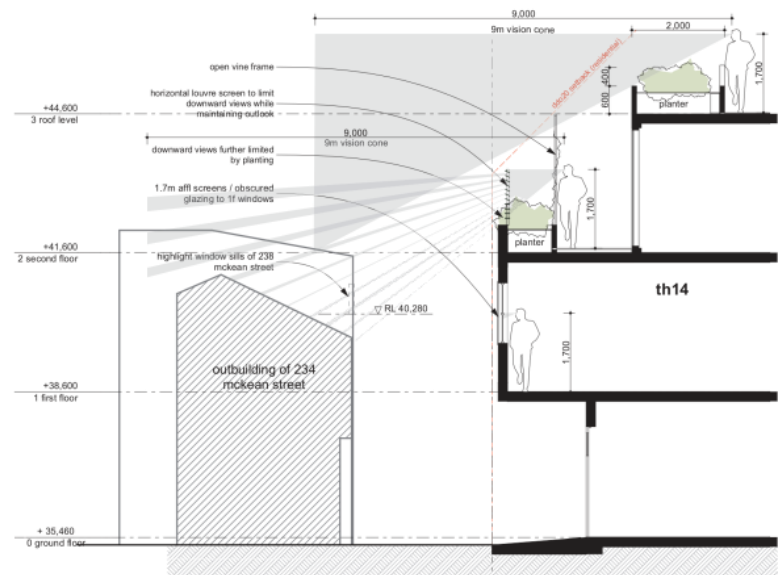
os1 - overlooking study - th11 & 242 mckean st  
scale 1 : 50



os2 - overlooking study - th12 & 240 mckean st  
scale 1 : 50



os3 - overlooking study - th13 & 238 mckean st  
scale 1 : 50



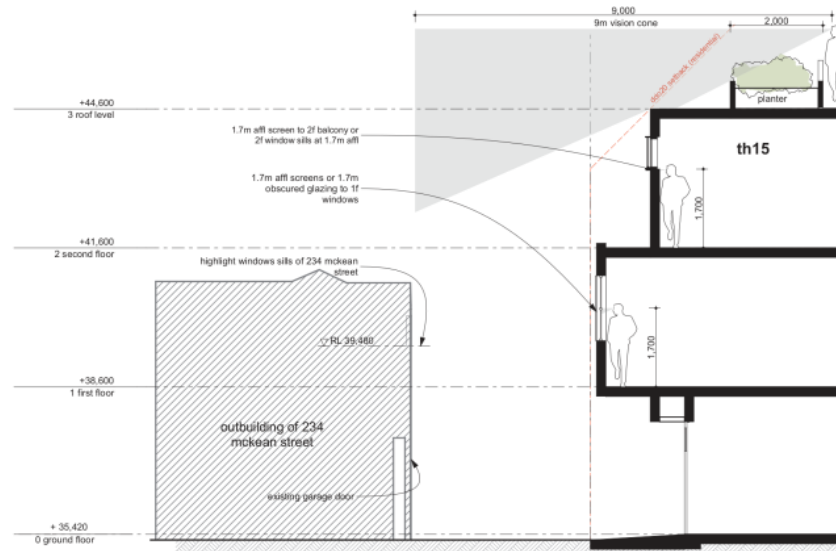
os4 - overlooking study - th14 & 234 mckean st  
scale 1 : 50

overlooking studies

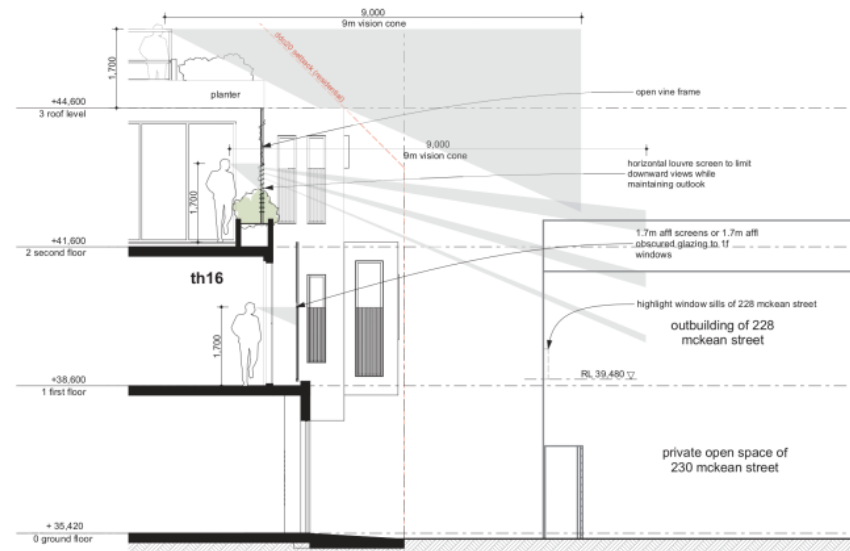
1:50 @ A1

JAMRCHITECTS®

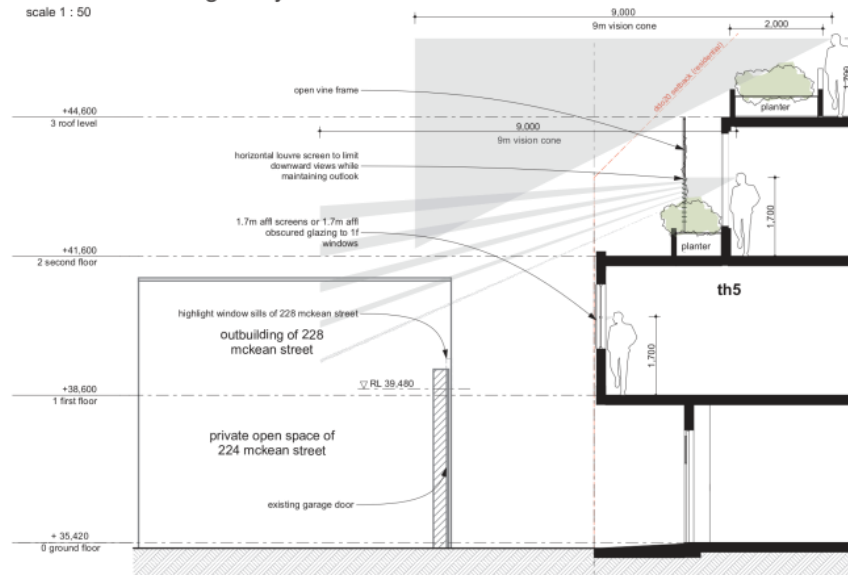
# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



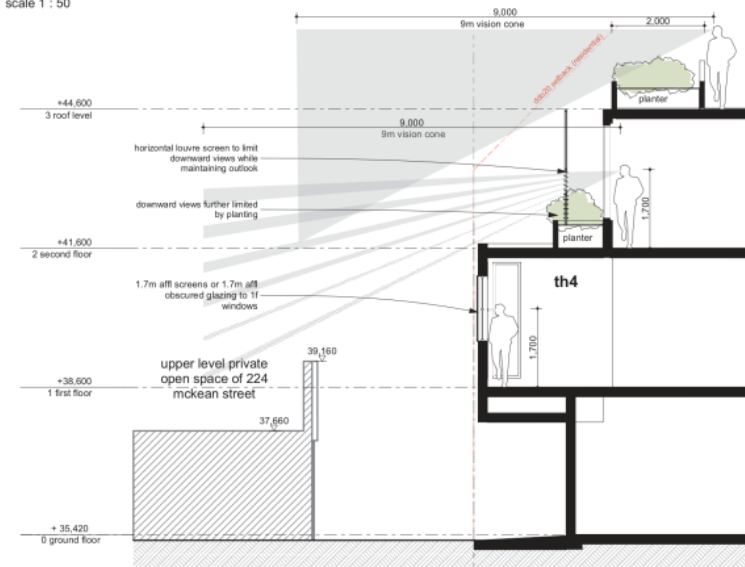
os5 - overlooking study - th15 & 234 mckean st  
scale 1 : 50



os6 - overlooking study - th16 & 230 mckean st  
scale 1 : 50



os7 - overlooking study - th5 & 228 mckean st  
scale 1 : 50



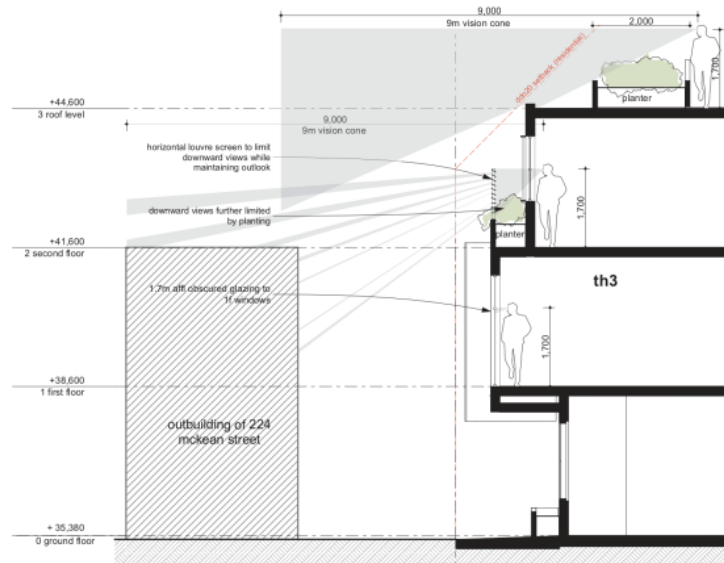
os8 - overlooking study - th4 & 224 mckean st  
scale 1 : 50

overlooking studies

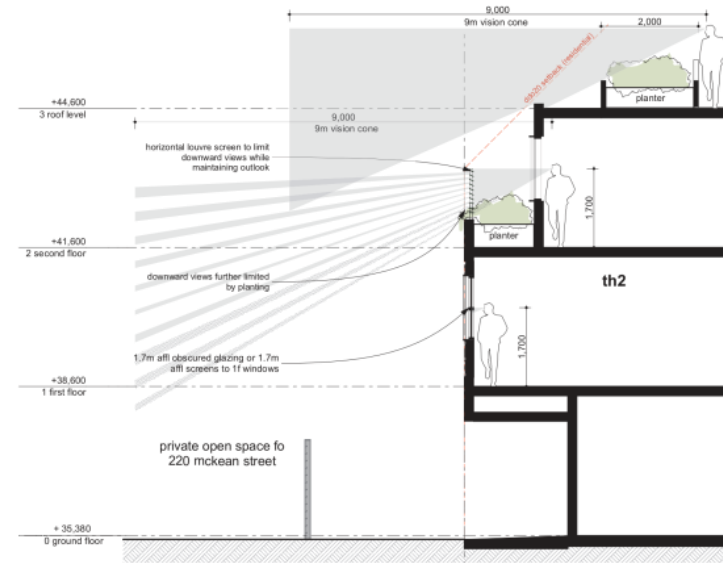
1:50 @ A1

JAMRCHITECTS®

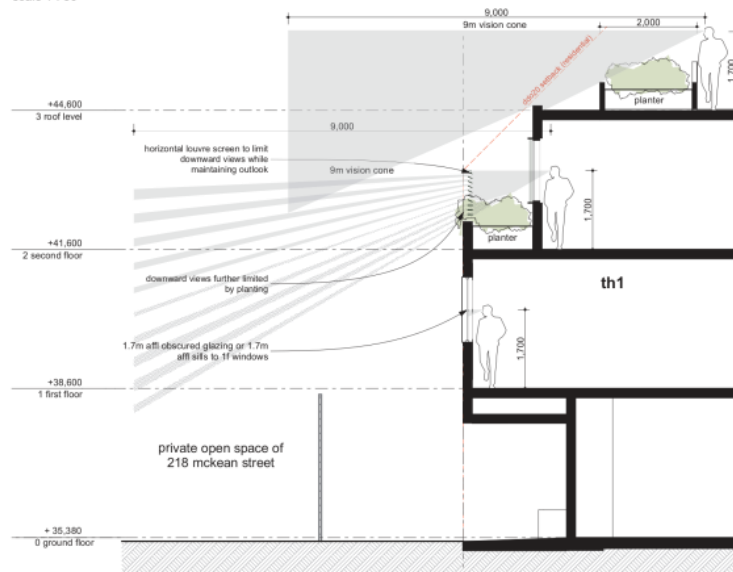
**Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans**



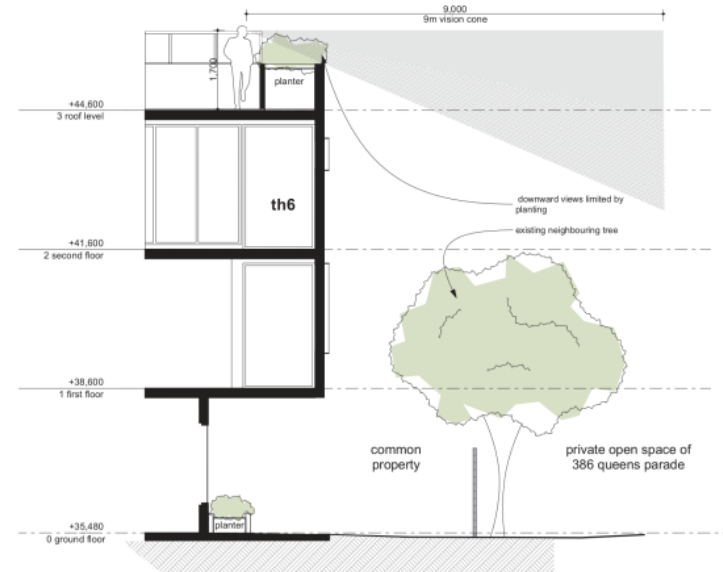
os9 - overlooking study - th3 & 224 mckean st  
scale 1 : 50



os10 - overlooking study - th2 & 220 mckean st  
scale 1 : 50



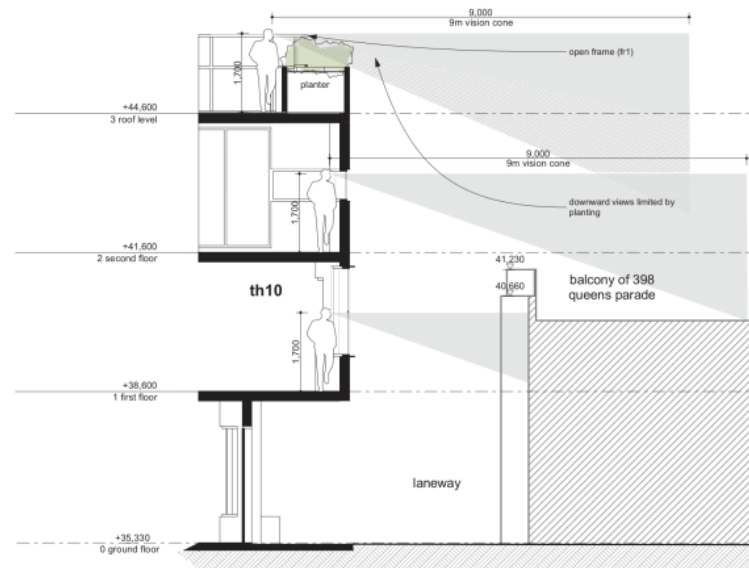
os11 - overlooking study - th1 & 218 mckean st  
scale 1 : 50



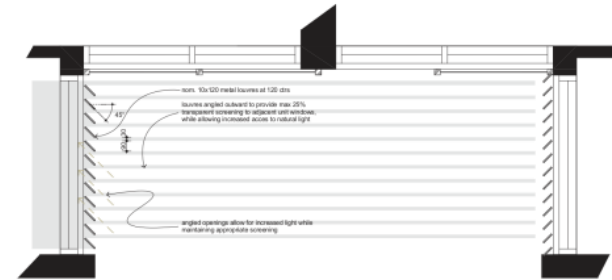
os12 - overlooking study - th6 & 386 queens pde  
scale 1 : 50

overlooking studies

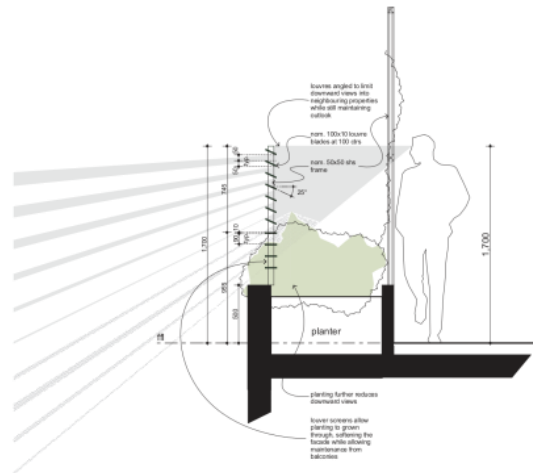
# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



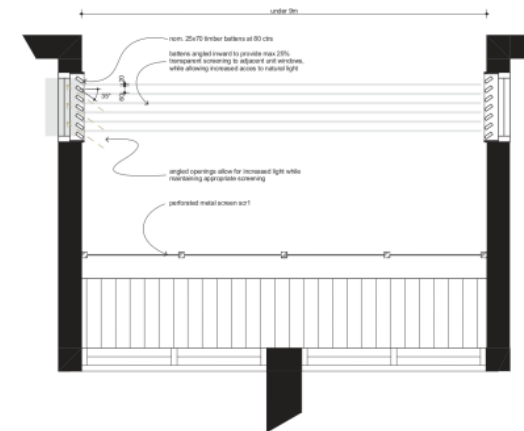
os13 - overlooking study - th10 & 398 queens pde  
scale 1 : 50



typical vertical louvre screen plan detail (scr4)  
scale 1 : 20



typical horizontal louvre screen section detail (scr3)  
scale 1 : 20



typical vertical batten screen plan detail (scr2)  
scale 1 : 20

overlooking studies

1:50, 1:20 @ A1

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# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



north-west elevation  
scale 1 : 100

## glazing specification

glazing as per unit requirements

general requirements are as follows except where specified:

• typical fixed / sliding windows and sliding glass doors to be double glazed max U4.10 and SHGC 0.52

• typical remaining windows & glazed curtain doors to be double glazed max U4.10 SHGC 0.47

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.44

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.48

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.48

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.48

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.48

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.48

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.48

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.48

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.48

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.48

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.48

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.50

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

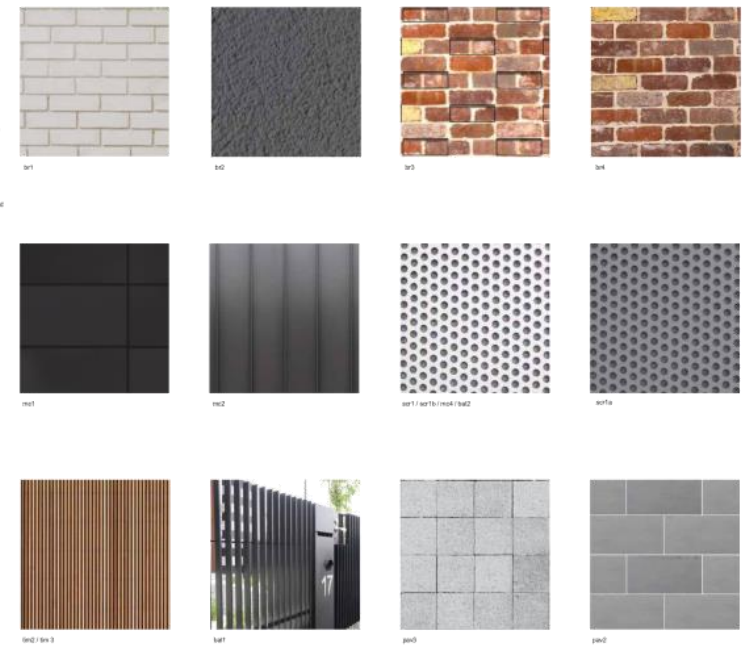
• T111 & T112 remaining windows (not fixed / sliding) & glazed curtain doors to be double glazed max U2.01 and SHGC 0.48

• T111 & T112 fixed / sliding windows and sliding glass doors to be double glazed max U2.01 and SHGC 0.50

## material schedule

- br1 brickwork - white
- br2 redbrick - light grey
- br3 brickwork - red and white recessed lay pattern
- br4 brickwork - recycled red bricks
- gf1 typical operable clear glazing in black metal frame (corner glazing in the form of set) (existing windows and doors) (existing doors - white aluminium)
- gf2 typical fixed clear glazing in black metal frame
- gf3 typical fixed obscured glazing in black metal frame
- mc1 metal cladding - charcoal
- mc2 metal cladding - charcoal standing seam
- mc3 perforated metal walls / doors with max. 25% transparency - natural anodised
- mc4 perforated metal screen with max. 25% transparency - charcoal
- mc5 perforated metal screen with max. 25% transparency - natural anodised
- mc6 perforated metal screen with max. 25% transparency - natural anodised
- mc7 roof cladding - to be confirmed
- mc8 timber - natural timber or equivalent
- mc9 timber screen - natural timber battens or equivalent
- mc10 timber - natural timber battens or equivalent
- mc11 vertical powdercoated metal balustrade / screen - charcoal
- mc12 perforated metal balustrade to match mc1 / mc10
- mc13 frameless clear glass balustrade
- mc14 1/2" metal plaster cladding frame - natural anodised to match mc1
- mc15 blackline pointing
- mc16 square pointing type 1

all material images shown are indicative only and are not a representation of final product



north-east elevation  
scale 1 : 100

## proposed elevations

1:100 @ A1

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# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



south-east elevation

scale 1 : 100

## glazing specification

glazing as per test requirements

general requirements are as follows except where specified:

typical fixed / sliding windows and sliding glass doors to be double glazed max U4.10 and SHGC 0.52.

typical remaining windows & glazed entrance doors to be double glazed max U4.10 & SHGC 0.47

Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 & SHGC 0.44

Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 and SHGC 0.50

Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 and SHGC 0.50

Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 and SHGC 0.48

Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 and SHGC 0.50

Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 and SHGC 0.50

Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 and SHGC 0.50

Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 and SHGC 0.48

Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 and SHGC 0.48

Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 and SHGC 0.48

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Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 and SHGC 0.48

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Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 and SHGC 0.48

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Timber & Timber remaining windows (not fixed / sliding) & glazed entrance doors to be double glazed max U2.01 and SHGC 0.48

## material schedule

br1 brickwork - white

br2 redbrick - light grey

br3 brickwork - red and white recessed lay pattern

br4 brickwork - recycled red bricks

gf1 typical operable clear glazing w/ black metal frame

gf1a typical fixed clear glazing w/ black metal frame

gf2 typical fixed obscured glazing to 1.7m above FFL w/ black metal frame

mc1 metal cladding - charcoal

mc2 metal cladding - charcoal standing seam

mc3 perforated metal walls / doors with max. 25% transparency

mc4 perforated metal screen with max. 25% transparency - natural anodised

mc5 perforated metal screen with max. 25% transparency - charcoal

mc6 perforated metal screen with 50% transparency - natural anodised

mc7 roof cladding - to be confirmed

mc8 timber - natural timber or equivalent

mc9 timber screen - natural timber battens or equivalent

mc10 timber - natural timber battens or equivalent

mc11 vertical powdercoated metal balustrade / screen - charcoal

mc12 perforated metal balustrade to match mc1 / mc10

mc13 frameless clear glass balustrade

mc14 150mm plaster cladding frame - natural anodised to match mc1

mc15 blackline pointing

mc16 square pointing type 1

all material images shown are indicative only and are not a representation of final product



br1



br2



br3



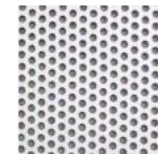
br4



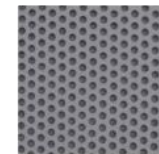
mc1



mc2



mc3



mc4



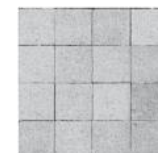
mc8



mc9



mc10



mc11



mc12



south-west elevation

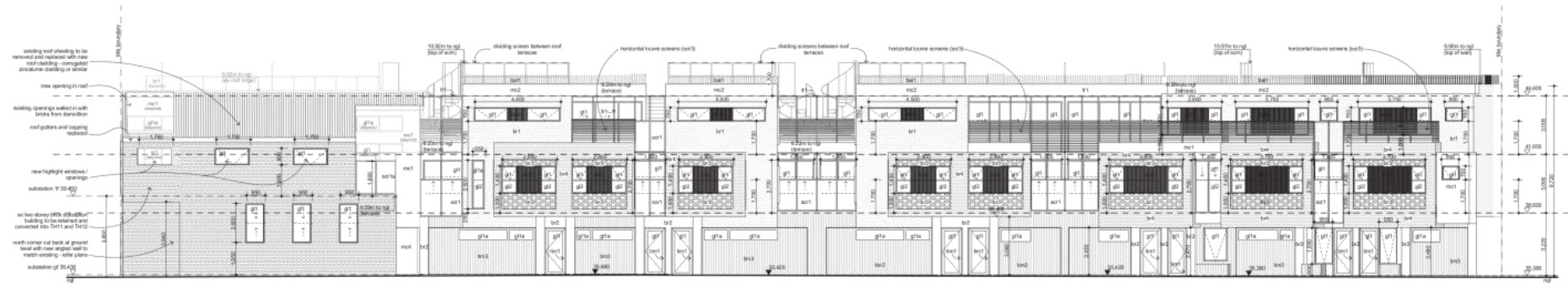
scale 1 : 100

## proposed elevations

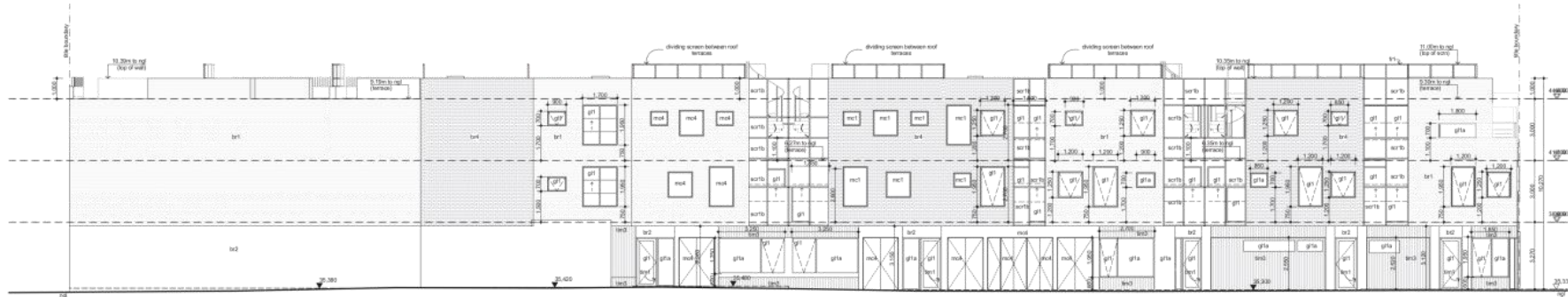
1:100 @ A1

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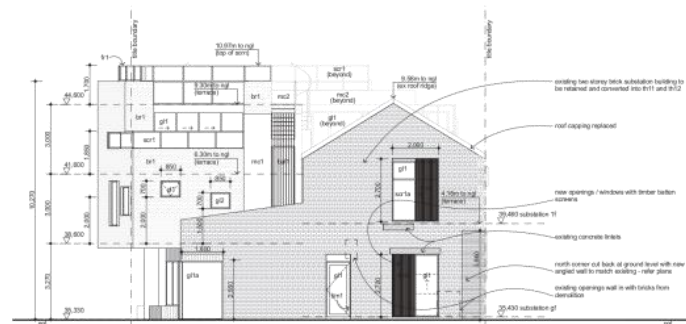
# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



