



Agenda

Planning Decisions Committee Meeting

6:30 pm, Tuesday 10 December 2024

Richmond Town Hall

www.yarracity.vic.gov.au

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.

Addressing the Committee

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 who have registered to address the committee, to come forward to the lectern, 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 and avoid repeating 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.

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. Access to the building is available either by the stairs, or via a ramp and lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to stand at a lectern to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language;
- the presence of an Auslan interpreter;
- loan of a portable hearing loop;
- reconfiguring the room to facilitate access; and

- modification of meeting rules to allow you to participate more easily.

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1. Acknowledgement of Country

“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.”

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors:

- Cr Stephen Jolly Mayor
- Cr Sarah McKenzie Deputy Mayor
- Cr Evangeline Aston
- Cr Edward Crossland
- Cr Andrew Davies
- Cr Kenneth Gomez
- Cr Meca Ho
- Cr Sophie Wade

Apology

- Cr Sharon Harrison

Council staff:

- Mary Osman City Sustainability and Strategy
- Kathryn Pound Manager Statutory Planning
- Paul Iacune Coordinator Statutory Planning
- Madeleine Moloney Senior Statutory Planner

Governance

- Phil De Losa Manager Governance and Integrity
- Patrick O’Gorman Senior Governance Coordinator
- Mel Nikou Governance Officer

3. 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.

4. Confirmation of Minutes

RECOMMENDATION

That the minutes of the Planning Decisions Committee held on Tuesday 22 October be confirmed.

5. Planning Committee Reports

5.1. – PLN24/0164 - 316 & 324 - 328 Napier Street Fitzroy

Author	Madeleine Moloney – Senior Statutory Planner
Authoriser	General Manager City Sustainability and Strategy

Executive Summary

Property	316 & 324-328 Napier Street Fitzroy VIC 3065
Ward	MacKillop
Application	PLN24/0164
Proposal	Demolition of existing buildings; construction of a five-storey building (and basement) containing 8 dwellings; construction of a vehicle crossover; associated use of the land for dwellings; and a reduction of the visitor bicycle parking requirements of Clause 52.34
Zoning & Overlay/s	<ul style="list-style-type: none"> - Commercial 1 Zone - Development Contributions Plan Overlay (Schedule 1) - Design and Development Overlay (Schedule 10 – Johnston Street Precinct – west of Smith Street) - Design and Development Overlay (Schedule 36 – Fitzroy East and Johnston Street North) - Heritage Overlay (HO334 – South Fitzroy Precinct) - Environmental Audit Overlay
Strategic setting	Designated 'High Change Area' and within the Johnston Street Neighbourhood Activity Centre
Submissions	22 objections and 0 submissions in support
Key reasons for support	<ul style="list-style-type: none"> - Contributes to housing supply and diversity in a location earmarked for high change and mid-rise development in an anticipated built form typology - Building achieves a high-quality design that would make a positive contribution to the area and respond to the heritage and neighbourhood character (subject to some conditions) - There would be no unreasonable off-site amenity impacts - New dwellings would have a high level of amenity - Environmentally Sustainable Design features are incorporated in the development

Recommendation	<p>That Council issues a Notice of Decision to Grant a Planning Permit, with conditions.</p> <p>Key conditions include:</p> <ul style="list-style-type: none"> - Deletion of fourth storey to northernmost townhouse “Dwelling 1” (with roof terrace structures relocated to this level) - Colour palette changes - Reduction in fence height to Napier and Argyle Streets to be a maximum of 2m - Deletion of first floor eastern on-boundary windows - Provision of an additional street tree to Napier Street (at developer’s cost) - Provision of a pre-occupancy acoustic report to confirm installed car stacker comply with noise limits
Contact Officer	Madeleine Moloney, Senior Statutory Planner

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0164 at 314 and 324-328 Napier Street Fitzroy VIC 3065 for:

Control	Clause	Permit requirement
Commercial 1 Zone	34.01-1	To use land for dwellings
Commercial 1 Zone	34.01-4	To construct a building and construct and carry out works
Heritage Overlay	43.01-1	To demolish a building
Heritage Overlay	43.01-1	To construct a building and construct and carry out works
Design and Development Overlay	43.02-2	To construct a building and construct and carry out works
Bicycle Parking	52.34-2	A reduction in the visitor bicycle spaces

subject to the following conditions:

Amended Plans

1. Before the use and/or 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 must be generally in accordance with the decision plans prepared by M3 Group (drawings TP00 to TP502) issue date June 2024 but modified to show:
 - (a) Deletion of the fourth storey to Dwelling 01 with consequent re-location of roof terrace structures to that level;
 - (b) Replacement of charcoal finish of standing seam cladding to walls, garage entry door and stone above; eastern boundary fence; metal balustrades and fences; and

frames to glazed windows/doors with a colour (lighter and/or warmer) that is more in keeping with the traditional palette of colours within the heritage streetscape, ensuring a simple colour palette is maintained overall;

- (c) Intervening sections of render on the upper levels of the eastern wall set back from the boundary modified, as necessary, to maintain colour contrast with the standing seam cladding;
- (d) Projecting first floor planters and balustrades over the Napier Street canopy structure re-located within title boundaries, with only the canopy structure retained;
- (e) All balconies/terraces, balustrades, planter boxes, mailboxes and perimeter fencing structures to be located within title boundaries;
- (f) Deletion of first floor east-facing kitchen windows;
- (g) First floor kitchen skylights to be operable;
- (h) Minimum capacity of solar rooftop arrays to be noted on the drawings;
- (i) Provision of additional articulation to the double-storey section of on-boundary eastern wall (for example, through use of different texture, colour or material), where not abutted by on-boundary walls;
- (j) Lighting to the shared vehicular accessway and individual garage entries;
- (k) Fencing to Napier and Argyle Street frontage modified to be no higher than 2m above the adjacent footpath level;
- (l) Material and finish of privacy screen to Dwelling 1 roof terrace specified (confirming it is a durable material);
- (m) The extent, height, material and transparency of all privacy screens between all areas of secluded private open space within the building to adequately limit internal views to other dwellings (confirming a durable material is used);
- (n) Location of indicative street numbering to each dwelling in a location clearly legible from their respective street frontages;
- (o) Waste storage areas clearly dimensioned;
- (p) Removal and re-instatement with footpath, kerb and channel of the southernmost redundant vehicular crossover to Napier Street;
- (q) Convex mirrors provided at the development's vehicle entrance (contained within the site);
- (r) Vertical ground clearance diagrams at 1:20 scale for the vehicle entrances at garage D.01 and D.02, taken at the centre of the car stacker platform, demonstrating a B99 Design Vehicle will not scrape and bottom out (with any adjustments to gradient necessary on the plans), including the following:
 - (i) the level at the eastern and western edge of the driveway;
 - (ii) the level at the centre of the driveway; and
 - (iii) the finished floor level 2 metres inside the garage.
- (s) The western edge of the vehicle crossing aligned to the western edge of the vehicle entrance;

- (t) Notation on ground floor plan referring to implementation of treatments in the endorsed Acoustic Report;
 - (u) Bicycle parking to the Napier Street footpath dimensioned in accordance with AS2890.3 and Yarra City Council Public Domain Manual Technical Notes Section 3.3.1;
 - (v) Existing bicycle hoops adjacent Unit 7 correctly (on the Napier Street footpath);
 - (w) Material of finish “D” (standing seam cladding) specified, ensuring it is durable;
 - (x) A notation indicating that a new street tree is to be provided by Council to the Napier Street frontage at the developer’s cost;
 - (y) Any changes to be consistent with the Sustainable Design Assessment endorsed under condition 9;
 - (z) Any changes to be consistent with the Waste Management Plan endorsed under condition 11; and
 - (aa) Any changes to be consistent with the Landscape Plan endorsed under condition 16.
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.

Vehicle Crossing Drawing

3. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council’s Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra’s, *Vehicle Crossing Information Sheet*.

Public Realm Plans

4. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

The Public Realm Plan must show, but not be limited to, the following:

- (a) footpath reconstruction;
 - (b) kerb and channel reconstruction (including re-instatement of bluestone where applicable);
 - (c) new street tree;
 - (d) integration of footpath to adjacent entries to dwellings;
 - (e) at the permit holder’s cost; and
 - (f) to the satisfaction of the Responsible Authority.
5. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 4) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council’s Civil Engineering

Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.

6. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 4) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Environmental Audit Overlay – sensitive use

7. Before the use and/or development commences (excluding demolition and preliminary site work required to complete the assessment required for this Condition), one of the following requirements as per Clause 45.03-1 of the Yarra Planning Scheme must be submitted to the satisfaction of the Responsible Authority and must include:
 - (a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 issued stating that an environmental audit is not required for the use or the proposed use; or
 - (b) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 issued stating that the land is suitable for the use or proposed use; or
 - (c) A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - (d) A statement of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.
8. All provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Design Assessment (SDA)

9. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Enrate Aust Pty Ltd and dated 7 December 2023, but modified to include or show:
 - (a) Revisions as per the updated Sustainable Design Assessment prepared by Enrate Aust Pty Ltd and dated 24 June 2024, but further modified to show:
 - (i) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit.
 - (ii) Rainwater tank capacity to be increased to 10,000L (update plans, STORM and SDA reports);
 - (iii) Written evidence from the Registered Building Surveyor that the project can still be assessed under the NCC2019 OR further modifications to the building to achieve an average 7 Star NatHERS in accordance with the NCC 2022;
 - (iv) Additional external shading to the west elevation (e.g. retractable awnings) to minimise heat gain to habitable rooms;

- (v) Operable glazing to first floor kitchen skylights to facilitate cross-ventilation;
 - (vi) Delete credit for water efficient landscaping or provide evidence of water efficient species being utilised;
 - (vii) Provide taps and floor-waste (drains) to all balconies and terraces; and
 - (viii) Provide outdoor clothes drying lines or racks to all dwellings.
10. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

11. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, 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 M3 Group and dated 20/05/2024, but modified to include:
- (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit;
 - (b) Location of hard waste for collection by Council outside the site that meets Council operational requirements or specification that waste will be collected from within the property by private contractor as per other waste streams;
 - (c) Deletion of reference to Council at call green waste service;
 - (d) Details for management of e-waste acknowledging that e-waste cannot be disposed of in waste bins;
 - (e) Waste generation table updated to include number of bedrooms per townhouse;
 - (f) Space allocated and the bin footprint for each storage area provided in sqm, confirming there is sufficient space for all proposed bins;
 - (g) Additional detail regarding the proposed collection process including where bins will be placed for collection; any relevant risk assessments; and clarification of collection vehicle type; and
 - (h) Swept path diagram for the waste collection vehicle contained within the Traffic Report included in the plan and clearly showing entry and exit paths for the collection vehicle.
12. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustics

13. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with

the Acoustic Report prepared by Octave Acoustics and dated 27 May 2024, but modified to include (or show, or address):

- (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit; and
 - (b) Reference to the pre-occupation acoustic testing as required under condition 15.
14. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
15. Following installation of the car stackers and prior to occupancy, an acoustic assessment of noise from the carpark equipment is to be conducted and a report detailing the assessment methodology and demonstrating compliance with the noise limits to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must include (to the satisfaction of the Responsible Authority):
- (a) Measurements of not less than one full cycle of car stacker operation, inclusive of the garage door opening and closing. The measurement/s are to be conducted at:
 - (i) A location representative of the most impacted apartment at 160 Argyle Street, and
 - (ii) Within the potentially most impacted townhouse with windows closed.
 - (b) The measured noise is to be assessed to:
 - (i) The Noise Protocol Part I night noise limit, inclusive of corrections for intermittency, impulsiveness, duration and tonality, as appropriate, assuming one cycle of operation in any 30 minute period at night. An adjustment of 20 dB is to be used for any assessment to indoor receiver locations unless an alternative adjustment is determined in accordance with the Noise Protocol; and
 - (ii) To a sleep disturbance criterion of 65 dBA L_{max} at the façade of existing dwellings, 40 dBA L_{max} inside adjacent townhouse bedrooms and 45 dBA L_{max} inside other habitable room windows, with windows closed.

Landscape Plan

16. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, 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 Acre and dated 24/05/2024, but modified to include (or show):
- (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit;
 - (b) Ground Floor Plan: Amend plant code 'Pet' to 'Pat' (33no.) proposed along the eastern site boundary line, running parallel to the driveway;
 - (c) Ground Floor Plan: A replacement species for *Cotoneaster dammeri* to the northern façade that will tolerate the growing space;

- (d) Level 1 Plan: Increase all planter widths on the western façade to a minimum of 450mm;
 - (e) Additional dimensions (particularly width for planters);
 - (f) Further detail on maintenance tasks, specifically around accessing Ground Floor, and Levels 1, 2 and 3 (northern façade) planters;
 - (g) An additional larger shrub (i.e. *Cedrela sinensis*) within planter area/private open space of D.01 Level 4 (roof terrace) or other suitable species;
 - (h) A legend and materials schedule containing key features, materials and surfaces and show on the landscape plans with appropriate annotations;
 - (i) Typical detail drawings for all landscape materials, fixed furnishings and elements;
 - (j) Information on any proposed vertical growing structures including detail drawings, mounting technique etc;
 - (k) Detail co-ordination of retractable awning and growth of vines to steel arbour proposed for Dwelling 01;
 - (l) Confirmation that loadbearing weights for the building structure will be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed; and
 - (m) If water efficient garden credit is claimed as part of the amended Sustainable Design Assessment endorsed under condition 9, update landscape plan as necessary for appropriate species selection (and in any other manner as necessary) to accord with this requirement.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

Tree Management Plan

18. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection and preservation of the three street trees along Napier Street in accordance with AS 4970, as well as robust TPZ fencing with appropriate signage, including:
- (a) pre-construction;
 - (b) during construction;

- (c) post construction;
 - (d) the provision of any barriers;
 - (e) any pruning necessary; and
 - (f) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.

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

Street Tree

20. Before the development commences, the permit holder must make a one-off contribution of \$1,765 (inclusive of GST and subject to annual CPI increase) to the Responsible Authority to be used for a new street tree planting to the Napier Street frontage required as a result of the development.

Development Contributions

21. Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.
22. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Engineering conditions

23. 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) in accordance with Yarra Standard Drawings | Yarra City Council;
 - (b) At the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
26. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Napier Street and Argyle Street frontages must be reconstructed in asphalt:
- (a) at the permit holder's cost; and

- (b) to the satisfaction of the Responsible Authority(s).
- 27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Napier Street and Argyle Street frontages must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
- 28. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Car Parking

- 29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.

External Lighting

- 30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating vehicular access to the car park, individual garages and pedestrian entries 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

- 31. 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.

Boundary walls

- 32. 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.

Car stacker installation and maintenance

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

No gas connection

34. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Construction Hours

35. 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 Plan

36. Before the use and/or development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) any requirements pertaining to the Tree Management Plan endorsed under condition 18 of the permit;
 - (b) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (c) works necessary to protect road and other infrastructure;
 - (d) remediation of any damage to road and other infrastructure;
 - (e) 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,
 - (f) facilities for vehicle washing, which must be located on the land;
 - (g) 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;
 - (h) site security;
 - (i) 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;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
- (p) 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.

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

Expiry

38. 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, 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, an 8.65% 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.

The person in management or control of the site must also provide a copy of any Environmental Audit Statement to any person who proposes to become the person in management or control of the site, such as a potential purchaser.

A suitably qualified environmental consultant acceptable to the responsible authority may include an environmental auditor appointed under the Environment Protection Act 2017 or an environmental professional with qualifications and competence consistent with Schedule B9 of the National Environment Protection (Assessment of Site Contamination Measure 1999) (as amended 2013).

All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

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.

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.

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

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

History and Background

1. The site has the following planning permit history which is of no particular relevance to this application:
 - (a) Planning permit 3164 was issued by Council on 18 September 1984 to construct a first floor addition to the existing building and use the new area for offices ancillary to the existing industrial use at 324 Napier Street Fitzroy
2. Planning Permit PL09/0797 was issued by Council on 29 March 2010 for construction and display of advertising signs and external lights at 316 Napier Street Fitzroy.

Site Context

3. The subject site is located on the south-east corner of Napier Street in Fitzroy, approximately 21m north of Johnston Street. The subject site comprises two adjoining properties, each on their own generally rectangular lot and separately addressed, being No. 316 Napier Street and No. 324-328 Napier Street (from south to north). There are no easements or restrictions associated with either of the certificates of title.
4. The overall site has a frontage to Napier Street totalling approximately 53.81m; a frontage to Argyle Street (to the north) of 13.45m; and a combined site area of approximately 727sqm. The land has a slight downward slope towards the north.
5. Each lot is developed with a double-storey painted brick industrial building originally constructed circa 1940-50, with zero setbacks to all title boundaries, resulting in 100% site coverage. An undercroft car parking area is located at ground level at the corner of Napier and Argyle Streets, accessed by a vehicle crossover from Argyle Street. Pedestrian entries to each building are provided along the Napier Street frontage along with additional vehicular entries to each building serviced by crossovers (it is unclear if these are still utilised).



Figure 1 – Subject site viewed from north-west (red outline). Source; Planning Officer, November 2024.

Surrounds

6. The subject site is located in an area that has a mixture of commercial and residential land uses and a smaller number of light industrial land uses. Built form varies

considerably in scale, form, typology and architectural era and includes: contemporary multi-storey apartment buildings (some with commercial uses at ground floor); single and double-storey dwellings from the Victorian and Edwardian architectural periods on small, narrow lots; single to double-storey robust industrial buildings and various commercial buildings form a range of eras (generally concentrated along Johnston Street).

7. The area is undergoing substantial change and there is an emerging built form character of contemporary multi-storey buildings often comprising mixed use developments which combine commercial and residential components.
8. In terms of the immediately surrounding built form context to the subject site:
9. To the north, is Argyle Street (approximately 10.5m wide one-way (eastbound) street) and on the opposite side of Argyle Street is a single storey Victorian era dwelling (fronting Napier Street (No. 330 Napier Street) which is graded as “contributory” to the South Fitzroy Heritage Precinct. The dwelling is the southernmost of a number of “contributory” graded attached single-and double-storey heritage dwellings extending from No. 330 Napier Street to No. 346 Napier Street.
 - (a) To the south and east, the site is abutted by No. 175 - 179 Johnston Street which is an irregular shaped property that is located on the north-east corner of Napier Street and Johnston Street and is developed with a double-storey building (circa 1960-70) used for retail purposes and graded as “not contributory” to the South Fitzroy Heritage Precinct. A thin sliver of land (approximately 2.8m wide) associated with this site extends along the northern portion of the eastern boundary of the subject site to Napier Street, which is subject to a carriageway easement in favour of land further to the east (No. 160-164 Argyle Street).
10. No. 160-164 Argyle Street is a 6 storey contemporary apartment building that incorporates parts of the red facebrick façade of a “contributory” heritage building (the Pfiesser Engineering” Factory/Warehouse circa 1930-40) into its form along Argyle Street and along its western boundary. The building has a generally curved façade at upper levels providing a combination of mostly enclosed balconies and some open terraces, with glazed balustrades.
 - (a) To the west is Napier Street, which is approximately 20m wide, and on the opposite side are a number of properties which are developed with single storey buildings from a range of eras and associated open at-grade car parking. Some buildings appear to be currently vacant and others have various retail uses. The buildings are graded as “not-contributory” to the South Fitzroy Heritage Precinct, with the exception of a single-storey red facebrick Edwardian era building (No. 329 Napier Street) located on the south-west corner of Napier and Argyle Streets, which is graded as “contributory” and appears to be a purpose-built dwelling (currently vacant).
11. A number of sites generally located at the north-west corner of Johnston Street and Napier Street (comprising Nos 159-161, 163 and 165-167 Johnston Street) are currently subject to a planning application (PLN24/0253) for a 10 storey building (with 2 basement levels) containing a mixture of commercial (shops, food and drink premises and office) uses and apartments. The application has been recently appealed to VCAT under P1253/2024. Council has not yet formed a position on this application.
12. Diagonally opposite the subject site on the north-west corner of Napier and Argyle Street are attached Victorian era single-storey dwellings graded as “contributory” and “individually significant” to the South Fitzroy Precinct. Further north of these dwellings

and occupying a large portion of the block to Kerr Street and Young Street is a multi-storey contemporary mixed use development (mostly residential) rising up to 8 storeys and incorporating a number of different building forms across the site.

13. The Site Map attached in the appendices shows the current built form site context.
14. More broadly, the subject site is located within the Johnston Street Neighbourhood Activity Centre between two Major Activity Centres of Smith Street (approximately 280m to the east and Brunswick Street (approximately 200m to the west).
15. It is also located in close proximity to various forms of public transport including tram services along Smith Street and Brunswick Street and a number of bus services along Johnston Street.