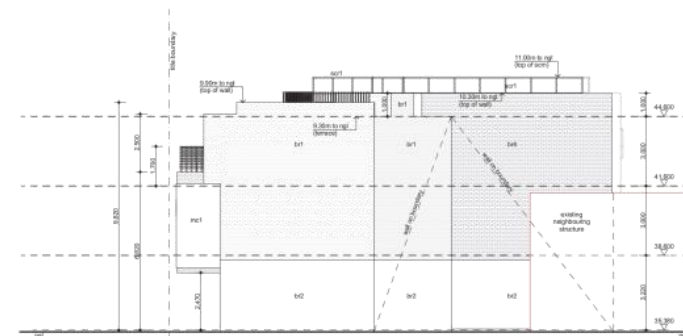
north-west elevation  
scale 1 : 100



south-east elevation  
scale 1 : 100



north-east elevation  
scale 1 : 100



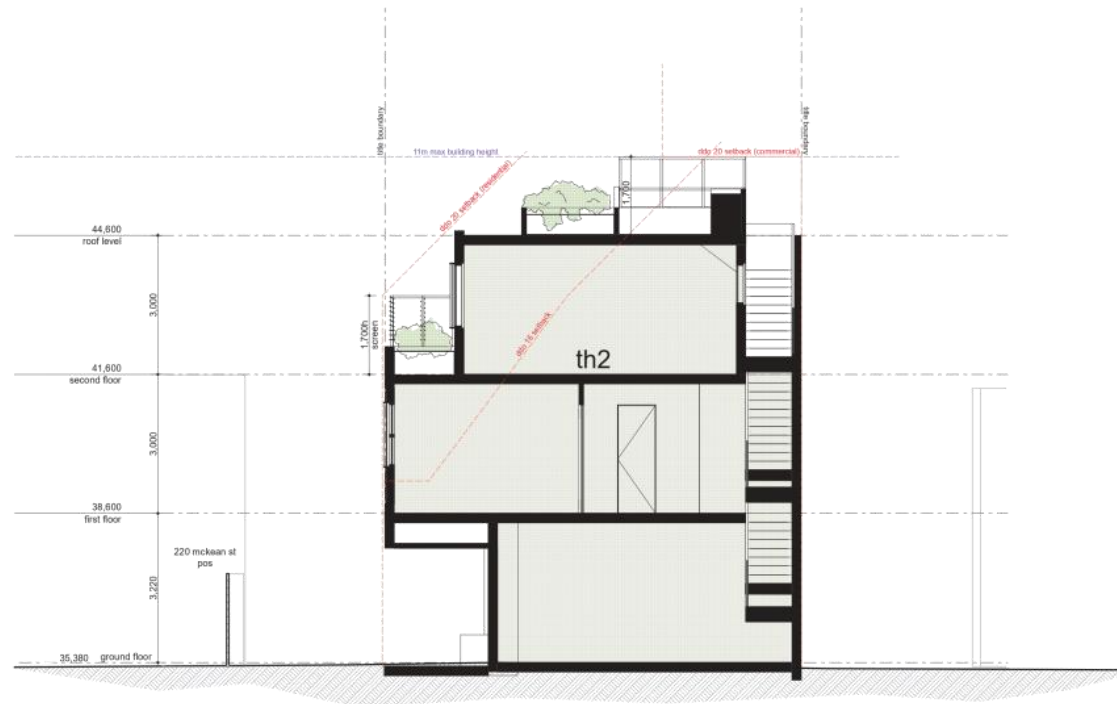
south-west elevation  
scale 1 : 100

proposed diagrammatic elevations

1:100 @ A1

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section a  
scale 1 : 50

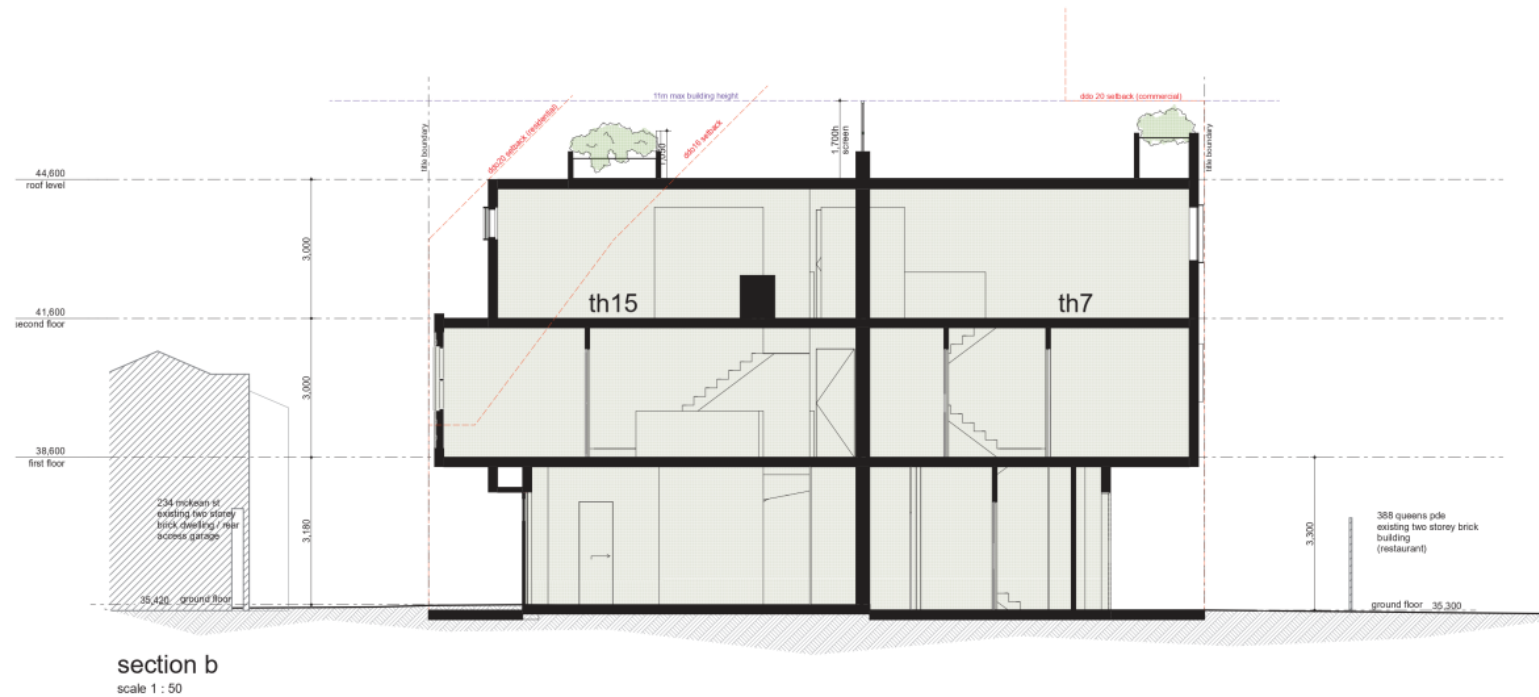
proposed sections

1:50 @ A1

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PROJECT/	390A QUEENS PARADE, FITZROY	DRAWING/	PROPOSED SECTIONS	CLIENT/	BERNARDI PROPERTY GROUP	SCALE/	1:50	DATE/	27.11.2020	LEVEL 2	JAM ARCHITECTS PTY LTD	JOB NUMBER/	1819
	NORTH										7 HOWARD STREET RICHMOND VICTORIA 3121 AUSTRALIA		
											T 61 3 9429 7744 F 61 3 9429 3955 jamarchitects.com.au	REVISION/	6

# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



proposed sections

1:50 @ A1

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PROJECT/	390A QUEENS PARADE, FITZROY	DRAWING/	PROPOSED SECTIONS	CLIENT/	BERNARDI PROPERTY GROUP	SCALE/	1:50	DATE/	27.11.2020	LEVEL 2	JAM ARCHITECTS PTY LTD	JOB NUMBER/	1819	TP17
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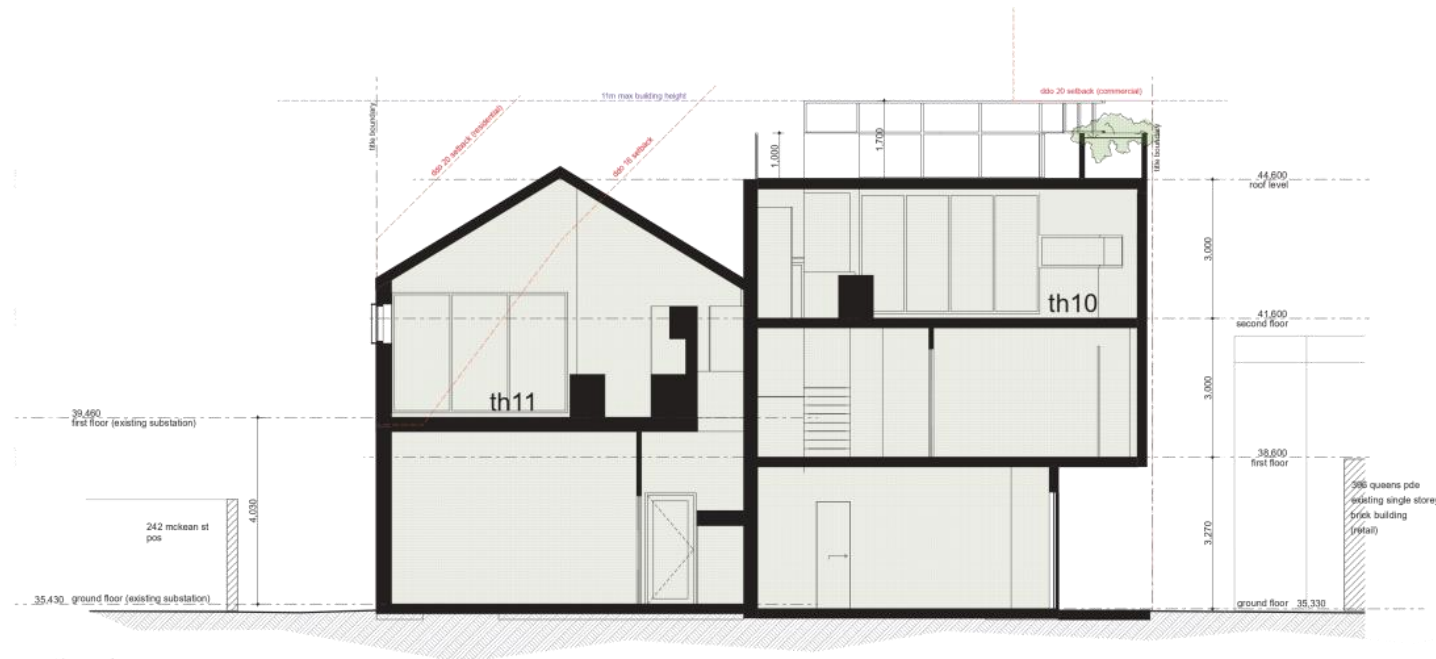


1:50 @ A1

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section d  
scale 1:50

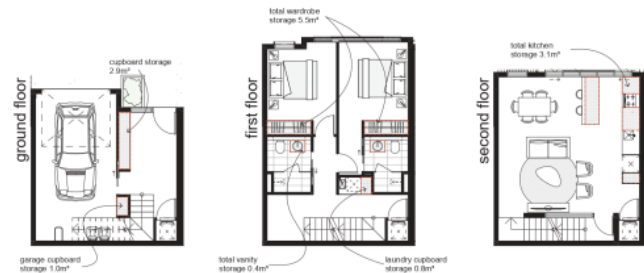
proposed sections

1:50 @ A1

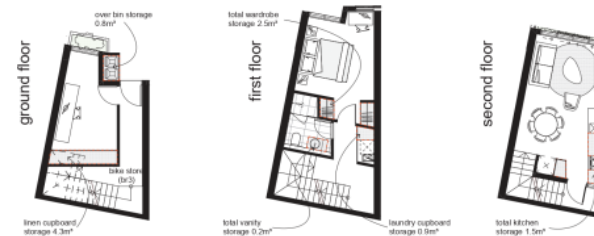
JAMRCHITECTS®

PROJECT/	390A QUEENS PARADE, FITZROY	DRAWING/	PROPOSED SECTIONS	CLIENT/	BERNARDI PROPERTY GROUP	SCALE/	1:50	DATE/	27.11.2020	LEVEL 2	JAM ARCHITECTS PTY LTD	JOB NUMBER/	1819
	NORTH										7 HOWARD STREET RICHMOND VICTORIA 3121 AUSTRALIA	1 61 3 9429 7744 F 61 3 9429 3955 jamarchitects.com.au	REVISION/

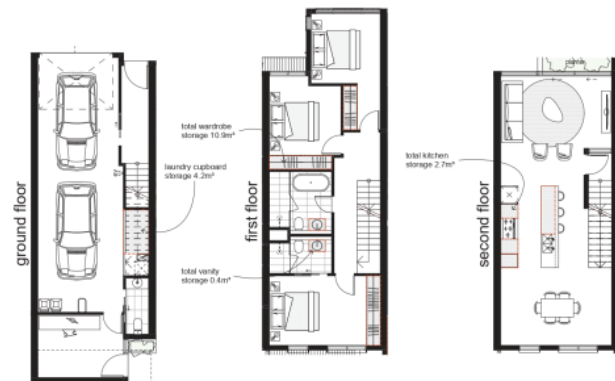
# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



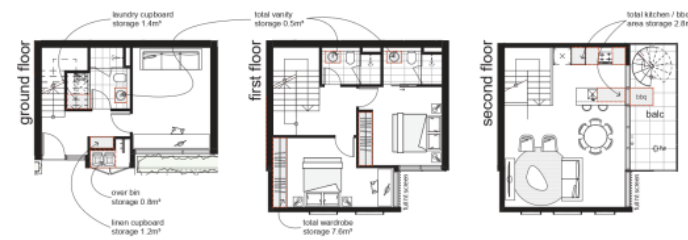
th 1 / 2 storage plan  
scale 1 : 100  
total internal storage: 13.7m²



th 3 storage plan  
scale 1 : 100  
total internal storage: 10.2m²



th 5 storage plan  
scale 1 : 100  
total internal storage: 18.2m²

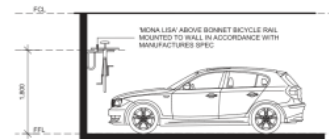


th 6 / 7 storage plan  
scale 1 : 100  
total internal storage: 14.3m²

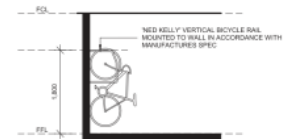
refer TP09 for  
location of store  
room to th4



th 8 storage plan  
scale 1 : 100  
total internal storage: 14.5m²



above bonnet bike rail (br1)  
scale 1 : 50



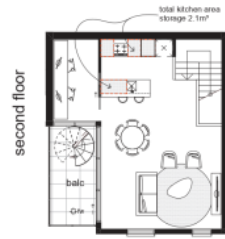
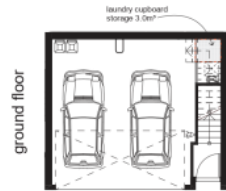
vertical bike rail (br2)  
scale 1 : 50

typical internal storage plans

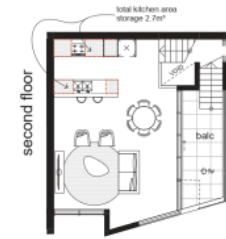
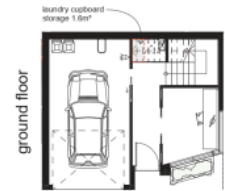
1:100 @ A1

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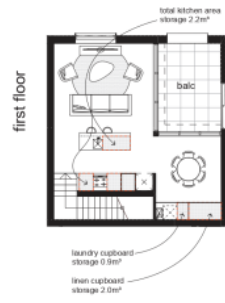
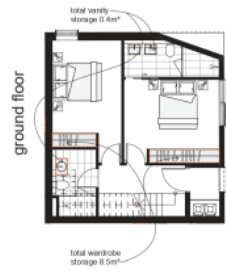
# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



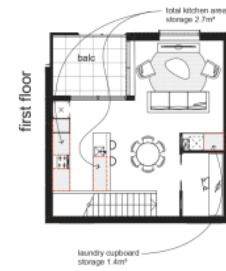
th 9 storage plan  
scale 1 : 100  
total internal storage: 14.7m³



th 10 storage plan  
scale 1 : 100  
total internal storage: 12.4m³



th 11 storage plan  
scale 1 : 100  
total internal storage: 14.0m³



th 12 storage plan  
scale 1 : 100  
total internal storage: 10.1m³

refer TP09 for  
location of storage  
lockers to ths 13 - 16

typical internal storage plans

1:100 @ A1

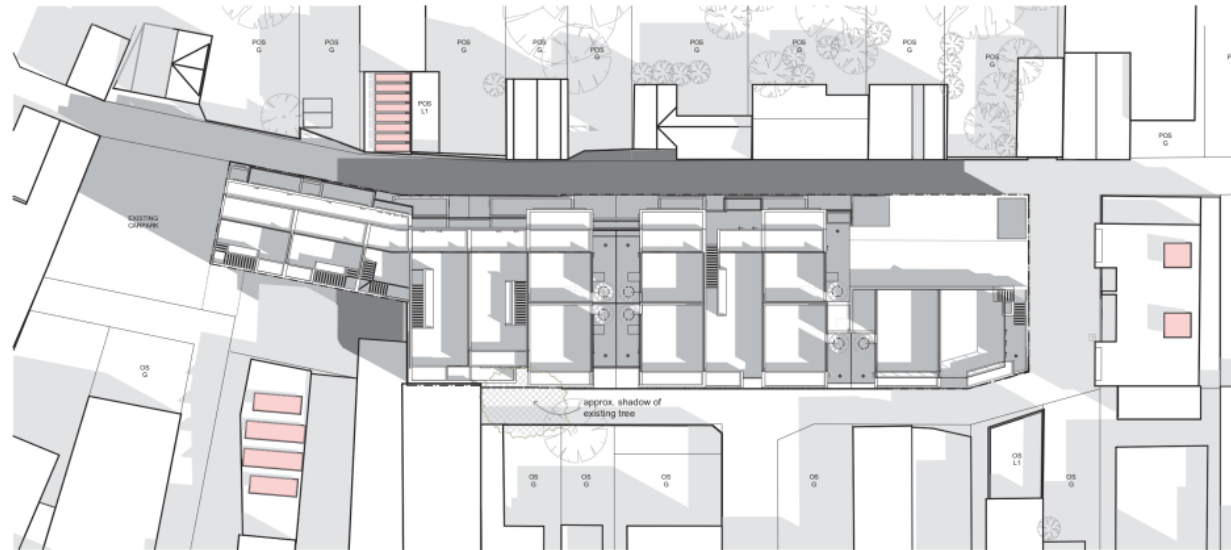
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# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans

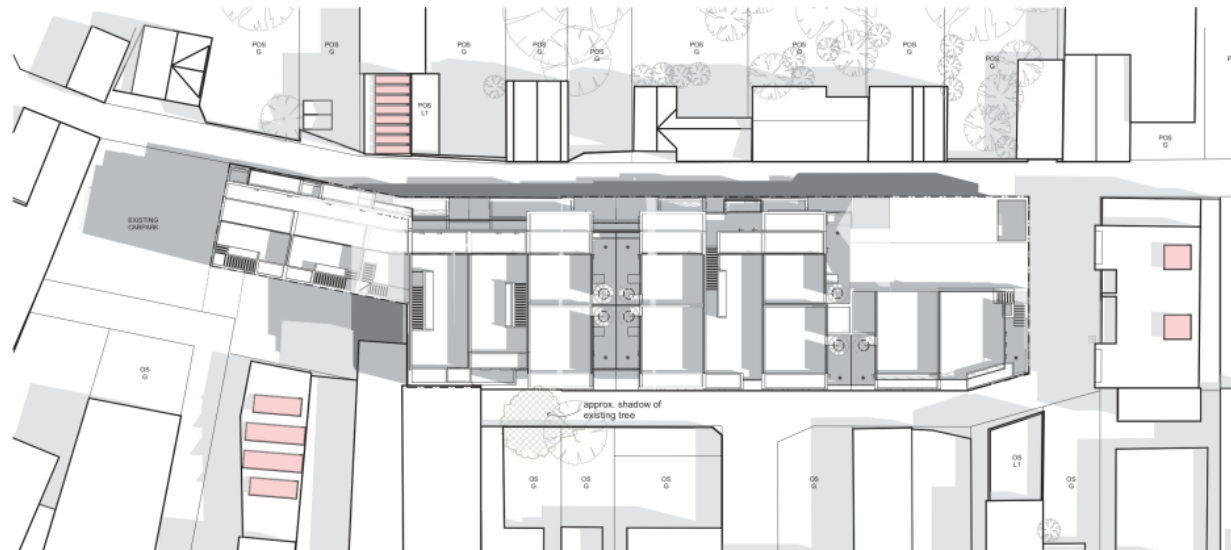
## shadow diagram legend

- existing neighbouring rooftop solar energy facilities
- existing neighbouring shadows
- proposed shadows
- shadows of existing warehouses on subject site
- additional shadow to neighbouring pos
- POS G neighbouring secluded private open space level
- OS G open space to neighbouring commercial lots level

note: shadows shown for 22nd september (equinox)



shadow diagram 9am



shadow diagram 10am

## shadow diagrams

1:200 @ A1

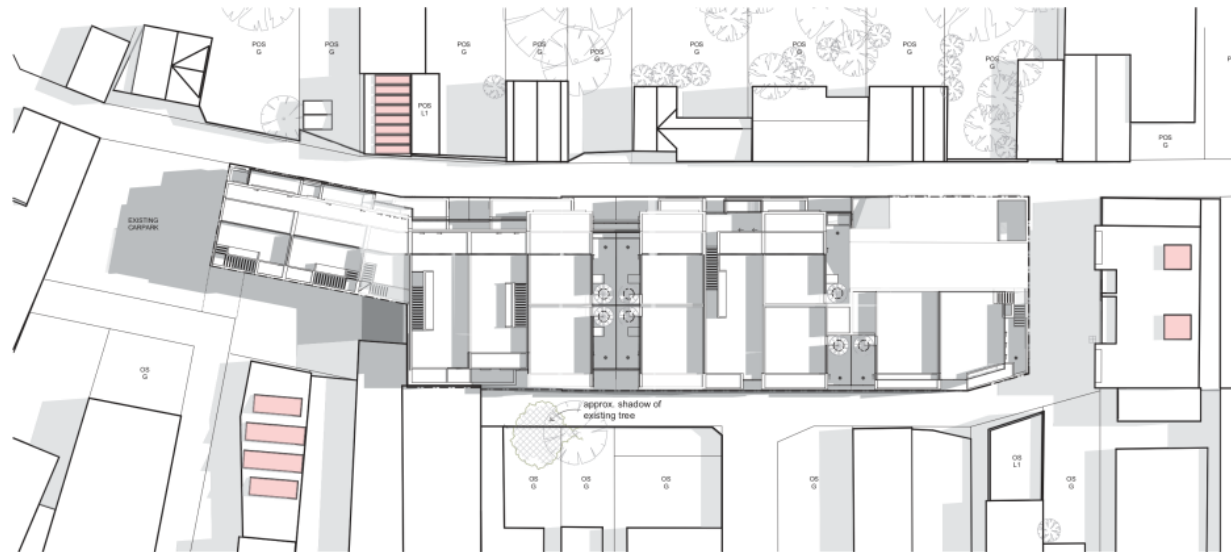
JAMRCHITECTS®

# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans

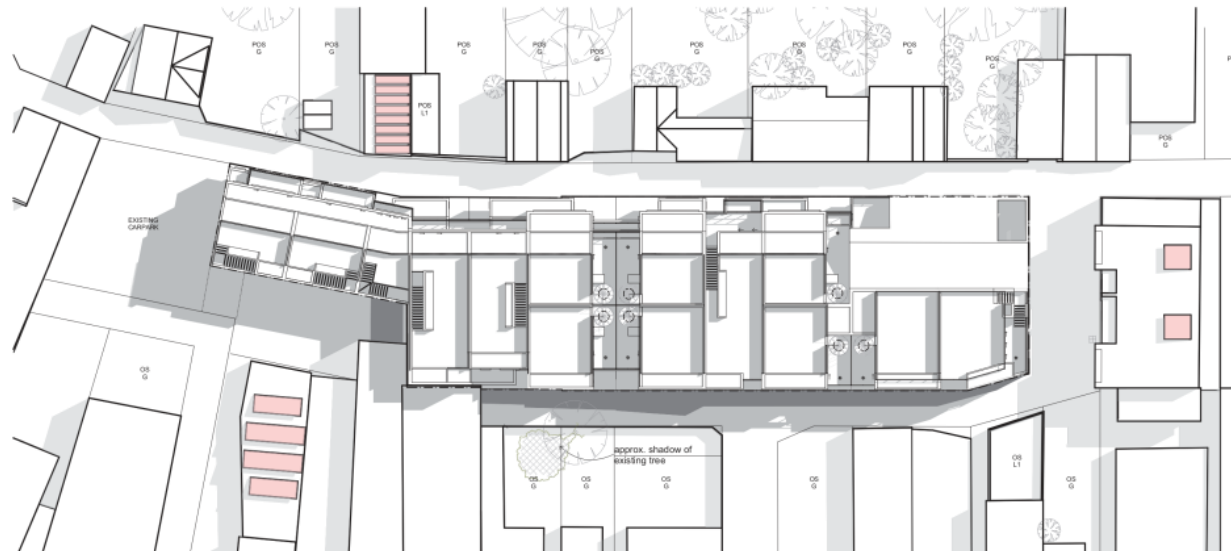
## shadow diagram legend

- existing neighbouring rooftop solar energy facilities
- existing neighbouring shadows
- proposed shadows
- shadows of existing warehouses on subject site
- additional shadow to neighbouring pos
- POS  
G neighbouring secluded private open space level
- OS  
G open space to neighbouring commercial lots level

note: shadows shown for 22nd september (equinox)



shadow diagram 11am



shadow diagram 12pm

## shadow diagrams

1:200 @ A1

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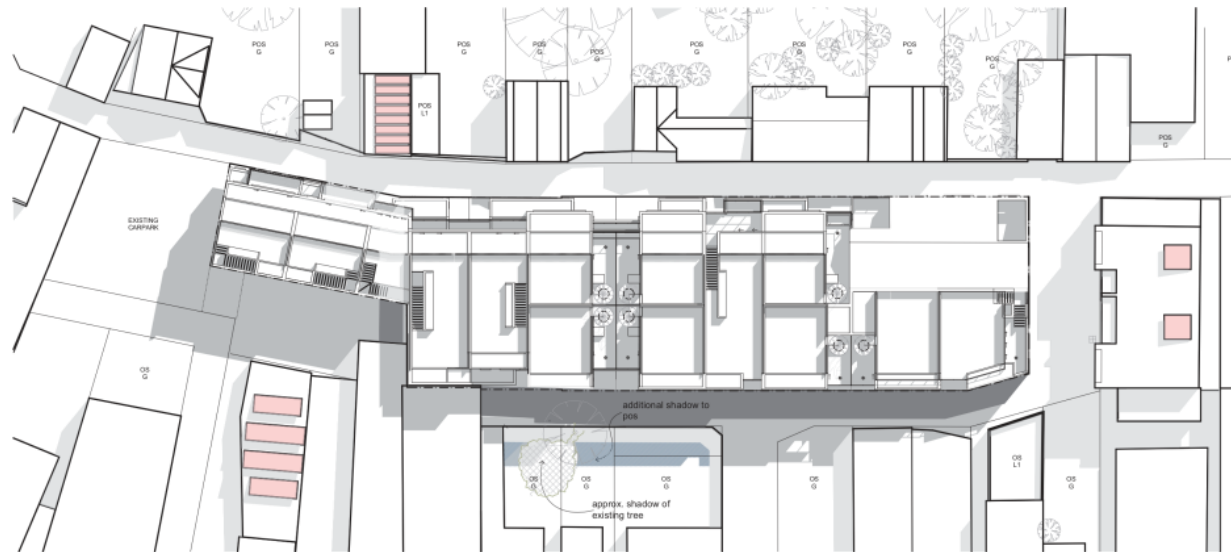


# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans

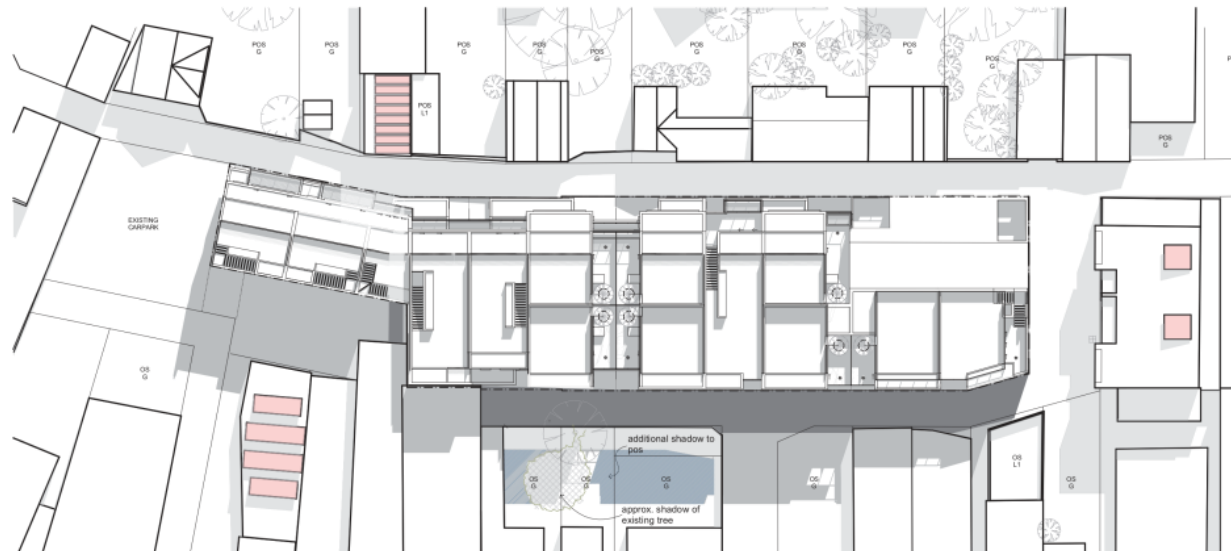
## shadow diagram legend

- existing neighbouring rooftop solar energy facilities
- existing neighbouring shadows
- proposed shadows
- shadows of existing warehouses on subject site
- additional shadow to neighbouring pos
- POS G neighbouring secluded private open space level
- OS G open space to neighbouring commercial lots level

note: shadows shown for 22nd september (equinox)



shadow diagram 1pm



shadow diagram 2pm

## shadow diagrams

1:200 @ A1

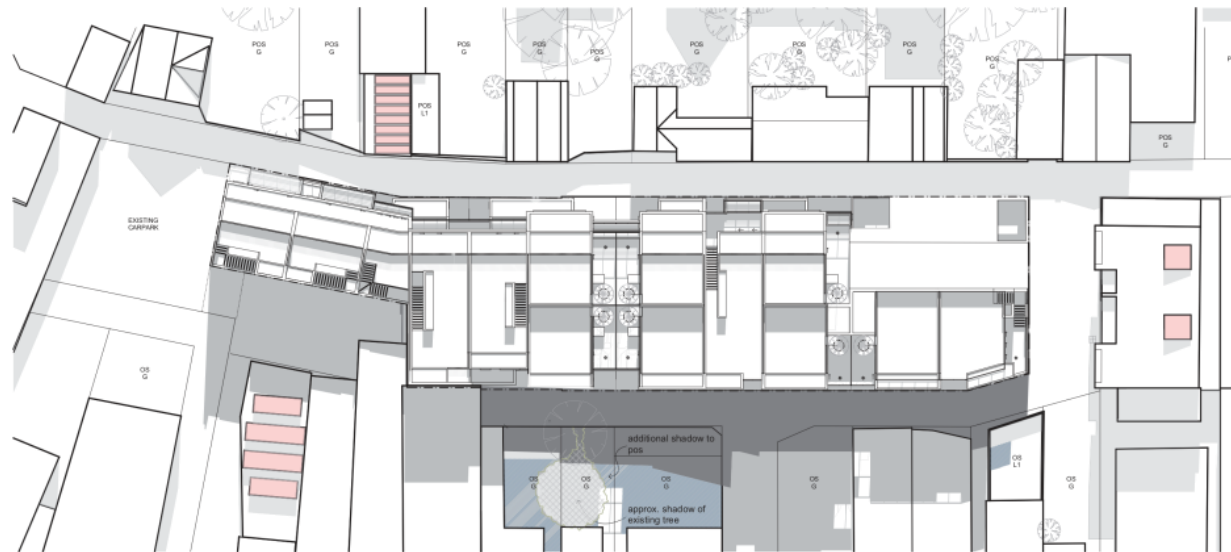
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# Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans

## shadow diagram legend

- existing neighbouring rooftop solar energy facilities
- existing neighbouring shadows
- proposed shadows
- shadows of existing warehouses on subject site
- additional shadow to neighbouring pos
- POS  
G neighbouring secluded private open space level
- OS  
G open space to neighbouring commercial lots level

note: shadows shown for 22nd september (equinox)



shadow diagram 3pm

## shadow diagrams

1:200 @ A1

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PROJECT/	390A QUEENS PARADE, FITZROY NORTH	DRAWING/	SHADOW DIAGRAMS	CLIENT/	BERNARDI PROPERTY GROUP	SCALE/	1:200	DATE/	27.01.2021	LEVEL 2	JAM ARCHITECTS PTY LTD 7 HOWARD STREET RICHMOND VICTORIA 3121 AUSTRALIA T 61 3 9429 7744 F 61 3 9429 3900 jamarchitects.com.au	JOB NUMBER/	1819
REVISION/													

Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



3d views

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PROJECT/	390A QUEENS PARADE, FITZROY	DRAWING/	3D VIEWS	CLIENT/	BERNARDI PROPERTY GROUP	SCALE/	DATE/	27.11.2020	LEVEL 2	JAM ARCHITECTS PTY LTD	JOB NUMBER/	1819	TP20
	NORTH									7 HOWARD STREET RICHMOND VICTORIA 3121 AUSTRALIA	T 61 3 9429 7744 F 61 3 9429 3950 jamarchitects.com.au	REVISION/	6

Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans



3d views

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**Attachment 1 - PLN20/0869 - 390A Queens Parade Fitzroy North - Decision Plans**



NTS

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## Attachment 2 - PLN20/0869 - 390A Queens Parade Fitzroy North - Heritage Adviser Referral Comments

### City of Yarra Heritage Advice

<b>Application No.:</b>	PLN20/0869
<b>Address of Property:</b>	<b>390A Queens Parade Fitzroy North</b>
<b>Planner:</b>	Madeleine Moloney
<b>Yarra Planning Scheme References:</b>	<ul style="list-style-type: none"> <li>• Clause 15.03 Heritage</li> <li>• Clause 21.05-1 Built Form (Heritage)</li> <li>• Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay</li> <li>• Clause 43.01 Heritage Overlay</li> <li>• Clause 59.07 Applications Under A Heritage Overlay</li> </ul>
<b>Heritage Overlay No. &amp; Precinct:</b>	HO327 (North Fitzroy Precinct)  <i>Planning Scheme Amendment C231 currently seeks to remove the site from HO327 and replace it within Heritage Overlay HO330 which includes the southern properties facing onto Queens Parade.</i>
<b>Level of significance:</b>	<p>Not graded, (City of Yarra Review of Heritage Areas 2007 Appendix 8, as updated from time to time).</p> <p>NOTE: Under Amendment C231(part 2) the site is proposed to be re-graded as follows:</p> <ul style="list-style-type: none"> <li>• Double-storey portion of former bakehouse (now substation) building at north-east corner of site: "Contributory"; -</li> <li>• Single storey portion of former bakehouse building at north-east end of site to remain ungraded; -</li> <li>• Remainder of site to be graded as "not contributory".</li> </ul> <p><i>It is noted that when the last application for this site (PLN19/0155) was considered, the single storey portion of the former bakehouse building at the north-east end of the site was proposed to be graded as "not contributory".</i></p>
<b>General description:</b>	<i>The construction of a residential development comprising 16 townhouses over 3 levels including the retention of the two storey portion of former bakehouse (now substation) and parts of the facades of adjoining structures.</i>
<b>Drawing Nos.:</b>	<i>Set of 37 drawings, entitled "390A Queens Parade, Fitzroy North", prepared by Jam Architects Pty Ltd, received by Council and dated 16/02/2021</i>

#### BACKGROUND TO THIS ADVICE:

The previously issued heritage comments regarding application PLN19/0155 for this site were prepared on the basis that the subject site had no status in the City of Yarra Review of Heritage Areas 2007 Appendix 8. The heritage advice given at that time was limited as the level of appropriate heritage control had not yet been determined and the amendment C231 (part 2) had not yet been submitted to the Minister for approval.

As there is now a seriously entertained amendment that will include the former bakehouse as a contributory building, the following assessment has been carried out fully against the various heritage policies of the Yarra Planning Scheme that will be applicable.

## Attachment 2 - PLN20/0869 - 390A Queens Parade Fitzroy North - Heritage Adviser Referral Comments

### ASSESSMENT OF PROPOSED WORKS

#### Regarding demolition:

The extent of demolition proposed by this application includes the demolition/removal of the entire site except for the two-storey substation building identified as being of contributory heritage significance and parts of the facades of the adjoining buildings which are either ungraded (single-storey addition to bakehouse) or non-contributory (west of the bakehouse).

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

Clause 22.02-5.1 of the Yarra Planning Scheme states that full demolition of buildings identified as being not contributory will be supported. Therefore the extent of demolition proposed is acceptable.

In regard to the former bakehouse (now substation) building, the extent of demolition is shown dotted in red in the image below:



Whilst the main building form including roof form will be maintained, the creation of new openings in the principal facades of the building will be clearly visible from the public realm, which in this case is a laneway. The size and positioning of the proposed openings will not be consistent with the original fenestration of the building and therefore will not be supported unless modified.

Furthermore, the proposed removal of original fabric to create new openings will diminish the remaining integrity of the former bakehouse which is not consistent with the principals of good conservation practice.

- Demolition associated with the reopening of previously existing original opening and the proposed new single door opening on the north-east elevation will be supported. The creation of a new opening of non-historic proportions and off-centre from the original opening is not supported.
- The proposed widening of the upper level windows on the north-west elevation is not supported as these appear to be original.
- The proposed new window opening at ground level on the north-west elevation is supported as it is consistent with the pattern of existing window openings in this wall.
- The demolition of the north-east corner of the building to create a safety splay is supported due to the context of the site abutting narrow laneways and historic examples of such a detail are not uncommon.



*Above: Acceptable position and shape of window and door opening in north-east elevation shown shaded in blue*

## Attachment 2 - PLN20/0869 - 390A Queens Parade Fitzroy North - Heritage Adviser Referral Comments



Above: Acceptable position and shape of window shown shaded in blue.

The proposed partial retention of facades immediately adjoining the former bakehouse is considered acceptable on heritage grounds as it provides a visual evidence that the heritage building was not freestanding and that it was previously part of a larger complex and adjoin buildings.

It is considered that the retained walls also provide a degree of visual transition between the former bakehouse and the proposed new development.

### Regarding the remaining heritage building:

Clause 15.03-1S of the planning scheme states that it is policy to:

*Encourage the conservation and restoration of contributory elements of a heritage place.*

Clause 21.05-1 'Built Form – Heritage' of the planning scheme also states that the objective to protect and enhance Yarra's heritage places will be achieved by supporting the restoration of heritage places (Strategy 14.2).

Clause 22.02-4 states that one of the objectives of the heritage policy is:

*To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places*

Most specifically, Clause 22.02-5.3 encourages restoration of a heritage place or contributory element if evidence exists to support its accuracy. In regard to reconstruction, the policy encourages works if:

*The reconstruction will enhance the heritage significance of the heritage place*

*Evidence exists to support the accuracy of the reconstruction.*

This clause encourages the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), shopfronts and other architectural details and features.

The proposed new windows and doors for the former bakehouse must enhance the heritage character and appearance of the building.

#### North-east elevation:

- Proposed new upper-level window with timber batten screen – not supported. The proposed opening must be redesigned to match the original opening using timber framed windows and the existing concrete sill. A pair of external timber screens to reflect the character of a pair of traditional timber loft type doors would be acceptable.
- Proposed ground-floor window – partially supported. The proposed opening must be fitted timber framed windows fitted externally with a pair of timber screens to reflect the character of a pair of traditional timber doors which most likely existed in this location originally.
- Proposed single door opening - partially supported. In keeping with the character of the building, a timber screen that reflects a traditional timber door should be fitted to this opening.

#### North-west elevation:

Proposed widening of the upper level window openings – not supported. The existing window openings must be retained as they are. It is not clear from the submitted plans, however it is assumed that the existing window frames at ground level are to be replaced. If that is the case the new window frames, as well as any other window frames in the heritage building must be timber framed and traditional in style. Modern awning style windows will not be supported.

## Attachment 2 - PLN20/0869 - 390A Queens Parade Fitzroy North - Heritage Adviser Referral Comments

### *Roofing:*

The proposed removal of the roof over the upper-level balcony to TH11 is not supported. This will result in the ability to see open sky through the north-east window opening from street level. Given that retention of the main roof form is a key heritage policy, it will be obvious from the laneway that the roof has been removed and the building is nothing more than a shell at this point. It is strongly recommended that the space currently proposed for a balcony be enclosed and the balcony relocated to a less obvious location.

The proposed use of Zincolume for the replacement roof cladding on the former bakehouse is also not supported. The shiny appearance of Zincolume™ and the consistent neat appearance of Colorbond™ are not consistent with traditional galvanised roofing which dulls quickly and regains the 'patina' of age that is characteristic of heritage properties.

### **Regarding the new development:**

The key consideration for assessing this aspect of the works is whether the proposed development will adversely affect the significance, character or appearance of the remaining heritage building or the surrounding heritage precincts.

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

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- *Be visually recessive and not dominate the heritage place.*
- *Be distinguishable from the original historic fabric.*
- *Not remove, cover, damage or change original historic fabric.*
- *Not obscure views of principal façades.*
- *Consider the architectural integrity and context of the heritage place or contributory element*

In regard to its scale, it is noted that the proposed new development will be substantially concealed from the surrounding heritage streetscapes by the existing buildings and dwellings. The two key viewing paths towards the site are from Queens Parade looking beyond the commercial buildings and McKean Street looking beyond the residential properties. Only a glimpse of the proposed development will be visible along the laneway between nos. 388 and 392 Queens Parade. The proposed development will not be visible from McKean Street. It is therefore considered that the impact of the proposed new development on the broader heritage surrounds is very minimal.

The proposed setbacks of the new development from the heritage building have been managed by retaining 'wing' walls from the existing adjoining structures to provide a suitable transition from the heritage building to the new development.

The proposed setbacks (from the laneway frontages) of the new development as a whole are not considered a major heritage issue. They are more of an issue for amenity purposes to the nearby properties.

The mix of timber and recycled brickwork for the exterior of the proposed new development will maintain the typical character of structures fronting rear laneways. The use of the white bricks for highlighting purposes is considered acceptable.

The varied heights, materials and general appearance of the proposed development's southern elevation is considered appropriate to the site context as it gives the impression of a collection of smaller rear developments constructed of similar materials, rather than one large mass.

## Attachment 2 - PLN20/0869 - 390A Queens Parade Fitzroy North - Heritage Adviser Referral Comments

The northern elevation is less varied in appearance and generally more subdued. It will have limited visibility except from within the laneway, there are no heritage concerns. The transition of colours and materials from the brick heritage building to the adjoining new development is considered appropriately respectful.

### RECOMMENDATIONS

On heritage grounds the works proposed in this application may be approved subject to the following conditions:

	<b>Suggested condition</b>	<b>Explanation</b>
1.	The extent of demolition associated with new and existing openings in the former bakehouse must be modified to maintain the original fenestration of the building	<i>Clause 22.02-5.7.1 encourages alterations to respect, amongst other things, the fenestration of a heritage building.</i>
2.	All new window frames in the former bakehouse must be traditional in style and constructed of timber.	<i>Clause 22.02-5.3 encourages restoration of contributory elements such as windows and doors to enhance the heritage significance of the heritage place</i>
3.	The proposed removal of the roof over the upper-level balcony to TH11 must be deleted	<i>This will result in the ability to see open sky through the north-east window opening from street level which is not acceptable for a heritage building</i>

### SIGNED:



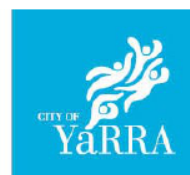
Diahn McIntosh

DATED: 19 April 2021



# Attachment 3 - PLN20/0869 - 390A Queens Parade Fitzroy North - Urban Design Referral Comments

## MEMO




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**To:** Madeleine Moloney  
**From:** David Pryor  
**Date:** 30 March 2021  
**Site Address:** 390A Queens Parade, Fitzroy North  
**Application No:** PLN20/0869  
**Description:** Partial demolition of existing buildings; alterations and additions to existing buildings, and construction of buildings and works for 16 dwellings (comprising 14 x three-storey plus roof terraces and 2 x double-storey).

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### COMMENTS SOUGHT

Urban Design comments have been sought on following matters:

- The proposed design of the building including:
  - The height massing;
  - External materials;
  - Interface with the public realm;
  - Built form character;
- Pedestrian and vehicular entrance design, including sense of address.
- Any suggestions for public realm improvements (as relevant).
- Whether there are any capital works approved or proposed within the area.

*These comments are provided on Plans by Jam Architects – Revision 7 dated 21/01/2021 and Revision 7A dated 16/02/2021.*

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### COMMENTS SUMMARY

The proposal is not supported in its current form. In summary, the following changes are recommended to make the proposal more acceptable from an urban design perspective. The rationale behind these changes is explained in more detail overleaf.

- Reduce the extent of framing between the masonry forms presenting to the southeast.
- Reduce the extent of ground floor frontage and area allocated to car parking and increase habitable space correspondingly.
- Introduce greater differentiation between dwellings along the northwest elevation at Ground Floor Level.

## Attachment 3 - PLN20/0869 - 390A Queens Parade Fitzroy North - Urban Design Referral Comments

- In association with the two recommendations above, consider the introduction of a landscaped space to help break up the long elevation(s).
- Relocate the substation, meters and bin collection point so that the development presents better as approached from Queens Parade.
- Face the entry door of TH12 toward the lane and reduce the depth of recess in front of this entry.
- On the southeast side of the building, wrap the brickwork onto the return walls so that the constituent forms present as 3D forms.
- Contribute to the enhancement of the paving and lighting of the laneways accessing the site in accordance with Engineering advice.

There are no known planned/approved capital works around the site being led by the Urban Design Team.

### INTRODUCTION

The site is zoned Commercial 1 Zone (C1Z). Heritage Overlay (HO327) North Fitzroy Precinct applies. Interim DDO20 applies until 12/09/21. Amendment C231 proposes to introduce DDO16 (replacing DDO20), which includes substantially changed built form controls. DDO16-4 applies to adjoining land to the northeast, southeast and southwest of the site.

Planning application PLN19/0155 for the subject site was refused by VCAT (P1950/2019). In comparison, the current proposal is generally one storey lower and retains the existing bakehouse building at the north corner of the site.

### URBAN DESIGN COMMENTS

#### Built Form and Massing

At the north corner of the site, the external envelope of the existing brick building is to be substantially retained. This is commended, as it contributes diversity to the built form and character across the development and provides a connection with the history of the site.

Elsewhere, the proposal is generally 3 storeys plus roof terraces. Based on the sections on Drawings TP16 to TP18a, the proposed heights and setbacks comply with DDO20 but not with the proposed DDO16.

#### Northwest Interface

DDO16 proposes a maximum height of 4m on the northwest boundary, where the proposed development has a height of about 6.3m-7m. Given that the forms reaching this height at the boundary are broken down into short sections (about 4.5m to 7.5m long) well-separated by substantial recesses (mostly at least 1.29m deep), this encroachment is considered acceptable from an urban design perspective. (The impact on the amenity of residential properties on the opposite side of the lane has not been assessed here.)

Above this, at Level 2, the building (apart from planters) is set back a minimum of 1.29m. Again, it is articulated into a series of discrete forms which do not unduly impact on the laneway environment.

Approached from the west, the proposal presents a 3-storey high blank side wall, visible across the adjoining vacant site. Given that the design gives due consideration to the shape, composition and materials of this elevation, the extent of this boundary wall is considered acceptable from an urban design perspective.

## Attachment 3 - PLN20/0869 - 390A Queens Parade Fitzroy North - Urban Design Referral Comments

### Northeast Interface

The northeast elevation is dominated by the retained bakehouse building, with any construction above 2 storeys mostly well set back. This is supported.

### Southeast Interface

To the southeast lane, 3-storey (10.3m) high forms are proposed to be built to the boundary. This is consistent with DDO20 and the proposed DDO16, but not with Design Guidelines under Clause 22.10-3.3, which include: *New development which abuts a laneway should be no higher than 2 storeys*. The impact of these relatively tall forms is ameliorated by the articulation of the southeast elevation into a series of masonry forms; however, the separation between them is somewhat undermined by the consistent frame which ties them together. It is recommended that inessential components of this frame be deleted (e.g. above the balustrade of balconies and roof terraces). This would help the development present as a series of discrete, narrow forms rather than a more singular mass.

### **Public Realm (Laneway) Interface**

The Ground Floor is unduly dominated by car parking, which appears to occupy most of the frontage and most of the built area. It is recommended that the ratio of ground floor space and frontage allocated to habitable uses be increased, noting that a reduction in the extent of driveway could create opportunities for planting.

The primary access is via the laneway which extends from Queens Parade (between 390 and 392 Queens Parade). The placement of the substation, meters and bin collection point at the end of the main approach lane is not supported, as it gives a poor sense of address to the development.

The entry door of TH12 is recessed off a narrow undercroft and would not be visible from the lane. It is recommended that this door be reoriented to face the lane and relocated closer to the lane so that the depth of the recess is no greater than its width.

Elsewhere, the ground level setbacks typically about 2m) are supported, noting that they provide shelter at entries and the (apparently) smooth paving may be useful in the event that the cobbles in the lanes are not re-laid (see Laneway Improvements below).

### **Façade Design & Materials**

At Ground Floor Level, the northwest elevation is very repetitive, with nine essentially identical entries. Here, more differentiation is needed between dwellings to provide a sense of fine-grained subdivision and give each dwelling a sense of address and identity. (This should not result in the loss of the natural timber, which contributes valuable tactile, domestic qualities.)

Opportunities include varying the fenestration of entry doors and garage doors, varying soffit materials and colours, varying the colour of the render around each door, and possibly varying the paving.

The Material Schedule mentions natural timber *or equivalent*. It is recommended that "or equivalent" be deleted, as artificial timber would be an inferior substitute, and high-quality finishes are important at these pedestrian-level interfaces.

The brickwork to the forms along the northwest frontage is shown on the perspectives to return to the side walls, so that these forms present well in the round. This appears not to be the case for most of the forms presenting to the southeast; it is recommended that, except where windows are required, the cladding of the

### **Attachment 3 - PLN20/0869 - 390A Queens Parade Fitzroy North - Urban Design Referral Comments**

return walls along the southeast be amended to match the adjoining facades. The finishes to the return walls should be noted on the relevant sections (i.e. Section C).

The finishes to the extensive soffits of upper-level projections should be shown. The proposed finishes are otherwise supported.

#### **Laneway Improvements**

To facilitate universal access to and around the site, a 1.2-1.8m wide smooth bluestone pavement is to be constructed from the primary entrance of TH1, extending along the laneways to the northern footpath of Queens Parade. Lighting upgrades are also required to ensure a safe pedestrian environment. Refer to Council's Engineering Unit comments for details.

# Attachment 4 - PLN20/0869 - 390A Queens Parade Fitzroy North - Engineering Referral Comments



## MEMO

**To:** Madeleine Moloney  
**From:** Artemis Bacani  
**Date:** 16 March 2021 (Corrected on 25 March 2021)  
**Subject:** Application No: PLN20/0869  
 Description: Construction of 16 Dwellings  
 Site Address: 390A Queens Parade, Fitzroy North

I refer to the above Planning Application received on 26 February 2021 in relation to the proposed development at 390A Queens Parade, Fitzroy North. Council's Engineering Referral unit provides the following information:

### Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
Jam Architects Pty Ltd	TP09 Proposed Ground Floor Plan	7	27 January 2021
	TP15a Proposed Diagrammatic Elevations	7	27 January 2021
Traffic Group	Traffic Engineering Assessment		January 2021

### CAR PARKING PROVISION

#### Proposed Development

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

Proposed Use	Quantity/Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	1	1 space per dwelling	1	0
Two-bedroom dwelling	10		10	11
Three-bedroom dwelling	5**	2 spaces per dwelling	10	5
Total			21 Spaces	16 Spaces

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

\*\* Study area for Townhouse 6 and 7 has been counted as a bedroom.

It is noted that four of the 2-bedroom units have been provided with 2 car spaces which exceeds the minimum requirements of *Clause 52.06*.

The number of units requiring a reduction of car spaces is actually seven individual units (comprising of 1 x one-bedroom unit, 3 x two-bedroom units, and 3 x three-bedroom unit).