Proposal

16. The proposal is for demolition of existing buildings; construction of a five-storey building (and basement) containing 8 dwellings; construction of a vehicle crossover; associated use of the land for dwellings; and a reduction of the visitor bicycle parking requirements of Clause 52.34, with details as follows:
 - (a) The dwellings are in a townhouse format, with individual pedestrian entries to each via Napier Street (Dwellings 2-8) or Argyle Street (Dwelling 1);
 - (b) Each dwelling contains 3 bedrooms across the second and third floor; and a primary living room at first floor. Dwellings 2-8 having a secondary living/dining area (with kitchenette) at the fourth floor and a study nook facing the street at ground floor adjacent the entry. All dwellings have three areas of secluded private open space in the form of balconies/terraces located at the first, third and fourth floor, with the upper level terraces being the largest in size;
 - (c) Each dwelling has 2 car parking spaces (16 total) within a ground level garage with dual car stacker that extends to the basement level below. The garages are accessed via a shared accessway and vehicle entry from Argyle Street (with associated new vehicle crossover);
 - (d) One (1) resident bike space is provided per dwelling (located at ground floor) and visitor bicycle parking (4 spaces) is proposed to be provided off-site via two new bicycle hoops to be installed on the Napier Street footpath adjacent the site frontage;
 - (e) The building has a maximum overall height of 17.63m;
 - (f) The building is constructed to all title boundaries with street wall heights of 12.14m to Napier Street and 12.69m to Argyle Street (as measured above the centre of the respective street frontages). Boundary wall heights vary between 8.9m and 12.4m (as measured) along the eastern boundary; and 11.67m to 16.91m on the southern boundary. Setbacks above the boundary wall heights vary; and
 - (g) Key materials include: grey brickwork; standing seam cladding; render; stone; metal balustrades; metal deck roofing.
17. The development plans are attached. Images taken from the decision plans are provided below which illustrate the façade design and form of the development to Napier and Argyle Streets.



Figure 2 – Decision Plans – Argyle Street (north) elevation



Figure 3 – Decision Plans – Napier Street (west) elevation.



Figure 4 – Decision Plans - 3D render of proposed development as viewed from north-west (note: upper level built form not visible from this vantage point).

Statutory controls (why is a planning permit required?)

18. The table contained in the Officer recommendation sets out the various planning permit triggers under the Yarra Planning Scheme.
19. The following Clauses of the Yarra Planning Scheme do not trigger a requirement for a planning permit but are relevant to the consideration of the proposal:
- (a) **Environmental Audit Overlay [EAO]** – The EAO sets out certain requirements to be met before a sensitive use (which includes residential use) or construction or carrying out of buildings and works in association with a sensitive use commences. This is addressed via permit condition;
 - (b) **Clause 45.06 - Development Contributions Plan Overlay (Schedule 1) [DCPO1]** – The DCPO1 sets out mandatory development contributions for particular types of development. As the application proposes new dwellings, levies are applicable and will be required as a condition of any approval;
 - (c) **Clause 52.06 – Car Parking** - requires that before a new use commences the required car parking spaces must be provided on the land as set out at Clause 52.06-5. The dwelling land use rate is:
 - 1 car space per one or two bedroom dwelling; and
 - 2 car spaces per three or more bedroom dwelling.The proposed 8 dwelling development therefore requires 16 car spaces (2 each per 3 bedroom dwelling). As 16 car spaces are provided the car parking provision of Clause 52.06 is satisfied.
 - (d) **Clause 53.03 – Residential Reticulated gas service connection** – Pursuant to this clause a permit must not be granted for construction of a new dwelling or a new apartment development that is to be connected to a reticulated gas service. A standard condition is required to be included on any permit for this type of development which implements this requirement. This will be included as part of the conditions of any permit that issues;
 - (e) **Clause 53.18 – Stormwater management and Urban development** - This clause applies to an application under a provision of a zone to construct a building or construct or carry out works and sets out certain requirements to be met. This is addressed in the ESD assessment;
 - (f) **Clause 55 - Two or more dwellings on a lot and residential buildings** – This provision is a decision guideline under the Commercial 1 Zone. The full assessment against Clause 55 is contained as an attachment to this report; and
 - (g) **Clause 65 - Decision Guidelines** – These guidelines set out the relevant matters to be considered, as appropriate, before deciding on an application or approval of a plan.

Internal and External Consultation

Advertising

20. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 1112 letters sent to surrounding owners and occupiers and by three (3) signs displayed on the Napier Street and Argyle Street frontages.
21. Council received twenty two (22) objections, on the following key grounds:
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- (a) Offsite impacts including: overshadowing, loss of daylight, inequitable development, visual bulk, noise from balconies and car stacker;
- (b) Built form impacts including: heritage, excessive height, neighbourhood character, non-compliance with the Design & Development Overlay (particularly setback requirements), loss of views to the Fitzroy Town Hall;
- (c) Car parking and traffic including: additional on-street car parking demand, insufficient space for cars and waste vehicle;
- (d) Impact on wider area including: additional pressure on utilities/services (such as water and sewage); impact on local shops;
- (e) Environmental impacts including: adverse environmental impacts, does not meet 7-star NatHers rating, pollution from traffic and other emission sources associated with increasing density of population;
- (f) Contrary to strategic planning objectives;
- (g) Impacts during construction including: noise, loss of access to adjoining carriageway easement; and
- (h) Overlooking from residents in other apartments to Level 2 bedrooms and Level 3 bathrooms (clear glazing).

22. A planning consultation meeting was not held.

Internal and external referrals

23. The proposal was not required to be referred to any external agencies.

24. The proposal was referred to various internal business units and external consultants. A summary of the comments is in the table below. A full copy of all referral advice is attached to this report and the comments are discussed in more detail in the assessment as relevant.

Internal Business Unit/ External consultant	Comments
Urban Design	<p>Generally supportive, subject to some recommended changes to the building envelope, design of the façade at the Argyle Street interface and further improvements to the adjacent public realm.</p> <p>Conditions incorporated to address recommendations, where appropriate, as discussed in the assessment.</p>
Heritage Advisor	<p>Supports the full demolition of existing buildings.</p> <p>Concerns raised regarding the building massing in relation to adjacent heritage buildings and some design elements and material/ colour selection.</p> <p>Conditions incorporated to address recommendations, where appropriate, as discussed in the assessment.</p>
Acoustic Consultant	<p>The submitted Acoustic Report assessing car stacker noise deemed satisfactory.</p> <p>A further car stacker noise assessment (once the car stacker is installed) recommended and has been included in conditions.</p>

Strategic Transport	The submitted Green Travel Plan deemed satisfactory. Bicycle parking provision, design and location supported, subject to additional detail regarding the new bicycle hoops to Napier Street footpath, which has been included in conditions.
Strategic Planning	Concerns raised about some of the areas of non-compliance with the interim DDO36 and proposed draft DDO36 requirements. Conditions incorporated to address concerns, where appropriate, as discussed in the assessment.
City Works (Waste) unit	The Waste Management Plan is acceptable, subject to the provision of some additional information and details (which have been included in conditions).
Development Engineering	Development generally acceptable, subject to standard conditions and notes addressing services, detailed design drawings and Council assets, and some minor changes to plans to address vehicle accessibility, encroachment into the public realm, pedestrian visibility and changes to floor levels to respond to updated flood mapping; and provision of a public lighting assessment. Conditions and notes incorporated, where appropriate, as detailed in the assessment.
City Strategy – Open Space Design (landscaping)	The landscaping is generally supported subject to some additional detail and minor changes to the landscape plan. Conditions incorporated to address recommendations where appropriate, as detailed in the assessment.
City Works – Open Space Services (street trees)	The development would not adversely affect adjacent street trees on Napier Street subject to provision of a Tree Management Plan to protect them during construction (included in conditions).
ESD Adviser	The ESD performance of the development is acceptable subject to incorporation of further updates to the Sustainable Design Assessment (SDA) as per the revised SDA dated June 2024 and some further ESD features, information and detail to the plans. Addressed through conditions.

Policy Implications

Planning Policy Framework (PPF)

25. The following policies are of most relevance to this application:

- Clause 2 - Municipal Planning Strategic, including:
 - Clause 02.02 – Vision
 - Clause 2.03 – Strategic Directions
 - Clause 02.03-1 – Settlement:
 - Clause 02.03-3 – Environmental Risks and Amenity
 - Clause 02.03-4 – Built Environment and Heritage
 - Clause 02.03-5 - Housing

- Clause 02.03-6 – Economic Development
 - Clause 02.03-7 – Transport
- Clause 02.04 – Strategic Framework Plan
- Clause 11 – Settlement:
 - Clause 11.03 – 1S – Activity Centres
 - Clause 11.03 - 1L – Activity Centres
- Clause 13 – Environmental risks and amenity:
 - Clause 13.05-1S – Noise Management
 - Clause 13.07-1S – Land Use Compatibility
 - Clause 13.07-1L – Interfaces and Amenity
- Clause 15 – Built environment and heritage:
 - Clause 15.01-1S – Urban Design
 - Clause 15.01-1L – Urban Design
 - Clause 15.01-2S – Building Design
 - Clause 15.01-2L – Building Design
 - Clause 15.01-2L-01 – Environmentally Sustainable Development
 - Clause 15.01-5S – Neighbourhood Character
 - Clause 15.03-1S – Heritage Conservation
 - Clause 15.03-1L-01 - Heritage
- Clause 16 – Housing:
 - Clause 16.01-1S – Housing Supply
 - Clause 16.01-1R – Housing Supply
 - Clause 16.01-1L – Location of Residential Development
 - Clause 16.01-1L-01 – Housing Diversity
 - Clause 16.01-2S – Housing Affordability
- Clause 18 – Transport:
 - Clause 18.01-3S – Sustainable and Safe Transport
 - Clause 18.01-3L - Sustainable Transport
 - Clause 18.02-1S – Walking
 - Clause 18.02-1L - Walking
 - Clause 18.02-2S – Cycling
 - Clause 18.02-2L – Cycling
 - Clause 18.02-3S – Public Transport
 - Clause 18.03-3R – Principal Public Transport Network
 - Clause 18.02-4L – Road System
 - Clause 18.02-4L-01 – Car Parking
- Clause 19 – Development infrastructure:
 - Clause 19.03-2L – Infrastructure contributions
 - Clause 19.03-3S – Integrated Water Management
 - Clause 19.03-3L – Water Sensitive Urban Design
 - Clause 19.03-5L - Waste

Other relevant documents

Incorporated Documents

- City of Yarra Database of Heritage Areas (City of Yarra, March 2024):
 - The subject site (both properties, i.e. No. 316 Napier Street, Fitzroy & 324-328 Napier Street, Fitzroy) is graded as “not contributory” to the South Fitzroy Heritage Precinct
- Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning Permit exemptions (July 2014)

Background and Policy Documents

- Urban Design Guidelines for Victoria (DELWP)
- Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, Water and Planning, 2017)
- Plan Melbourne 2017-2050: Addendum 2019 (Department of Environment, Land, Water and Planning, 2019)

Planning Scheme Amendments

Amendment C271

26. Amendment C271 proposals several changes to the Yarra Planning Scheme which affect parts of Fitzroy, Collingwood and Clifton Hill. This includes applying permanent built form controls via application of 12 Design and Development Overlays (DDO29 through DDO40) to replace the equivalent interim DDOs; application of two new Heritage Overlays in Collingwood, and rezoning of a number of properties.
27. Of relevance to the subject site, Amendment C271 proposes to adopt a new permanent Design and Development Overlay (Schedule 36) for Fitzroy East and Johnston Street North, replacing the interim DDO Schedule 36 which currently applies to the site.
28. Public exhibition of the draft amendment commenced on 18 November 2024 and will continue until 24 February 2025.
29. As Amendment C271 is currently on exhibition only limited weight can be given to the proposed changes to the Yarra Planning Scheme under this amendment. However, for the sake of completeness the assessment will include both the interim DDO36 and proposed permanent DDO36 key requirements (which are very similar).

Officer Assessment

30. The primary considerations for this application are as follows:
 - (a) Strategic support;
 - (b) Land use;
 - (c) Demolition (heritage consideration only);
 - (d) Building design;
 - (e) Public realm;
 - (f) Environmentally sustainable development outcomes;
 - (g) Off-site amenity impacts;

- (h) On-site amenity and facilities;
- (i) Car parking and traffic;
- (j) Bicycle provision and facilities;
- (k) Other matters; and
- (l) Other objector concerns.

Strategic Support

31. The development proposes 8 new three bedroom dwellings (in a townhouse format with shared vehicle access to garages) within a well serviced inner-city area, close to public transport and employment in the Commercial 1 Zone and a Neighbourhood Activity Centre.
 32. There is strong policy support across both the Planning Policy Framework and Local Planning Policy Framework, underpinned by *Plan Melbourne 2017-2050* directives and Council's vision at Clause 02.02 for the City of Yarra, for both urban consolidation and housing in this location as follows (with "S", "R", and "L" denoting state, regional and local level planning policies, respectively):
 - (a) The provision of housing in built up urban areas and to meet the forecast increases in population (e.g. Clause 16.01-1R and 02.03-5); and
 - (b) The provision of housing in established urban areas with good access to public transport, services and employment (e.g. 16.01-1S, 16.01-1R, 16.01-1L, 18.02-3S).
 33. The provision of a diversity of housing types catering to people across different life stages (e.g. Clause 02.03-5, 16.01-1S, 16.01-2S and 16.01-1L-01).
 34. The provision of housing that is well-designed and provides a high standard of internal and external amenity (e.g. Clause 16.01-1S).
 - (a) The provision of higher density housing and mid-rise development to Activity Centres (e.g. Clause 02.03-1, 02.03-4, 02.04, 11.03-1S, Clause 16.01-1S, Clause 16.01-1L) including in Neighbourhood Activity Centres and in particular those that have good access to public transport (e.g. Clause 16.01-1R). The subject site is identified in the Strategic Framework Plan at Clause 02.04 as located in a Neighbourhood Activity Centre.
 35. The provision of housing in activity centres that does not compromise the business function of the activity centre and development that contributes to the consolidation and economic viability of existing activity centres (e.g. Clause 02.03-1, Clause 02.03-5 and 02.03-6).
 36. The site is also identified in the "Strategic Housing Framework Plan – Fitzroy and Collingwood" at Clause 16.01-1L as within an area of "high change" where high density and mixed use development which establishes a new character is encouraged and lot consolidation (which is effectively proposed as part of the application) is encouraged, where appropriate, to increase densities.
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- (a) While the development provides the requisite car parking spaces in accordance with the particular provisions of the Scheme, the following aspects of the proposal will encourage use of sustainable modes of transport as a preference (e.g. Clause 02.03-7, Clause 18.02-1S, Clause 18.02-2S and Clause 18.02-3R):
- (i) provision of on-site bicycle parking for residents in excess of the requisite required under the Scheme;
 - (ii) the location of the dwellings in close proximity to public transport (within the Principal Public Transport Network Area); and
 - (iii) the location of the dwellings within walking distance of numerous shops, services and community facilities.
37. The Planning Policy Framework and Local Planning Policy Framework also requires that imperatives for urban consolidation and new development are balanced against imperatives to protect neighbourhood character and heritage values; ensure development makes a positive contribution to the public realm; and mitigate off-site amenity impacts associated with built form (e.g., Clause 02.03-4, Clause 15.01-1S, Clause 15.01-2S and Clause 15.01-5S). It also seeks to ensure new built form mitigates against adverse environmental impacts and provides a good quality environment for occupants (e.g. Clause 02.03-3). The *Urban Design Guidelines for Victoria (DELWP)* set out principles for new development's interface and connection to the public realm that support the objectives and strategies in Council's local urban design policies.
38. The proposal has 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.

Land Use

39. Under clause 34.01-2 (Commercial 1 Zone) of the Scheme, the use of the site for a dwelling requires a planning permit where the frontage at ground floor exceeds 2m. As all dwellings exceed the 2m frontage, all require a planning permit. The purposes of the Commercial 1 Zone include:
- (a) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses; and*
 - (b) *To provide for residential uses at densities complementary to the role and scale of the activity centres.*
40. The proposed dwelling land uses are considered to be consistent with this as they will result in an increased density of residential development at a scale harmonious with the Neighbourhood Activity Centre (NAC) and would bring more people into the area. This would helping to facilitate the economic development of the area and therefore supporting the commercial/retail functioning of the Johnston Street NAC.
41. Council's Strategic Planning Unit have noted that the development does not comply with the building layout requirements at Clause 2.9 of the DDO36, which include the specification that developments should incorporate commercial uses at ground floor; provide minimum 4m floor to ceiling height at ground floor; and allow for adaptation to
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new uses over time without major structure works. While it is acknowledged that the design does not include a commercial use at ground floor or lend itself to re-working to accommodate future commercial uses as encouraged, it is acceptable in this instance given that the site does not have direct frontage to Johnston Street, is further constrained by its narrow width and provides a transition between the commercial interface of Johnston Street and predominantly residential uses to the north.

42. The decision guidelines of the Commercial 1 Zone, require consideration of impacts on surrounding land uses from a proposed use. The dwelling land uses would have a low amenity impact on surrounding amenity in relation to noise, lightspill and traffic.
43. It is also relevant that Clause 13.07-1L-01 (Interfaces and Amenity) seeks to ensure that new residential use (and development) in a non-residential zone 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.
44. The site is not immediately adjacent any uses which would be anticipated to generate high levels of noise (the nearest commercial uses are all retail with no food and drink premises evident in close proximity) and is not within 50m of any live music venue. The proposal also incorporates a number of design features that would also mitigate against adverse impacts from surrounding commercial uses. This includes less noise sensitive areas at the ground floor, double glazing and solid walls to the south elevation facing Johnston Street.
45. Overall, the proposed dwelling uses are an appropriate fit in this site context and can be supported having regard to relevant policies and objectives.

Demolition (Heritage consideration only)

46. Most relevant to consideration of demolition of buildings are the objectives and decision guidelines of the Heritage Overlay (Clause 43.01) and local heritage policy at Clause 15.03-1L of the Scheme. Amongst other things, strategies at clause 15.03-1L seek to retain, conserve and enhance individually significant and contributory buildings as identified in the incorporated document in schedule to clause 72.04 'City of Yarra Database of Heritage Significant Areas.' Policy also encourages applications for demolition to be accompanied by an application for new development.
47. The application proposes demolition of all the existing buildings on the subject site. Both properties are graded as "not contributory" to the South Fitzroy Heritage Precinct and therefore policy does not provide protection for the existing buildings.
48. Council's Heritage Advisor has found the demolition of the existing buildings to be acceptable subject to an appropriate replacement building.

Building Design

49. An assessment of the proposed building design is guided by the decision guidelines of both State and local policy for Building Design (Clause 15.01-2S and Clause 15.01-2L), state and local heritage policies (Clause 15.03-1S and 15.03-1L) and Schedule 10 and 36 to the Design and Development Overlay (DDO), which are both applicable to the site. The current interim DDO36 is referred to throughout the report as the DDO36, except where it is sought to be distinguished from the proposed draft DDO36 (currently on exhibition as part of Amendment C271) where it will be referred to a "current interim DDO36".

50. The DDO36 (current interim and proposed draft) prescribes preferred heights and setbacks for the site, and general design requirements relating to building interfaces, overshadowing, building separation, building layout, façade design, and access, parking and loading areas.
51. The tables below provide a summary of compliance with key current interim DDO36 and proposed draft DDO36 requirements and DDO10 for ease of reference. However, there are other requirements that are not included in the tables below but will be referred to throughout the assessment.

KEY BUILT FORM REQUIREMENTS OF DDO36			
Key Built Form Requirements (all preferred, no mandatory requirements)	Current (interim) DDO36	Proposed draft DDO36	Proposed Development Assessment
Maximum building height	30.4m	30.4m/9 storeys	Complies with both The maximum overall building height is 17.63m and 5 storeys.
Preferred street wall setback to Napier Street (front street)	0m	0m	Complies with both 0m setback proposed to Napier street frontages (noting some recessed areas are also provided).
Preferred street wall setback to Argyle Street (side street)	Not specified	0m	Complies with both 0m setback proposed to Argyle street frontage (noting some recessed areas are also provided).
Maximum street wall height* to Napier Street	14.4m	14.4m	Complies with both The maximum street wall height to Napier Street is 12.14m.
Maximum street wall height* to Argyle Street	14.4m for the westernmost 8m of street frontage and 11.2m for the remainder.	14.4m for the westernmost 8m of street frontage and 11.2m for the remainder.	Partly non-compliant with both The maximum street wall height to Argyle Street is 12.69m, which exceeds the 11.2m height limit and is less than the 14.4m limit to the westernmost 8m of frontage.
Minimum upper level setback to Napier Street.	6m	6m	Non-compliant with both The minimum upper level setback to Napier Street is 1.15m.
Minimum upper level setback to Argyle Street.	10m	10m	Non-compliant with both The minimum upper level setback to Argyle Street is 0.42m.