## Attachment 4 - PLN20/0869 - 390A Queens Parade Fitzroy North - Engineering Referral Comments

To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

### Car Parking Demand Assessment

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

- *Parking Demand for the Dwellings.*  
The one-bedroom unit would not be allocated a car space. On-site car parking for the two-bedroom dwellings would be supplied at a rate of 1.10 spaces per dwelling and the three-bedroom dwellings at a rate of 1.0 space per dwelling. In the 2016 Census, it is recognised that some dwellings do not own a car. Providing a proportion of one-, two-, and three-bedroom dwellings without a car parking space is not uncommon. The site is located near an activity centre and has very good links to public transport.

We consider the parking provision for the residential dwellings to be appropriate.

- *Availability of Public Transport in the Locality of the Land.*  
The following public transport services can be accessed to and from the site by foot:
  - Queens Parade tram services – 100 metre walk
  - Clifton Hill bus interchange on Queens Parade - 440 metre walk
  - Clifton Hill railway station – 520 metre walk
- *Multi-Purpose Trips within the Area.*  
Visitors to the site might combine their trips to site by engaging in other business or activities whilst in the Queens Parade activity centre.
- *Convenience of Pedestrian and Cyclist Access.*  
The site has very good pedestrian access to the Queens Parade activity centre, shops, businesses, essential facilities and public transport nodes. The site also has good connectivity to the on- and off-road bicycle network.

### Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking.*  
Due to the COVID-19 restrictions, car parking occupancy surveys cannot be undertaken at this time and would not provide an accurate representation of car parking demands in the surrounding area.  
  
The on-street parking in this part of Fitzroy North is generally high during business hours and evenings. The area surrounding the subject site is blanketed in time based parking restrictions which ensure that parking turns over frequently. Visitors to the site during business hours should consider commuting by sustainable transportation modes such as catching public transport, riding a bicycle, or walking - measures that are in line with Council's position on promoting sustainable and active transport.
- *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.

## Attachment 4 - PLN20/0869 - 390A Queens Parade Fitzroy North - Engineering Referral Comments

### Adequacy of Car Parking

From a traffic engineering perspective, the reduction in car parking for the proposed development is considered appropriate in the context of the development and the surrounding area. The site's excellent accessibility to public transport services justifies a reduced provision of on-site parking.

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

### TRAFFIC GENERATION

#### Trip Generation

The traffic generation for the site could be adopted as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential (10 dwellings)*	0.5 trips per dwelling in each peak hour 5 trips per dwelling per day	50	5	5

\* Dwellings that contain on-site parking.

#### Peak Hour Directional Splits

- AM Peak – 80% outbound (4 trips), 20% inbound (1 trip); and
- PM Peak – 40% outbound (2 trips), 60% inbound (3 trips).

The traffic volumes generated by this development are low and should not adversely impact on the traffic operation of the laneway, Queens Parade service road or any of the surrounding roads.

### DEVELOPMENT LAYOUT DESIGN

#### Layout Design Assessment

Item	Assessment
<b>Access Arrangements</b>	
Width of Laneway – Along the Northern Boundary	The laneway is between 2.77 metres and 3.0 metres in width.
Width of Laneway – Along the Eastern Boundary	The laneway is 6.15 metres in width.
Width of Laneway – Along the Southern Boundary	The laneway is between 3.05 metres and 3.12 metres in width.
Setback Area	The setback area off the laneway ranges between 1.64 metres and 3.29 metres in width. It is also noted that a contrasting material is proposed for the setback area to highlight the edge of the laneway.
Single/Tandem Garages – Doorway Width	The single and tandem garages have been provided with a doorway width of between 3.0 metres and 3.2 metres.
Double Garages – Doorway Width	The double garages have been provided with a minimum doorway width of 5.42 metres.

## Attachment 4 - PLN20/0869 - 390A Queens Parade Fitzroy North - Engineering Referral Comments

Vehicle Turning Movements	The swept path diagrams for a B85 design vehicle demonstrates adequate entry and exit into and out of the individual garages of the laneways.
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Item	Assessment
<b>Car Parking Modules</b>	
Single Garages	The internal dimensions of the single garages (3.5 metres by 6.36 metres, 3.5 metres by 6.3 metres, and 3.5 metres by 7.0 metres) satisfy <i>Design standard 2 – Car parking spaces</i> .
Double Garage	The internal dimensions of the double garages (6.0 metres by 6.0 metres and 6.0 metres by 6.3 metres) satisfy <i>Design standard 2 – Car parking spaces</i> .
Tandem Garages	The internal dimensions of the tandem garages (3.5 metres by 11.0 metres) satisfy <i>Design standard 2 – Car parking spaces</i> .
<b>Other Items</b>	
Corner Splay – North-East Corner	The headroom clearance of the splay at the north-east corner of the site is 3.68 metres and is considered sufficient to provide access for the nominated waste collection vehicle.
Waste Collection Vehicle - Vehicle Turning Movements	The swept path diagram for a 6.34 metre long Waste Wise Mini truck demonstrates adequate circulation movements in the laneway
Vehicle Access – Via Laneway	The applicant is required to submit a cross-sectional drawing for each garage to determine whether further modification works are required, such as lowering the finished floor level inside the property or making any adjustments to Council's footpaths or road infrastructure – refer to <i>Design Items to be Addressed</i> for further information.

### Design Items to be Addressed

Item	Details
Vehicle Access – Via Laneway	<p>To ensure the satisfactory access for vehicles off the laneway and to show the provision of the 40 millimetre lip/bullnose along the edge of the laneway, the applicant is required to submit a 1 in 20 scale cross-sectional drawing with following spot levels in the laneway and inside the property:</p> <ul style="list-style-type: none"> <li>- the western/eastern and northern/southern edge of the laneway;</li> <li>- the centreline of the laneway;</li> <li>- reduced level 2.0 metres inside the property; and</li> <li>- the 40 millimetre lip/bullnose along the western edge of the internal concrete slab.</li> </ul> <p>These levels are to be shown on a 1 in 20 scale cross-sectional drawing, with dimensions for each garage.</p> <p>Providing the cross-sectional drawing early in the design phase can also determine whether further modification works are required, such as lowering the finished floor level inside the property or making any adjustments to Council's footpaths or road infrastructure.</p>

## Attachment 4 - PLN20/0869 - 390A Queens Parade Fitzroy North - Engineering Referral Comments

Bicycle Considerations	The bicycle requirements for this development are to be referred to Council's Strategic Transport unit for assessment.
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### Pedestrian Safety

Item	Details
Pedestrian Safety – North-East Corner	The retention of the heritage building at the north-east corner and the introduction of a 1.0 metre by 3.0 metre splay should not adversely affect pedestrian safety in the laneways. The laneways surrounding the site would have a low speed and low volume environment. Motorists using the laneways would almost exclusively be locals. Once the proposed dwellings are occupied, motorists would become accustomed to pedestrian usage of the laneways and would be inclined to exercise additional care, particularly when negotiating the north-east corner or where visibility may be limited.

### ENGINEERING CONDITIONS

#### Civil Works

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

- The existing electrical poles within the north-western Right of Way must be relocated to the satisfaction of the relevant power authority and Council. The developer must also consult affected property owners in relation to the new location of the pole and light. All costs associated with the relocation of the electrical pole shall be borne by the Permit Holder.

#### Pedestrian Access off the Right of Way

- The dwellings on the site would have primary pedestrian access off the bluestone Right of Way.

Under Council's Infrastructure Material's Policy (approved by Council on 19 May 2015), pedestrian access off a bluestone Right of way in a Heritage Overlay Area will require the developer to construct a 1.2 to 1.8 metre wide smooth bluestone pavement on one side of the Right of Way, from the development to the nearest abutting street (in this case, Queens Parade). The section of smooth bluestone pavement would commence from the primary pedestrian entrance of Townhouse 1 (furthest primary pedestrian access) and terminate at the northern footpath of the Queens Parade service road. A copy of the policy is appended to this memo.

**Please Note:** The development of Rear 304-308 Queens Parade was issued a Planning Permit (PLN15/0350) on 8 June 2016 at the direction of VCAT. Condition 7 of the Permit required the developer to construct a smooth bluestone pavement on one side of the southern Right of Way from that site to Michael Street.

#### 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

## Attachment 4 - PLN20/0869 - 390A Queens Parade Fitzroy North - Engineering Referral Comments

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

### Impact of Assets on Proposed Development

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

### Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

### Public Lighting

- Lighting for pedestrian access at the property's Rights of Way frontage must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements*. The lighting levels of all existing public lights near the site must be measured and checked against the AS/NZS 1158.3.1:2005 to determine whether new or upgraded public lights are required. The supply and installation of any additional or upgraded lighting, poles or other fixtures shall be funded by the Permit Holder and to the satisfaction of the Responsible Authority.
- The developer must ensure that lighting from any existing or new lights does not spill into the windows of any new residences or any existing nearby residences. Any light shielding that may be required shall be funded by the Permit Holder.

### ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the <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.
Right of Way Access	Vehicle access at the Right of Way must be maintained at all times for emergency vehicle access.



**Attachment 4 - PLN20/0869 - 390A Queens Parade Fitzroy North - Engineering Referral Comments**

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## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

## Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



### ESD in the Planning Permit Application Process

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

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

As detailed in Clause 22.17, this application is a 'large' planning application as it meets the category *Non-residential 1. 1,000m<sup>2</sup> or greater*.

### What is a Sustainable Management Plan (SMP)?

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

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

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

### Assessment Process:

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

## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

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



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## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

## Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



## Assessment Summary:

Responsible Planner:	Madeleine Maloney
ESD Advisor:	Gavin Ashley
Date:	17.03.2021
Subject Site:	PLN20/0869 390A Queens Parade, Fitzroy North VIC 3068
Site Area:	Approx. 1,041 m <sup>2</sup>
Project Description:	Demolition of existing building and construction of 16 townhouse development.
Pre-application meeting(s):	Unknown.
Documents Reviewed:	<ul style="list-style-type: none"> <li>Sustainability Management Plan [V5 – November 2020], by Energy Lab</li> <li>Architectural Plans [Rev 7a – 16.02.21], by Jam Architects</li> <li>Landscape Plan [Rev B – 19.01.21], by John Patrick Landscape Architects</li> <li>Waste Management Plan [17.11.20], by Leigh Design</li> </ul>

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:

- The proposal achieves a BESS report score of 52% (SMP, p. 20).
- Operable windows and natural cross-ventilation provided (SMP, p. 5).
- Access to daylight to townhouses: 90% of area > DF2.0 (SMP, p. 6).
- Specifications around VOC, PVC and Formaldehyde products and materials (SMP, p. 6).
- Townhouses achieves an average NatHERS star-rating of 6.5 (SMP, p. 7).
- Heating and cooling systems to be within 1-star of the best available (SMP, p. 7).
- 20% reduction in IPD of lighting, with 50% of external lighting controlled by motion sensors (SMP, p. 7).
- Water efficient fixtures and taps (SMP, p. 9).
- A STORM report with a 1.04% STORM score has been submitted that demonstrates best practice and relies on ~782 m<sup>2</sup> of roof connected to a 11,500-litre rainwater tank connected to toilet flushing in 12 of the 16 townhouses and used for irrigation and bin-washdown (SMP, p. 10).
- Specification and hierarchy of material procurement from local sources prioritised (SMP, p. 14).
- Recycled concrete (15% recycled) to be used in general fill, pavement and road base (SMP, p. 14).
- Bulk Insulation to contain 70% recycled content (SMP, p. 14).
- Provision of electrical connections to support EV charge, with option to install given to prospective buyers (SMP, p. 15).
- A minimum of 1 bicycle parking space provided (in garage or storage cage) for each townhouse (SMP, p. 15).
- Target to recycle or reuse 80% of demolition and construction management (SMP, p. 18).

## (2) Application ESD Deficiencies:

## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

## Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



- Concerns with the external shading strategy, particularly given the high cooling loads in TH 12, 13 and 16 as per the NatHERS summary. Clarify, and recommend increasing treatments along north-west façade to mitigate this.
- Update designs such that all cooling loads are less than 30mj/m2
- Remove gas ducted heating from the dwellings. These are prone to damage and reverse cycle heating and cooling is a superior technology.
- Revise strategy to include organics collection or on-site management as food organics makes up to 40% of general waste – there is onsite demand to justify provision.

**(3) Outstanding Information:**

- Provide full set of cross-flow diagrams referenced in the SMP on page 5.
- Please provide VLT used in daylight calculations and provide modelling for all townhouses.
- Clarify provision of high-quality views throughout.
- Clarify absence and/or strategy around formaldehyde (in engineered timber and other products).
- Clarify reduction in peak energy associated with townhouse designs.
- Clarify relationship between water use monitoring and behavioural analysis mentioned on page 13
- Confirm irrigation strategy for landscaped areas.
- Clarify post-development stormwater flows do not exceed pre-development levels.
- Confirm any stormwater treatment required beyond the rainwater tanks
- Confirm commitments, clarify recycled materials to be used in concrete mixes (fly ash, aggregates etc.) and consider increasing to 20-30%.
- Clarify approach to steel and reducing embodied energy (i.e. reducing reinforcement where possible, replacing with timber frame or procuring from ethical steel manufacturer).
- Confirm extent (by materials, cost or weight) and clarify 'best practice' guidelines for PVC are to be addressed.
- Clarify the design of the bicycle cages and garage storage.
- Clarify vegetation site coverage and amend BESS report accordingly.
- Provide a statement as to how the development mitigates urban heat – and consider increasing ground level vegetation (i.e. climbers) and provide SRI values or external (and roof) finishes. Consider also providing shade/climbing structures on terraces to reduce heat impacts during summer.
- Confirm tuning strategy prior to occupancy.

**(4) ESD Improvement Opportunities**

- Consider avoiding gas for HWS and instead using a heat pump.
- While the majority of the roof area is consumed by the terrace's – consider incorporating solar PV on the smaller roof zones to further offset the buildings energy use.
- Consider a small pallet of materials and construction techniques that can assist in disassembly.
- Consider reducing double garages to single to increase opportunities for ground level vegetation and/or internal amenity.
- Consider a green roof (i.e. level 2 roof areas) or wall (i.e. ground level) to improve the ecological value and heat mitigation of the proposal.
- Consider Head contractor to be ISO14001 accredited.

**Further Recommendations:**

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



## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

## 1. Indoor Environment Quality (IEQ)

### Objectives:

- to achieve a healthy indoor environment quality for the wellbeing of building occupants.
- to provide a naturally comfortable indoor environment will lower the need for building services, such as artificial lighting, mechanical ventilation and cooling and heating devices.

Issues	Applicant's Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging	Operable windows and natural cross-ventilation provided (SMP, p. 5).	Provide full set of cross-flow diagrams referenced in the SMP on page 5.	3
Daylight & Solar Access	Good - 90% of area achieving DF>2.0 (calculations provided in Appendix D).	Please provide VLT used in daylight calculations and provide modelling for all townhouses.	3
External Views	No information has been provided.	Clarify provision of high-quality views throughout.	3
Hazardous Materials and VOC	Low VOC materials (and limits) detailed in the SMP (p. 6).	Clarify absence and/or strategy around formaldehyde (in engineered timber and other products).	3
Thermal Comfort	Mixed mode ventilation, double glazing and insulation.	Concerns with the external shading strategy, particularly given the high cooling loads in TH 12, 13 and 16 as per the NatHERS summary. Clarify, and recommend increasing treatments along north-west façade to mitigate this.	2

### \* Council Assessment Ratings:

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

### References and useful information:

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

## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

## 2. Energy Efficiency

### Objectives:

- to ensure the efficient use of energy
- to reduce total operating greenhouse emissions
- to reduce energy peak demand
- to minimize associated energy costs.

Issues	Applicant's Design Responses	Council Comments	CAR*
NCC Energy Efficiency Requirements Exceeded	The preliminary NatHERS assessment indicates an average star-rating of 6.5 (SMP, p. 8).	Satisfactory	1
Thermal Performance	As above – TH1, 3, 7, 8 and 10 have high heating loads (>84MJ/m <sup>2</sup> ), while TH 12, 13 and 15 have higher cooling loads (>30MJ/m <sup>2</sup> ) (SMP, p. 8).	Update designs such that all cooling loads are less than 30mj/m2	2
Greenhouse Gas Emissions	34% reduction in GHG as per BESS report (SMP, p. 33).	Satisfactory.	1
Hot Water System	Domestic hot water provided by instantaneous gas (min 5-star energy rating) – with a 33% reduction in energy associated (SMP, p. 7 & 34).	Consider avoiding gas for HWS and instead using a heat pump.	4
Peak Energy Demand	No information has been provided.	Clarify reduction in peak energy associated with townhouse designs.	3
Effective Shading	Passive shading provided by privacy elements and some balcony areas.	As mentioned above, clarify external shading strategy for north-west façade noting particularly high cooling loads for townhouses exposed along this façade. Recommend increasing external treatments to mitigate.	2
Efficient HVAC system	Heating and cooling to be within 1-star of best available, with heating to come from 5-star gas ducted or equivalent.	Remove gas ducted heating from the dwellings. These are prone to damage and reverse cycle heating and cooling is a superior technology.	2
Car Park Ventilation	n/a	-	
Efficient Lighting	At least 20% improvement in LPD claimed.	Satisfactory.	1
Electricity Generation	None.	While the majority of the roof area is consumed by the terrace's – consider incorporating solar PV on the smaller roof zones to further offset the buildings energy use.	4
Other	-	-	

### \* Council Assessment Ratings:

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

### References and useful information:

**Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments**

SDAPP Fact Sheet: [2. Energy Efficiency](#)  
House Energy Rating [www.makeyourhomegreen.vic.gov.au](http://www.makeyourhomegreen.vic.gov.au)  
Building Code Australia [www.abcb.gov.au](http://www.abcb.gov.au)  
Window Efficiency Rating Scheme (WERS) [www.wers.net](http://www.wers.net)  
Minimum Energy Performance Standards (MEPS) [www.energyrating.gov.au](http://www.energyrating.gov.au)  
Energy Efficiency [www.resourcesmart.vic.gov.au](http://www.resourcesmart.vic.gov.au)

## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

### 3. Water Efficiency

**Objectives:**

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	Minimum WELS star rating of fixtures: (SMP, p. 9) • Taps: 6 star • Toilets: 4 star • Showers: 4 star • Dishwashers 4 star	Satisfactory.	1
Water for Toilet Flushing	Harvested rainwater will be used to flush toilets in 12 of the 16 townhouses (SMP, p. 10).	Satisfactory.	1
Water Meter	Water meters mentioned in the SMP (p. 13).	Clarify relationship between water use monitoring and behavioural analysis mentioned on page 13,	3
Landscape Irrigation	Water efficient landscaping scoped out of BESS report.	Confirm irrigation strategy for landscaped areas.	3
Other	-	-	

**\* Council Assessment Ratings:**

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

**References and useful information:**

SDAPP Fact Sheet: [3. Water Efficiency](#)  
 Water Efficient Labelling Scheme (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)  
 Water Services Association of Australia [www.wsaa.asn.au](http://www.wsaa.asn.au)  
 Water Tank Requirement [www.makeyourhomegreen.vic.gov.au](http://www.makeyourhomegreen.vic.gov.au)  
 Melbourne Water STORM calculator [www.storm.melbournewater.com.au](http://www.storm.melbournewater.com.au)  
 Sustainable Landscaping [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au)

## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

## 4. Stormwater Management

### Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM report with a 1.04% STORM score has been submitted that demonstrates best practice and relies on ~782 m <sup>2</sup> of roof connected to a 11,500-litre rainwater tank connected to toilet flushing in 12 of the 16 townhouses and used for irrigation and bin-washdown (SMP, p. 10).	Satisfactory.	1
Discharge to Sewer	No information has been provided.	Clarify post-development flows do not exceed pre-development levels.	3
Stormwater Diversion	A total roof catchment area of 782 m <sup>2</sup> (SMP, p. 10).	Satisfactory.	1
Stormwater Detention	Two rainwater tanks of 9,200-L and 2,300-L provided (SMP, p. 42).	Satisfactory.	1
Stormwater Treatment	No information provided.	Confirm any stormwater treatment required beyond the rainwater tanks.	3
Others	-	-	-

### \* Council Assessment Ratings:

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 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

### References and useful information:

SDAPP Fact Sheet: [4. Stormwater Management](#)  
 Melbourne Water STORM calculator [www.storm.melbournewater.com.au](http://www.storm.melbournewater.com.au)  
 Water Sensitive Urban Design Principles [www.melbournewater.com.au](http://www.melbournewater.com.au)  
 Environmental Protection Authority Victoria [www.epa.vic.gov.au](http://www.epa.vic.gov.au)  
 Water Services Association of Australia [www.wsaa.asn.au](http://www.wsaa.asn.au)  
 Sustainable Landscaping [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au)



## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

## 5. Building Materials

**Objectives:**

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	Bulk insulation to contain 70% recycled content, concrete to use 15% recycled content, and sustainable material selection mentioned in SMP (p. 14).	Confirm commitments, clarify recycled materials to be used in concrete mixes (fly ash, aggregates etc.) and consider increasing to 20-30%.	3
Embodied Energy of Concrete and Steel	Concrete as above, no information provided for steel.	Clarify approach to steel and reducing embodied energy (i.e. reducing reinforcement where possible, replacing with timber frame or procuring from ethical steel manufacturer).	3
Sustainable Timber	All feature timber will be recycled or from accredited sustainably harvested plantation sources (FSC or AFS) (SMP, p. 14).	Satisfactory.	1
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
PVC	Minimisation of PVC and 'best practice' guidelines included in SMP (p. 15).	Confirm extent (by materials, cost or weight) and clarify 'best practice' guidelines for PVC are to be addressed.	3

**\* Council Assessment Ratings:**

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

**References and useful information:**

SDAPP Fact Sheet: [5. Building Materials](#)

Building Materials, Technical Manuals [www.yourhome.gov.au](http://www.yourhome.gov.au)

Embodied Energy Technical Manual [www.yourhome.gov.au](http://www.yourhome.gov.au)

Good Environmental Choice Australia Standards [www.geca.org.au](http://www.geca.org.au)

Forest Stewardship Council Certification Scheme [www.fsc.org](http://www.fsc.org)

Australian Green Procurement [www.greenprocurement.org](http://www.greenprocurement.org)

## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

## 6. Transport

**Objectives:**

- to minimise car dependency
- to ensure that the built environment is designed to promote the use of public transport, walking and cycling.

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising the Provision of Car Parks	Car parking for 16 cars proposed across 16 townhouses.	Satisfactory. Consider reducing double garages to single to increase opportunities for ground level vegetation and/or internal amenity.	4
Bike Parking Spaces	The SMP indicates provision of bicycle parking space in the garages or secure cages (for townhouses without garages).	Clarify the design of the bicycle cages and garage storage.	3
End of Trip Facilities	n/a	-	
Car Share Facilities	No information has been provided.	-	
Electric vehicle charging	Townhouses will be pre-wired with option to install EV charging given to purchasers (SMP, p. 15).	Satisfactory. However, the absence of solar defers the benefit given the reliance of Victoria's energy grid on coal. Consider incorporating with solar and/or offering a solar package (racked or on existing roof areas) to residents.	4
Green Travel Plan	A Green Travel plan has not been provided.	n/a for apartments?	1

**\* Council Assessment Ratings:**

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

**References and useful information:**

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

Off-setting Car Emissions Options [www.greenfleet.com.au](http://www.greenfleet.com.au)

Sustainable Transport [www.transport.vic.gov.au/doi/internet/icy.nsf](http://www.transport.vic.gov.au/doi/internet/icy.nsf)

Car share options [www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/](http://www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/)

Bicycle Victoria [www.bv.com.au](http://www.bv.com.au)

## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

## 7. Waste Management

### Objectives:

- to ensure waste avoidance, reuse and recycling during the design, construction and operation stages of development
- to ensure long term reusability of building materials.
- to meet Councils' requirement that all multi-unit developments must provide a Waste Management Plan in accordance with the *Guide to Best Practice for Waste Management in Multi-unit Developments 2010*, published by Sustainability Victoria.

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	Site specific WMP. A target recycling rate of 80% of construction and demolition waste has been adopted for the construction phase of the development to minimise the volume of waste to landfill.	Satisfactory.	1
Operational Waste Management	An operational Waste Management Plan has been provided, with bin storage within each townhouse, and collections point identified (WMP).	Satisfactory.	1
Storage Spaces for Recycling and Green Waste	While recycling is included within the WMP, organics is identified as 'impractical' due to minimal onsite demand (WMP, p. 4).	Revise strategy to include organics collection or on-site management as food organics makes up to 40% of general waste – there is onsite demand to justify provision.	2
Others	-	-	-

### \* Council Assessment Ratings:

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

### References and useful information:

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

Construction and Waste Management [www.sustainability.vic.gov.au](http://www.sustainability.vic.gov.au)

Preparing a WMP [www.epa.vic.gov.au](http://www.epa.vic.gov.au)

Waste and Recycling [www.resourcesmart.vic.gov.au](http://www.resourcesmart.vic.gov.au)

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

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Waste reduction in office buildings (2002) [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

## 8. Urban Ecology

**Objectives:**

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

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention	There is no productive topsoil on this site.	-	N/A
Maintaining / Enhancing Ecological Value	12% of the site area comprises of planter boxes according to the BESS report however does not commit to the credit (SMP, p. 38).	Clarify vegetation site coverage and amend BESS report accordingly.	3
Heat Island Effect	No information has been provided.	Provide a statement as to how the development mitigates urban heat – and consider increasing ground level vegetation (i.e. climbers) and provide SRI values or external (and roof) finishes. Consider also providing shade/climbing structures on terraces to reduce heat impacts during summer.	3
Other		-	
Green wall, roofs, facades	No information has been provided.	Consider a green roof (i.e. level 2 roof areas) or wall (i.e. ground level) to improve the ecological value and heat mitigation of the proposal.	4

**\* Council Assessment Ratings:**

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

**References and useful information:**

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

Department of Sustainability and Environment [www.dse.vic.gov.au](http://www.dse.vic.gov.au)

Australian Research Centre for Urban Ecology [www.arcue.botany.unimelb.edu.au](http://www.arcue.botany.unimelb.edu.au)

Greening Australia [www.greeningaustralia.org.au](http://www.greeningaustralia.org.au)

Green Roof Technical Manual [www.yourhome.gov.au](http://www.yourhome.gov.au)

## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

## 9. Innovation

**Objective:**

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Significant Enhancement to the Environmental Performance	No credits claimed.	N/a	-
Innovative Social Improvements	-	-	-
New Technology	-	-	-
New Design Approach	-	-	-
Others	-	-	-

**\* Council Assessment Ratings:**

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

**References and useful information:**

SDAPP Fact Sheet: [9. Innovation](#)  
 Green Building Council Australia [www.gbca.org.au](http://www.gbca.org.au)  
 Victorian Eco Innovation lab [www.ecoinnovationlab.com](http://www.ecoinnovationlab.com)  
 Business Victoria [www.business.vic.gov.au](http://www.business.vic.gov.au)  
 Environment Design Guide [www.environmentdesignguide.com.au](http://www.environmentdesignguide.com.au)



## Attachment 5 - PLN20/0869 - 390A Queens Parade Fitzroy North - ESD referral comments

## 10. Construction and Building Management

**Objective:**

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	Post-occupancy commissioning mentioned in the SMP (p. 21).	Confirm tuning strategy prior to occupancy.	3
Building Users Guide	A Building Users Guide explaining optimal usage of building services to minimise energy and water consumption.	Satisfactory.	1
Contractor has Valid ISO14001 Accreditation	No information has been provided.	Consider Head contractor to be ISO14001 accredited.	4
Construction Management Plan	Construction management mentioned in regarding to stormwater quality and waste, however no commitment to CMP or an Environmental Management Plan.	Satisfactory.	1
Others	-	-	-

**\* Council Assessment Ratings:**

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

**References and useful information:**

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

ASHRAE and CIBSE Commissioning handbooks

International Organization for standardization – ISO14001 – Environmental Management Systems

Keeping Our Stormwater Clean – A Builder's Guide [www.melbournewater.com.au](http://www.melbournewater.com.au)

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



## Applicant Response Guidelines

### Project Information:

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

### Environmental Categories:

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

### Objectives:

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

### Issues:

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

### Assessment Method Description:

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

### Benchmarks Description:

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

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

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

### ESD Matters on Architectural Drawings:

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

## Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments

### PLANNING APPLICATION REFERRAL TO STRATEGIC PLANNING

#### Strategic planning comments

Strategic Planning comments are provided below.

The comments in this assessment focus on compliance with interim Design and Development Overlay 20 (DDO20) and Amendment C231 Part 2 as adopted by Council at the Ordinary Council meeting on 2 June 2020. They do not provide commentary on other sections of the planning scheme or fully assess the amenity impacts of the application.

#### Development details

<b>Property address</b>	<b>390A Queens Parade, Fitzroy North</b>
<b>Application number</b>	<b>PLN20/0869</b>
<b>Referral prepared by</b>	Leonie Kirkwood
<b>Description</b>	<ul style="list-style-type: none"> <li>• Partial demolition of existing buildings</li> <li>• Alterations and additions to existing buildings</li> <li>• Construction of buildings and works for 16 dwellings (comprising 14 x three-storey plus roof terraces and 2 x double-storey)</li> <li>• Use of the land for dwellings</li> <li>• An associated reduction in statutory car parking requirements.</li> </ul>
<b>Relevant amendment &amp; status</b>	<p><b>Approved interim controls</b></p> <p>Interim DDO20 applies to the site.</p> <p><b>Permanent controls</b></p> <p>Parts 1 and 3 of Amendment C231 were gazetted on 1 October 2020. This amendment applied DDO16 to Queens Parade excepting 390A Queens Parade.</p> <p>Part 2 which applies to 390A Queens Parade was adopted by Council on 20 June 2020 and is awaiting approval by the Minister for Planning.</p>
<b>Existing and proposed controls</b>	<ul style="list-style-type: none"> <li>• Commercial 1 Zone (C1Z)</li> <li>• Design and Development Overlay – Schedule 20 (DDO20) (existing)</li> <li>• Design and Development Overlay – Schedule 16 (proposed - C231 Pt2)</li> <li>• Heritage Overlay 237 - North Fitzroy Precinct (HO237) (existing)</li> <li>• Heritage Overlay 330 – Queens Parade Precinct, North Fitzroy/Clifton Hill (HO330) (proposed - C231 Pt2)</li> </ul>

**Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments****Summary**

The proposed development generally complies with the requirements of DDO20 (the interim DDO) and Council's adopted DDO16 for the site (awaiting approval by the Minister for Planning).

At approximately 10.3m in height measured to the top of roof terrace and 11m to the top of the screening (as dimensioned on the plans), the development complies with the mandatory building heights in DDO20 (21.5m) and Council's adopted version of DDO16 which applies to the site (11m). The three storey height will *'facilitate the appropriate low rise infill of the sites located to the rear of commercial properties fronting Queens Parade'* (Design Requirement – DDO16).

In addition, the proposed development meets the interface requirements to the Commercial 1 Zone in both DDO20 and in the adopted version of DDO16. (The same standard applies.)

While the proposed development complies with the interface requirements in DDO20 applying to the residential properties in McKean Street, it does not meet the revised requirements in Council's adopted DDO16. The proposed development's first and second storeys encroach into the proposed setbacks in DDO16.

The intent of adopted DDO16 is *'To ensure development responds to sensitive interfaces by ensuring that the overall scale and form of new buildings provide a suitable transition to the low scale residential areas and protects properties from unreasonable loss of amenity through visual bulk, overlooking and overshadowing'* (Objective 5).

Overlooking and visual bulk would be the key potential amenity impacts on:

- The two storey studios constructed on the rear boundary of the McKean Street properties
- Private open space of properties on McKean Street
- The three storey townhouses at 304-306 Queens Parade.

However, officers consider that given the reduced building height and improved design details such as the retention of the two storey heritage building etc, in this instance, the development would not result in *'an unreasonable loss of amenity'*.

In terms of heritage, as the site is within HO327 and proposed to be included in HO330 (via Amendment C231 Part 2), the Heritage Design Requirements of both DDOs apply. Strategic planning considers the proposed development generally complies but defers to the views of Council's Heritage Advisor.

Amendment C231 Part 2, as submitted to the Minister for Planning for approval, also proposes to regrade the two storey brick building on the north-east corner of the site (ie the substation) to 'contributory'. It is currently ungraded. The retention of this building in the proposed development is strongly supported.

In terms of other key heritage issues, officers consider the three storey development (including roof terraces) will not adversely impact on views to the ANZ building, the Queens Parade heritage streetscape nor the McKean Street heritage streetscape.

**Leonie Kirkwood**  
**Strategic Planning**  
**24 June 2021**

## Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments

### Compliance with the interim and adopted DDOs:

Strategic Planning comments are provided below and are based on the application drawings dated 27 November 2020.

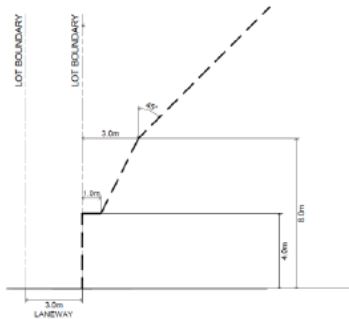
Requirements	Planning Application	DDO20 (interim DDO) and DDO16 (Am C231 Part 2 - adopted)	Assessment of proposal
<b>Building height</b>	Maximum height varies slightly across the site but is less than 11m measured to the top of the roof terrace	<u>DDO20</u> <b>Mandatory:</b> 21.5m <u>DDO16 (Am C231 Part 2)</u> <b>Mandatory:</b> 11m	<b>Complies</b> <u>DDO20 &amp; DDO16 (Am C231 Part 2)</u> Interim DDO20 and adopted DDO16 have mandatory maximum building heights of 21.5m and 11m respectively. The development is approximately 10.3m in height measured to the top of the roof terrace wall and 11m to the top of screening (based on the dimensions on Plans TP14 & 15). Based on this, it complies with both the interim and adopted DDO. No services on the roof are proposed over the mandatory heights.
<b>Street wall and upper-level setbacks</b>	-	<u>DDO20 &amp; DDO16 (Am C231 Part 2)</u> Requirements for developments on Queens Parade and side streets. No metrics specific to this site. <u>DDO20</u> <ul style="list-style-type: none"> <li>Development must create a consistent street wall height along the streetscapes.</li> <li>Development must provide setbacks which ensure that upper level additions seen from the public realm are high quality and do not diminish the appreciation of the heritage building and streetscape.</li> </ul>	<b>Complies</b> As the development does not directly front Queens Parade or a side street, the street wall and upper level setback requirements in both DDO20 (interim) and DDO16 (Part 2) do not apply. <u>DDO20</u> Strategic Planning considers the development meets the relevant requirements (see various comments below) but defers to Council's Heritage Advisor on heritage matters.



## Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments

		<ul style="list-style-type: none"> <li>Development must avoid repetitive stepped built form at upper levels of development.</li> </ul>	
Street wall setback	-	<p><u>DDO20 &amp; DDO16 (Am C231 Part 2)</u></p> <p><b>Mandatory:</b> 0 metre setback - built to front boundary at ground level</p>	<p><b>N/a</b></p> <p><u>DDO20 &amp; DDO16 (Am C231 Part 2)</u></p> <p>Both DDOs define the street wall as '<i>the façade of a building at the street boundary</i>' and reference the footpath. As the development fronts laneways and not Queens Parade or a side street, it is considered this requirement does not apply.</p>
Interface to C1Z		<p><u>DDO20 &amp; DDO16 (Am C231 Part 2)</u></p> <p><b>Preferred:</b> Set back 3 metres above 11 metres.</p>	<p><b>Complies</b></p> <p><u>DDO20 &amp; DDO16 (Am C231 Part 2)</u></p> <p>The proposed development complies with this requirement. The development is 11m in height on its boundaries to land in the C1Z:</p> <ul style="list-style-type: none"> <li>The development ranges in height on its south-east elevation (TP15) however on average is approximately 10.3m to the top of roof terrace brick wall. (At its highest point, the top of the roof terrace screen, it is 11m in height.)</li> <li>On its north-east elevation, the development retains the two storey former bakery. This building is 9.6m to the ridgeline of the building (TP16).</li> </ul>
Interface to NRZ	The proposed building abuts (albeit separated by a laneway) land in the Neighbourhood Residential Zone fronting McKean Street.	<p><u>DDO20</u></p> <p><b>Preferred:</b></p> <ul style="list-style-type: none"> <li>45 degree angle above 8 metres from rear boundary to laneway</li> <li>45 degree angle above 5 metres where no laneway</li> </ul> <p><u>DDO16 (Am C231 Part 2)</u></p> <p><b>Preferred:</b></p>	<p><b>Complies</b></p> <p><u>DDO20</u></p> <p>The proposal meets the required setback of 45° above 8 metres.</p> <p><b>Does not comply</b></p> <p><u>DDO16 (Am C231 Part 2)</u></p> <p><i>McKean Street properties</i></p> <p>A portion of the first floor and almost a third of second floor of the proposed development (and part of the roof terrace) do not comply</p>

# Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments

		<p>Where there is a laneway, heights and setbacks as shown in Figure 1.</p> <p><i>Figure 1 - Setback where there is a laneway to the side or rear</i></p>  <p>In addition, the following also applies:</p> <ul style="list-style-type: none"> <li>• <i>Development should respond to the low scale form of existing development through an appropriate transition in building height and setbacks to ensure reasonable standards of amenity.</i></li> <li>• <i>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent or 40 square metres with minimum dimension of 3 metres, whichever is the lesser, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.</i></li> </ul>	<p>with the preferred setback to the NRZ interface (see Section A in TP16).</p> <p>The intent of DDO16 is <i>'To ensure development responds to sensitive interfaces by ensuring that the overall scale and form of new buildings provide a suitable transition to the low scale residential areas and protects properties from unreasonable loss of amenity through visual bulk, overlooking and overshadowing'</i> (Objective 5).</p> <p>As the development site is to the south of the McKean Street properties, overshadowing of the properties to the north is not a concern.</p> <p>Overlooking and visual bulk will be the key potential amenity impacts on:</p> <ul style="list-style-type: none"> <li>• The two storey studios constructed on the rear boundary of five of the McKean Street properties. (Noting the majority of which have highlight windows servicing bathrooms on their rear boundary, however two appear to have larger clear glass windows.)</li> <li>• Private open space of properties on McKean Street.</li> </ul> <p>The proposed development seeks to address overlooking of the studios and private open space of the McKean Street properties through the use of screening, louvres, opaque glass and planter boxes to offset views from windows and roof terraces. Strategic Planning has not assessed the design details etc of the screening but generally considers these measures adequate.</p> <p>The proposed development will be visible from the private open space particularly for those properties where there are no second storey studios at the rear. The impacts will be less for those properties which back onto the two storey heritage element of the proposal.</p> <p>However it is also considered that the impacts of visual bulk has been greatly reduced from previous proposals as a result of the</p>
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## Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments

		<p><i>If existing sunlight to secluded open space if an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</i></p>	<p>lower three storey height. The design also contains indents and changes in material which seek to break up the mass.</p> <p>Given the reduced building height and improved design details such as the retention of the two storey heritage building, Strategic Planning does not consider the visual bulk impacts in this instance would result in 'an unreasonable loss of amenity'.</p> <p><b>404-406 Queens Parade</b></p> <p>The other properties affected by the development are three storey townhouses at 404-406 Queens Parade. While the residential interface setbacks do not apply to these properties as they in the Commercial 1 Zone, their amenity impacts should be considered.</p> <p>These townhouses face the two storey heritage substation and Townhouse 10. The development will be visible from windows and balconies of 404-406 Queens Parade so visual bulk will be inevitable given the laneway is approximately 5.7m wide. This will be partially ameliorated by the fact the former bakery (substation) is two storeys.</p> <p>The substation windows at the first floor will include timber battens and screening. The windows and balcony of Townhouse 10 are proposed to be screened / use obscured glazing.</p>
<p><b>Heritage building design:</b></p> <p><b>Building facades and street frontages</b></p>		<p><u>DDO20</u></p> <p><b>Preferred:</b></p> <p>Façade treatments and the articulation of infill buildings on land affected by a heritage overlay and development on land immediately adjoining a heritage building must:</p> <ul style="list-style-type: none"> <li>ensure façade treatments and the articulation of the new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s)</li> </ul>	<p><b>Partially complies</b></p> <p><u>DDO20 and DDO16 (Am C231 Part 2)</u></p> <p>Strategic Planning strongly supports the retention of the substation, but defers to Council's Heritage Advisor's views on:</p> <ul style="list-style-type: none"> <li>the proposal to demolish part of the wall on the corner of the building to accommodate a splay (noting this is proposed for traffic and access reasons).</li> <li>New openings and extensions to existing openings on both retained frontages of the building.</li> </ul>

## Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments

		<ul style="list-style-type: none"> <li>• respect the vertical proportions of the nineteenth and twentieth century facades in the heritage streetscape and/or the adjoining heritage building(s)</li> <li>• avoid large expanses of glazing with a horizontal emphasis except for ground floor shopfronts</li> <li>• reflect the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building(s)</li> </ul> <p>Adaptation of contributory or individually significant buildings must:</p> <ul style="list-style-type: none"> <li>• avoid highly reflective glazing in historic openings</li> <li>• encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings</li> <li>• maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.</li> </ul> <p><u>DDO16 (Am C231 Part 2)</u></p> <p><b>Preferred:</b> Infill buildings and development adjoining a heritage building</p> <p>Façade treatments and the articulation of infill buildings should:</p>	<p>Strategic planning officers note however the proposed development:</p> <ul style="list-style-type: none"> <li>• while featuring a wide of materials and textures does not appear to detract from the simple red brick heritage building</li> <li>• retains solid built form behind the two storey retained façade with rooms rather than balconies behind openings.</li> </ul>
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**Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments**

		<ul style="list-style-type: none"> <li>• be simple and not compete with the more elaborate detailing of nineteenth century buildings</li> <li>• respect the vertical proportions of the nineteenth and twentieth century facades in the heritage streetscape and/or the adjoining heritage building(s)</li> <li>• avoid large expanses of unarticulated curtain glazing, highly reflective glass and glazing with a horizontal emphasis, except for ground floor shopfronts</li> <li>• reflect the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building(s).</li> </ul> <p>Contributory or individually significant buildings</p> <p>Adaption and reuse of contributory or individually significant buildings should:</p> <ul style="list-style-type: none"> <li>• maintain existing openings and avoid highly reflective glazing in historic openings</li> <li>• encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings</li> <li>• maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.</li> </ul>	
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**Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments**

<p><b>Heritage building design:</b></p> <p><b>Upper Levels (above street wall height)</b></p>		<p><u>DDO20</u></p> <p><b>Preferred:</b> Upper-level development on land within a heritage overlay and on land immediately adjoining a heritage building must:</p> <ul style="list-style-type: none"> <li>• be visually recessive and not visually dominate the heritage building and the heritage streetscape</li> <li>• retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'</li> <li>• utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades</li> <li>• incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape</li> <li>• be articulated to reflect the fine-grained character of the streetscape.</li> </ul> <p><u>DDO16 (Am C231 Part 2)</u></p> <p><b>Preferred:</b> Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building should:</p>	<p><b>Partially complies</b></p> <p><u>DDO20 &amp; DDO16 (Am C231 Part 2)</u></p> <p>Strategic Planning defers to comments from Council's Heritage Advisor on these issues but considers the proposed development:</p> <ul style="list-style-type: none"> <li>• is relatively well articulated along its facade.</li> <li>• does not appear that it would dominate the Queens Parade or McKean Street streetscapes (see comments below)</li> <li>• does not detract from the proposed contributory graded two storey sub-station and retains it on the two laneway frontages.</li> </ul>
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**Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments**

		<ul style="list-style-type: none"> <li>• be visually recessive and not visually dominate the heritage building and the heritage streetscape</li> <li>• retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'</li> <li>• utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades</li> <li>• incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape</li> <li>• reflect the rhythm of the wider streetscape, fine grained character and subdivision pattern of the streetscape, especially on larger sites.</li> </ul>	
<b>Heritage building design:</b>  <b>Upper level setbacks</b>		<p><u>DDO16 (Am C231 Part 2)</u></p> <p><b>Preferred:</b> Upper level setbacks in excess of the minimum mandatory upper level setback should be provided;</p> <ul style="list-style-type: none"> <li>• where it would facilitate the retention of a roof form and chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing</li> </ul>	<p><b>Complies.</b></p> <p>DDO16 (Am C231 Part 2) adds new requirements to the Heritage Design Requirements about upper level setbacks.</p> <p>Strategic Planning defers to comments from Council's Heritage Advisor on these issues but considers:</p> <ul style="list-style-type: none"> <li>• Most are not relevant to the proposed development as they concern the Queens Parade streetscape.</li> <li>• The proposed development also retains the two storey heritage element on the site with new development setback from it.</li> </ul>

## Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments

		<p>to the significance of the heritage building or streetscape</p> <ul style="list-style-type: none"> <li>• it would maintain the perception of the three-dimensional form and depth of the building</li> <li>• a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along Queens Parade.</li> </ul>	
Impacts on views to ANZ Bank		<p><u>DDO20 &amp; DDO16 (Am C231 Part 2)</u></p> <p><b>Mandatory:</b> Development must protect and maintain key viewlines and visual prominence of the former ANZ Building from the south-west and north-east, in particular to the upper floor, roof form and chimneys.  NB - DDO16 (Am C231 Part 2) shows the locations of the viewlines on Map 4.</p>	<p><b>Complies.</b></p> <p>The site is located directly behind the VHR listed former ANZ bank. Plans TP07 and TP08 show viewlines to the ANZ Bank. It is unclear whether these views are taken from the locations identified in DDO20 and the adopted version of DDO16.</p> <p>Strategic Planning defers to comments from Council's Heritage Advisor on this matter. However given the three storey height of the development and the fact that the site is set back behind the ANZ Bank, the development is not likely to impede the views to the bank from the south-west and north-east.</p>
Impacts on Queens Parade heritage streetscape		<p><u>DDO20</u></p> <p><b>Preferred:</b> Development must retain the visual prominence of heritage buildings, their street wall and significant 'High Street' streetscapes when viewed from the opposite side of Queens Parade.</p> <p><u>DDO16 (Am C231 Part 2)</u></p> <p><b>Preferred:</b> Development should retain the visual prominence of heritage buildings, their street wall and heritage streetscape</p>	<p><b>Complies.</b></p> <p>Strategic Planning defers to comments from Council's Heritage Advisor on this matter. It is considered (based on the provided documentation) the development to the rear of the Queens Parade frontage will not adversely impact on the heritage values of the Queens Parade heritage streetscape.</p>

## Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments

		when viewed from the opposite side of Queens Parade.	
<b>Impacts on the McKean Street heritage streetscapes</b>		<p><u>DDO20</u></p> <p><b>Preferred:</b> Development must respect the low scale, fine grain subdivision pattern of existing development on Hodgkinson Street and McKean Street.</p> <p><u>DDO16 (Am C231 Part 2)</u></p> <p><b>Preferred:</b> Development should respect the low scale, fine grain subdivision pattern of existing development on Hodgkinson Street and McKean Street through an appropriate transition in height and setbacks.</p>	<p><b>Complies</b></p> <p>Strategic Planning notes that VCAT in considering the previous application for the site found that <i>'the proposal would cause no unreasonable impacts on this heritage view line'</i>. (Paragraph 70). Finding that <i>'the row of residential facades on this southern side of this section of McKean Street presents a fairly consistent line of built form to the street, which in turn minimises the ability of a passer-by to have more long range views further to the south.'</i> (Paragraph 72)</p> <p>Strategic Planning defers to comments from Council's Heritage Advisor on this matter but considers, based on the photo montage (TP07), the proposed three storey development should have little impact on the consistent McKean Street streetscape.</p>
<b>Other requirements - Ground floor design requirements</b>	-	<p><u>DDO20</u></p> <p><b>Preferred:</b></p> <ul style="list-style-type: none"> <li>• Facades at ground level must be designed with floor to floor ceiling heights suitable to accommodate commercial activity in the Commercial 1 Zone and the Mixed Use Zone.</li> </ul> <p><u>DDO16 (Am C231 Part 2)</u></p> <p><b>Preferred:</b></p> <ul style="list-style-type: none"> <li>• Facades at ground level should be designed with floor to floor ceiling heights suitable to accommodate commercial activity in the Commercial 1 Zone.</li> </ul>	<p><b>Does not comply</b></p> <p>A ground floor height of approximately 4m could accommodate commercial uses. 3.2m is proposed.</p> <p>However the development while in the Commercial 1 Zone does not propose commercial uses at ground floor. The floor to floor heights are therefore considered appropriate for the use in this instance.</p>

## Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments

		<ul style="list-style-type: none"> <li>Building services and service cabinets should be located away from the street frontage of heritage facades. They should be designed and located so they complement the street frontage and character and appearance of the heritage building.</li> </ul>	
<b>Vehicular Access</b>	-	<p><u>DDO20</u></p> <p><b>Preferred:</b></p> <ul style="list-style-type: none"> <li>Future vehicle access and services must be provided from a rear laneway or side street where possible.</li> </ul> <p><u>DDO16 (Am C231 Part 2)</u></p> <p><b>Preferred:</b></p> <ul style="list-style-type: none"> <li>New vehicle crossovers onto Queens Parade should be avoided.</li> <li>Future vehicle access and services must be provided by a rear laneway or side street, where possible.</li> <li>Vehicle ingress and egress into development, including loading facilities and building servicing, should ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.</li> <li>Development on a laneway should include a rear/side setback or a corner splay at ground floor, to facilitate the ongoing functionality of</li> </ul>	<p><b>Complies</b></p> <p><u>DDO20 &amp; DDO16 (Am C231 Part 2)</u></p> <p>Both DDOs seek to enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.</p> <p>The only available vehicular and pedestrian access to the site is via two laneways. Where car parking is proposed, the ground floor is setback from the property boundary to enhance the functionality of the laneways. Upper levels cantilever over this setback.</p> <p>Strategic Planning defers to the views of Council's Traffic Engineers on the adequacy of parking and setbacks to laneways for traffic, servicing of the development and shops along Queens Parade and also pedestrian safety.</p> <p>Strategic Planning notes:</p> <ul style="list-style-type: none"> <li>parking has not been provided for five dwellings, including the two dwellings in the heritage building. This is supported as it will potentially reduce traffic needing to use the laneway.</li> <li>pedestrian access / entrances to the buildings appears to be provided for with building indents and changes in materials.</li> <li>a potential conflict between the creation of a splay on the corner of the former bakery (substation) and traffic requirements.</li> </ul>



**Attachment 6 - PLN20/0869 - 390A Queens Parade - Strategic Planning Referral Comments**

		<p>the laneway and allow for building services and car park access.</p> <ul style="list-style-type: none"> <li>• Permanent obstructions within a rear/side setback or splay to a laneway should be avoided.</li> </ul> <p>DDO16 also requires that development should:</p> <ul style="list-style-type: none"> <li>• Maintain service access from the laneways to facilitate commercial use of the properties fronting Queens Parade.</li> </ul>	
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## Attachment 7 - PLN20/0869 - 390A Queens Parade Fitzroy North - City Works (waste) Referral Comments

### Moloney, Madeleine

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**From:** Athanasi, Atha  
**Sent:** Thursday, 4 March 2021 10:20 AM  
**To:** Moloney, Madeleine  
**Subject:** RE: Waste Management Plan Referral - PLN20/0869 - 390A Queens Parade Fitzroy North

Hi Madeleine,

Similar comments to previous with also mention of possible future glass separation requirement.

The waste management plan for 390A Queens Pde, Fitzroy North authored by Leigh Design and dated 17/11/20 is not satisfactory from a City Works Branch's perspective. Issues to be rectified include, but may not be limited to the following:

1. Swept path diagrams relating to waste collection vehicles should be included in waste management plan.
2. Food waste diversion should be included as a requirement.
3. Space to enable the separation of the 4 waste streams must be considered.(glass)

Regards,

Atha Athanasi  
Contract Management Officer

Yarra Waste Services - City Works Branch  
168 Roseneath St CLIFTON HILL VIC 3068  
T (03) 9205 5547 F (03) 8417 6666  
[Atha.Athanasi@yarracity.vic.gov.au](mailto:Atha.Athanasi@yarracity.vic.gov.au)  
[www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)  
Follow us on [Facebook](#), [Instagram](#) and [Twitter](#)



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.

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**From:** Moloney, Madeleine <Madeleine.Moloney@yarracity.vic.gov.au>  
**Sent:** Friday, 26 February 2021 3:45 PM  
**To:** Athanasi, Atha <Atha.Athanasi@yarracity.vic.gov.au>  
**Subject:** Waste Management Plan Referral - PLN20/0869 - 390A Queens Parade Fitzroy North

Hi Atha,

## Attachment 7 - PLN20/0869 - 390A Queens Parade Fitzroy North - City Works (waste) Referral Comments

This application proposes partial demolition of existing buildings; alterations and additions to existing buildings, and construction of buildings and works for 16 dwellings (comprising 14 x three-storey plus roof terraces and 2 x double-storey); use of the land for dwellings; and an associated reduction in statutory car parking requirements.

Please see below a link to the advertised documents (including plans and waste management plan) for the above application. The swept path diagrams and details of the waste vehicle are provided in the separate Traffic Report.

<https://www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/advertised-planning-applications/2021/02/24/pln200869>

Your comments on the proposed Waste Management Plan / waste arrangements are requested.

**\*\*Please note: Comments were provided previously for a similar development on this site under planning application PLN19/0155\*\***

Kind regards,



**Madeleine Moloney**  
Senior Statutory Planning Officer  
Statutory Planning Branch

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Follow us on [Facebook](#), [Instagram](#) and [Twitter](#)

Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra. We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra. We pay our respects to Elders from all nations here today – and to their Elders past, present and future.