Maximum rear (eastern) boundary wall height of 11.2m (interface with C1Z).	11.2m	11.2m	Non-compliant with both The maximum rear (eastern) boundary wall height is 12.4m (portion associated with Dwelling D.01 only).
Minimum building separation (setback from common side boundary with C1Z and DDO36 interface).	4.5m where a habitable room window or balcony facing the common boundary is propose on the subject site and/or existing the adjoining property. 3m where a commercial or non-habitable room window facing the common boundary is proposed on the subject site and/or exists on the adjoining property.	4.5m where a habitable room window or balcony facing the common boundary is propose on the subject site and/or existing the adjoining property. 3m where a commercial or non-habitable room window facing the common boundary is proposed on the subject site and/or exists on the adjoining property.	Partly non-compliant with both East boundary – the building is not compliant as walls with habitable and non-habitable room windows are located on the boundary or within 2.4m of the boundary (the common boundary is shared with private property but designated as a carriageway easement) South boundary – the building is compliant – there are no windows proposed to the subject building or on the abutting site.

*Maximum street wall height is measured as prescribed in the DDO36 as follows: the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge.

KEY BUILT FORM REQUIREMENTS OF DDO10

Key Built Form Requirements (all preferred, no mandatory requirements)	DDO10	Proposed Development Assessment
Street wall setback (both streets)	0m	Complies 0m setback to both street walls
Maximum street wall height (both streets)	12m/3 storeys	Partly compliant The street wall height to both Napier and Argyle Street is three storeys which complies, but both exceed 12m overall height.
Maximum overall height	4-6 storeys	Complies Maximum building height of 5 storeys

52. As the DDO36 represents the outcome of more recent strategic work undertaken by Council, is more comprehensive in its guidelines and prescriptions, it is considered that where there is any inconsistency between the two controls, the DDO36 should prevail.

Building form

53. The building has a rectilinear form and boundary to boundary construction (100% site coverage) which relates acceptably to its immediate context which includes many examples of rectilinear form and full site coverage, including double-storey commercial buildings along Johnston Street; single storey warehouse buildings; and contemporary multi-storey apartment/mixed use buildings.
54. Given the scale of future development envisioned under the DDO36 controls for this area, it is expected that contemporary multi-storey buildings would have a rectilinear form such that expressed by the proposed building.
55. Council's Urban Design Unit found the overall form of the building to be generally acceptable in its context and Council's Heritage Adviser, likewise, did not raise concerns regarding the general form of the building (concerns related to street wall heights, setbacks and design detail).
56. The flat roof form is acceptable having regard to the heritage context of the site, including the closest "contributory" heritage buildings, which includes a mixture of industrial buildings (e.g. the former Pfeiffer warehouse which is now part of the apartment development at No. 160-164 Argyle Street) and single and double-storey dwellings with pitched roofs.
57. The breaking up of individual townhouses to the Napier Street frontage responds to the form of the small fine-grained rows of attached housing further north on Napier Street, thus responding to the "pattern and grain" as directed by heritage policy.
58. Nonetheless, it is important to note that the subject site is located in an area which has low level of intactness as is shown in the below grading map.



Figure 5 – Map of heritage grading of properties [Legend: Green = not- contributory; Beige – contributory; Red = Individually significant] Source: Council GIS.

59. Overall the general form of the building is acceptable, however, further consideration must be given to height and massing.

Building Height

60. The proposed building height of five storeys and a maximum 17.63m overall height is clearly within the height range envisioned for the site (almost 13m below the maximum 30.4m building height specified by the DDO36 for a building in this location) and in a location where mid-rise development is sought to be located.
61. The DDO36 includes as part of its key objectives:
- (a) To ensure development responds to the heritage character and streetscape by supporting:
 - (i) a new mid-rise character (ranging from 6 to 9 storeys) with a new prominent street wall along the northern side of Johnston Street and scale of development transitioning down to Argyle Street; and
 - (ii) mid-rise development (ranging from 3 to 8 storeys) in the mixed use precinct in Fitzroy East, north of Argyle Street, which ensures the varied but low heritage street wall remains the visually dominant element of the streetscape and upper level developments are recessive providing a clear visual distinction between lower street walls and upper level development.
62. As the site is located south of Argyle Street, the emphasis in terms of its height is whether the building provides an adequate transition down to Argyle Street, as well as responds adequately to the heritage and streetscape character. Additionally, heritage

policy at Clause 15.03-1L seeks to ensure that new development respects the scale and massing of existing heritage buildings and the streetscape.

63. While Council's Urban Design Unit, Strategic Planning Unit and Heritage Adviser have not raised issues with the overall height of the building per se, they have raised concerns in relation to the perceived bulk of the building due to its massing, particularly (but not limited to) its northern end where it is adjacent lower built form (including heritage buildings).
64. Overall, the height of the building is considered to be suitable for the site, but the massing of the building must also be analysed to determine if a suitable built form outcome is achieved.

Streetwall heights, building setbacks and overall massing

65. The DDO10 and DDO36 both envisage new infill development that is constructed hard-edged to street frontages and set back at upper levels above the streetwall. There is also an expectation under the DDO10 that buildings are constructed to side boundaries. The proposed 100% site coverage of the building is therefore generally consistent with the preferred pattern of development as well as being acceptable given the high level of site coverage of the surrounding area (as per policy at Clause 15.0-2L (Building Design).)
 66. The DDO36 provides the clearest guidance on appropriate street wall heights and setbacks. As set out in Table 1, the building:
 - (a) complies with the maximum preferred street wall height to Napier Street;
 - (b) partly exceeds the preferred street wall height with regards to Argyle Street; and
 - (c) does not comply with the minimum setbacks to the upper levels to either Argyle Street (10m) to Argyle St or Napier Street (6m).
 67. The DDO36 also specifies that upper levels should:
 - (a) *be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage buildings and minimise upper level bulk;*
 - (b) *be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street; and*
 - (c) *contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.*
 68. Council's Strategic Planning Unit recommended that the development should be modified to achieve compliance with the above DDO36 street wall and upper level setback requirements, including achieving a maximum street wall height of 11.2m to Argyle Street (the lower of the preferred heights). However, it was also noted that due to the relatively small size of the site, some variation to the DDO36 street wall and setback requirements could be acceptable if the development otherwise was modified to meet DDO36 requirements relating to building separation and building design (discussed later in the assessment).
 69. From an urban design perspective, Council's Urban Design Unit found the form and massing of the building to Napier Street to be well resolved and generally acceptable, citing the greater width of Napier Street (approximately 20m) and presence of street
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trees as factors which are supportive. The greater width of the street ensures that the building will not appear as overbearing.

70. However, in contrast, the proposed street wall heights and setbacks to Argyle Street were found to produce a “sheer” wall on this narrower street frontage. Particularly that although ostensibly a 12.69m street wall is proposed, the minimal upper level setback of the third floor (0.42n) at a height of 14.8m would read as part of the actual street wall. Furthermore, the presence of lower rise built form on the northern side of Argyle Street (single-storey heritage dwellings fronting Napier Street) was found to warrant a more sensitive approach.
71. It was recommended that levels 3 and 4 be deleted from the northern dwelling D01 to address these concerns. See below for illustrative diagram extracted from the urban design referral comments).



Figure 6– diagram illustrating parts of building recommended to be removed by Council’s Urban Design Unit (pink shading) – extracted from urban design referral.

72. This change would result in compliance with the preferred (lower) maximum street wall height to Argyle Street of 11.2m but would not comply with the minimum (10m) setback to upper levels under the DDO36.
73. In addition to the DDO36 requirements, heritage policy at Clause 15.03-1L must also be considered. This directs residential infill to match the setback to the principal street frontage of adjoining heritage buildings; be consistent with prevailing side setbacks, building spacing and height relative to the surrounding heritage context. It also seeks outcomes that do not dominate heritage streetscapes or significant/contributory elements and protect views to heritage places from the public realm.
74. Council’s Heritage Adviser raised issues with both the Napier Street and Argyle Street massing as well as the eastern elevation (adjacent the carriageway easement). They recommended:

- (a) A reduction in the street wall height to Napier Street (no specific numerical quantity specified);
 - (b) A reduction in the street wall height to Argyle Street to double-storey scale instead of triple storey;
 - (c) A reduction in the height of the triple storey section of eastern boundary wall (to double-storey to match the reduced Argyle Street height); and
 - (d) Increased setbacks to upper levels from Napier Street, Argyle Street and the eastern boundary (above the lowered boundary/street walls).
75. The purpose of these recommendations was to produce a building envelope that would respond to the heritage streetscape and built form by providing a transition to the low-scale heritage buildings on the opposite sides of Napier Street and Argyle Street (including No. 329 Napier Street, Nos 330-346 Napier Street and Nos 159-171 Argyle Street). Further, to ensure that the building would not visually dominate, compete with or block views to the retained “contributory” heritage façade to the building at No. 160-164 Argyle Street (on the same side of Argyle Street).
76. While there are some differences in the views and recommendations of the various internal units, there is concurrence between all units that the northern end of the building does not appropriately transition to lower (heritage) built form to the north.
77. While it is not agreed that, on balance, the planning policies require the extent of change suggested by the various referral units, it is agreed that the development requires a more sensitive response, and to provide a clearer transition, to lower built form fronting Napier Street, north of Argyle Street (e.g. Nos 330-346 Napier Street). The slight downward slope of land to the north exacerbates the height disparity of the proposed building and the heritage dwellings.
78. While it is acknowledged that under the DDO36 these dwellings have a maximum preferred height limit of 11.2m, the DDO36 provisions also specify that a minimum depth of 6m to “contributory” built form should be retained. This would ensure that even if this maximum height potential were reached, the front portion of the buildings to Napier Street would likely remain at single storey scale.
79. Taking into account relevant policies and advice, on balance, it is considered that to address this issue from both a neighbourhood character and heritage perspective, a condition should be included to require the deletion of a single storey (the third floor/fourth storey) of the northernmost dwelling (Dwelling 1).
80. This would result in the loss of a bedroom and associated amenities but would retain the roof terrace (the dwelling would become a two bedroom dwelling). A diagram illustrating this change is below – it shows sightlines from the opposite footpath of Argyle Street with an indicative outline of the built form to the roof terrace transposed to the third floor as a result of the condition.

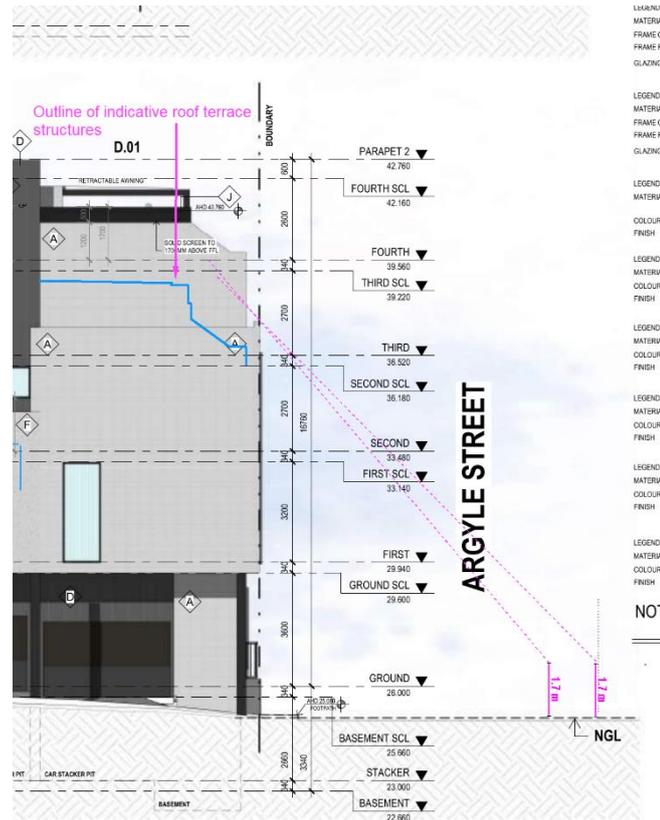


Figure 7 – Sightlines from opposite side Argyle Street demonstrating approximate extent of visible built form of proposed development and result of condition to delete the proposed fourth storey.

81. This change would provide an acceptable outcome given that:
 - (a) There would be a significant reduction and downward transition towards the Argyle Street interface that would be evident both from Napier Street and Argyle Street;
 - (b) The maximum 12.69m street wall height to Argyle Street as proposed is appropriate as it lies between the greater (14.4m) and lower (11.2m) preferred maximum heights of the DDO36. By deleting the third floor of the building the street wall height to Argyle Street would form the dominant parapet line with remaining upper level built form (roof terrace) being generally concealed behind it; and
 - (c) While this would still clearly result in a disparity in scale between lower built form to the north and the northern end of the subject site, this is part of the character of the area, where (as described in the site context section) higher emerging built form is interspersed with low-rise development. The condition will temper the abruptness of the built form at this interface.

82. There is no need to reduce the triple storey eastern on-boundary wall height to respond to the heritage fabric of the building at No. 160-164 Argyle Street. The site has already been redeveloped into a six-storey apartment building with enclosed balconies rising to a height of approximately 12m above the retained heritage fabric that are minimally set back from Argyle Street. In this context, the new triple storey street wall to Argyle Street and eastern boundary wall would not cause any deleterious impact in terms of dominating the heritage fabric. The proposed built form would also not further limit views

to the heritage fabric at No. 160-164 Argyle Street from the public realm compared to existing conditions (the existing double-storey building on the subject site is already built to the north-east corner of the site):

- (a) Removing the roof terrace as well as the third floor, as suggested by Council's Urban Design Unit, is not necessary as this upper level is more lightweight and its setbacks ensure it would be generally concealed from view from the opposite side of Argyle Street (due to its narrow width) and have limited impact when viewed from Napier Street. Some re-configuring of stair access may be required but this would not be expected to create any significant additional visible built form from the public realm.

- 83. Furthermore, beyond the decreased built form at the northern end of the site, to be effected by the described condition:
- 84. A reduction to the street wall height to Napier Street (as suggested by Council's Heritage Adviser) is not necessary as it is already comfortably compliant with the maximum preferred street wall height specified under the DDO36.
- 85. Increasing setbacks to upper levels to Dwellings 2-8 from Napier Street (as is suggested by Council's Strategic Planning Unit and Heritage Adviser) is not necessary achieve a development that is respectful of the heritage streetscape specifically and the built form character more generally.
- 86. In terms of the upper level setback, as illustrated by the Figure 8 below, the portions of built form projecting into the minimum 6m setback are not substantial. Officer analysis suggests that visible built form associated with the top floor would be limited, when viewed from the opposite (western) side of the footpath to Napier Street as the third floor canopy to balconies would block much of this level.

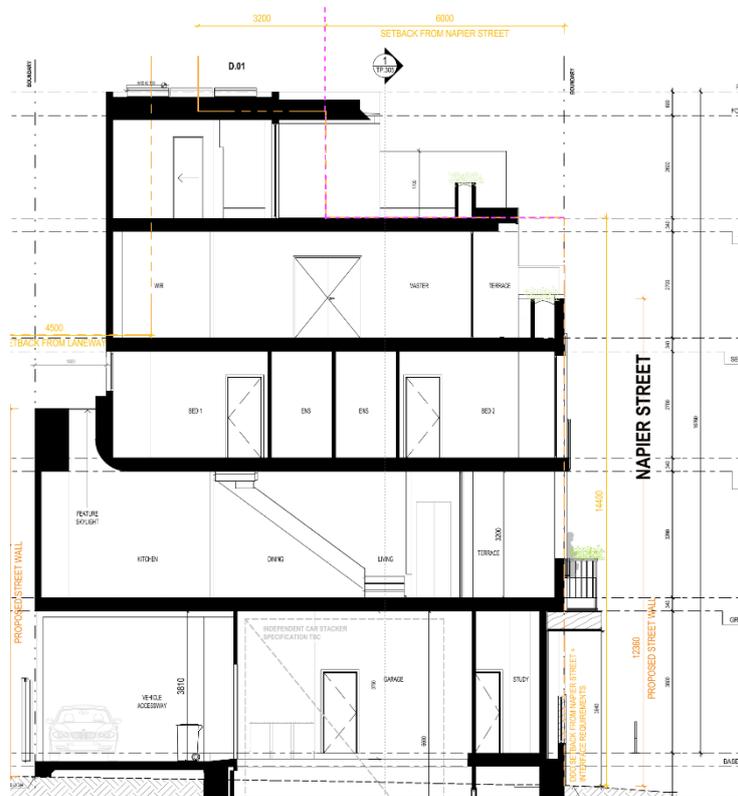


Figure 8 – Section A-A from decision plans with 6m setback above maximum street wall added in pink to demonstrate indicative extent of non-compliant built form of upper level.

87. The perspective drawings provided as part of the drawings, although not specifically taken from the opposite side of the street) and adapted in Figure 9 illustrates this, with only minor projections of upper levels apparent. Although the requirement to provide setbacks in no more than two steps (DDO36) is not strictly met, there is no “wedding cake” effect apparent and the character of the streetscape will not be adversely affected.



Figure 9 – Perspective from decision plans with notations added to indicate reduced visibility of upper level structures.

88. None of the internal referral units took issue with the height of the proposed southern boundary wall abutting No. 175-179 Johnston Street. It will be partly concealed by abutting double-storey built form and will be discussed further in relation to other design and amenity considerations later in the assessment.
89. Overall, subject to the reduced built form to Dwelling 1 as effected by the outlined condition, the proposed building massing will be acceptable both in relation to achieves heritage and neighbourhood character. Further consideration of design details is discussed below in addition to public realm and off-site amenity considerations later in the report.

Materiality, design detail and architectural quality

90. Of relevance to the proposal, façade design requirements of the DDO36 include that development facades should:
- Relate to the vertical and horizontal proportions of either:
 - the modern commercial character of Johnston Street; or
 - the mixed historic industrial warehouse and residential character of Fitzroy East; as applicable.
 - create a suitable ratio of solid and void elements;
 - create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.;
 - avoid overly busy façades that rely on a multitude of materials and colours;

- (e) *maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;*
 - (f) *be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;*
 - (g) *avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts and former industrial buildings; and*
 - (h) *ensure projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade.*
91. More generally, policies of Clause 15.01-2L (Building Design) supports mid-rise development that *contributes to a high-quality built form; and demonstrates architectural design excellence.* This policy also discourages blank or unarticulated walls; seeks to ensure frontages provide visual interest; and encourages a simple palette of durable materials that responds to streetscape character.
92. Favourably, the development uses a simple palette of materials with design detailing provided by a combination of colours, materials and brickwork patterns, but does not seek to compete with heritage buildings or create expanses of glazing at odds with the existing and preferred streetscape character.
93. Council's Urban Design Unit has found that overall, *materials are high quality and the design is well-refined aesthetically and that the massing has been effectively broken up along the Napier Street frontage through use of a combination of vertical and horizontal architectural elements.*
94. However, the Argyle Street frontage was found to be more problematic due to the lesser degree of articulation with greater areas of "blank" wall, which were found to exacerbate the bulk of the building (as discussed earlier).
95. To address these issues, it was recommended that the internal layout be modified to re-orient the dwelling more towards Argyle Street so a similar external façade composition is provided to Napier Street (i.e. enlarged habitable room windows and balconies). Alternatively, it was suggested the application could be modified to provide a commercial use to the northern end of the site to provide further activation.
96. In terms of heritage considerations, heritage policy at Clause 15.03-1L:
97. encourages a visually recessive outcome in relation to heritage fabric including by way of materials, architectural detailing, texture, colours and finishes;
- (a) *Discourages high fences, gates and boundary treatments such as roller doors) on the principal street frontage which do not relate to the historic character of the area; and*
 - (b) *seeks to ensure that fences and gates are sympathetic to the period of construction and architectural style of the heritage place.*
98. In terms of the materials choice, Council's Heritage Adviser acknowledged the use of face brick is respectful of materiality within the heritage streetscape, where face brick is a common material. Other materials (not identified by Council's Heritage Adviser) such as the timber doors, stone and metal bar finishes to fencing and balustrades are also considered to provide a connection with traditional materials, albeit a contemporary application.
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99. Council's Heritage Adviser did however criticise a number of the elements of the building in terms of material, design or colour scheme, in particular,
100. The extent of cool and dark coloured elements is not in keeping with the typically warmer and lighter colour palette of heritage in the existing streetscapes – in particular the charcoal colour elements such as the Level 4 standing seam wall cladding and stone; the eastern boundary fence; the window and door frames; the garage door and stone detail above; and the fences and balustrades.
101. Fencing to the Napier Street, Argyle Street and eastern boundary is not sufficiently sympathetic in design to the key heritage eras of the South Fitzroy Heritage Precinct (Victorian and Edwardian period) in terms of design/material and height (should be low).
 - (a) The western and northern façade of the building should be modified to reduce the extent of openings to better respond to the traditional solid to void ratio of heritage buildings within the streetscape which typically have less than 40% openings); and
 - (b) Projecting canopies with planter boxes above are not supported as they are not a part of the heritage streetscape character.
102. There is some tension between the heritage and urban design with respect to the façade design, as Council's Heritage Adviser suggests openings should be reduced across the building but Council's Urban Design Unit suggests that openings to the Argyle Street façade should be enlarged.
103. On balance, the proposed development responds appropriately in terms of its fenestration and openings to both street frontages. While it is acknowledged that the extent of openings to the façade exceed the typical maximum 40% openings to heritage buildings, the proposed building is new infill in streetscapes that are not highly intact. The overall vertical rectangular proportions of the openings are not excessive in size and will pay respect to the traditional proportions of window openings.
104. Furthermore, the northern façade openings are suitably distinct from Napier Street and articulated, with Dwelling 1 clearly understood as oriented to Argyle Street, with the following minor changes (to be addressed by condition) to enhance its presentation:
 - (a) The canopy associated with the dwelling entry is to be modified so as to not project over the Napier Street frontage (to further distinguish this dwelling from the dwellings fronting Napier Street which have a canopy projecting over Napier Street.
105. The lower fence plinth is to be continued along the full Napier Street frontage to Dwelling 1 with metal bars above (so that the open element does not appear as a pedestrian entry gate).
106. Taking into consideration the advice and in relation to planning policies, the following changes will be required to address heritage concerns:
107. In relation to the colour palette the extent of charcoal finishes will be reduced, specifically: the standing seam cladding and to the upper levels; the eastern boundary fence, vehicular door and stone above; and the metal balustrades, fences and frames to glazed windows/doors will be required to be finished in a lighter and/or warmer shade that is complementary to the heritage streetscape but which maintains a simple colour palette. It is not considered necessary to change the material or design of the eastern boundary fence given the building is new infill development it is not necessary to implement a more traditional fence such as brick:

- (a) The planter boxes and balustrades over the Napier Street canopies will be deleted as they do not relate to the streetscape, but the canopies can be otherwise retained as these help identify dwelling entries and are supported by policy at Clause 15.01-1L. Furthermore, it is not uncommon for heritage buildings to have awning over the street (e.g. shopfronts) or front verandahs to dwellings so a more modest canopy structure is acceptable.
108. The height of the fences to Napier Street and Argyle Street must be reduced to be no more than 2m. This will ensure the fences relate better to traditional fencing but the fences do not have to replicate traditional lower fencing such as low picket fencing etc given the building is a new contemporary building and the scale of the building lends itself to higher fencing.
109. The design of the building is otherwise generally considered to relate acceptably to the preferred streetscape character of the DDO36. The building adopts a more residential character which is appropriate given it does not directly interface with Johnston Street, hosts a residential use, and gives way to adjacent fine-grained residential development to the north and north-east.
110. The DDO36 prescribes that *Blank side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.* In this regard, the southern boundary wall, which projects above the abutting commercial building to the south and therefore will be visible from the public realm has been treated with alternating light grey and mid-grey render in a vertical pattern to provide some variation in its appearance and to break up its mass.
111. While Council's Heritage adviser has suggested additional visual interest is required, this is not a matter that is of particular relevance to heritage considerations. Furthermore, given the extent of visibility of the wall (generally concealed from the southern side of Johnston Street over built form and only visible obliquely from the west) the treatment is acceptable and suitably muted so as not to draw attention to itself.
112. While the eastern boundary wall is also largely blank, the front (triple storey) portion near Argyle Street will be composed of brickwork which innately provides some level of articulation./texture. However, the lower (double-storey) section which is a simple grey render and will no longer be broken up by windows along part of its length will be required to provide some additional articulation (by way of colour, material or texture), which will address the DDO36 requirements as well as reduce its monotony as viewed from apartments at No. 160-164 Argyle Street.
113. In addition, the material of the standing seam cladding (likely metal) is not specified on the materials/finishes schedule. This will be addressed by condition, ensuring it is a durable material.
114. Overall, the building achieves a high quality architectural outcome. Subject to the further changes addressed by conditions, the materiality and design detail will respond acceptably to the preferred built form character and the heritage streetscape.

Public Realm

Street frontages

115. The façade design requirements at Clause 2.10 of the DDO36 specify that: *Development on streets other than Johnston Street should achieve active frontage design at ground*
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level to create a pedestrian-oriented environment and passive surveillance towards the public realm. The DDO10 also encourages active ground level frontages as does policy at Clause 15.01-2L (Building Design).

116. In terms of the Napier Street frontage, the development has successfully achieved this by providing the individual entries to dwellings and large habitable room windows overlooking the street at ground floor, with front fencing that is highly visually permeable and further windows and balconies overlooking the street at levels above. Council's Urban Design Unit was supportive of this approach commenting that: "the interface to Napier street is relatively well-resolved in terms of achieving a balance between passive surveillance of the public realm and privacy for building occupants".
117. The Argyle Street frontage while more constrained in terms of activation at ground floor due to the provision of vehicular access and non-habitable room windows, still provides views into and out of the ground floor of the building. Furthermore, from first floor and above a number of habitable room windows and areas of secluded private open space are present, including the first floor balcony that is open towards Argyle Street. Council's Urban Design Unit ultimately found that the level of surveillance to this interface was nonetheless acceptable.

Car parking design

118. Providing pedestrian access from street frontages (rather than lanes) is also a policy of Clause 2.11 Access, parking and loading areas requirements of the DDO36 and is also supported by local building design policy at Clause 15.01-2L which also seeks to minimise the number of garage doors to the street, locate them in areas of lower pedestrian activity and conceal views of cars and car stackers from the public realm and discourage dominant car parking and garage doors. The location and design of the vehicular entry generally accords with this policy.
119. The location of the vehicle entry, from the secondary street frontage, is acceptable in consideration of the provisions of the DDO36 which stipulates that *Vehicle access should be achieved from laneways or side streets (in that order of preference)* as the site does not have access to a public laneway for vehicular access.
120. Furthermore, the car parking is generally concealed from the public realm by provision of fencing to the side boundary and the tilt door to the vehicular entry.
121. Therefore the design of the car parking to the public realm is acceptable (discussion of public realm aspects such as crossovers is found later in the assessment).

Overshadowing of public realm

122. The DDO36 specifies that new development should not overshadow:
- (a) the opposite footpath of Johnston, Napier, George, Gore and Kerr Streets (as applicable), measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and
 - (b) any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.
123. The development complies with these requirements, as per the shadow diagrams provided with the application.

Wind

124. The DDO36 does not require a wind assessment for building of this scale.
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125. The proposed canopies over Napier Street would nonetheless provide some protection from wind for the dwelling entries.

Street Trees

126. A number of established street trees are located along the Napier Street frontage of the subject site.
127. Council's City Works – Open Space Services reviewed the proposal and did not raise any concerns regarding the impact of the new development on the street trees in terms of the ultimate built form. However, it was recommended to ensure the street trees are protected during the construction process that a Tree Management Plan was provided to set out how trees would be protected in relation to associated activities. It was also suggested that any Construction Management Plan that forms part of a permit, if issued, should reference the Tree Management Plan, to ensure consistency. These recommendations have been addressed in conditions.
128. Council's Urban Design Unit have also identified an opportunity for enhancement of the public realm through provision of an additional street tree along Napier Street (on the road adjacent where the existing vehicle crossover is to be removed) provided via developer contribution. The applicant has confirmed in writing that they would be agreeable to this forming a condition of any approval and it has been addressed.
129. With the provision of the additional street tree, the development will contribute to public realm improvements and streetscape greening.

Other streetscape works

130. Council's Urban Design Unit noted that removed vehicle crossovers must be re-instated with bluestone kerb and channel. Council's Heritage Adviser has also suggested that a submission detailing the methodology for removal, storage and re-instatement of bluestone associated with the existing roads/footpaths and re-instatement of asphalt paved footpaths be prepared if the development was approved.
131. However, re-instatement of Council infrastructure will be addressed by standard conditions as per advice provided from Council's Engineers, which includes public realm/civil works drawing. The standard condition for the Public Realm Plan will be updated to general address any items suggested by the Heritage Adviser and Urban Design Advice where appropriate.
132. Council's Urban Design Unit have also suggested that the permit applicant investigate providing a kerb outstand with an additional garden bed to the Napier Street where the southernmost vehicle crossover is removed and recommended this be investigated by the permit applicant. The applicant has not agreed to this request and therefore it will not be included in conditions as there is not sufficient policy justification to warrant this additional contribution to the public realm (noting the development will be required to pay the DCP levies which could go towards public upgrades).

Environmentally Sustainable Development Outcomes

133. The application includes the following key ESD commitments:
- (a) A total BESS score of 53% with no mandatory category (Water, Energy, Stormwater, IEQ) below 50%;

- (b) Average NatHERs rating of at least 6.5 Stars demonstrated through preliminary energy modelling;
 - (c) Clear double glazed, low-e windows and sliding doors;
 - (d) Electric instantaneous hot water systems;
 - (e) Solar PV system with minimum total capacity of 18.4kW (1.6kW – 2.4kW per dwelling);
 - (f) Reverse cycle ducted heating and cooling (3 Star efficiency);
 - (g) External lighting controlled by motion sensors;
 - (h) 6,000 litre rainwater tank collecting from all roof areas, achieving a STORM Rating of 101% - i.e. achieving best practice stormwater management;
 - (i) Water efficient fixtures, fitting and appliances (e.g. 5 Star taps; 4 Star showerhead) Vegetation/landscaping equivalent to at least 10% of site area;
 - (j) Low VOC paints and floor coverings;
 - (k) Timber to have sustainability certifications (e.g. FSC or AFSC);
 - (l) Electric vehicle charging point within garage of each dwelling;
 - (m) One bicycle parking space within garage of each dwelling;
 - (n) 80% of construction waste to be reused or recycled; and
 - (o) Operational resource recovery of four streams (general, recycling, FOGO, glass).
134. Retractable roofs on fourth floor balconies providing shading to west facing glazing.
135. The SDA submitted with the application was reviewed by Council's ESD Adviser and several items were identified as outstanding, and it was also identified that the SDA appeared to relate to an earlier version of plans that has a slightly different layout.
136. A revised SDA submitted as an informal document (dated 24 June 2024) to be generally consistent with the layout of the development and make a number of minor updates and corrections, to ensure Council was comfortable with the environmental performance of the building. The revised SDA resolved a number of the identified items and had a slightly improved BESS score of 56%, but also resulted in a NatHers rating was slightly lower at 6.4 Stars which appears to be due to the revised layout.
137. Review of the revised SDA by Council's ESD Adviser identified a number of outstanding items which will be addressed by condition for an amended SDA (with reference to the updates of the revised SDA) and with plans to be updated accordingly.
138. Subject to these conditions, the development will achieve policies at Clause 15.01-2L-01 (Environmentally Sustainable Development); Clause 19.03-3L;(Integrated Water Management) and Clause 53.18 (Stormwater Management in Urban Development).

Off-site amenity impacts (associated with built form)

139. Off-site amenity impacts related to built form are guided by the Decision Guidelines at Clause 15.01-2L (Building design) and the Commercial 1 Zone. Various requirements of the DDO36 also address off-site amenity impacts (with particular emphasis on amenity impacts to adjacent residential uses).

140. Key considerations are visual bulk, overlooking, overshadowing (to private land), daylight to existing windows and noise, all of which are addressed below. Equitable development (i.e. having regard to fair and equitable future development of adjoining/adjacent sites) also forms one of the objectives of the DDO36 which is consistent with the objective of the Act to promote the 'fair, orderly, economic and sustainable development of land'.
141. The application has been assessed against the requirements of Clause 55 as set out in full in the attachment. The Clause 55 requirements are not mandatory but they are a decision guideline under the Commercial 1 Zone. The decision guidelines cover a range of off-site amenity considerations as well as built form and on-site amenity.

Visual bulk

142. Impacts of the proposed development to sensitive uses (dwellings) to the east and north of the site must be considered, in particular, the impacts to sensitive areas such as secluded private open space or habitable rooms. Other properties immediately adjoining and surrounding the subject site are occupied by commercial uses and are not considered to be sensitive to visual bulk impacts.
 143. The apartment building to the east, on the opposite side of the carriageway easement, has a number of balconies and habitable room windows facing the subject site from ground floor to the fifth floor (upper storey) of the building. Each apartment will be differently impacted by the proposed built form depending on the floor level on which it is located and its exact location and configuration. Apartments at higher levels and those at the front with a dual frontage to Argyle Street would be impacted to a lesser extent by the new built form due to their relative elevation and/or aspect to the street. Further detail of visual bulk impacts is addressed in the Clause 55 assessment.
 144. Whether the visual impact of a building is acceptable depends not only on the proposed built form envelope but also the existing and preferred character of the area.
 145. In this regard, the overall visual impact of the building in relation to the east-adjoining apartments is overall considered to be largely acceptable having regard to:
 146. The preferred and emergent built form character of the area which supports multi-storey developments on larger sites within the Commercial 1 Zone.
 - (a) The apartments face onto a side boundary which is already developed at double-storey scale on the boundary under existing conditions and outlook would be anticipated to be obstructed by built form in the future given the vision for the area. Single-aspect apartments are necessarily more vulnerable to such loss of views due to the inherent design of the apartment building;
 - (b) The approximately 2.8m separation provided by the intervening carriageway easement will ensure that certain sense of openness is maintained from the vantage point of all apartments;
 - (c) The further minimum 1.8m eastern setback to the upper levels of the proposed building will further reduce the bulk of the building, in combination with the variation in colour and material (charcoal cladding interspersed with grey render) and provision of windows across the upper levels façade which break up the mass of the building further;
 - (d) The eastern (rear) interface has a single step thus avoiding the "repetitive stepping of individual levels" which is sought to be avoided as per the interface requirements of the DDO36; and
-

- (e) Eastern on-boundary construction is largely compliant with the preferred maximum 11.2m height, with the exception of the northern portion associated with Dwelling 1. The wall height in this location is located opposite apartments which have dual aspect and therefore retain outlook to the north.

- 147. In relation to the nearest sensitive uses, to the north, the closest dwelling (No. 330 Argyle Street) is a single-storey dwelling on the north-east corner of Napier and Argyle Streets, directly opposite the subject site. The dwelling has one south-facing habitable room (kitchen) window to its southern boundary and a rear ground floor courtyard and is located in the Mixed Use Zone. In the context of the dwelling's location adjacent Commercial 1 Zoned land in an Activity Centre where higher density development is intended to be concentrated and the 10.5m separation provided by Argyle Street from the habitable room window and rear yard, the visual bulk impacts of the proposed building would not be unreasonable.
- 148. Having regard to the above and consistent with the DDO36 interface requirements at Clause 2.6, it is considered that the proposed building will not visually dominate the adjoining and surrounding sites.

Overlooking

- 149. Overlooking to areas of secluded private open space and habitable room windows from these same areas within the proposed dwellings is a consideration.
- 150. Acknowledging that the Clause 55 Standards and Objectives are only a guideline within the Commercial 1 Zone, as per the Clause 55 assessment, the Overlooking Standard B21 of the Scheme is met, subject to a condition included to ensure screening material to the roof terrace of Dwelling 1 is specified. Therefore there would not be any unreasonable overlooking from the development.

Overshadowing (to private land)

- 151. Clause 15.01-2L (Building Design) requires consideration of unreasonable overshadowing of secluded open space. The DDO36 interface requirements also directs that development should meet the objective of Clause 55.04-5 for single dwellings on a lot in the Mixed Use Zone and stipulates that new development should not overshadow properties fronting Argyle Street, south side, from the first floor upwards between 10am and 2pm at 22 September.
- 152. There are no single dwellings located in the Mixed Use Zone that are impacted by overshadowing from the proposed development. Although Council's Strategic Planning Unit has interpreted the requirement regarding overshadowing of properties fronting Argyle Street, south-side as applicable to the subject dwelling, it is considered that this requirement relates to development on the northern side of Argyle Street, as it would be unreasonable to expect the buildings on adjoining sites do not cast shadows onto their immediate neighbours. Therefore it is considered that this requirement is not applicable to the proposed development as it is located on the southern side of Argyle Street.
- 153. The proposed development results in some additional overshadowing to secluded private open space (balconies) of dwellings to the east within the apartment building at No. 160-164 Argyle Street. Overall, the impact is not unreasonable having consideration to the emerging and future preferred built form character.
- 154. Based on the above, the extent of overshadowing resulting from the development to private land is acceptable. Overshadowing to the public realm has been assessed in the section of the report addressing public realm.

Noise

155. The submitted Acoustic Report prepared by Octave Acoustics and dated 27 May 2024 considered noise emissions from the proposed car stackers and found that the proposed car stackers would meet relevant identified noise limits. Therefore they would not cause a disturbance to the closest surrounding dwellings or dwellings within the proposed development, based on the garage doors being open (as a conservative estimate).
156. A number of acoustic treatments were also recommended to minimise noise transmission, including acoustic treatment of garage ceilings; specific methods for mounting the car stacker within the building; and ensuring, where possible, that garage doors are fully closed prior to operation of the car stacker.
157. Council's Acoustic Consultants were generally satisfied with the assessment and supported the recommendations. However, it was recommended to ensure that compliance with the identified noise limits was met, that following installation of the car stacker but prior to occupation of the building that further acoustic testing be undertaken to ensure that compliance with the identified noise limits are achieved. A condition is therefore included to address this requirement.
158. There are no other noise sources that warrant consideration given the nature of the development. There are minimal services associated with the building (air conditioning units and solar panels are shown) and Council's Acoustic Consultant confirmed the report covered relevant noise sources.

Daylight to existing windows

159. Clause 15.01-2L (Building Design) requires consideration of *loss of daylight to habitable room windows*.
160. The Clause 55 Assessment has assessed daylight impacts to windows to the apartment building to the east and found that in the built form context there would be no unreasonable loss of daylight to habitable room windows of dwellings opposite the site.

Equitable Development

161. The proposed building would not undermine equitable development opportunities of adjoining sites, subject to the deletion of first floor windows proposed on the eastern boundary (to be required by condition, as outlined in the Clause 55 Assessment in the Attachment).
 162. Deletion of these windows is required because:
 163. They would be built abutting private land (not a laneway/ road).
 164. There is no easement on the title of the subject site or east adjoining site that protects rights to daylight (or ventilation) of these windows.
 165. The one existing eastern on-boundary window to the subject site would have been constructed after 1924 (based on the approximate age of the building) and no evidence has been provided to the contrary by the permit applicant. Therefore no implied light and air easements are present pursuant to Sections 195 and 196 of the Property Law Act 1958.
 166. In relation to other matters of equitable development, particular consideration should be given to the land parcel comprising Nos 175 & 179 Johnston Street (located to the immediate south and east of the subject site) which is a potential re-development site.
-

Whereas the apartment building to the east at No. 160-164 Argyle Street has only been constructed in the last 10 years and is unlikely to see significant further development in the foreseeable future. In terms of that building, off-site amenity impacts are more relevant and will be addressed as part of the consideration of visual bulk, overshadowing and daylight to existing windows.