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**6.2 PLN19/0121 - 684 Station Street, Carlton North  
[SUPPLEMENTARY REPORT - VCAT AMENDED PLANS]**

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## **Executive Summary**

### **Purpose**

1. On 5 January 2021, Council received notice from the Victorian Civil and Administrative Tribunal [VCAT] that the applicant had lodged an application for review of conditions on Planning Permit PLN19/0121 [the Permit] under section 80 of the *Planning and Environment Act 1987* [the Act]. The conditions subject to review are conditions 1(c), 1(d), 1(e) and 1(l).
2. On 15 June 2021 the applicant circulated amended plans which it intends to substitute for the application plans at the VCAT hearing scheduled for 3 August 2021 (Attachment 1).
3. This report seeks Council approval to advise the VCAT and the parties to VCAT proceeding P2009/2020 that the intention of condition 1(e) and 1(l) on the Permit have been met in the amended plans but conditions 1(c) and 1(d) on the Permit remain in dispute.

### **Key Planning Considerations**

4. Key planning considerations include:
  - (a) Clause 54 – One dwelling on a lot

### **Key Issues**

5. The key issues for Council in considering whether the amended plans are:
  - (a) Is the intention of conditions 1(c), 1(d), 1(e) and 1(l) on the Permit met in the amended plans?
  - (b) Are the amended plans an acceptable outcome?

### **Conclusion**

6. Based on the following report, it is considered that condition 1(e) and 1(l) on the Permit have been met in the amended plans but conditions 1(c) and 1(d) on the Permit have not and remain in dispute.

**CONTACT OFFICER:** Katrina Thomas  
**TITLE:** Planning Appeals Advocate  
**TEL:** 92055306

## 6.2 PLN19/0121 - 684 Station Street, Carlton North [SUPPLEMENTARY REPORT - VCAT AMENDED PLANS]

**Reference** D21/68724  
**Author** Katrina Thomas - Planning Appeals Advocate  
**Authoriser** Manager Statutory Planning

**Ward:** Nichols  
**Proposal:** Part demolition and construction of a two storey extension to the rear of the existing dwelling, with associated basement car parking and roof terrace.  
**Existing use:** Dwelling  
**Applicant:** Timothy Ash  
**Zoning / Overlays:** Neighbourhood Residential Zone – Schedule 1  
Heritage Overlay – Schedule 326  
Development Contributions Plan Overlay – Schedule 1  
**Date of Application:** 12 March 2019  
**Application Number:** PLN19/0121

### Background

7. At Council's Planning Development Committee [PDC] meeting held on 23 September 2020, Council resolved to issue a Notice of Decision to grant a permit, subject to conditions. On 27 October 2020, the Permit issued. The Permit allows 'Part demolition and construction of a two storey extension to the rear of the existing dwelling, with associated basement car parking and roof terrace.'
8. On 5 January 2021, Council received notice from VCAT that the applicant had lodged an application for review of conditions on the Permit under section 80 of the *Planning and Environment Act 1987* [the Act]. The conditions subject to review are conditions 1(c), 1(d), 1(e) and 1(l) on the Permit.
9. Two objectors have lodged statements of grounds in support of the conditions being retained on the Permit and one objector has joined as a party to the VCAT proceeding.
10. On 15 June 2021, VCAT and the parties received notice from the applicant of their intention to amend the application plans at the hearing to address the disputed conditions in an alternative manner (Refer to Attachment 1 for the amended plans).
11. This report provides an assessment as to whether the conditions that are subject to dispute have been satisfactorily addressed in the amended plans.

### OFFICER ASSESSMENT

Condition 1(c) - The one metre high balustrade associated with the rooftop garden, located within the southern setback of the first floor balcony, setback from the southern title boundary in accordance with Standard A10 (Side and rear setbacks) of the Yarra Planning Scheme.

12. This condition was recommended by the planning officer and the applicant's alternative proposal is to instead lower the balustrade height by 500mm. This does not address the intent of the condition which was to setback the balustrade 1.48m from the boundary to reduce the boundary wall height by 1.0m. The lower wall height at 5.15m high would require a setback of 1.465m to comply with Standard A10.



It is considered setting back the balustrade in compliance with Standard A10 should be achieved at either wall height to maximise the reduction in visual bulk of a high boundary wall opposite a sensitive space.

13. This condition is not met.

Condition 1(d) - Deletion of the roof terrace.

14. This condition was imposed on the permit as a result of the Council resolution at the PDC meeting. The roof terrace has not been deleted in the amended plans but instead is shown to have a reduced width by 850mm and the privacy screening on the eastern face has been amended from a solid parapet 1.7m high to a solid parapet at 1.0m high with fixed louvres above to a height of 1.7m. The amendments do not address Council's concerns about the additional visual bulk that the terrace adds to the extension.
15. This condition is not met.

Condition 1(e) - No additional overshadowing to any area of neighbouring SPOS between the hours of 9am and 2pm at the Equinox, in accordance with Clause 54.04-5 (Overshadowing Standard) of the Yarra Planning Scheme, which should be achieved through increased setbacks of the first floor balcony and bathroom from the south and east title boundaries or a reduction in the associated wall heights.

16. The condition was recommended by the planning officer and the applicant's amended proposal has addressed the intent of this condition which was to reduce the bulk of the proposed extension so that it results in no additional overshadowing of the neighbouring SPOS. This has been achieved however there will be additional overshadowing at 9am of 0.35sqm cast by the rear boundary fence. Given the small area of shadow and that it is being cast by a boundary fence and not the extension to the dwelling, the intent of the condition is met.
17. The intention of this condition is met.

Condition 1(l) - The proposed roller door, altered to a tilt door as 3.6m wide.

18. This condition was imposed on the permit as a result of the Council resolution at the PDC meeting. Council's Engineering Services Unit has since advised:

*The tilt door is not considered suitable for the following reasons:*

- *A door tilt door is not designed to be used for access to open spaces. It requires a structure, such as garage, to support the horizontal tracks and motor housing (electric version).*
- *The outward swinging of the bottom edge of the door would project into the laneway and could be damaged by a passing vehicle.*
- *A tilt door would interfere/impact with the car lift's steel frame when it is in its elevated position.*

19. Refer to Attachment 2 for the Engineering Services Unit's detailed referral comments.
20. It is understood that this condition was imposed to address a concern about noise impacts from a rollerdoor. The applicant's alternative of an 'Hormann side sliding garage door' is an acceptable alternative from both a noise and architectural quality perspective, as well as a traffic engineering perspective. The company website states it is 'light, quiet and precise' <https://www.quickliftdoors.com.au/products/side-sliding-sectional-doors>).

21. The intention of this condition is met.

[Are the amended plans an acceptable outcome?](#)

22. The amended plans are not an acceptable outcome because conditions 1(c) and 1(d) on the Permit have not been met. Additionally, the remainder of the condition 1 requirements that are not subject to dispute are not reflected in the amended plans.

## Conclusion

23. Based on the above report, the alternative proposal addresses the intent of conditions 1(e) and 1(l) on the permit but not conditions 1(c) and 1(d) on the permit.

## RECOMMENDATION

That having considered the amended plans, Council resolves to advise VCAT and the parties to VCAT proceeding P2009/2020 that the intention of condition 1(e) and 1(l) on the Permit have been met in the amended plans but conditions 1(c) and 1(d) on the Permit remain in dispute.

## Attachments

- 1 Attachment 1 - VCAT Amended Plans
- 2 Attachment 2 - Engineering Services Unit referral comments
- 3 Attachment 3 - Planning Permit
- 4 Attachment 4 - Decision Plans

## Attachment 1 - Attachment 1 - VCAT Amended Plans

## PNPE 9 FORM A - NOTICE OF AN AMENDMENT OF AN APPLICATION



## WHY HAVE I RECEIVED THIS NOTICE AND WHEN IS ANY RESPONSE DUE?

1. There is a VCAT proceeding about a planning permit application or application to amend a planning permit. Information about that application and the proceeding is set out below.
2. VCAT's reference number for the proceeding is:
3. The applicant wants to amend its application, as described below.
4. You are a person who VCAT requires be given notice the proposed amendment. Information about what you need to do to respond to this notice is set out below.
5. If you want to respond to this notice, VCAT must receive your statement of grounds by the following date:

## ABOUT THE APPLICATION

## 6. Land to which the application relates:

Street address Suburb/Town State Postcode 

## 7. Name of applicant:

## 8. How to contact the applicant:

Email Phone 

## 9. Name of responsible authority:

## 10. Permit / permit application number:

## 11. Brief description of the proposal:

## DETAILS OF PROPOSED AMENDMENT TO APPLICATION

## 12. The proposed amendments are to the:

☒ application plans☐ proposed use, development or other reason for which a permit is required☐ other, applicant to specify: 

## INFORMATION ABOUT THIS VCAT PROCEEDING

**Attachment 1 - Attachment 1 - VCAT Amended Plans**

13. Date/s of hearing:

14. Date of compulsory conference (if any):

15. Date/s of practice day or preliminary hearing (if any):

**16. The type of proceeding is:**

- ☐ Review of refusal to grant a permit (section 77 of the Planning and Environment Act 1987)
- ☐ Review of failure to grant a permit (section 79 of the Planning and Environment Act 1987)
- ☒ Review of condition/s in a permit (section 80 of the Planning and Environment Act 1987)
- ☐ Review of decision to grant a permit (section 82 of the Planning and Environment Act 1987)
- ☐ Amendment of a permit issued at the direction of Tribunal (section 87A of the Planning and Environment Act 1987)

### WHAT YOU HAVE TO DO TO RESPOND TO THIS NOTICE

**17. If you are already a party to the VCAT proceeding you may:**

- (a) do nothing, and continue to rely on the statement of grounds that you have already filed with the Tribunal;
- (b) amend your statement of grounds by the date in paragraph 5 of this notice;
- (c) object to the request for the amendment to the permit application, explaining the reasons for your objection by the date in paragraph 5 of this notice.

**18. If you are not already a party to the VCAT proceeding, you may:**

- (a) if you do not want to be involved in the proceeding – do nothing;
- (b) if you want to become a party to the proceeding –
  - i. lodge a statement of grounds with VCAT by the date in paragraph 5 of this notice using the statement of grounds form available from the VCAT website;
  - ii. tick the box in the statement of grounds form indicating that you intend to appear and present a submission at the hearing;
  - iii. pay the relevant fee; and
  - iv. give a copy of the statement of grounds to the applicant and the responsible authority by the date in paragraph 5 of this notice.
- (c) if you do not want to become a party to the proceeding, but would like to provide a statement of grounds for the Tribunal's consideration:
  - i. lodge a statement of grounds with VCAT by the date in paragraph 5 of this notice using the statement of grounds form available from the VCAT website;
  - ii. tick the box in the statement of grounds form indicating that you do not intend to appear and present a submission at the hearing;
  - iii. give a copy of the statement of grounds to the applicant and the responsible authority by the date in paragraph 5 of this notice.

*Note: If you choose this option (c), you will not be a party to the proceeding. This means that you will not receive any further correspondence from VCAT about the proceeding and will not be able to participate in any compulsory conference or be heard at the hearing.*

### CONTACTING VCAT

You can lodge your statement of grounds by email, post or in person using the details below.

If you have any questions, you can also contact VCAT using the details below or look at the information on the VCAT website.

Please quote VCAT's reference number in any communication with VCAT and give a copy of any correspondence to all other parties at the same time.

---

**Victorian Civil and Administrative Tribunal (VCAT)**

55 King Street Melbourne VIC 3000  
GPO Box 5408 Melbourne VIC 3001  
Ausdoc DX 210576 Melbourne

Website [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)  
Email [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)

Phone 1300 01 8228

## Attachment 1 - Attachment 1 - VCAT Amended Plans

SJB Planning



Attn: As Addressed

Date: 15 June 2021

**Re: VCAT Ref No. P2009/2020  
Notice of Amended Plans  
684 Station Street, Carlton North**

Dear Sir/Madam,

We act on behalf of the permit applicant, Timothy Ash, in relation to the above matter.

This Application for Review is listed for a hearing at VCAT on 3 August 2021 for three hours.

We advise that the permit applicant wishes to amend the application plans to address the concerns raised by Council and objectors. A summary of the modifications to the plans is included as an attachment to this letter.

In accordance with VCAT's Practice Note – PNPE9, please find enclosed:

1. Amended application plans, prepared by Superdraft;
2. A statement of changes, prepared by Superdraft; and
3. A completed *Notice of Amendment* (PNPE9 Form A) which includes the date by which a Statement of Grounds must be lodged with the Tribunal.

If you wish to amend your statement of grounds, an amended "Statement of Grounds" must be received by the Tribunal **and** served on the City of Yarra **and** SJB Planning by **12.07.21** (form available from the VCAT website).

If you have any questions, please contact SJB Planning on 8648 3500.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jacquie'.

Jacqui Cottrell  
PA / Administration Clerk  
[jcottrell@sjbplanning.com.au](mailto:jcottrell@sjbplanning.com.au)

1 / 1

Level 1, Building D  
80 Dorcas Street  
Southbank VIC 3006

[info@sjbplanning.com.au](mailto:info@sjbplanning.com.au) T 61 3 8648 3500  
[sjb.com.au](http://sjb.com.au) F 61 3 8648 3599

SJB Planning Pty Ltd ACN 007 427 554



## Attachment 1 - Attachment 1 - VCAT Amended Plans

### STATEMENT OF CHANGES

VCAT Reference Number: P2009/2020

Original Decision Plans:

Revision 3 – 02/06/2020

New Amended Plans:

Revision 8 – 15/06/2021

Statement of Changes (**Clouded in red on plans**) By Drawing No:

**A1.01** Revision 8 - Neighbourhood Assessment

- Updated to show layout of 680 Station Street (redeveloped since the original planning permit was lodged).

**A1.02** Revision 3 - Existing Conditions

- No change

**A1.03** Revision 3 - Demolition Plans

- No change

**A2.01** Revision 8 - Proposed Site Plans

- Changes to built form to reduce shadows, noted and described in further in detail on the development plans.
- Updated to show layout of 680 Station Street (redeveloped since the original planning permit was lodged).

**A2.02** Revision 8 - Development Floor Plans

Proposed Ground Floor Plan:

- Garage Roller door in the rear boundary fence changed to a premium "Horman" sliding panel garage door to address noise concerns and increase aesthetic appeal.

**A2.03** Revision 8 - Development Floor Plans

Proposed First Floor Plan:

- Bathroom length reduced in order to reduce built form and thus shadows cast.
- Balcony width length reduced in order to reduce built form and thus shadows cast.

## Attachment 1 - Attachment 1 - VCAT Amended Plans

### Proposed Roof Top Deck & Roof Plan:

- Roof over First Floor bath and adjacent parapet wall on the boundary changed to raking (previously rectangular) to reduce built form and thus shadows cast.
- Balcony Roof/Parapet moved west by 400mm, reducing cover over balcony in order to reduce built form and thus shadows cast.
- Reduced width of Roof Top Deck by 850 to reduce built form and thus shadows cast.
- Overlooking screen to 1700h on east side of Roof top deck to avoid overlooking potential.

### **A2.04** Revision 8 - Proposed Elevations

#### Proposed East (Rear) Elevation

- Fixed Louvers overlooking screen to 1700h on east side of Roof top deck to avoid overlooking potential.
- Roof over First Floor bath and adjacent parapet wall on the boundary changed to raking (previously rectangular) to reduce built form and thus shadows cast.
- Garden Bed in front of Bath wall height reduced to 500 AFFL to reduce built form and thus shadows cast.
- Reduced Balcony Parapet height to 60mm above Roof Top Deck FL to reduce built form and thus shadows cast.
- Balcony width length reduced in order to reduce built form and thus shadows cast.
- Reduced width of Roof Top Deck by 850 to reduce built form and thus shadows cast.

#### Proposed South Elevation

- Fixed Louvers overlooking screen to 1700h on South side of Roof top deck to avoid overlooking potential.
- Roof over First Floor bath and adjacent parapet wall on the boundary changed to raking (previously rectangular) to reduce built form and thus shadows cast.
- Reduced Balcony Parapet height to 60mm above Roof Top Deck FL to reduce built form and thus shadows cast.

### **A2.05** Revision 8 - Elevations and Section

#### Longitudinal Section

- Fixed Louvers overlooking screen to 1700h on east side of Roof top deck to avoid overlooking potential.
- Roof over First Floor bath and adjacent parapet wall on the boundary changed to raking (previously rectangular) to reduce built form and thus shadows cast.
- Reduced Balcony Parapet height to 60mm above Roof Top Deck FL to reduce built form and thus shadows cast.

## Attachment 1 - Attachment 1 - VCAT Amended Plans

### Proposed North Elevation:

- Reduced Balcony Parapet height to 60mm above Roof Top Deck FL to reduce built form and thus shadows cast. Max height dimension from Natural Ground Level (NGL) revised accordingly.
- Updated upper bound of dimension for Maximum height from NGL to Top Roof Top Deck Screen wall. This is a correction due a previous drafting discrepancy.

### **A2.06** Revision 3 - Streetscape

- No change.

### **A2.07** Revision 8 - Equinox Shadow Diagrams

- Revised shadows shown for Subject site due to amended built form.
- Modelling for No 680 has been updated to reflect the most recent Building Works (redeveloped since the original planning permit was lodged).
- Extent of existing shadows over No 680 are shown. Note that there are no new shadows for the proposed development at the Equinox.
- Additional shadows from proposed development (compared to existing conditions) have been removed for the hours of 12:00pm, 1:00pm and 2:00pm as a result of reductions to built form as detailed on Development Plans.
- Corrected extent of existing shadow on "Proposed Shadow Diagram - 12PM) This is a correction due a previous drafting discrepancy.

### **A2.08** Revision 8 - Equinox Shadow Diagrams (CONT.)

- Revised shadows shown for Subject site due to amended built form.
- Modelling for No 680 has been updated to reflect the most recent Building Works (redeveloped since the original planning permit was lodged).
- Extent of existing shadows over No 680 are shown. Note that there are no new shadows for the proposed development at the Equinox.
- Additional shadows from proposed development (compared to existing conditions) have been removed for the hours of 12:00pm, 1:00pm and 2:00pm as a result of reductions to built form as detailed on Development Plans.

## Attachment 1 - Attachment 1 - VCAT Amended Plans



# Attachment 1 - Attachment 1 - VCAT Amended Plans

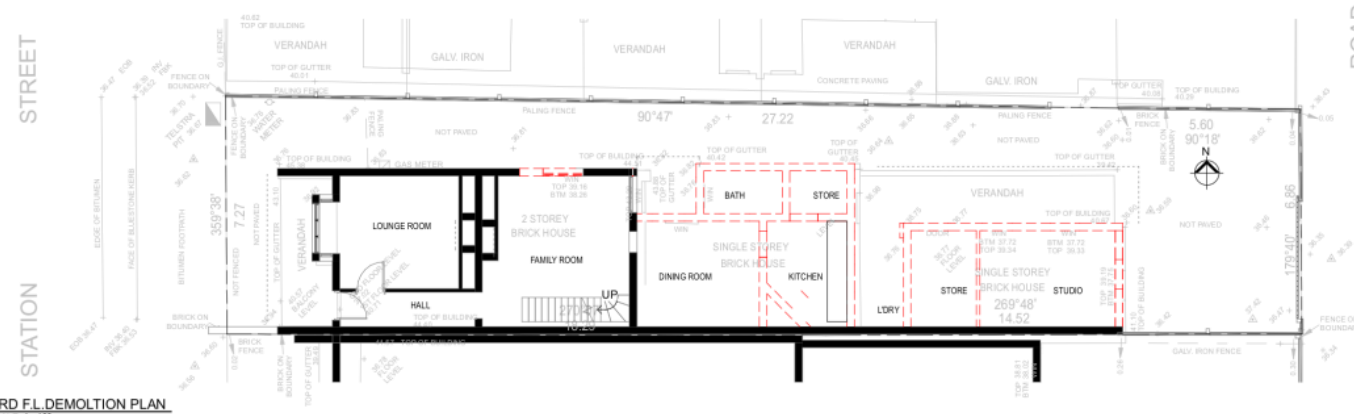




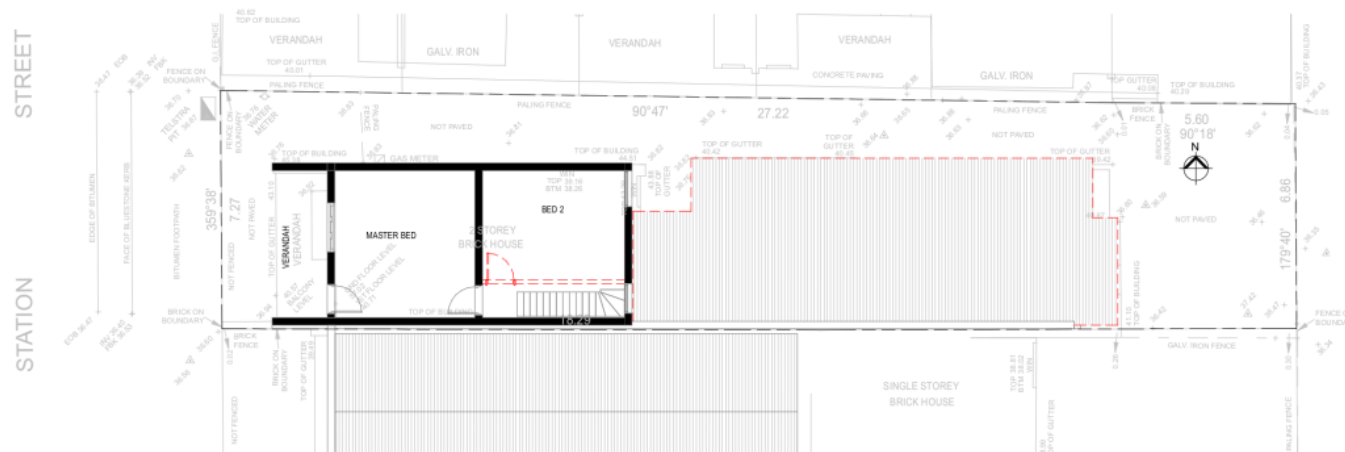
# Attachment 1 - Attachment 1 - VCAT Amended Plans

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info@superdraft.com.au  
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① GRD F.L. DEMOLITION PLAN  
SCALE 1:100



② 1ST F.L. DEMOLITION PLAN  
SCALE 1:100



Rev	Description	Date
0	PRELIMINARY ISSUE	12/12/18
1	REVISED ISSUE	18/12/18
2	REVISED ISSUE	28/05/20
3	REVISED ISSUE	28/06/20
4	REVISED ISSUE	28/11/20
5	REVISED ISSUE	18/12/20
6	REVISED ISSUE	21/12/21

PROJECT NAME: PROPOSED ASH RESIDENCE  
PROJECT ADDRESS: 684 STATION ST, CARLTON NORTH

**TIM ASH**  
DEMOLITION PLANS

DESIGNER: SCME  
DESIGNED: Designer  
CHECKED: ZN  
DATE: 02-06-2020  
DRAWING CODE: 1:100  
SHEET: A2

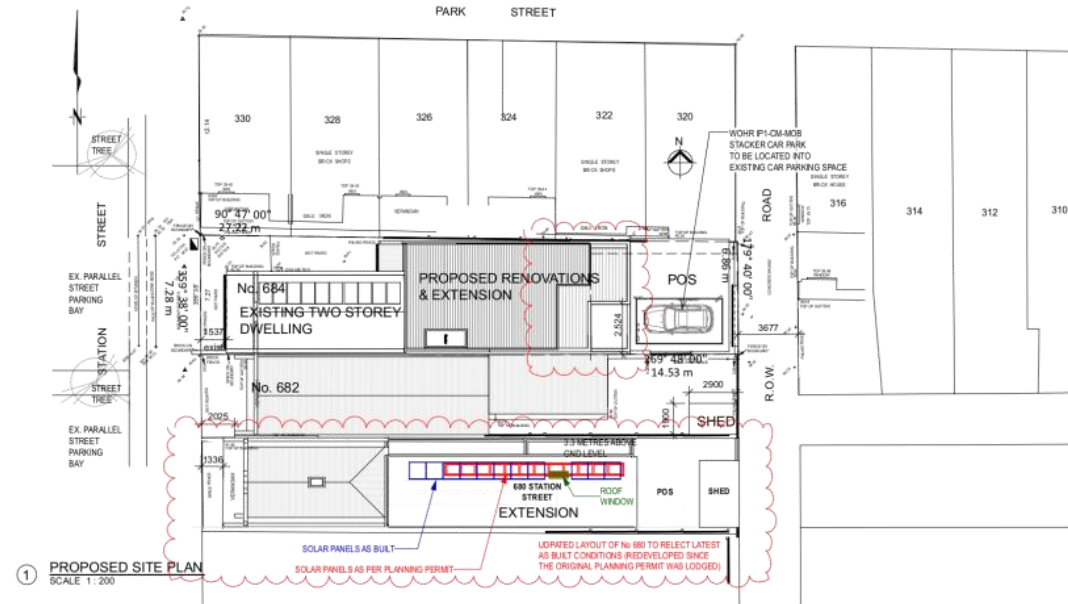
PROJECT NUMBER: SD17-0520  
DRAWING CODE: A1.03  
SHEET: 3

# Attachment 1 - Attachment 1 - VCAT Amended Plans

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SITE ANALYSIS - 684 Station Street	
<b>SITE AREA</b>	= 231.97m <sup>2</sup>
<b>BUILDING SITE COVERAGE (BSC)</b>	
BSC max. ALLOWABLE (RESCODE)	= 139.18m <sup>2</sup> = 60.00% BSC
PROPOSED BSC	= 150.80m <sup>2</sup> = 65.00% BSC
<b>HARD SURFACE COVERAGE (HSC)</b>	
HSC max. ALLOWABLE (RESCODE)	= 185.58m <sup>2</sup> = 80.00% BSC
PROPOSED HSC	= 150.80m <sup>2</sup> = 65.00% BSC
<b>SECLUDED POS</b>	
MIN. P.O.S (MIN 3M WIDE)	= 25M <sup>2</sup>
PROPOSED P.O.S	= 42M <sup>2</sup> GROUND FLOOR + 38M <sup>2</sup> ROOF TOP DECK
<b>GARDEN AREA (GA)</b>	
GARDEN AREA REQUIRED (35%)	= 81.19m <sup>2</sup> = 35.00% GA
PROPOSED GARDEN AREA	= 81.17m <sup>2</sup> = 35.00% PR



PROPOSED ALTERATIONS AND EXTENSION  
TO EXISTING RESIDENCE AT  
684 STATION STREET  
CARLTON NORTH  
PLANNING APPLICATION REVISION  
02-06-2020

2 Street Perspective  
SCALE



4 Street Perspective 3  
SCALE



Rev	Description	Date
0	PRELIMINARY ISSUE	12/12/19
1	REVISED ISSUE	19/12/19
2	REVISED ISSUE	28/05/20
3	REVISED ISSUE	02/06/20
4	REVISED ISSUE	25/11/20
5	REVISED ISSUE	15/12/20
6	REVISED ISSUE	21/1/21