167. In terms of the southern (side) boundary interface, the proposed solid boundary wall up to 16.91m height would not undermine development potential of the south-adjointing site given the site could also take advantage of constructing to the shared boundary as it has dual street frontages to the south and west. Council's Strategic Planning Unit has found that the southern interface of the building is acceptable.
168. In terms of the eastern (rear) boundary interface, where the proposed building abuts double-storey on boundary built form and a carriageway easement associated with Nos 175 & 179 Johnston Street, the on-boundary construction ranges between 8.9m and 12.4m, with the majority of the wall being compliant with the maximum 11.2m preferred boundary height (the triple storey portion is the only non-compliant section).
169. The DDO36 prescribes a minimum 4.5m setback at the upper levels where habitable room windows are proposed and Council's Strategic Planning Unit recommended that this setback be adopted (measured from the halfway point of the carriageway easement where that exists which would equate to a 3.1m setback from the boundary). However the proposed 1.8m setback to the upper levels would not be an unreasonable constraint to redevelopment of the adjoining site given that:
 - (a) The dining area on the fourth floor (upper level) has a dual aspect with its primary aspect to the west and therefore is not reliant on the east-facing windows for daylight (or outlook).
170. The third floor east-facing windows are all to non-habitable rooms, therefore it would not be expected that daylight loss to these windows would be a consideration in determining appropriate future redevelopment opposite:
 - (a) The second floor east-facing habitable room windows are to bedrooms and highlight windows only, outlook and daylight is not as critical as to the internal amenity of a bedroom as compared to a primary living area.
171. The east-facing habitable room windows are all screened/designed in accordance with the Overlooking Standard B17 (see Clause 55 assessment) and therefore there would be limited opportunities for overlooking between the subject site and any future development opposite. The living areas to all the dwellings is oriented appropriately to the street and so is protected from encroachment of development to the east:
 - (a) The site's relatively narrow (east-west) width constrains its ability to incorporate more generous setbacks at upper levels from the eastern boundary.
172. The narrow sliver of land that is subject to a carriageway easement which is also part of the land at No. 175-179 Johnston Street, is highly unlikely to be developed given it is required to provide vehicular access to the apartment building at No. 160-164 Argyle Street and its narrow width would make building above the ground level impractical.
173. In summary, consistent with policies at Clause 15.02-1L, the DDO36 requirements and having regard to the decision guidelines of Clause 55, the proposal would not unreasonably detract from the amenity of or future development potential of adjoining sites.

On-site amenity and facilities

174. The proposal is generally compliant with Clause 55 requirements relating to on-site amenity and facilities, notably:
175. Provision of several areas of secluded private open space to each dwelling, well over the minimum 8sqm / 1.4m minimum balcony area prescribed. In an area with limited public open space this is a welcome design feature.
176. Provision of landscaping to create an attractive and high amenity environment for residents, meeting the landscaping standard. Clause 15.01-2L (Building design) encourages landscaping which respects the character of the area where there is a prevailing character and to integrate landscaping within the building design.
- (a) Habitable rooms are afforded good levels of daylight (Standard B27) through a combination of windows and skylights.
177. Furthermore, various ESD commitments (with some additional commitments to be required by condition) will produce a comfortable environment for residents.

Car parking and traffic

178. The development provides 16 car parking spaces (2 per dwelling, each located within the dwelling's garage which contains a car stacker) and meets the requisite car parking requirement under Clause 52.06 of the Scheme.
179. In terms of the design of car parking, aspects relating to urban design have been addressed in the built form assessment. The provision of separate pedestrian and legible and safe vehicular entries is also supported by building design policy at Clause 15.01-2L.
180. Council's Engineers have reviewed the car parking access arrangements, including new vehicle crossover to Argyle Street and found this to be satisfactory (including access to the car parking area by the waste vehicle). This has included a review of swept path diagrams contained in the submitted traffic report.
181. In relation to traffic, Council's Engineers have agreed with the findings of the submitted traffic report, that the proposed development would not adversely affect the operation of the surrounding street network, including Argyle Street.
182. Some issues with the development were identified and will be addressed by condition, such as:
- (a) the slight misalignment of the vehicle crossover with the vehicle door opening; and
- (b) mailboxes and the brick pier to the fence at the Napier Street/Argyle Street corner project outside title boundaries;
183. to improve pedestrian visibility, convex mirrors could be installed at the development's entrance; and
184. the entry gradients into the garages of D1 and D2 are relatively steep, so a vertical ground clearance check for a B99 template vehicle must be provided to demonstrate vehicles will not scrape or bottom out.
185. Standard conditions and notes were also recommended which will be included if a permit is to issue relating to various engineering matters such as provision of a vehicle crossover diagram, concurrent with amended plans submitted for endorsement; re-sheeting, rectification and re-instatement of footpaths and kerbs and any damage to other Council

infrastructure etc. The conditions and notes will also satisfy policy at the DDO36 which stipulates: *Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.*

186. Consistent with Council's Urban Design Unit's request for a Public Realm Plan, Council's Engineers have requested a high level and more detailed (civil works) plan. The standard conditions will be slightly modified to make reference to any specific items that were recommended to be captured by Council's Urban Design Unit in their referral.
187. However, some other recommendations will not be adopted, those being:
188. The bicycle hoops on Napier Street are not supported (in principle as it is recommended that bicycle parking is provided on-site). Council's Strategic Transport Unit did not object to the placement of bicycle hoops on the footpath (see bicycle parking assessment).
189. The recommendation to modify the development levels to accord with recently identified flooding levels (due to new flood mapping) that affect the subject site will not be addressed by condition. This information has been provided to the permit applicant as a courtesy. However, as the flooding data has not yet been included in any formal way in either the building or planning regulations it is considered premature to require the development to comply with the flooding levels.
190. Undertaking of a Public Lighting Assessment to ensure public lighting meets requisite Public Lighting and Council Standards. While the proposed development intensifies the use of the site, the site is located along two existing local street frontages with existing established development (as opposed to a laneway which is currently not utilised for access to a property in which case the development will more substantially change the way the public realm is used). It is also noted that:
191. The development contribution levy will be required to be paid and could be put towards upgrading public lighting infrastructure if necessary:
 - (a) As detailed in the Clause 55 assessment, lighting is provided to all individual dwelling entries and lighting will also be required, by condition, to the vehicular entry.
192. In addition, a standard condition will ensure that the car stackers are installed as per manufacturer specifications prior to occupation of the building and maintained to Council's satisfaction thereafter.
193. It is also noted that the plans do not clearly show removal of all the redundant vehicle crossovers along Napier Street – only the northern one (of two on Napier Street) is shown to be removed. Plans will be required to be updated to include the removal and re-instatement of the southern crossover as footpath, kerb and channel (by condition).
194. Although the full quota of car parking is provided, each garage is provided with an EV charger which would encourage adoption of electric vehicles and in conjunction with energy generation from the solar panels would help to offset some greenhouse gas emissions associated with motor vehicle use.
195. Overall, the car parking arrangements are designed in a safe manner, consistent with relevant with policy at Clause 18.02-4L-01.

Bicycle provision and facilities

196. Clause 52.34 requirements are met in relation to provision of bicycle parking on-site for residents (8 spaces are provided – one per dwelling – in excess of the 2 required in total
-

across the development). As the requisite visitor bicycle parking (1 space) is not provided on-site, a reduction of visitor bicycle parking is required.

197. The applicant proposes to provide visitor bicycle parking off-site by way of two bicycle hoops along the Napier Street footpath adjacent the subject (which would accommodate 4 bicycles).
198. Council's Strategic Transport Unit found the quantity of resident and visitor bicycle parking to be acceptable, including the location of visitor bicycle parking within the public realm. While the design of the resident bicycle parking was also acceptable, it was recommended that visitor bicycle parking be dimensioned to confirm compliance with relevant Australian Standard as well as Council's on specifications as per the *Yarra City Council Public Domain Manual Technical Notes Section 3.3.1*.
199. Given Council's Strategic Transport Unit is supportive of the reduction of visitor bicycle parking, this can be supported.
200. In accordance with Clause 2.11 Access, Parking and loading areas requirements, the location of bicycle parking is also secure and conveniently accessible.
201. However, an error in the drawings is apparent on the ground floor plan where it appears that two bicycle hoops are shown on the road on Napier Street outside Dwelling 7. These bike hoops are existing and are actually located on the footpath. This will be required to be corrected as a condition.
202. The provision of resident bicycle parking on-site for residential use in excess of the provisions encourages more sustainable forms of transport, thus supporting sustainable transport objectives of Clause 18.01-3L.
203. A Green Travel Plan has accompanied the application, however, as it is not a requirement of Clause 15.01-2L (Environmentally Sustainable Development) for a development of this scale, it is not required to be endorsed.

Other matters

204. The following matters are also of relevance to this application:

- (a) **Potential contamination:** As the site is in an Environmental Audit Overlay, standard conditions have been included in the recommendation to address potential contamination of the land by way of PRSA, Environmental Statement or Statement of Environmental Audit, with standard notes also included; and
- (b) **Projections over the public realm** – Council does not generally support balconies, fencing or associated items into/over the public realm as it borrows from public amenity and creates issues of liability and obstruction. The Napier Street balcony balustrades at the first and second floor appear to project marginally over the boundary and will be required to be contained within the title boundary.

Objector Concerns

205. Key objector concerns have been addressed in the assessment above. Other matters raised are addressed as follows:

- (a) **Additional on-street car parking demand** – The full quota for car parking is provided as required under the Scheme. Residents would not be eligible for resident or visitor parking permits which would further dampen demand for on-

street parking as there are few, if any, unrestricted car parking spaces in the vicinity;

- (b) **Impact on local shops** – Additional demand for products/services would likely help boost the local economy which would generally be a positive impact;
- (c) **Noise from balconies** – There is no reason to suspect that noise levels generated by users of balconies would exceed normal domestic levels. There are no large communal open space areas due to the townhouse format and therefore no special management of noise from balconies is required. In the unlikely event a significant disturbance arose from use of an outdoor area, Police could intervene as is the usual process;
- (d) **Noise from demolition/construction** – A standard condition would be included as part of any approval that restricts hours for construction in accordance with Council's Local Laws. It is inevitable that some noise is generated in construction and such disruption is not strictly within the scope of planning;
- (e) **Loss of access to adjoining carriageway easement during construction** - The adjacent carriageway easement is private land and the subject site does not benefit from any right of access to it. Construction issues are to be managed through a Construction Management Plan that would assist in minimizing any disruption to access around the site (public realm) more generally;
- (f) **Acoustic report does not consider music from existing licensed premises and does not adequately assess noise from the car stacker** - The acoustic report was found to be acceptable by Council's Acoustic Consultant who noted that there were not any live music venues within 50m of the subject site and therefore no further assessment was required in this regard;
- (g) **Insufficient space for cars and waste vehicle to access car parking spaces/garage** - Council's Engineers have reviewed the swept path diagrams within the traffic report and did not raise any concerns in this regard;
- (h) **Overlooking from residents in other apartments to Level 2 bedrooms and Level 3 bathrooms (clear glazing)** - Overlooking to habitable and non-habitable rooms from other existing surrounding buildings (residential or otherwise) is not a planning matter. Privacy can be obtained by use of curtains or other internal window coverings, if desired;
- (i) **Environmental pollution from traffic and other emission sources associated with increasing density of population** - General pollution from cumulative increased population densities is beyond the scope of assessment for an individual planning application. The dwelling land use is otherwise not a high polluting land use compared to others, such as industry; and
- (j) **Will block views to the Fitzroy Town Hall** - The Fitzroy Town Hall is located approximately 400m to the south of the subject site (at No. 201 Napier Street) and the new development is not located in the line of any of the identified viewlines from the public realm in Council's Landmarks Policy at Clause 15.01-2L-02. In relation to views from private property to the Fitzroy Town Hall, the Victorian Civil and Administrative Tribunal has consistently found that although impact upon views can be considered amongst the amenity impacts of a proposal, there cannot be considered a right to any particular view.

Conclusion

206. The proposal is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement that support increased population density within high quality mid-rise development in well-serviced areas that respects heritage values, responds to the identified preferred character of a specific area and does not undermine private and public amenity.
207. The proposal provides an acceptable balance between the range of planning objectives and imperatives. Further, subject to the conditions recommended, the proposal is an acceptable planning outcome that demonstrates an acceptable level of compliance with the relevant Council policies.

Legal and Legislative Obligations

Conflict of interest disclosure

208. Section 130 of the Local Government Act 2020 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.
209. The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Report Attachments

1. 5.1.1 PLN24/0164 - 316 & 324-328 Napier Street Fitzroy - Site Plan
2. 5.1.2 PLN24/0164 316 and 324-328 Napier Street Fitzroy - Decision Plans
3. 5.1.3 PLN24/0164 316 & 324-328 Napier Street Fitzroy - Referral advice
4. 5.1.4 PLN24/0164 316 & 324-328 Napier Street Fitzroy - Clause 55 Assessment Table

SITE CONTEXT MAP



Source: Nearmap, Aerial imagery dated 9 October 2024.

RFI ISSUE
JULY 2024

Fitzroy Row
316-328 Napier Street,
Fitzroy

info@m3group.au
Unit 2, 1 Bik Lane
Fitzroy North 3068



M3 GROUP



PROJECT SUMMARY

Fitzroy Row
316-328 Napier Street, Fitzroy

8 x TERRACE HOUSES

SHEET LIST			
Sheet Number	Sheet Name	Rev. #	Current Revision
TP.00	COVER SHEET	I	Issue in Response to Council's RFI
TP.100	CONTENTS	G	Lodgement Issue
TP.101	PRECEDENT FORM/TYOLOGY	G	Lodgement Issue
TP.102	PRECEDENT DETAIL - OPTION	G	Lodgement Issue
TP.103	PRECEDENT DETAIL - OPTION	G	Lodgement Issue
TP.104	SITE ANALYSIS + DEMOLITION PLAN	G	Lodgement Issue
TP.105	ZONING	G	Lodgement Issue
TP.106	BUILDING HEIGHTS	G	Lodgement Issue
TP.107	SITE ANALYSIS	G	Lodgement Issue
TP.108	PHOTO MONTAGE	G	Lodgement Issue
TP.110	ARCHITECTURAL STATEMENT	G	Lodgement Issue
TP.111	DESIGN RESPONSE	G	Lodgement Issue
TP.112	DESIGN RESPONSE	G	Lodgement Issue
TP.113	3D MASSING	G	Lodgement Issue
TP.114	3D MASSING	G	Lodgement Issue
TP.115	3D MASSING	G	Lodgement Issue
TP.116	3D MASSING	G	Lodgement Issue
TP.117	AREA SCHEDULES	G	Lodgement Issue
TP.200	BASEMENT PLAN	G	Lodgement Issue
TP.201	GROUND FLOOR PLAN	I	Issue in Response to Council's RFI
TP.202	FIRST FLOOR PLAN	H	Issue in Response to Council's RFI
TP.203	SECOND FLOOR PLAN	H	Issue in Response to Council's RFI
TP.204	THIRD FLOOR PLAN	I	Issue in Response to Council's RFI
TP.205	FOURTH FLOOR PLAN	I	Issue in Response to Council's RFI
TP.206	ROOF PLAN	H	Issue in Response to Council's RFI
TP.300	ELEVATIONS	I	Issue in Response to Council's RFI
TP.301	ELEVATIONS	H	Issue in Response to Council's RFI
TP.303	FINISHES SCHEDULE	G	Lodgement Issue
TP.304	SECTION	H	Issue in Response to Council's RFI
TP.305	SECTION	H	Issue in Response to Council's RFI
TP.400	9AM + 10AM SHADOW DIAGRAMS	I	Issue in Response to Council's RFI
TP.401	11AM + 12PM SHADOW DIAGRAMS	I	Issue in Response to Council's RFI
TP.402	1PM + 2PM SHADOW DIAGRAMS	I	Issue in Response to Council's RFI
TP.403	3PM SHADOW DIAGRAMS	I	Issue in Response to Council's RFI
TP.500	PHOTOMONTAGE	I	Issue in Response to Council's RFI
TP.501	PHOTOMONTAGE	G	Lodgement Issue
TP.502	PHOTOMONTAGE	G	Lodgement Issue



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M3 GROUP

Project Address	Fitzroy Row 316-328 Napier Street, Fitzroy	Project Number	231800
Drawing Title	CONTENTS	Drawing Number	TP.100
Drawing Issue	RFI ISSUE	Issue Date	JUN 2024
Client	Z.F.T	Revision Issue	G
		Drawn by	GM
		Checked by	GM
		Scale	A3 / A1 /

Rev	Description	Date
-	Concept 01	24.01.2022
C	Facade Presentation #2	12.07.2023
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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TRADITIONAL TYPOLOGY PRECEDENTS

LEFT: MANHATTAN TOWNHOUSE, NEW YORK
 MIDDLE: CHELSEA BARRACKS TOWNHOUSES, LONDON - FOUR MODULE
 TOP RIGHT: CHELSEA BARRACKS TOWNHOUSES, LONDON - THREE MODULE
 BOTTOM RIGHT: GROSVENOR CRESCENT TOWNHOMES - BELGRAVIA, LONDON

KEY THEMES:

- PROPORTION
- VERTICALITY
- SYMMETRY
- SIMPLE FORM WITH SINGLE MATERIALITY, SUCH AS TILE, ALLOWING FOR MINIMAL GRAIN/DETAIL ACROSS A MONOLITHIC FORM
- MANSARD ROOF FORMS IN CONTRASTING MATERIAL



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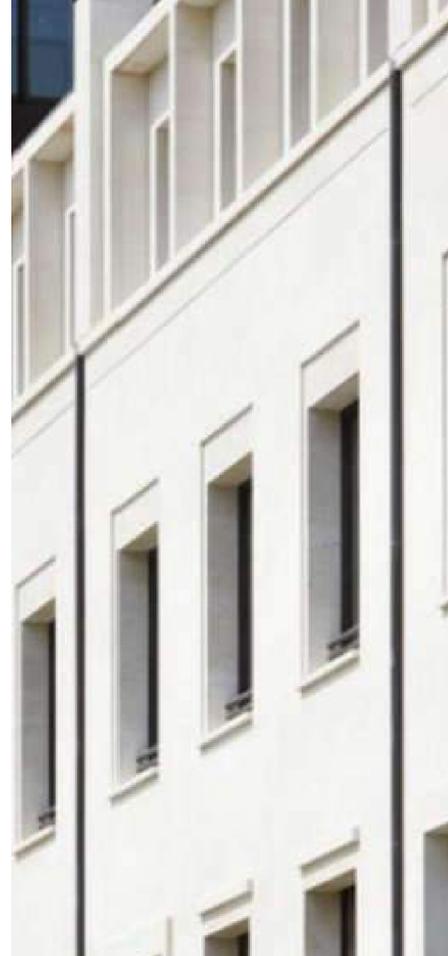
M3 GROUP

Project Address	Fitzroy Row 316-328 Napier Street, Fitzroy	Project Number	231800
Drawing Title	PRECEDENT FORM/TYPOLGY	Drawing Number	TP.101
Drawing Issue	RFI ISSUE	Issue Date	JUN 2024
Client	Z.F.T	Revision Issue	G
		Drawn by	GM
		Checked by	GM
		Scale	A3 / A1 /

Rev	Description	Date
-	Concept 01	24.01.2022
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TRADITIONAL DETAILING PRECEDENT

CHelsea BARRACKS TOWNHOUSES - LONDON
 MANHATTAN TOWNHOUSE - NEW YORK

LEFT: PORTICO/BALUSTRADING DETAIL
 MIDDLE: WINDOW REVEAL DETAILING
 TOP RIGHT: FENCING DETAIL
 BOTTOM RIGHT: PLANTING DETAIL

KEY THEMES:

- FINE GRAIN METAL DETAILING TO ADD INTEREST
- RECESS, CAPPING AND FINE GRAIN DETAILING TO COMPLEMENT MONOLITHIC MATERIALITY AND FORM
- MANICURED LANDSCAPING



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M3 GROUP

Project Address Fitzroy Row
 316-328 Napier Street, Fitzroy
 Drawing Title PRECEDENT DETAIL - OPTION
 Drawing Issue RFI ISSUE
 Client Z.F.T

Project Number 231800
 Drawing Number TP.102
 Issue Date JUN 2024
 Revision Issue G
 Drawn by GM
 Checked by GM
 Scale A3 / A1 /

Rev	Description	Date
-	Concept 01	24.01.2022
C	Facade Presentation #2	12.07.2023
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
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KEY THEMES:

- BREAKING DOWN MONOLITHIC, ROBUST FORM WITH TEXTURED MATERIALS
- SIMPLICITY AND ALIGNMENT IN FENESTRATION LAYOUT
- LAYERING OF SOLID/OPEN FENCING
- LAYERING OF LANDSCAPING IN FRONT YARDS/FENCING
- RECESSIVE UPPER LEVEL MATERIALITY

CONTEMPORARY PRECEDENT
EDITION - TOORAK



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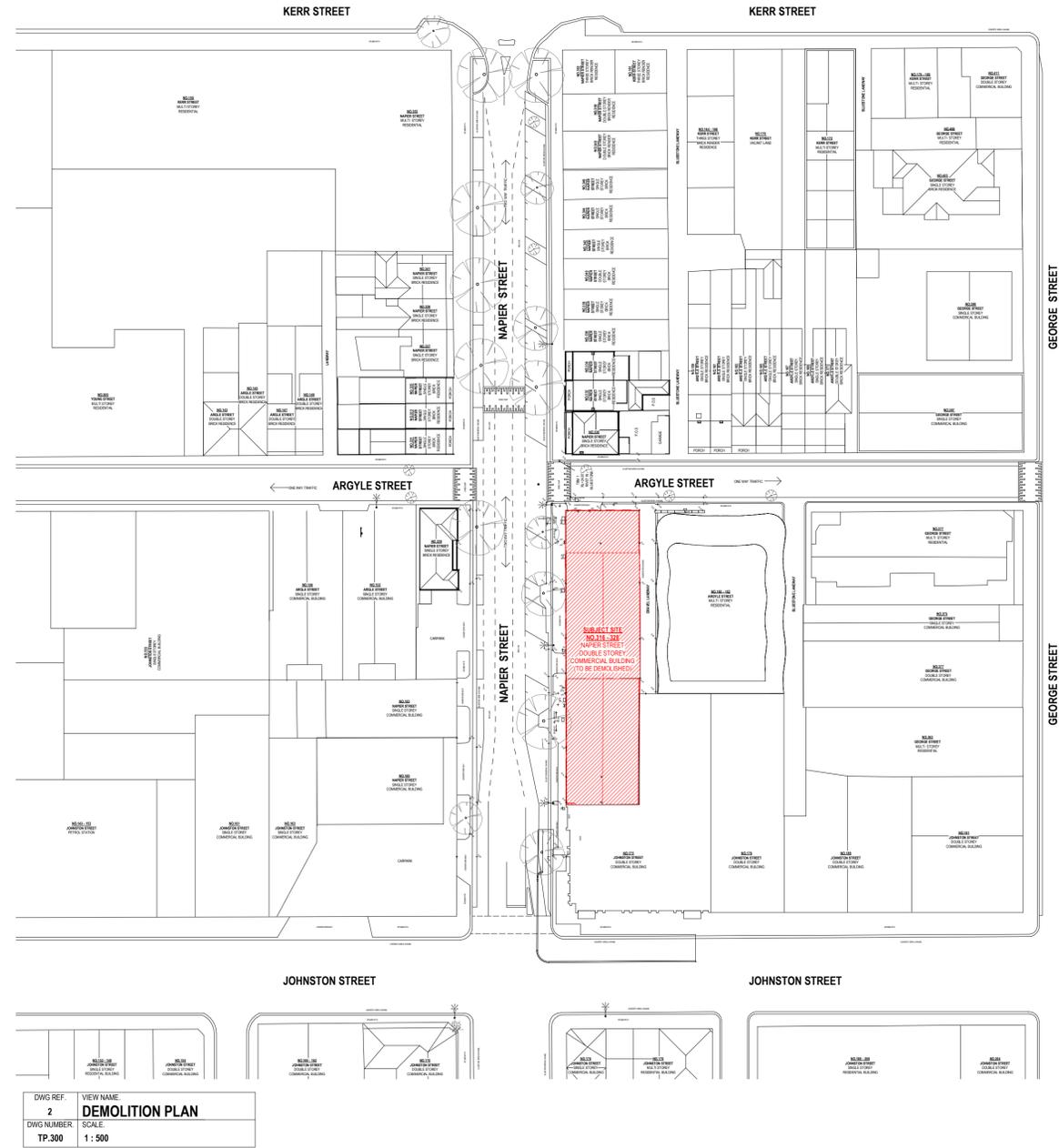
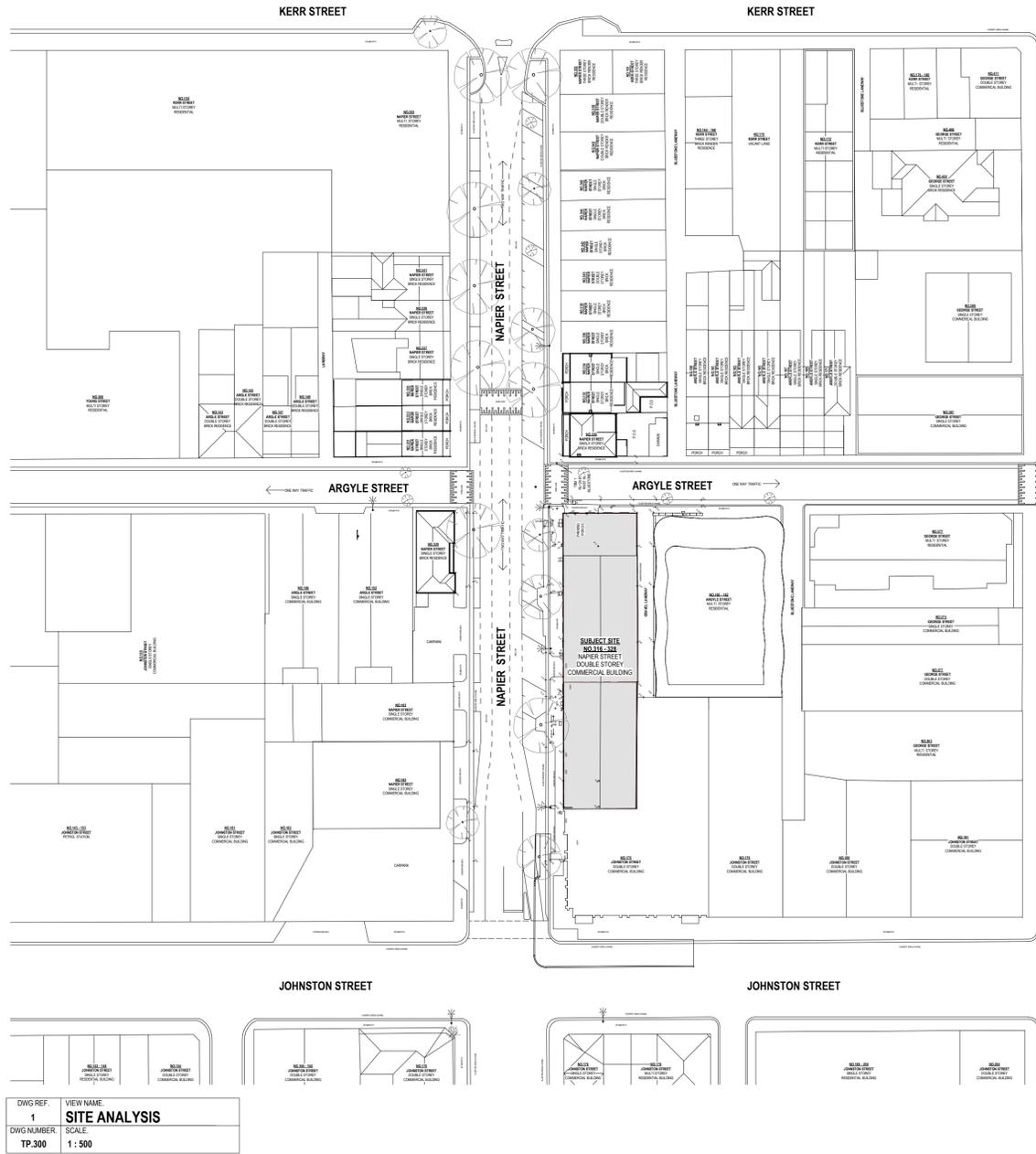
M3 GROUP

Project Address	Fitzroy Row 316-328 Napier Street, Fitzroy	Project Number	231800
Drawing Title	PRECEDENT DETAIL - OPTION	Drawing Number	TP-103
Drawing Issue	RFI ISSUE	Issue Date	JUN 2024
Client	Z.F.T	Revision Issue	G
		Drawn by	GM
		Checked by	GM
		Scale	A3 / A1 /

Rev	Description	Date
C	Facade Presentation #2	12.07.2023
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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Project Address
Drawing Title
Drawing Issue
Client

Fitzroy Row
316-328 Napier Street, Fitzroy
SITE ANALYSIS + DEMOLITION PLAN
RFI ISSUE
Z.F.T



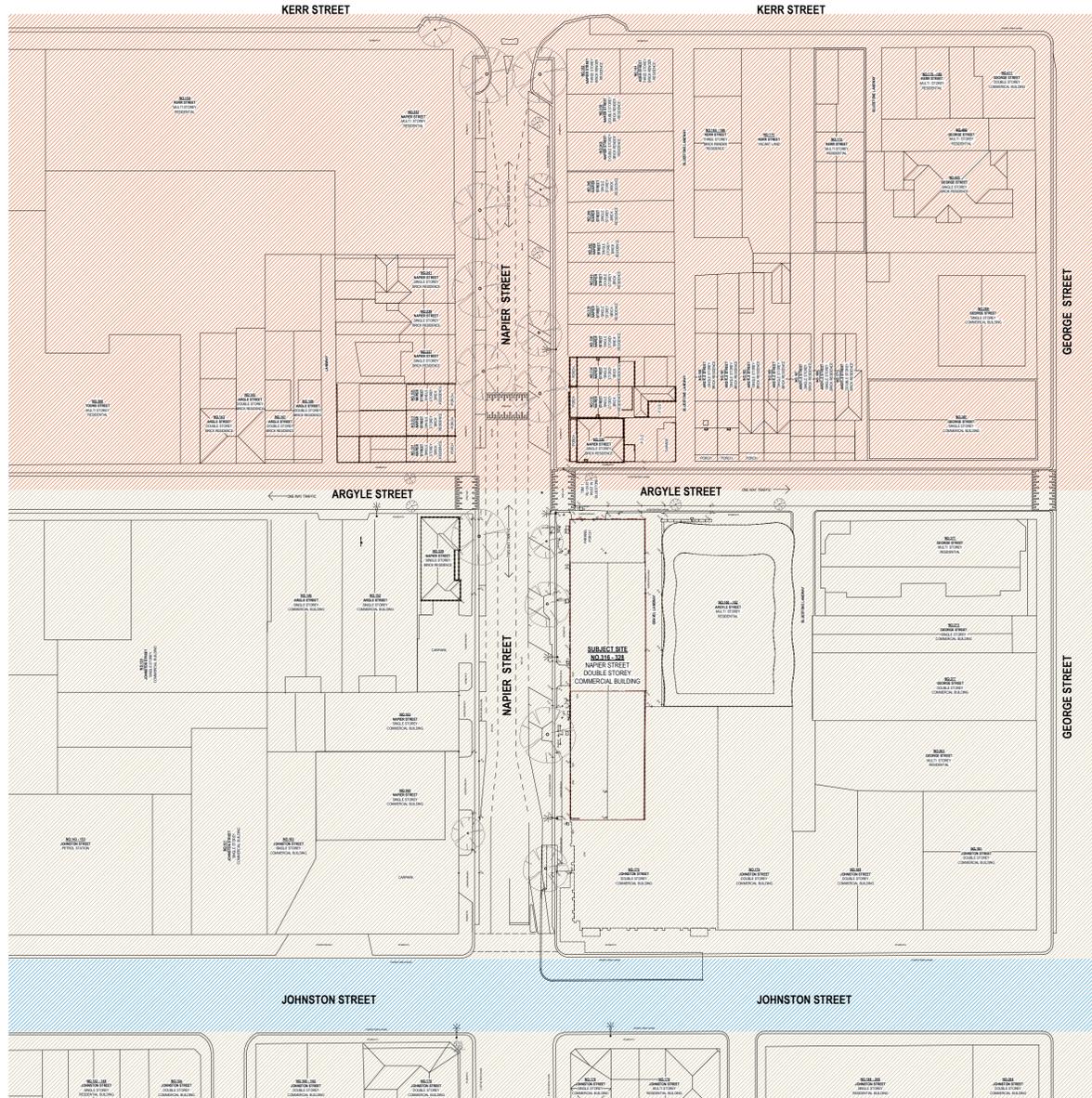
Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

231800
TP.104
JUN 2024
G
DE
GM
A3 /
A1 / 1:500

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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ZONING LEGEND

- C12 - COMMERCIAL ZONE 1
- MUZ - MIXED USE ZONE
- TR22 - TRANSPORT ZONE 2



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Project Address
Drawing Title
Drawing Issue
Client

Fitzroy Row
316-328 Napier Street, Fitzroy
ZONING
RFI ISSUE
Z.F.T



Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

231800
TP.105
JUN 2024
G
DE
GM
A3 / As
A Indicated

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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M3 GROUP

Project Address
Drawing Title
Drawing Issue
Client

Fitzroy Row
316-328 Napier Street, Fitzroy
BUILDING HEIGHTS
RFI ISSUE
Z.F.T



Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

231800
TP.106
JUN 2024
G
DE
GM
A3 / As
A Indicated

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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DWG REF.	VIEW NAME
1	EXISTING STREETScape ELEVATION - ARGYLE ST
DWG NUMBER	SCALE
	1 : 200



DWG REF.	VIEW NAME
2	EXISTING STREETScape ELEVATION - NAPIER ST
DWG NUMBER	SCALE
	1 : 200



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M3 GROUP

Project Address Fitzroy Row
316-328 Napier Street, Fitzroy
Drawing Title SITE ANALYSIS
Drawing Issue RFI ISSUE
Client Z.F.T

Project Number 231800
Drawing Number TP.107
Issue Date JUN 2024
Revision Issue G
Drawn by DE
Checked by GM
Scale A3 / A1 / 1 : 200

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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APPROACHING CNR ARGYLE & NAPIER STREETS
FACING SOUTH ALONG NAPIER STREET



APPROACHING CNR ARGYLE & NAPIER STREETS
FACING EAST ALONG ARGYLE STREET



EXTENT OF EXISTING BUILDING ON SUBJECT SITE
FACING EAST ALONG NAPIER STREET



CORNER NAPIER & JOHNSTON STREETS
FACING NORTH EAST



LANEWAY BETWEEN NEIGHBOURING DISTRICT APARTMENTS AND SUBJECT SITE
FACING SOUTH



DISTRICT APARTMENTS | 160-164 ARGYLE STREET
NEIGHBOURING SUBJECT SITE FACING WEST



SUBJECT SITE FROM A DISTANCE
FACING NORTH EAST ALONG JOHNSTON STREET



CORNER ARGYLE & NAPIER STREETS
FACING EAST

IMAGES: GOOGLE MAPS



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M3 GROUP

Project Address
Drawing Title
Drawing Issue
Client

Fitzroy Row
316-328 Napier Street, Fitzroy
PHOTO MONTAGE
RFI ISSUE
Z.F.T

Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

231800
TP-108
JUN 2024
G
DE
GM
A3 /
A1 /

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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ARCHITECTURAL STATEMENT

The proposal at 316-328 Napier Street, Fitzroy – ‘Fitzroy Row’ – consists of eight, five-storey homes with two car spaces, three bedrooms, multiple living and outdoor recreation spaces and a flexible study/home office space at the street level.

The homes at Fitzroy Row are a culmination of a desire to leave a legacy in the ever-changing suburb of Fitzroy. Over the last several decades, the site at 316-328 Napier Street has experienced change in parallel with that of the suburb’s shifting socio-economic conditions and demographic. From a printing factory to a bespoke lighting studio, the residents and proprietors of this site have always been industrious and creative. The site, and the location has been an important part of one family’s successful journey in Melbourne. Thus, the decision to transform this site isn’t a simple decision, nor is it an easy one. It is a decision that has come with many caveats – most importantly that any transformation must be extremely well-considered, robust, and designed to stand the test of time. In addition, it must pay homage to the fabric of Fitzroy, whilst establishing its own unique identity. Fitzroy Row will further the long, storied narrative of 316-328 Napier Street, embedding eight new families and residents into the everchanging fabric of Fitzroy.

The materiality and form of Fitzroy Row aims to imbue a sense of permanence, solidity and strength, whilst recognizing and adding to the character of Fitzroy. A recessed ground level, with a considered front fence is overlooked by a dominant and vertically proportioned first and second level. Three-meter ceilings allow for natural light to penetrate the depths of the floor plates and also provide a sense of grandeur to the streetscape.

The upper levels are recessed from the street edge and provide visual relief, allowing the focal point of the Row to be the grand openings on the ‘podium’ levels. Locally crafted long format brickwork combined with varying brick details allows the eye to break down the monolithic form. Playful use of brick, whether it be in soldier course or stretcher bond, is an important method in seeking to create character with a material that has become quintessentially ‘Melburnian’. The recycled steel windows at the ground level are an ode to the former streetscape, and the use of fine metal detailing in all balustrading allows the mass to be broken down even further. The street edge has been treated to allow for privacy, by virtue of level differences from the footpath, in addition to fencing and well-appointed landscaping zones. The contribution of Landscape Architect Brett Robinson (ACRE) has resulted in well-considered and appropriate selection of planting species for the varying layers of landscaping throughout Fitzroy Row.

Fitzroy Row will be a testament to the drive and industrious nature of the inhabitants of Fitzroy. Its presence in such a connected, vibrant location will be sure to contribute to the character of Fitzroy.

GIANNI MANCUSO
ARCHITECT

800507 - ARBV



Early Concept Sketch



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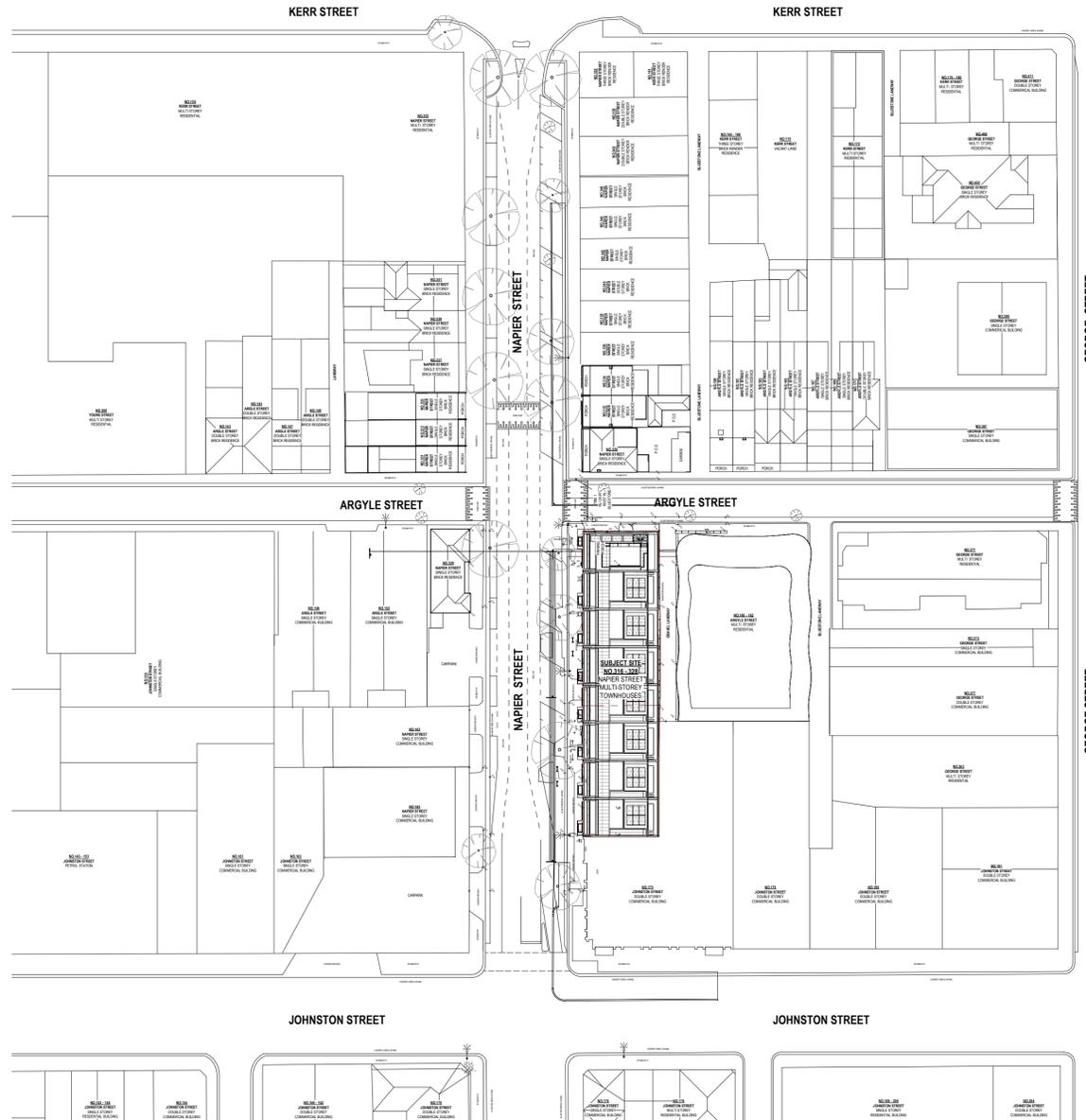
M3 GROUP

Project Address	Fitzroy Row 316-328 Napier Street, Fitzroy	Project Number	231800
Drawing Title	ARCHITECTURAL STATEMENT	Drawing Number	TP-110
Drawing Issue	RFI ISSUE	Issue Date	JUN 2024
Client	Z.F.T	Revision Issue	G
		Drawn by	GM
		Checked by	GM
		Scale	A3 / A1 /