PROJECT NAME: PROPOSED SITE PLAN

PROJECT ADDRESS: 684 STATION STREET, CARLTON NORTH

PROJECT TYPE: TOWN PLANNING

PROJECT NUMBER: 15-06-2021

PROJECT ADDRESS: 684 STATION STREET, CARLTON NORTH

PROJECT TYPE: TOWN PLANNING

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PROJECT ADDRESS: 684 STATION STREET, CARLTON NORTH

PROJECT TYPE: TOWN PLANNING

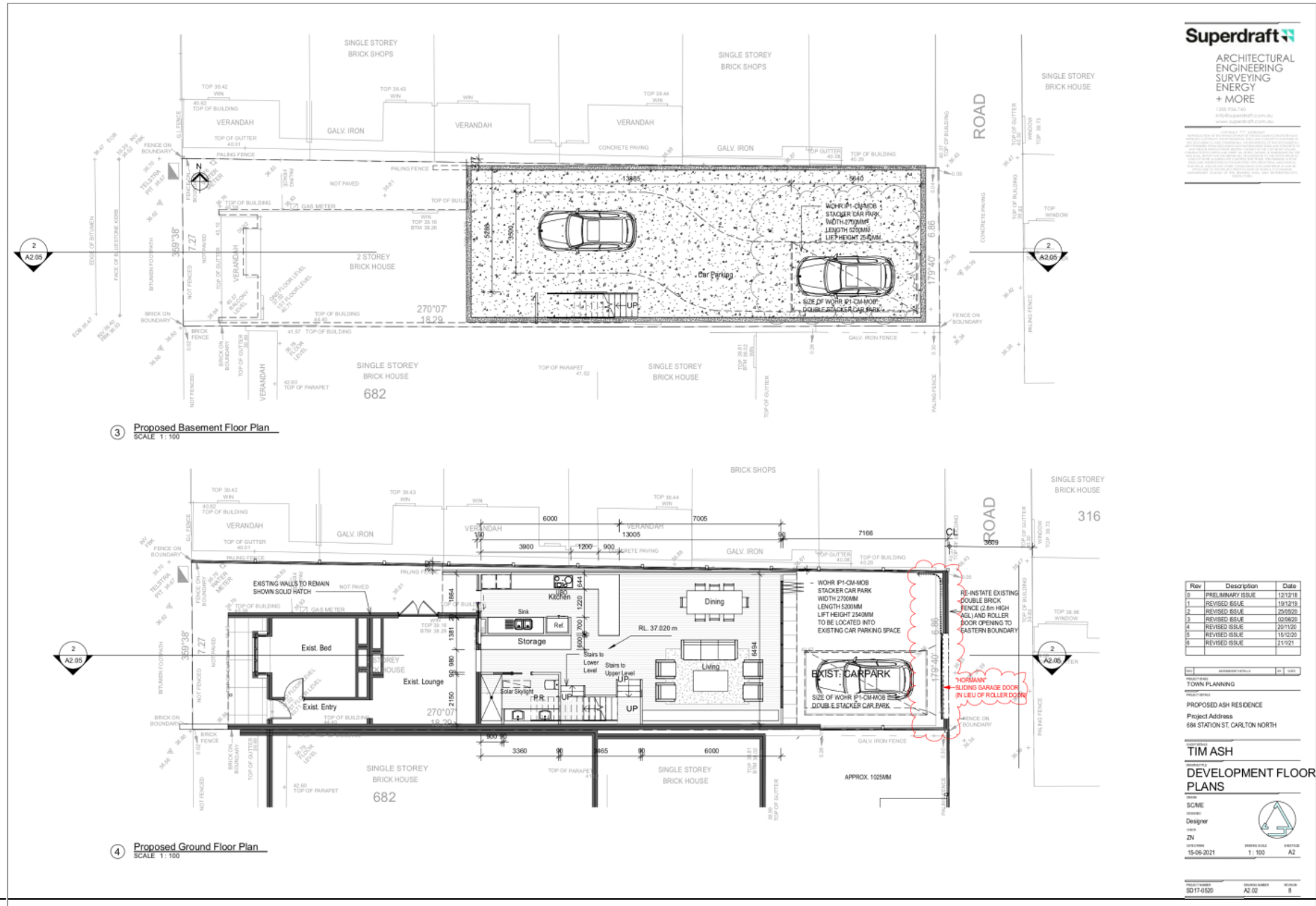
PROJECT NUMBER: 15-06-2021

PROJECT ADDRESS: 684 STATION STREET, CARLTON NORTH

PROJECT TYPE: TOWN PLANNING

PROJECT NUMBER: 15-06-2021

# Attachment 1 - Attachment 1 - VCAT Amended Plans



# Attachment 1 - Attachment 1 - VCAT Amended Plans

1 Proposed First Floor Plan  
SCALE 1:100

2 Roof Top Deck Plan  
SCALE 1:100

3 ROOF PLAN  
SCALE 1:100

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5	REVISED ISSUE	15/12/20

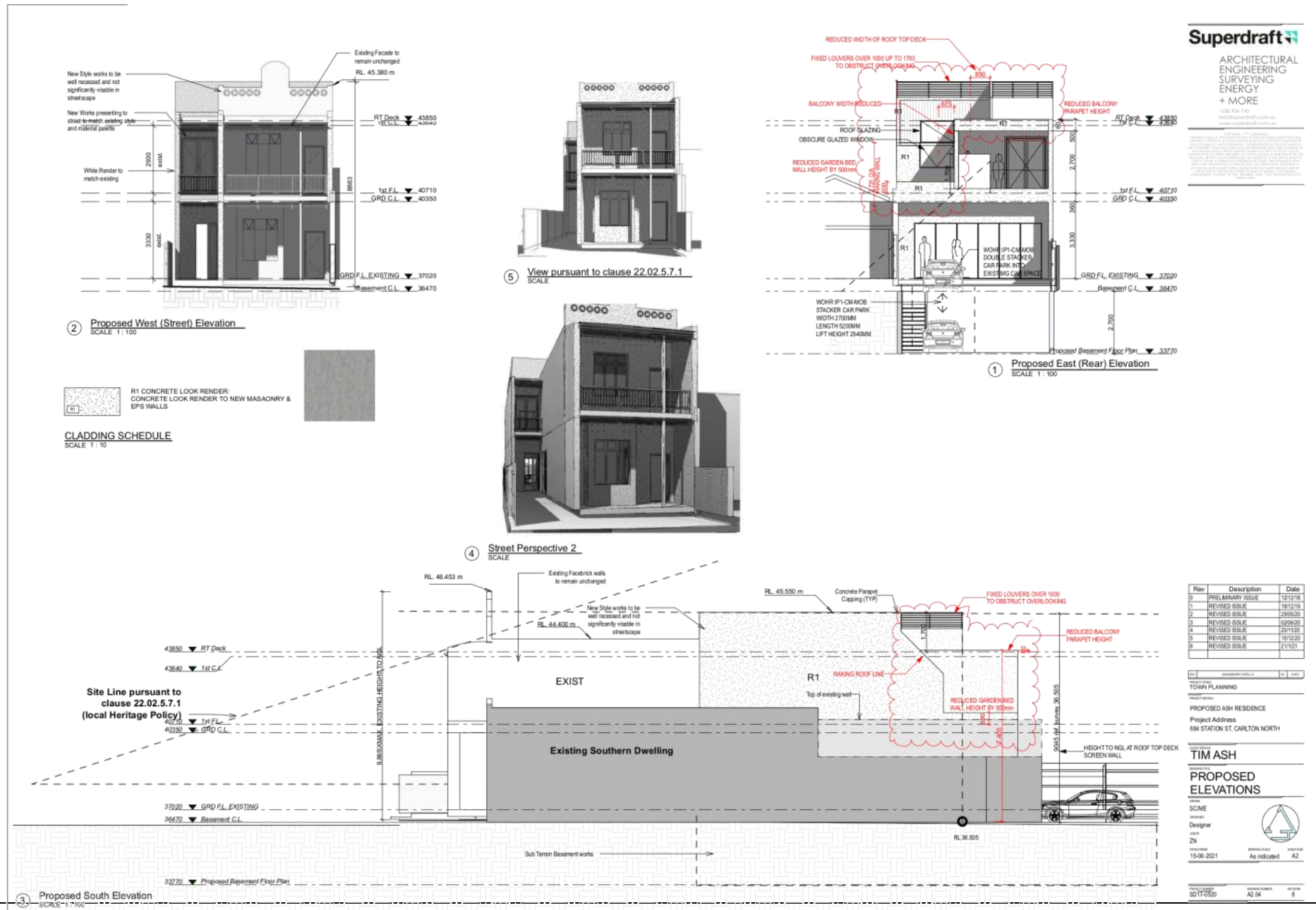
PROPOSED ASH RESIDENCE  
Project Address  
684 STATION ST, CARLTON NORTH

**TIM ASH**  
DEVELOPMENT FLOOR  
PLANS

SCME  
Designer  
ZM  
15-06-2021  
DRAWING CODE  
1:100  
SHEET NO  
A2

PROJECT NUMBER  
SD17-0520  
DRAWING CODE  
A2.03  
SHEET NO  
8

# Attachment 1 - Attachment 1 - VCAT Amended Plans









# Attachment 1 - Attachment 1 - VCAT Amended Plans



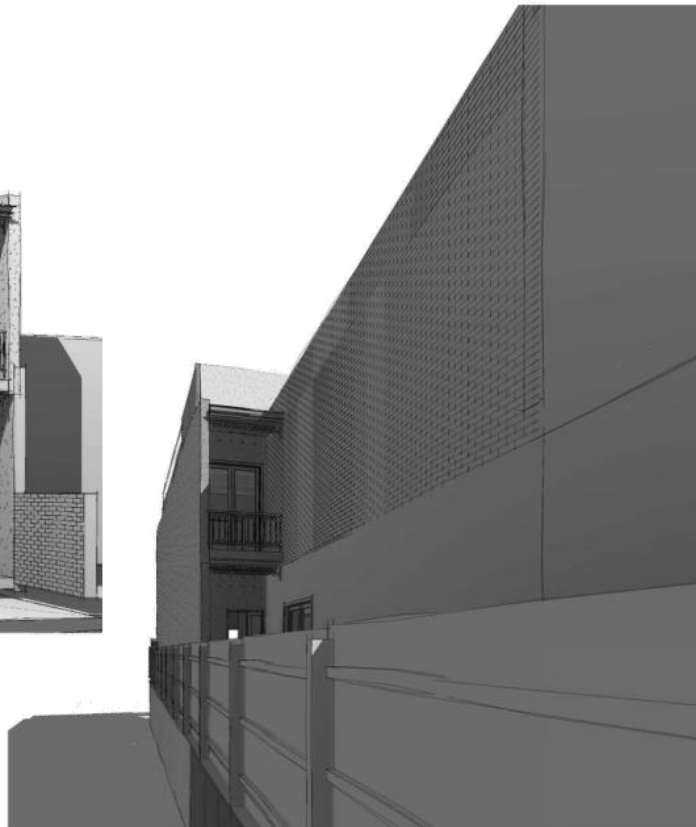
① Proposed Streetscape Elevation  
SCALE: 1:100



① Streetscape Perspective 1  
NTS



② Streetscape Perspective 2  
NTS



③ Streetscape Perspective 3  
SCALE

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6	REVISED ISSUE	21/1/21

Project Name: PROPOSED ASH RESIDENCE

Project Address: 684 STATION ST, CARLTON NORTH

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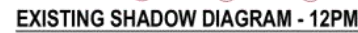
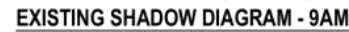
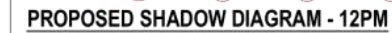
Project Address: 684 STATION ST, CARLTON NORTH

Project Name: PROPOSED ASH RESIDENCE

Project Address: 684 STATION ST, CARLTON NORTH

Project Name: PROPOSED ASH RESIDENCE

Project Address: 684 STATION ST, CARLTON NORTH

[illegible]

- No 680 MODEL UPDATED TO MOST RECENT BUILDING WORKS
- EXTENT OF EXISTING SHADOWS OVER No 680 SHOWN. NOTE THAT THERE ARE NO NEW SHADOWS FROM THE PROPOSED DEVELOPMENT

NO.	ASSIGNED IT/DETAILS	BY	DATE
-----	---------------------	----	------

PROJECT TYPE  
TOWN PLANNING

PROCEED TO THE NEXT PAGE

PROPOSED ASH RESIDENCE

Project Address

684 STATION ST, CARLTON NORTH

\_\_\_\_\_

**TIM ASH**

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EQUINOX SHADOW

EQUINOX SHADOW  
DIAGRAMS

## DIAGRAMS

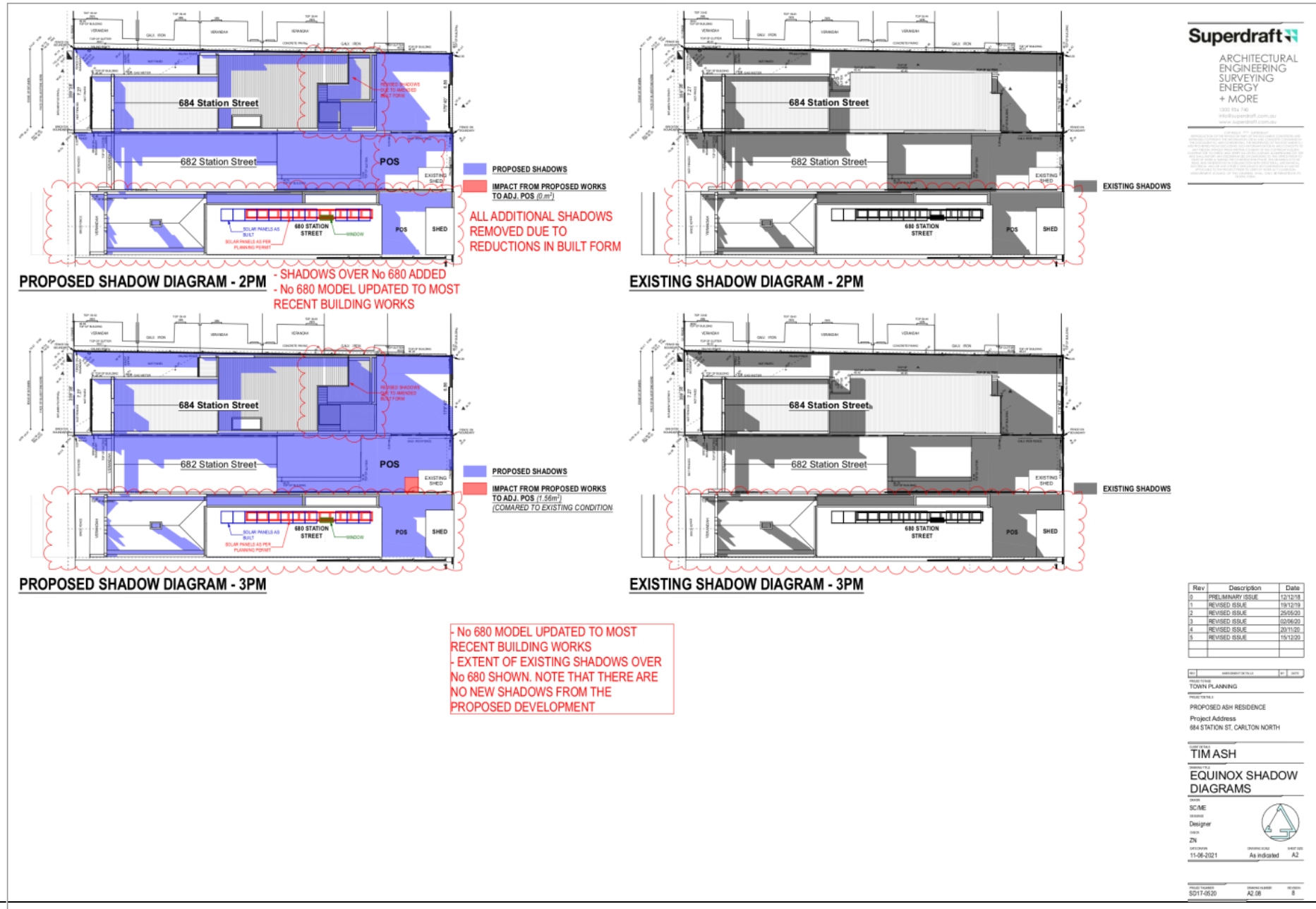
SC/ME 

DATE	ORIGIN	SHEET NO.
11-06-2021	As indicated	82

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☒ **INITIAL TRAINING**
☐ **REPAIRING DAMAGE**
☐ **RETRAINING**

## Attachment 1 - Attachment 1 - VCAT Amended Plans



## Attachment 2 - Attachment 2 - Engineering Services Unit referral comments



## MEMO

**To:** Katrina Thomas  
**From:** Mark Pisani  
**Date:** 28 June 2021  
**Subject:** Application No: PLN19/0121  
 Description: Amended VCAT Plans  
 Site Address: 684 Station Street, Carlton North

I refer to the above Planning Application received on 25 June 2021 in relation to the proposed development at 684 Station Street, Carlton North. Council's Engineering Referral team provides the following information:

## Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
City of Yarra	Planning Permit PLN19/0121	Issued	27 October 2020
Superdraft	A2.02 Development Floor Plans	8	15 June 2021
	A2.03 Development Floor Plans	8	15 June 2021
	A2.04 Proposed Elevations	8	15 June 2021
Ideal Park	Technical Data for the IP1-CM MOB Car Lift		
Hörmann	Side Sliding Sectional Doors specifications		

## Amended Drawings – Vehicular Doorway off Laneway

Item	Details
Background	
Proposed Door	Comment is sought from Council's Engineering Referral team in relation to the type of door to be used for the rear vehicular access point for 684 Station Street, Carlton North. The development would contain a basement garage that is accessed by a car lift, which is contained within an open area. The applicant proposes to use a sliding gate.
Condition 1(l)	In relation to the type of door to be used for the development, Condition 1(l) of the Permit states:  <i>The proposed roller door, altered to a tilt door as 3.6m wide.</i>  The applicant seeks to appeal this Condition.



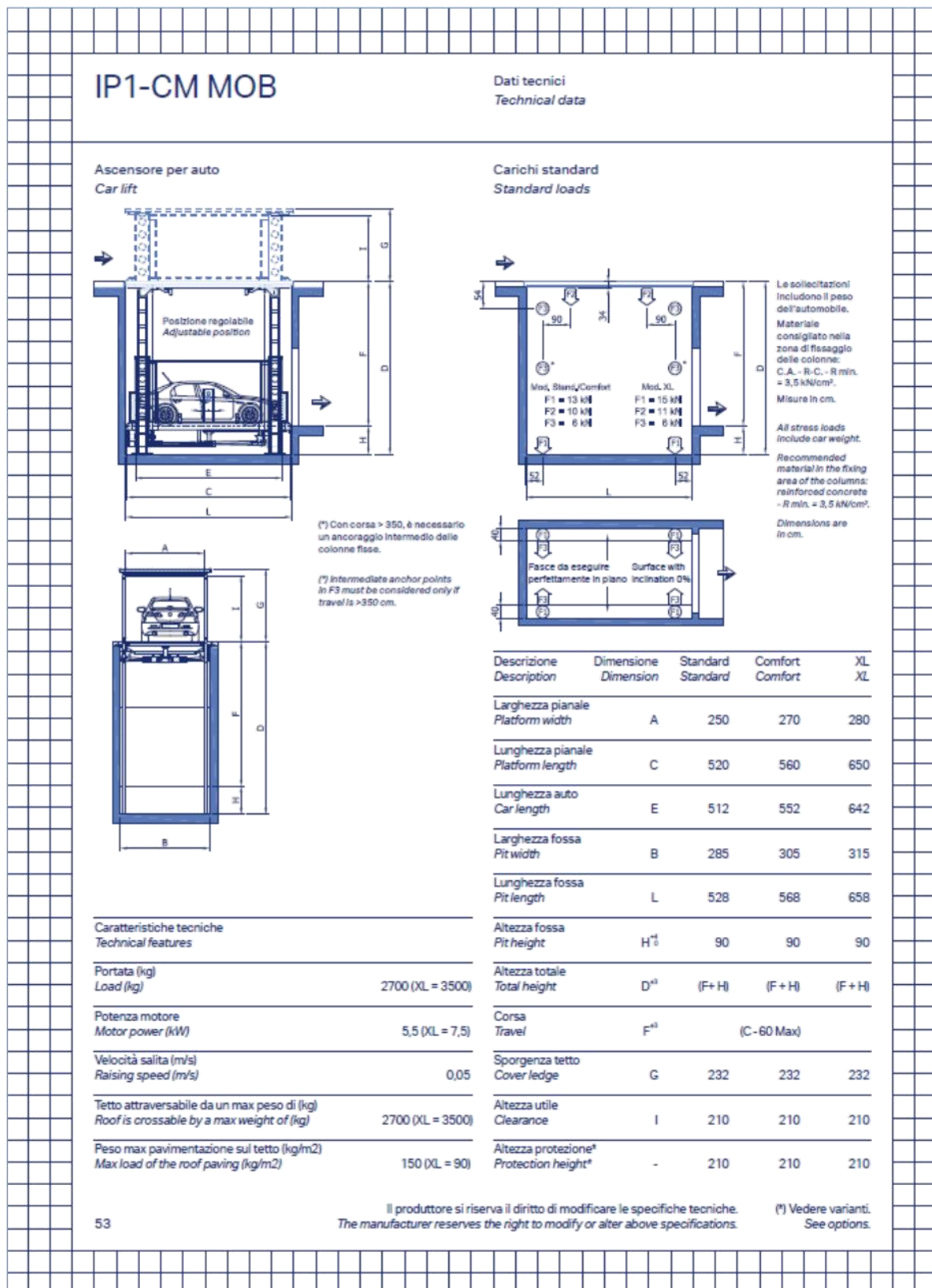
**Attachment 2 - Attachment 2 - Engineering Services Unit referral comments**

Item	Details
Types of Doors	
Tilt Door	<p>A tilt door comprises of a single panel door that open by a spring and counterweight system or by a motorised chain. To open, the top edge of the door is brought inwardly by sliding on two horizontal tracks on either side of the door, which are positioned at the top of the door. The bottom edge of the door simultaneously swings outwards as the top edge moves further inside along the tracks.</p> <p>Tilt doors are not designed to be used for open spaces as the horizontal tracks need to be suspended within a structure, such as a garage. The electric version of a tilt door also need a structure to mount the motor housing for the chain (normally to the ceiling of a garage).</p> <p>The rear area of the development is open and cannot practically accommodate a tilt door. In addition, the outward swing of the bottom edge of the door would project into the laneway – this is not ideal as the door could be potentially vulnerable to damage from a passing vehicle.</p> <p>The provision of the car lift (Ideal Park IP1-CM MOB) would also restrict the provision of a tilt door. A check of the technical specifications (copy appended to this memo) for this particular car lift indicates that it has a steel frame at ground level when fully elevated (not depicted on the applicant's drawings). A tilt door requires room to slide inwardly as it is pivoting.</p> <p>The provision of a tilt door is not suitable for this particular doorway and parking area.</p>
Side Sliding Sectional Door	<p>The sliding sectional door proposed for this development (manufactured by Hörmann) can be installed in confined spaces and can slide horizontally on tracks that are aligned at ninety-degrees, as shown on the applicant's drawings. This type of door can be used in open parking areas.</p>
Summary	
Conclusion	<p>The tilt door is not considered suitable for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ A door tilt door is not designed to be used for access to open spaces. It requires a structure, such as a garage, to support the horizontal tracks and motor housing (electric version).</li> <li>▪ The outward swinging of the bottom edge of the door would project into the laneway and could be damaged by a passing vehicle.</li> <li>▪ A tilt door would interfere/impact with the car lift's steel frame when it is in its elevated position.</li> </ul> <p>From an engineering perspective, we consider the sliding sectional door, as proposed, to be a more appropriate doorway to service the rear of this property, as it would not impact the car lift and would be suitable for an open and confined space. This door would also not present any issues in terms of projecting into the laneway.</p>



Mark Pisani  
Senior Development Engineer  
Civil Engineering unit

Attachment 2 - Attachment 2 - Engineering Services Unit referral comments



C:\Users\thomask\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\VA4B6MSL\PLN190121 - 684 Station Street-g comments on amended drawings.DOCX

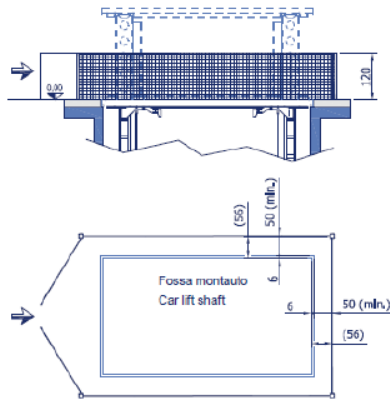


## Attachment 2 - Attachment 2 - Engineering Services Unit referral comments

### IP1-CM MOB

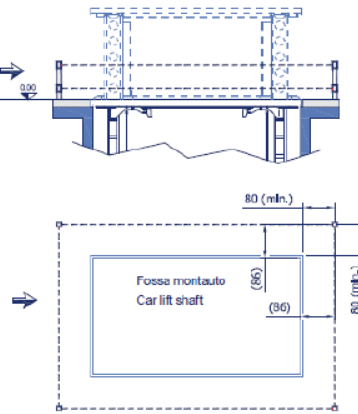
Dati tecnici  
Technical data

Varianti protezioni piano terra  
Ground floor protections options



Cancello automatico  
Automatic gate

Protezione perimetrale  
Perimeter protection



Fotocellule  
Photoelectric cells

Pulsantiera a bordo  
On board control panel



Versione standard  
Standard version

Misure in cm.  
Dimensions are in cm.

54

Il produttore si riserva il diritto di modificare le specifiche tecniche.  
The manufacturer reserves the right to modify or alter above specifications.

## Attachment 3 - Attachment 3 - Planning Permit

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## PLANNING PERMIT

**Permit No:** PLN19/0121

**Planning Scheme:** Yarra

**Responsible Authority:** City Of Yarra

**ADDRESS OF THE LAND:**

684 Station St Carlton North VIC 3054

**THE PERMIT ALLOWS:**

**Part demolition and construction of a two storey extension to the rear of the existing dwelling, with associated basement car parking and roof terrace.**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans as lodged pursuant to Section 57a of the *Planning and Environment Act* (1987) on 16 June 2020 and prepared by Superdraft, Drawings A1.01-A1.03, A2.01-A2.08 and date 2 June 2020 but modified to show:
  - (a) The north arrow corrected to show true north.
  - (b) The southern boundary wall, where it is adjacent to the SPOS of No. 682 Station Street, no higher than the existing boundary wall which is approximately 4.68 metres in height.
  - (c) The one metre high balustrade associated with the rooftop garden, located within the southern setback of the first floor balcony, setback from the southern title boundary in accordance with Standard A10 (Side and rear setbacks) of the Yarra Planning Scheme.
  - (d) Deletion of the roof terrace.
  - (e) No additional overshadowing to any area of neighbouring SPOS between the hours of 9am and 2pm at the Equinox, in accordance with Clause 54.04-5 (Overshadowing Standard) of the Yarra Planning Scheme, which should be achieved through increased setbacks of the first floor balcony and bathroom from the south and east title boundaries or a reduction in the associated wall heights.
  - (f) An Overlooking Diagram demonstrating that views to the SPOS of No. 682 Stations Street's SPOS from the first floor east-facing balcony are in accordance with the provisions of Clause 54.04-6 (Overlooking Standard) of the Yarra Planning Scheme, including the materiality and measurements of all screens and, if applicable, any additional screening measures required to demonstrate compliance shown in plans.