Rev	Description	Date
-	Concept 01	24.01.2022
C	Facade Presentation #2	12.07.2023
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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DWG REF.	VIEW NAME
1	DESIGN RESPONSE
DWG NUMBER	SCALE
TP.300	1 : 500



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M3 GROUP

Project Address
Drawing Title
Drawing Issue
Client

Fitzroy Row
316-328 Napier Street, Fitzroy
DESIGN RESPONSE
RFI ISSUE
Z.F.T



Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

231800
TP.111
JUN 2024
G
DE
GM
A3 /
A1 / 1 : 500

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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DWG REF.	VIEW NAME
1	PROPOSED STREETScape ELEVATION - ARGYLE ST
DWG NUMBER	SCALE
TP.200	1 : 200



DWG REF.	VIEW NAME
2	PROPOSED STREETScape ELEVATION - NAPIER ST
DWG NUMBER	SCALE
TP.206	1 : 200

SUBJECT SITE
NO.316-328
NAPIER STREET
MULTI-STOREY
TOWNHOUSES



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Project Address
 Drawing Title
 Drawing Issue
 Client

Fitzroy Row
 316-328 Napier Street, Fitzroy
 DESIGN RESPONSE
 RFI ISSUE
 Z.F.T

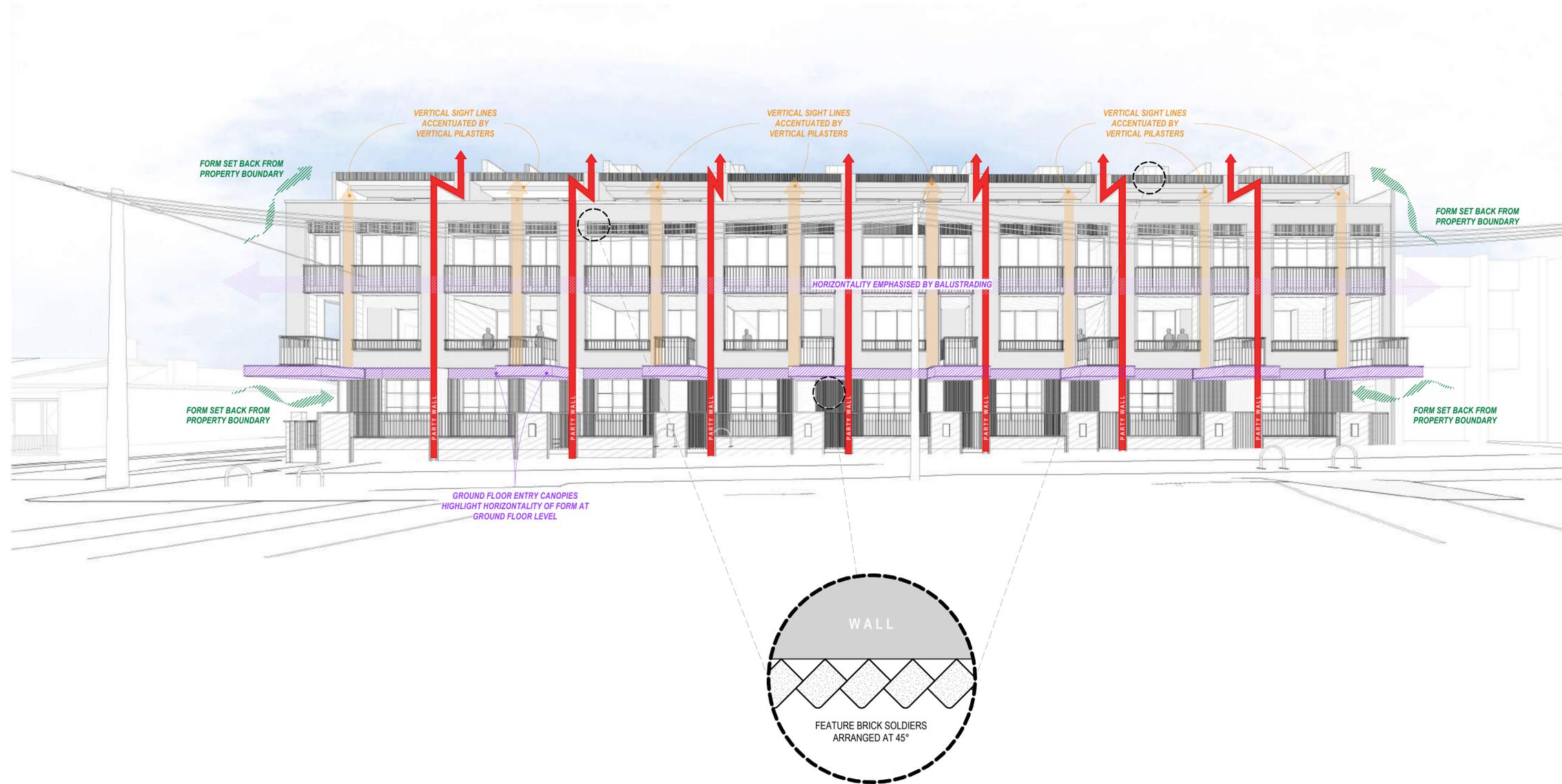
Project Number
 Drawing Number
 Issue Date
 Revision Issue
 Drawn by
 Checked by
 Scale

231800
 TP.112
 JUN 2024
 G
 DE
 GM
 A3 /
 A1 / 1 : 200

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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M3 GROUP

Project Address
Drawing Title
Drawing Issue
Client

Fitzroy Row
316-328 Napier Street, Fitzroy
3D MASSING
RFI ISSUE
Z.F.T

Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

231800
TP.113
JUN 2024
G
GM
GM
A3 /
A1 / 1:1

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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M3 GROUP

Project Address Fitzroy Row 316-328 Napier Street, Fitzroy
 Drawing Title 3D MASSING
 Drawing Issue RFI ISSUE
 Client Z.F.T

Project Number 231800
 Drawing Number TP.114
 Issue Date JUN 2024
 Revision Issue G
 Drawn by GM
 Checked by GM
 Scale A3 / A1 / 1:1

Rev	Description	Date
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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M3 GROUP

Project Address	Fitzroy Row 316-328 Napier Street, Fitzroy	Project Number	231800
Drawing Title	3D MASSING	Drawing Number	TP.115
Drawing Issue	RFI ISSUE	Issue Date	JUN 2024
Client	Z.F.T	Revision Issue	G
		Drawn by	GM
		Checked by	GM
		Scale	A3 / A1 / 1:1

Rev	Description	Date
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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M3 GROUP

Project Address	Fitzroy Row 316-328 Napier Street, Fitzroy	Project Number	231800
Drawing Title	3D MASSING	Drawing Number	TP.116
Drawing Issue	RFI ISSUE	Issue Date	JUN 2024
Client	Z.F.T	Revision Issue	G
		Drawn by	GM
		Checked by	GM
		Scale	A3 / A1 / 1:1

Rev	Description	Date
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
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D.01 AREA SCHEDULE	
NAME	AREA
D.01 STORAGE	38.39 m ²
D.01 GARAGE	23.40 m ²
D.01 GF	28.36 m ²
D.01 FF	75.89 m ²
D.01 SF	93.31 m ²
D.01 TF	61.29 m ²
	320.64 m ²

D.02 AREA SCHEDULE	
NAME	AREA
D.02 STORAGE	34.76 m ²
D.02 GARAGE	23.50 m ²
D.02 GF	27.95 m ²
D.02 FF	72.23 m ²
D.02 SF	76.74 m ²
D.02 TF	61.47 m ²
D.02 Fth	31.77 m ²
	328.43 m ²

D.03 AREA SCHEDULE	
NAME	AREA
D.03 STORAGE	34.76 m ²
D.03 GARAGE	23.50 m ²
D.03 GF	27.95 m ²
D.03 FF	72.23 m ²
D.03 SF	76.74 m ²
D.03 TF	61.47 m ²
D.03 Fth	31.86 m ²
	328.51 m ²

D.04 AREA SCHEDULE	
NAME	AREA
D.04 STORAGE	34.76 m ²
D.04 GARAGE	23.50 m ²
D.04 GF	27.95 m ²
D.04 FF	72.23 m ²
D.04 SF	76.74 m ²
D.04 TF	61.47 m ²
D.04 Fth	31.86 m ²
	328.51 m ²

D.05 AREA SCHEDULE	
NAME	AREA
D.05 STORAGE	34.76 m ²
D.05 GARAGE	23.50 m ²
D.05 GF	27.95 m ²
D.05 FF	72.23 m ²
D.05 SF	76.74 m ²
D.05 TF	61.47 m ²
D.05 Fth	31.86 m ²
	328.51 m ²

D.06 AREA SCHEDULE	
NAME	AREA
D.06 STORAGE	34.76 m ²
D.06 GARAGE	23.50 m ²
D.06 GF	27.95 m ²
D.06 FF	72.23 m ²
D.06 SF	76.74 m ²
D.06 TF	61.47 m ²
D.06 Fth	31.86 m ²
	328.51 m ²

D.07 AREA SCHEDULE	
NAME	AREA
D.07 STORAGE	34.76 m ²
D.07 GARAGE	23.50 m ²
D.07 GF	27.95 m ²
D.07 FF	72.23 m ²
D.07 SF	76.74 m ²
D.07 TF	61.47 m ²
D.07 Fth	31.86 m ²
	328.51 m ²

D.08 AREA SCHEDULE	
NAME	AREA
D.08 STORAGE	35.01 m ²
D.08 GARAGE	23.50 m ²
D.08 GF	28.65 m ²
D.08 FF	72.67 m ²
D.08 SF	77.20 m ²
D.08 TF	61.84 m ²
D.08 Fth	32.03 m ²
	330.89 m ²

D.01 OPEN SPACE SCHEDULE	
NAME	AREA
D.01 BALCONY	17.42 m ²
D.01 FOS	5.18 m ²
D.01 TERRACE	59.92 m ²
	82.52 m ²

D.02 OPEN SPACE SCHEDULE	
NAME	AREA
D.02 BALCONY	46.91 m ²
D.02 FOS	5.18 m ²
D.02 TERRACE	15.26 m ²
	67.35 m ²

D.03 OPEN SPACE SCHEDULE	
NAME	AREA
D.03 BALCONY	47.16 m ²
D.03 FOS	5.18 m ²
D.03 TERRACE	15.26 m ²
	67.60 m ²

D.04 OPEN SPACE SCHEDULE	
NAME	AREA
D.04 BALCONY	47.16 m ²
D.04 FOS	5.18 m ²
D.04 TERRACE	15.26 m ²
	67.60 m ²

D.05 OPEN SPACE SCHEDULE	
NAME	AREA
D.05 BALCONY	47.16 m ²
D.05 FOS	5.18 m ²
D.05 TERRACE	15.26 m ²
	67.60 m ²

D.06 OPEN SPACE SCHEDULE	
NAME	AREA
D.06 BALCONY	47.16 m ²
D.06 FOS	5.18 m ²
D.06 TERRACE	15.26 m ²
	67.60 m ²

D.07 OPEN SPACE SCHEDULE	
NAME	AREA
D.07 BALCONY	47.16 m ²
D.07 FOS	5.18 m ²
D.07 TERRACE	15.26 m ²
	67.60 m ²

D.08 OPEN SPACE SCHEDULE	
NAME	AREA
D.08 BALCONY	47.32 m ²
D.08 FOS	5.21 m ²
D.08 TERRACE	15.35 m ²
	67.89 m ²



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Unit 2, 1 Bik Lane, Fitzroy North 3068

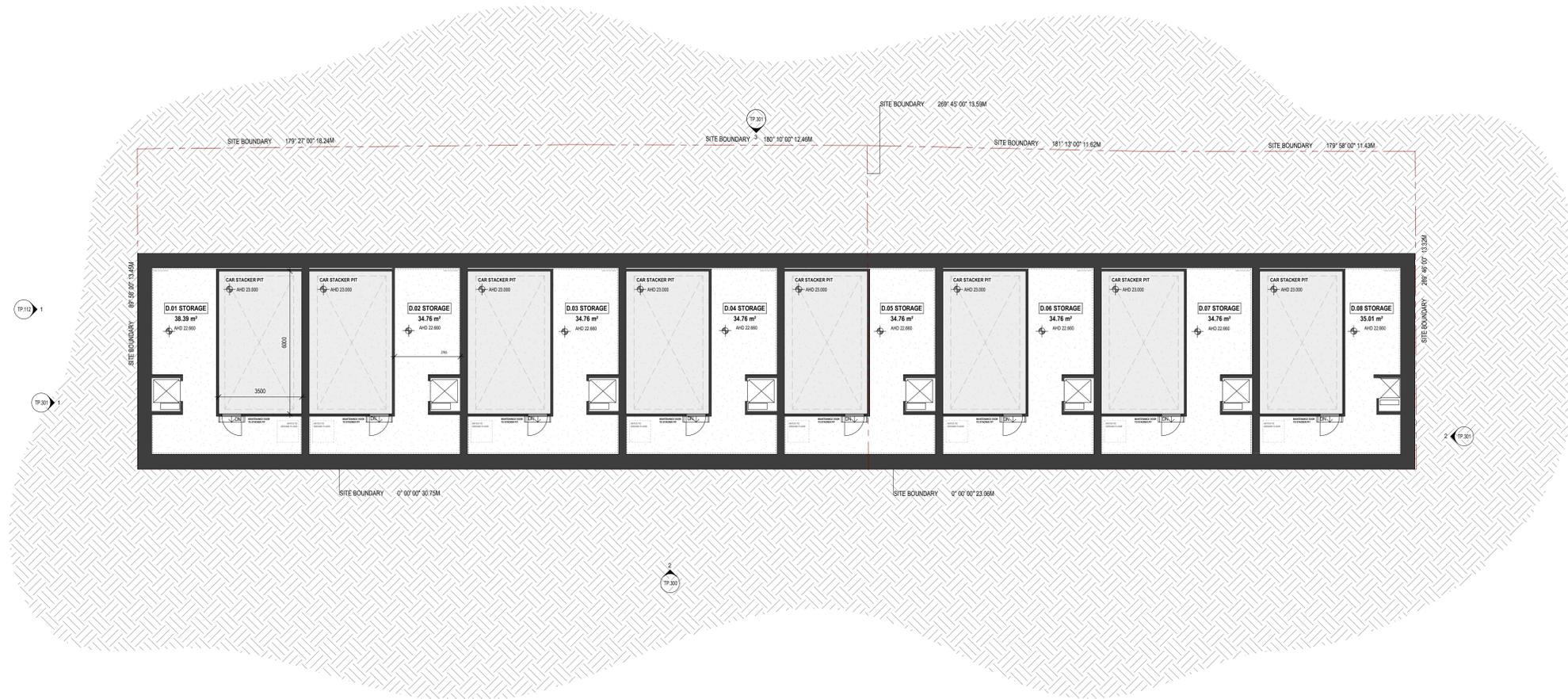
M3 GROUP

Project Address Fitzroy Row
316-328 Napier Street, Fitzroy
Drawing Title AREA SCHEDULES
Drawing Issue RFI ISSUE
Client Z.F.T
Project Number 231800
Drawing Number TP.117
Issue Date JUN 2024
Revision Issue G
Drawn by GM
Checked by GM
Scale A3 / A1 /

Rev	Description	Date
-	Concept 01	24.01.2022
A	Concept 02	02.05.2023
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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Unit 2, 1 Bik Lane, Fitzroy North 3068

M3 GROUP

Project Address Fitzroy Row
316-328 Napier Street, Fitzroy
Drawing Title BASEMENT PLAN
Drawing Issue RFI ISSUE
Client Z.F.T
North Point 

Project Number 231800
Drawing Number TP-200
Issue Date JUN 2024
Revision Issue G
Drawn by GM
Checked by GM
Scale A3 / A1 / 1 : 100

Rev	Description	Date
-	Concept 01	24.01.2022
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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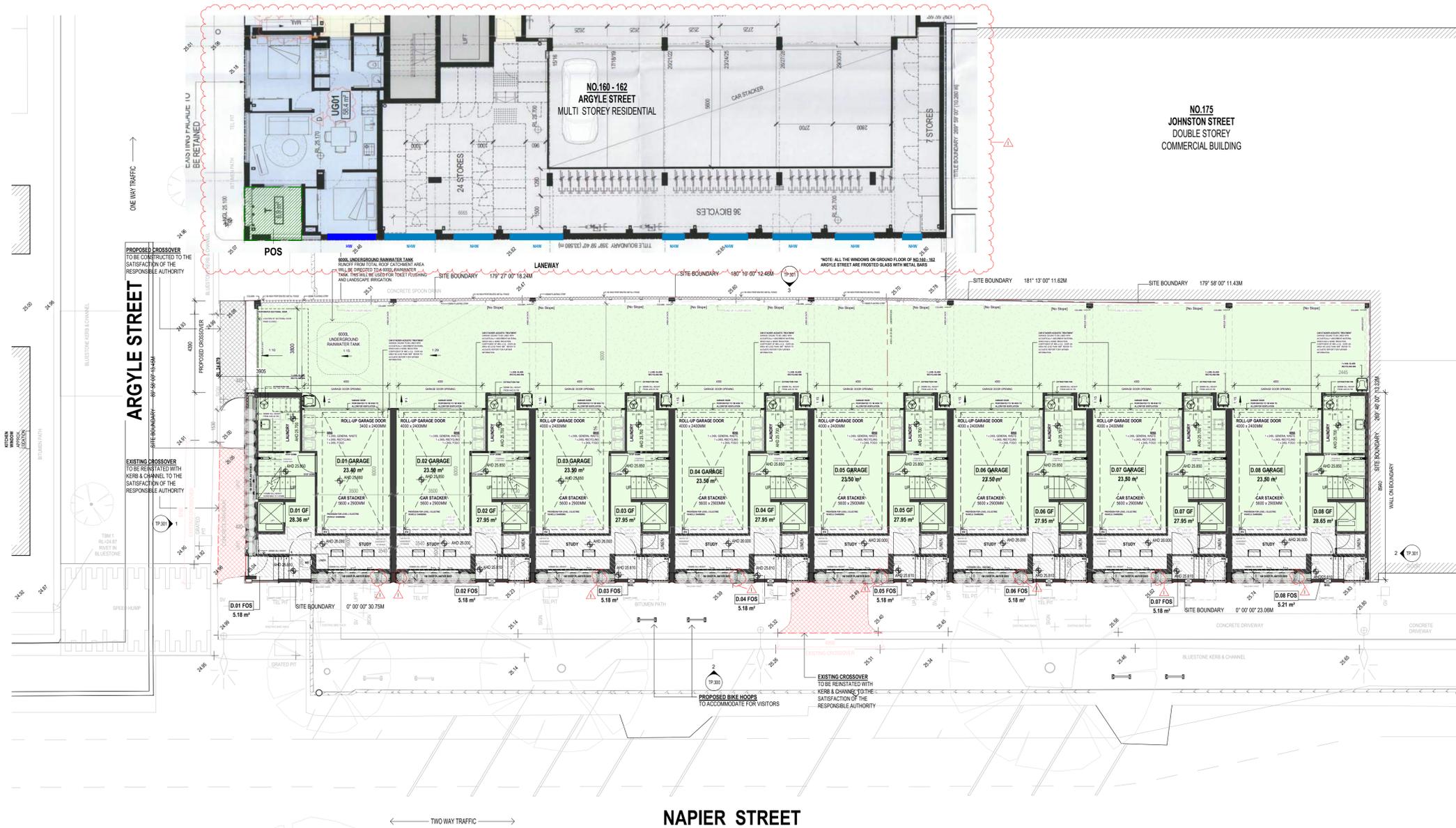
All dimensions must be verified on site prior to commencement of work or establishment of any shop drawings. Figured dimensions must take precedence over scaled dimensions. All scaled dimensions must be verified on site. These drawings are to be read in conjunction with all specifications, schedules, all other consultants' documentation Town Planning endorsed plans and Planning Permit.