**Date:** 27 October 2020

  
Julian Larkins

Signature for the Responsible Authority

*Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64 64A and 86*

Page 1 of 3


For more information call 9205 5555 or visit [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)

### Attachment 3 - Attachment 3 - Planning Permit

- (g) A notation confirming that the rooftop garden, located within the southern setback of the first floor balcony, is not trafficable.
  - (h) The basement entirely within the subject site's title boundary.
  - (i) A Material and Finishes Schedule, including the materiality and transparency of screens and balustrades and an additional cladding or material incorporated on the East Elevation.
  - (j) The removal of the rear fence and roller door shown in the Demolition Plan.
  - (k) Demolition Elevations.
  - (l) The proposed roller door, altered to a tilt door as 3.6m wide.
  - (m) Details to demonstrate that the development would achieve a STORM score of 100 percent or higher, with any storm water treatment measures shown on plans and rainwater tanks notated as being connected to toilet flushing and or irrigation systems.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. Before the 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.
  4. 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.
  5. 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.
  6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
    - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
    - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
  7. This permit will expire if:
    - (a) the development is not commenced within two years of the date of this permit; or
    - (b) the development is not completed within four years of the date of this permit.

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

**Date: 27 October 2020**

  
 Julian Larkins  
 Signature for the Responsible Authority  
 Page 2 of 3

*Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64 64A and 86*

### Attachment 3 - Attachment 3 - Planning Permit

**Notes:**

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

**Date: 27 October 2020**

  
\_\_\_\_\_  
Julian Larkins  
Signature for the Responsible Authority  
Page 3 of 3

*Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64 64A and 86*

## Attachment 3 - Attachment 3 - Planning Permit

### PLANNING PERMIT

#### IMPORTANT INFORMATION ABOUT THIS PERMIT

##### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

##### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

##### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

##### WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

*Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64 64A and 86*

## Attachment 4 - Attachment 4 - Decision Plans

<b>NOTICE OF AN APPLICATION FOR A PLANNING PERMIT</b> Pursuant To Section 57B Of The Planning And Environment Act 1987	
The land affected by the application is located at:	684 STATION ST CARLTON NORTH VIC 3054
The application is for a permit to:	<b>SECTION 57A AMENDMENT TO THE PLANS TO SHOW (AMONGST OTHER CHANGES):</b> - THE ROOF TERRACE CONSTRUCTED TO THE NORTHERN TITLE BOUNDARY, RESULTING IN A BOUNDARY WALL HEIGHT OF 9.021 METRES, AND SETBACK (IN PART) FROM THE SOUTHERN TITLE BOUNDARY BY 3.09 METRES. - THE FIRST FLOOR BALCONY SETBACK 1.85 METRES FROM THE SOUTHERN BOUNDARY (PREVIOUSLY SETBACK 750MM). - THE SHADOW DIAGRAMS REVISED ACCORDINGLY.
The applicant for the permit is:	TIMOTHY ASH
The application reference number is:	PLN19/0121
You may look at the application and any documents that support the application at the website of the responsible authority at	<a href="http://www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/advertised-planning-applications">www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/advertised-planning-applications</a>
<p>This can be done anytime, free of charge, at the above link.</p> <p>Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.</p> <p>The responsible authority must make a copy of every objection available free of charge until the end of the period during which an application may be made for review of a decision on the application.</p>	
An objection must:	<ul style="list-style-type: none"> <li>• Be sent to the responsible authority in writing</li> <li>• Include the reasons for the objection, and</li> <li>• State how the objector would be affected</li> </ul>
The responsible authority will not decide on the application before:	21 Jul 2020
If you make a submission, the Responsible Authority will tell you its decision.	



# Attachment 4 - Attachment 4 - Decision Plans

## NEARBY AMENITY

### Shopping

Nicholson Street Shopping Strip - 200m

Park Street Shopping Strip - 40m

### Transport

Nicholson Street Tram Line - 200m

Bus Routes - 400m

### Medical

Royal Melbourne Hospital - 4.3km

Lygon Medical Medical Centre - 1.0km

### Schools

Princess Hill Secondary College - 1.5km

Princess Hill Primary School - 1.5m

Melbourne University - 3.37km

## Site Description

The subject site is located on Station Street, Carlton North.

The existing character on Station Street is a mix of single and double storey, mostly attached terrace dwellings of traditional form.

## Site Conditions

The subject site is occupied by a Double storey brick dwelling with metal roof.

The subject site is almost flat with less than 300mm fall from front to back.



PARK STREET SHOPPING STRIP



PARK STREET SHOPPING STRIP



NEIGHBOURING SIDE WALL OF SHOPPING STRIP



2 SITE PLAN  
SCALE 1:500



SUBJECT SITE 684 STATION STREET



682 STATION STREET



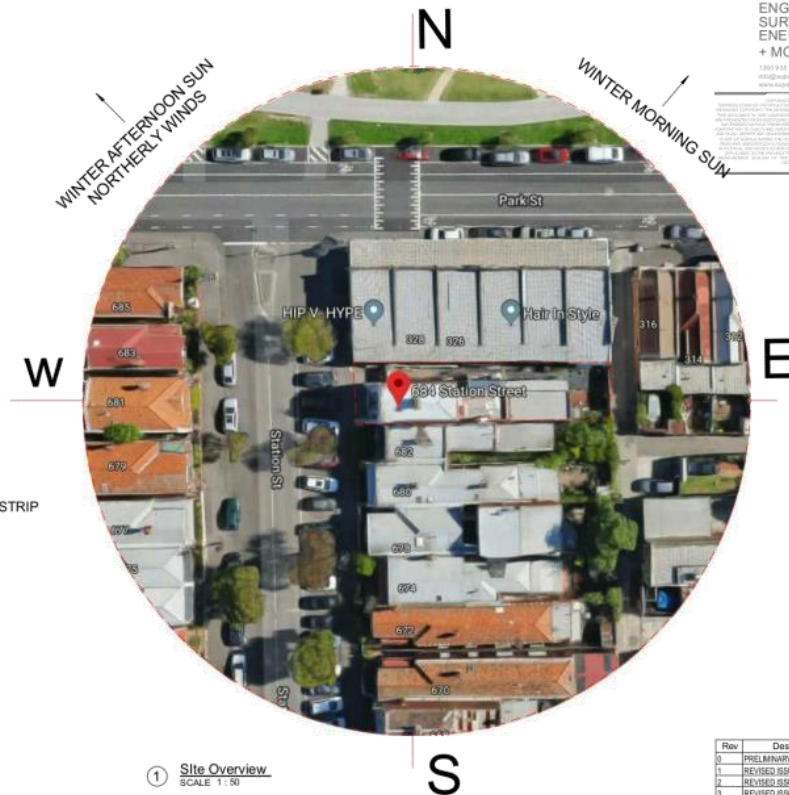
680 STATION STREET



678 STATION STREET



674-676 STATION STREET



1 Site Overview  
SCALE 1:50

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Rev	Description	Date
0	PRELIMINARY ISSUE	12/12/18
1	REVISED ISSUE	19/12/19
2	REVISED ISSUE	28/05/20
3	REVISED ISSUE	02/06/20

Project Name	Revision	Date
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TOWN PLANNING

PROPOSED ASH RESIDENCE

Project Address  
684 STATION ST, CARLTON NORTH

TIM ASH  
NEIGHBOURHOOD  
ASSESSMENT

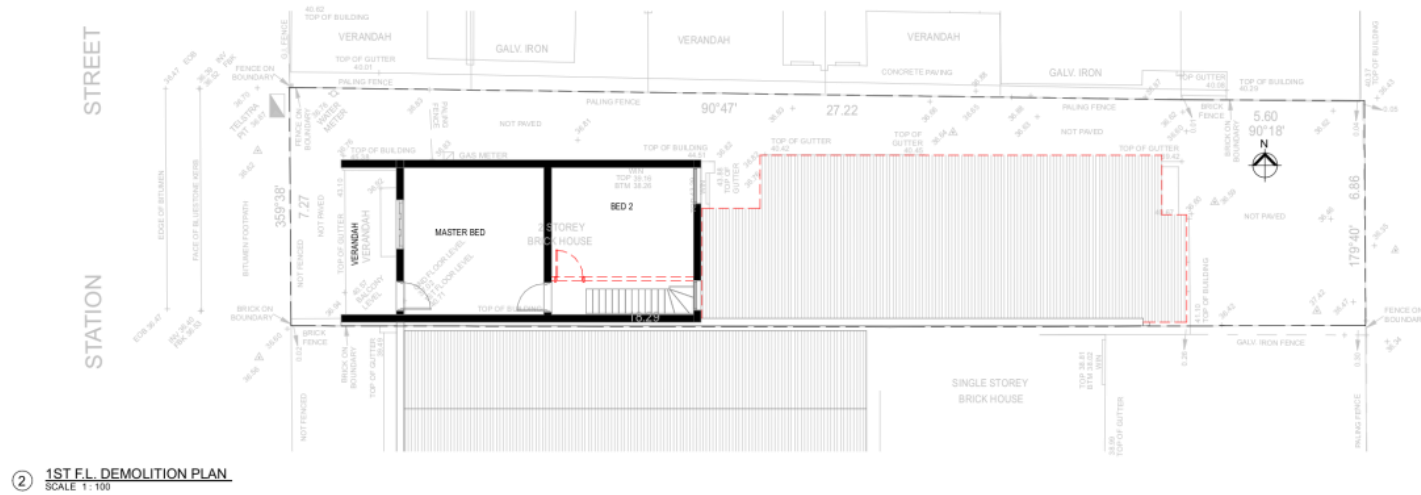
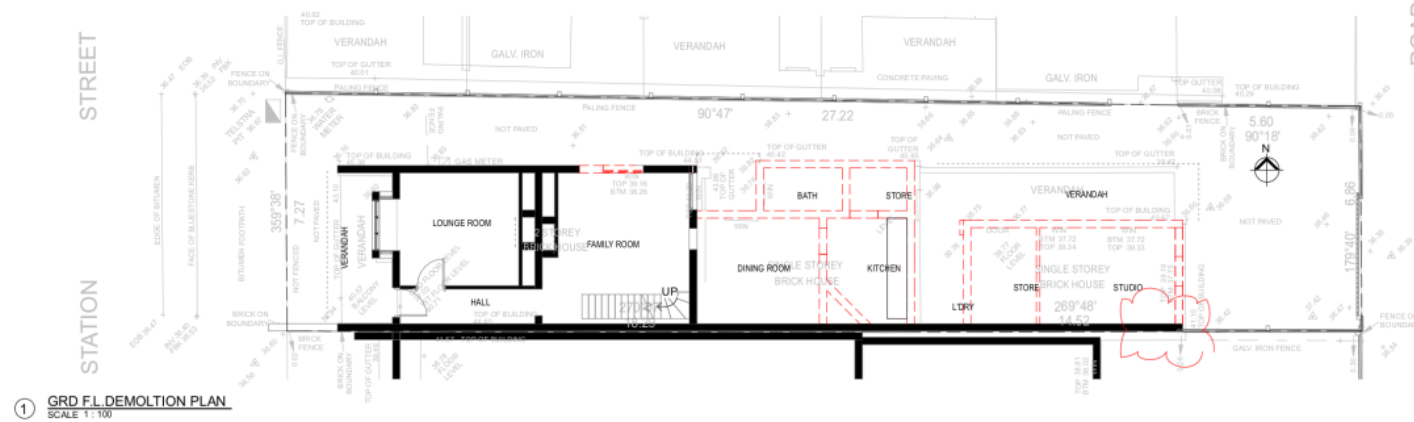
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ZM  
DATE COMPILED  
02-06-2020  
DRAWING SCALE  
As indicated  
SHEET NO  
A2

SD 17-0320 A1.01 3

# Attachment 4 - Attachment 4 - Decision Plans



# Attachment 4 - Attachment 4 - Decision Plans



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3	REVISED ISSUE	02/06/20

PROJECT NAME  
TOWN PLANNING  
PROJECT ADDRESS  
PROPOSED ASH RESIDENCE  
Project Address  
684 STATION ST, CARLTON NORTH

**TIM ASH**  
DEMOLITION PLANS

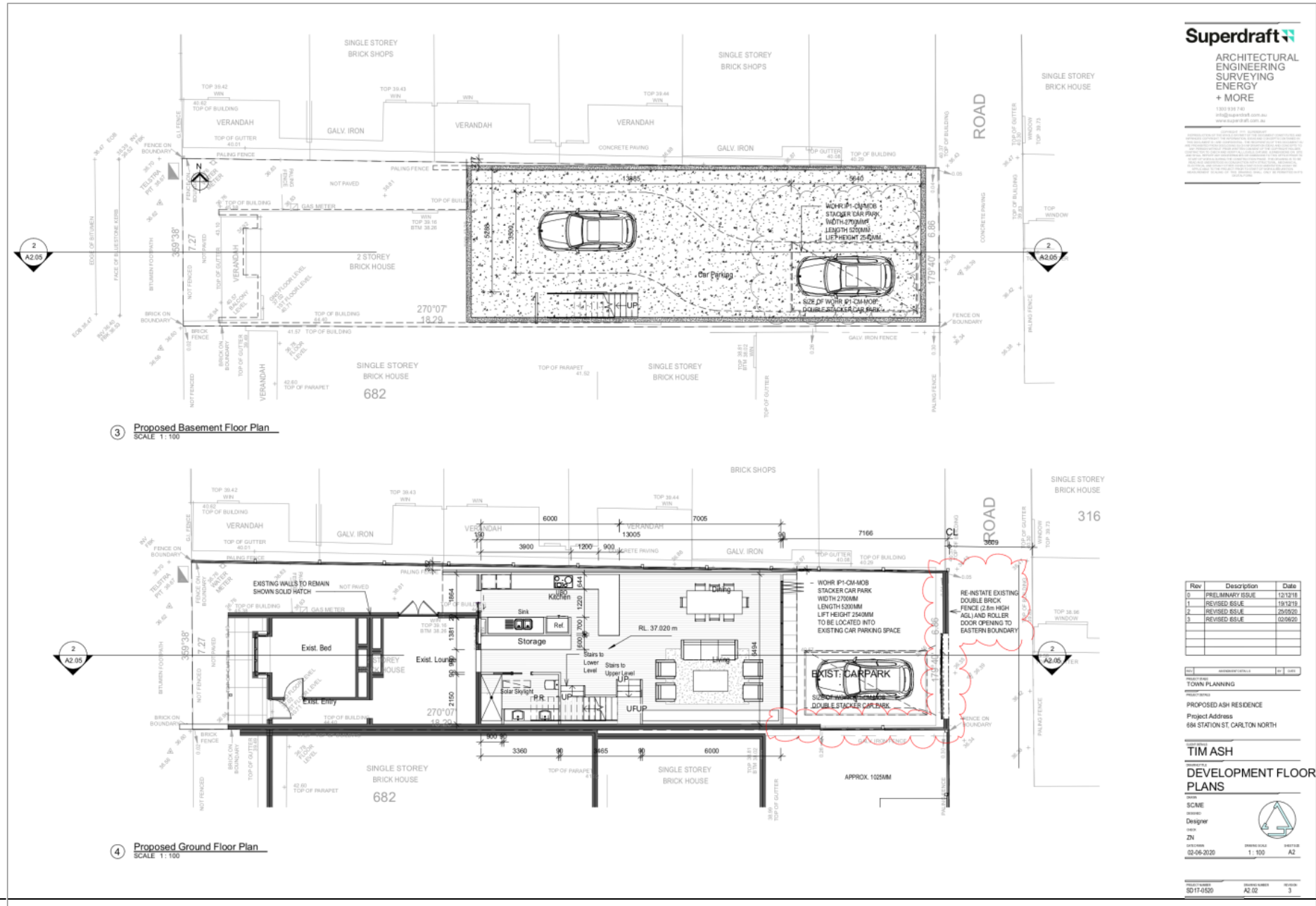
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DESIGNED  
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02-06-2020  
DRAWING SCALE  
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SHEET NO  
A2

PROJECT NUMBER  
SD17-0520  
DRAWING NUMBER  
A1.03  
SHEET  
3

Agenda Page 220



# Attachment 4 - Attachment 4 - Decision Plans



# Attachment 4 - Attachment 4 - Decision Plans

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① Proposed First Floor Plan  
SCALE 1:100

② Roof Top Deck Plan  
SCALE 1:100

③ ROOF PLAN  
SCALE 1:100

Rev	Description	Date
0	PRELIMINARY ISSUE	12/12/18
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PROPOSED ASH RESIDENCE  
Project Address  
684 STATION ST, CARLTON NORTH

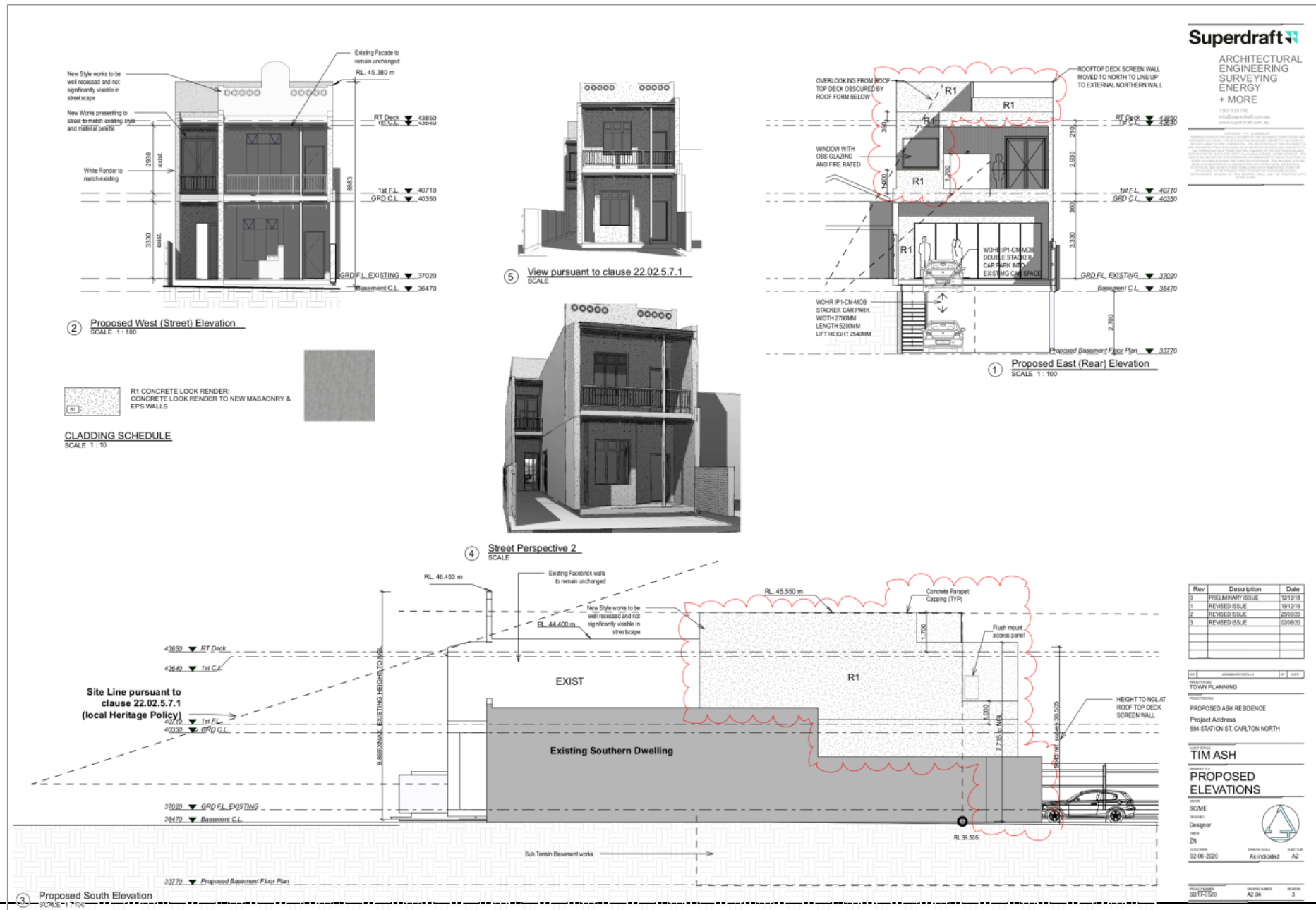
**TIM ASH**  
DEVELOPMENT FLOOR  
PLANS

SCME  
Designer  
2/4  
02-06-2020  
DRAWING SCALE  
1:100  
SHEET NO  
A2

SD 17-0520  
A2.03  
3



# Attachment 4 - Attachment 4 - Decision Plans





# Attachment 4 - Attachment 4 - Decision Plans



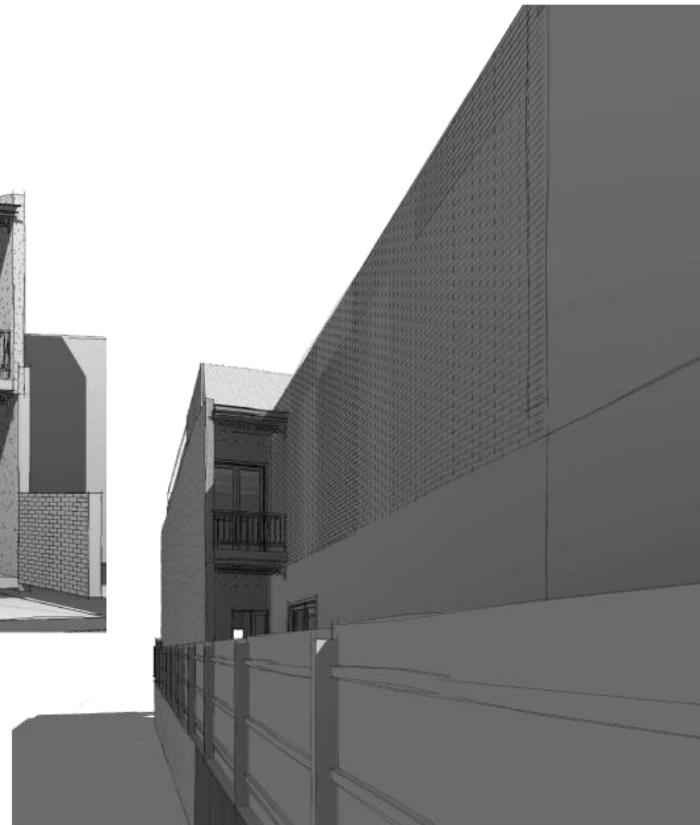
① Proposed Streetscape Elevation  
SCALE: 1:100



① Streetscape Perspective 1  
NTS



② Streetscape Perspective 3  
NTS



③ Streetscape Perspective 3  
SCALE

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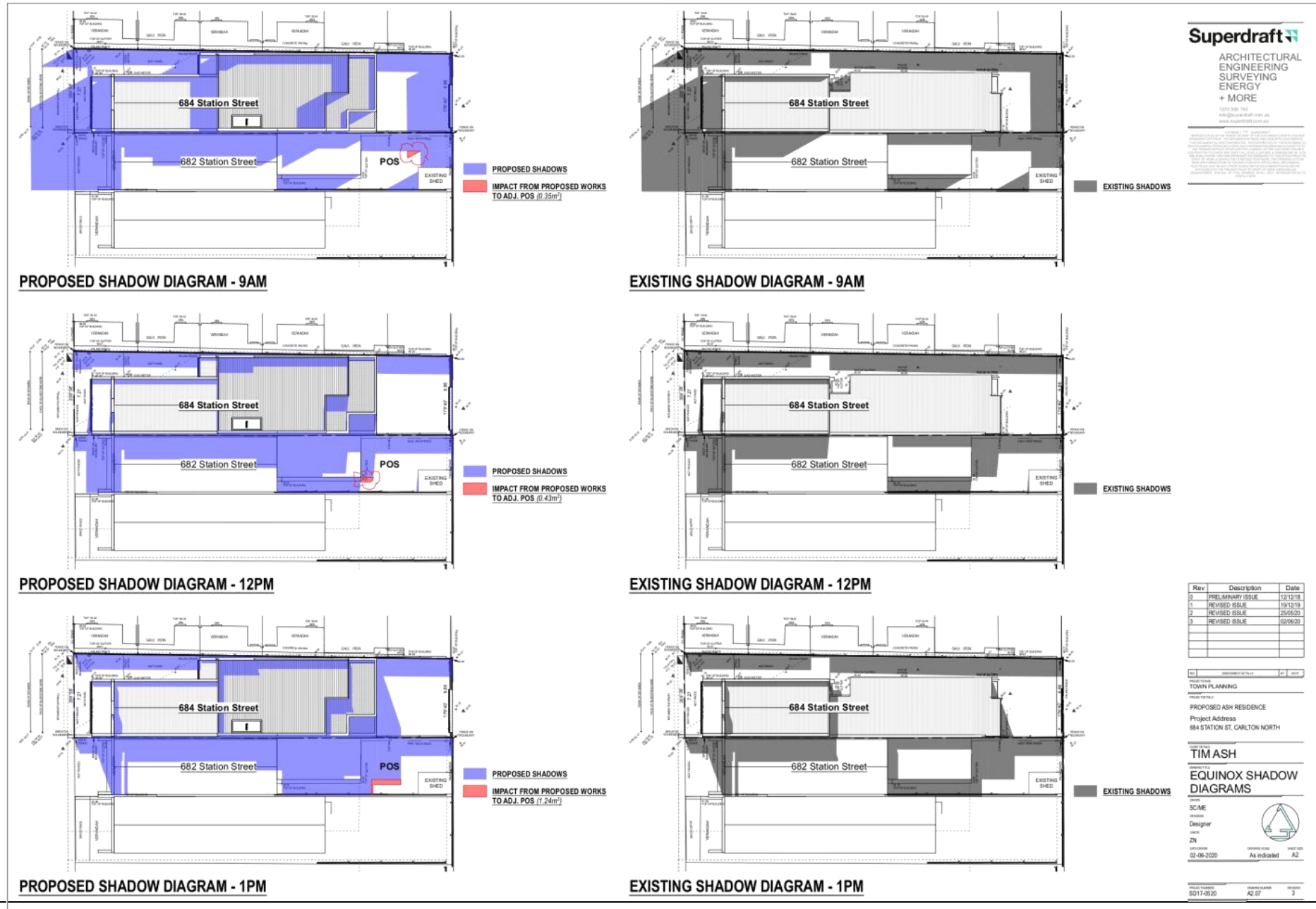
PROJECT NAME  
TOWN PLANNING  
PROJECT ADDRESS  
PROPOSED ASH RESIDENCE  
Project Address  
684 STATION ST, CARLTON NORTH

**TIM ASH**  
DESIGNER  
**STREETSCAPE**

PROJECT  
SCME  
DESIGNED BY  
Designer  
CHECKED BY  
ZM  
DATE CHECKED  
02-06-2020  
DRAWING SCALE  
1:100  
SHEET NO.  
A2

PROJECT NUMBER  
SD 17-0320  
DRAWING NUMBER  
A2.06  
SHEET NO.  
3

# Attachment 4 - Attachment 4 - Decision Plans



# Attachment 4 - Attachment 4 - Decision Plans