LEGEND

- LANDSCAPING (INDICATIVE ONLY) REFER TO LANDSCAPING PLAN FOR DETAILS
- FINISH FLOOR LEVEL TO AHD
- EXTERNAL LIGHT WITH MOTION DETECTOR, WALL MOUNTED
- MAIL MAIL BOX
- MB METER BOX
- GM GAS METER
- WM WATER METER
- TAP TAP
- FW FLOOR WASTE
- MD METAL DECK ROOFING
- ROOF SLOPE
- FLOOR ABOVE
- BALCONY ABOVE
- SELECTED CONCRETE DRIVEWAY
- SELECTED TIMBER FLOOR BOARDS
- SELECTED FLOOR TILES
- SELECTED CARPET
- SELECTED GARDEN BED

NOTES

- DOUBLE GLAZING (OR BETTER), TO BE USED TO ALL HABITABLE AREAS



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M3 GROUP

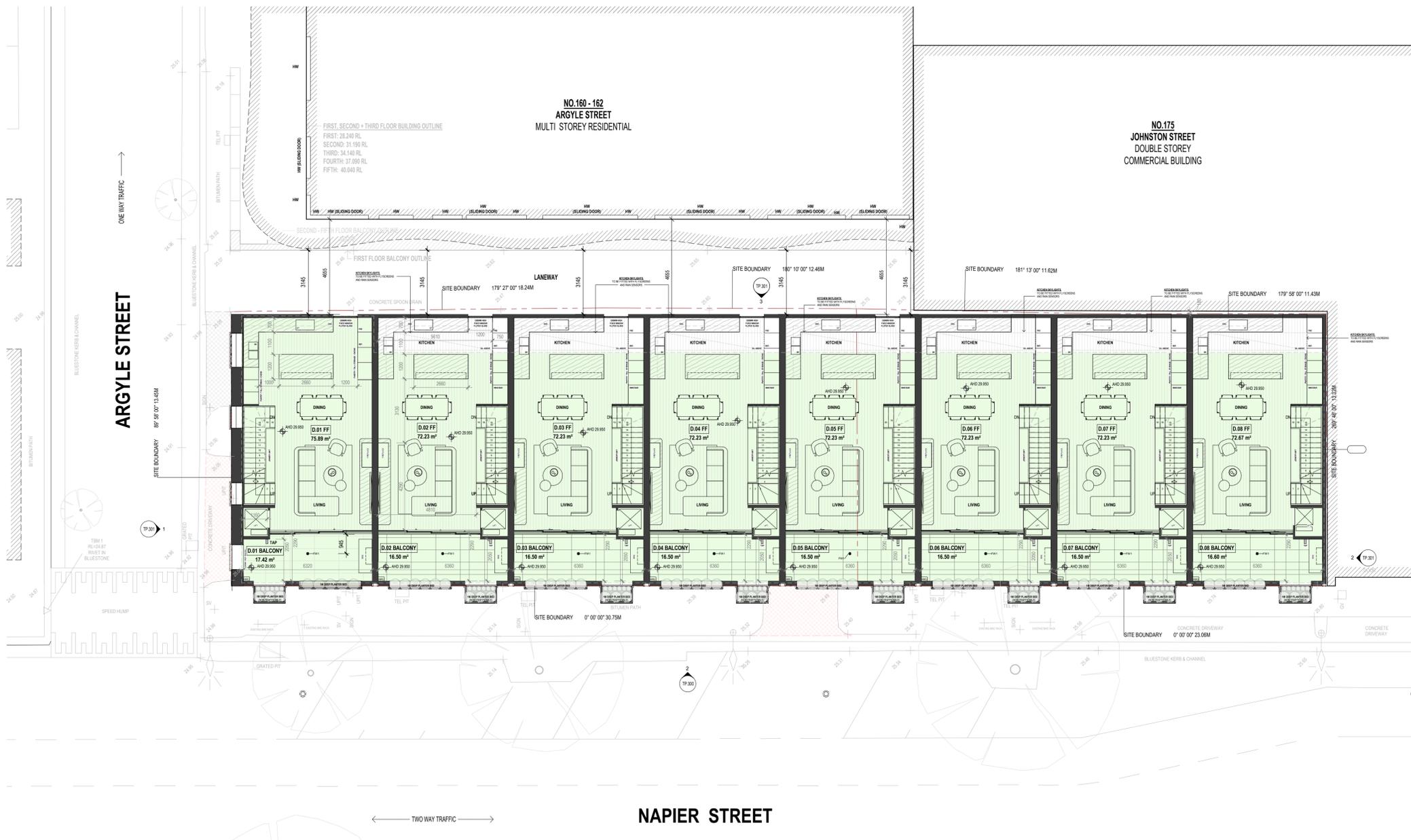
Project Address Fitzroy Row
316-328 Napier Street, Fitzroy
Drawing Title GROUND FLOOR PLAN
Drawing Issue RFI ISSUE
Client Z.F.T.
North Point

Project Number 231800
Drawing Number TP.201
Issue Date JUN 2024
Revision Issue I
Drawn by GM
Checked by GM
Scale A3 / A1 / 1 : 100

Rev	Description	Date
-	Concept 01	24.01.2022
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
H	Issue in Response to Council's RFI	17.07.2024
I	Issue in Response to Council's RFI	24.07.2024

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LEGEND

- LANDSCAPING (INDICATIVE ONLY) REFER TO LANDSCAPING PLAN FOR DETAILS
- FINISH FLOOR LEVEL TO AHD
- EXTERNAL LIGHT WITH MOTION DETECTOR, WALL MOUNTED
- MAIL BOX
- METER BOX
- GAS METER
- WATER METER
- TAP
- FLOOR WASTE
- METAL DECK ROOFING
- ROOF SLOPE
- FLOOR ABOVE
- BALCONY ABOVE
- SELECTED CONCRETE DRIVEWAY
- SELECTED TIMBER FLOOR BOARDS
- SELECTED FLOOR TILES
- SELECTED CARPET
- SELECTED GARDEN BED

NOTES

- DOUBLE GLAZING (OR BETTER), TO BE USED TO ALL HABITABLE AREAS



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Unit 2, 1 Bik Lane, Fitzroy North 3068

M3 GROUP

Project Address Fitzroy Row
316-328 Napier Street, Fitzroy

Drawing Title FIRST FLOOR PLAN

Drawing Issue RFI ISSUE

Client Z.F.T

North Point

Project Number 231800

Drawing Number TP-202

Issue Date JUN 2024

Revision Issue H

Drawn by GM

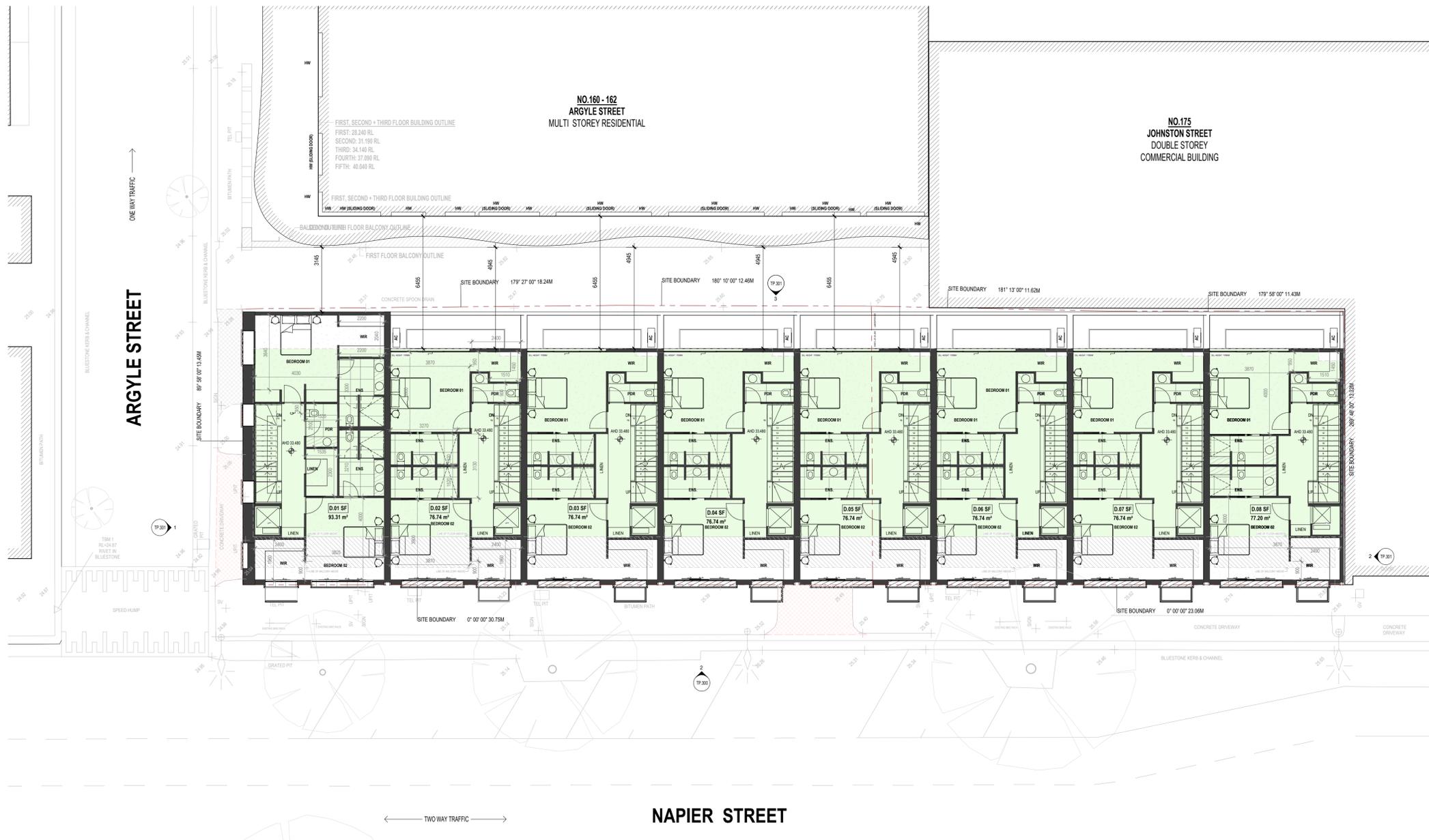
Checked by GM

Scale A3 / A1 / 1 : 100

Rev	Description	Date
-	Concept 01	24.01.2022
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
H	Issue in Response to Council's RFI	17.07.2024

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LEGEND

- LANDSCAPING (INDICATIVE ONLY)
REFER TO LANDSCAPING PLAN FOR DETAILS
- FINISH FLOOR LEVEL TO AHD
- EXTERNAL LIGHT WITH MOTION DETECTOR, WALL MOUNTED
- MAIL BOX
- METER BOX
- GAS METER
- WATER METER
- TAP
- FLOOR WASTE
- METAL DECK ROOFING
- ROOF SLOPE
- FLOOR ABOVE
- BALCONY ABOVE
- SELECTED CONCRETE DRIVEWAY
- SELECTED TIMBER FLOOR BOARDS
- SELECTED FLOOR TILES
- SELECTED CARPET
- SELECTED GARDEN BED

NOTES

- DOUBLE GLAZING (OR BETTER), TO BE USED TO ALL HABITABLE AREAS



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M3 GROUP

Project Address
Drawing Title
Drawing Issue
Client
North Point

Fitzroy Row
316-328 Napier Street, Fitzroy
SECOND FLOOR PLAN
RFI ISSUE
Z.F.T

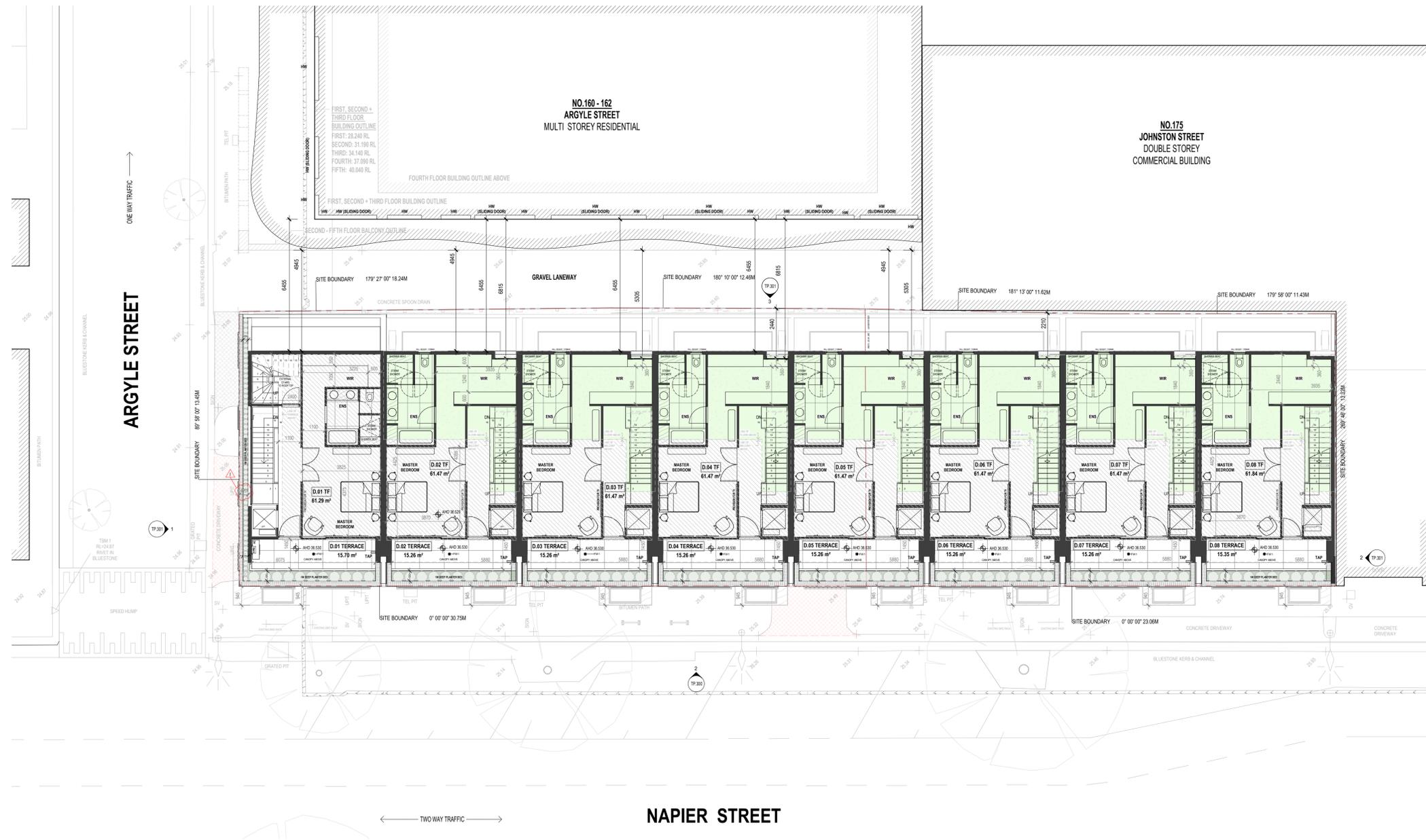
Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

231800
TP-203
JUN 2024
H
GM
GM
A3 /
A1 / 1 : 100

Rev	Description	Date
-	Concept 01	24.01.2022
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
H	Issue in Response to Council's RFI	17.07.2024

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LEGEND

- LANDSCAPING (INDICATIVE ONLY) REFER TO LANDSCAPING PLAN FOR DETAILS
- FINISH FLOOR LEVEL TO AHD
- EXTERNAL LIGHT WITH MOTION DETECTOR, WALL MOUNTED
- MAIL MAIL BOX
- MB METER BOX
- GM GAS METER
- WM WATER METER
- TAP TAP
- FW FLOOR WASTE
- MD METAL DECK ROOFING
- ROOF SLOPE
- FLOOR ABOVE
- BALCONY ABOVE
- SELECTED CONCRETE DRIVEWAY
- SELECTED TIMBER FLOOR BOARDS
- SELECTED FLOOR TILES
- SELECTED CARPET
- SELECTED GARDEN BED

NOTES

- DOUBLE GLAZING (OR BETTER), TO BE USED TO ALL HABITABLE AREAS



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M3 GROUP

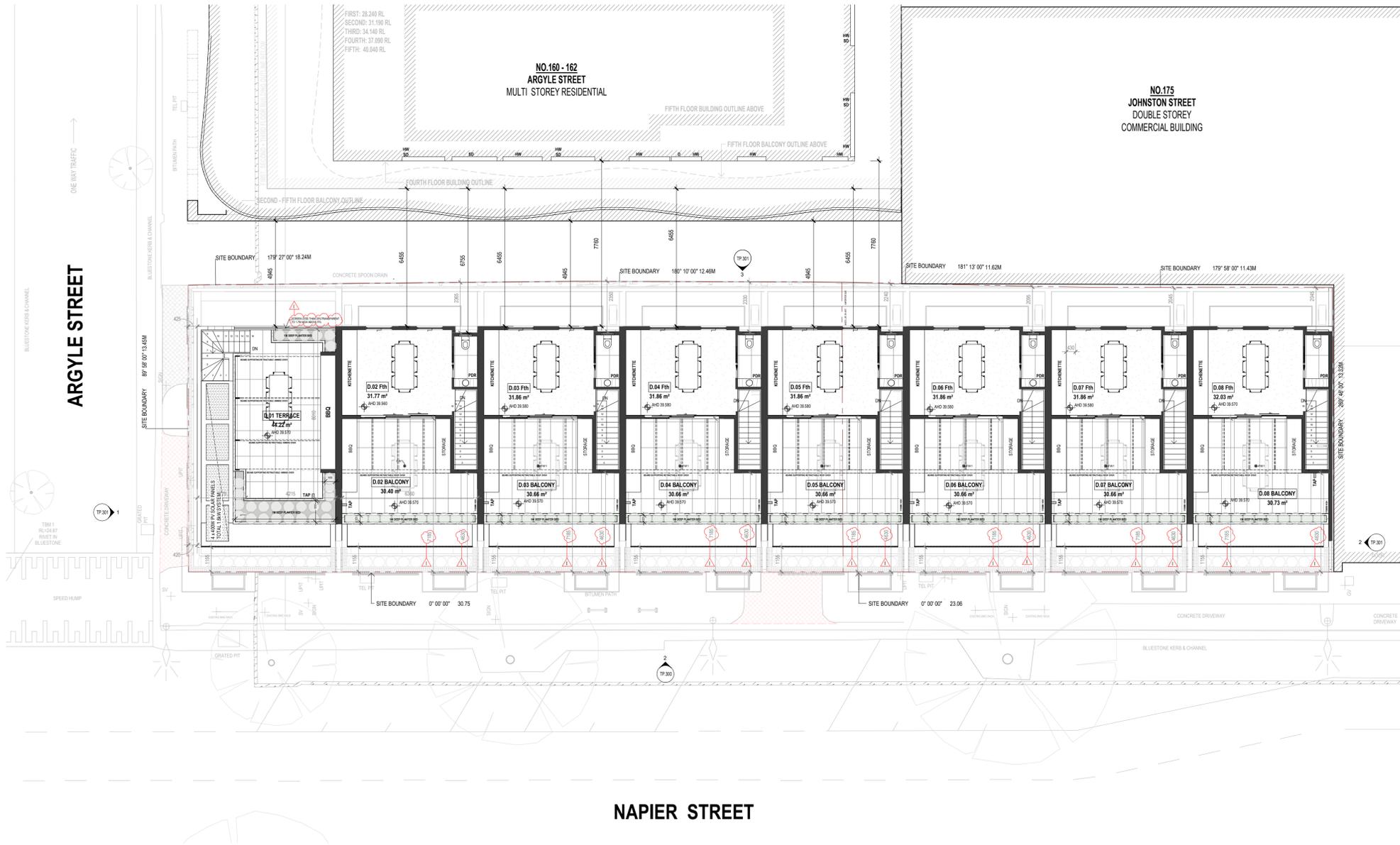
Project Address Fitzroy Row
316-328 Napier Street, Fitzroy
Drawing Title THIRD FLOOR PLAN
Drawing Issue RFI ISSUE
Client Z.F.T
North Point

Project Number 231800
Drawing Number TP-204
Issue Date JUN 2024
Revision Issue I
Drawn by GM
Checked by GM
Scale A3 / A1 / 1 : 100

Rev	Description	Date
-	Concept 01	24.01.2022
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
H	Issue in Response to Council's RFI	17.07.2024
I	Issue in Response to Council's RFI	24.07.2024

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LEGEND

- LANDSCAPING (INDICATIVE ONLY) REFER TO LANDSCAPING PLAN FOR DETAILS
- FINISH FLOOR LEVEL TO AHD
- EXTERNAL LIGHT WITH MOTION DETECTOR, WALL MOUNTED
- MAIL MAIL BOX
- MB METER BOX
- GM GAS METER
- WM WATER METER
- TAP TAP
- FW FLOOR WASTE
- MD METAL DECK ROOFING
- ROOF SLOPE
- FLOOR ABOVE
- BALCONY ABOVE
- SELECTED CONCRETE DRIVEWAY
- SELECTED TIMBER FLOOR BOARDS
- SELECTED FLOOR TILES
- SELECTED CARPET
- SELECTED GARDEN BED

NOTES

- DOUBLE GLAZING (OR BETTER), TO BE USED TO ALL HABITABLE AREAS

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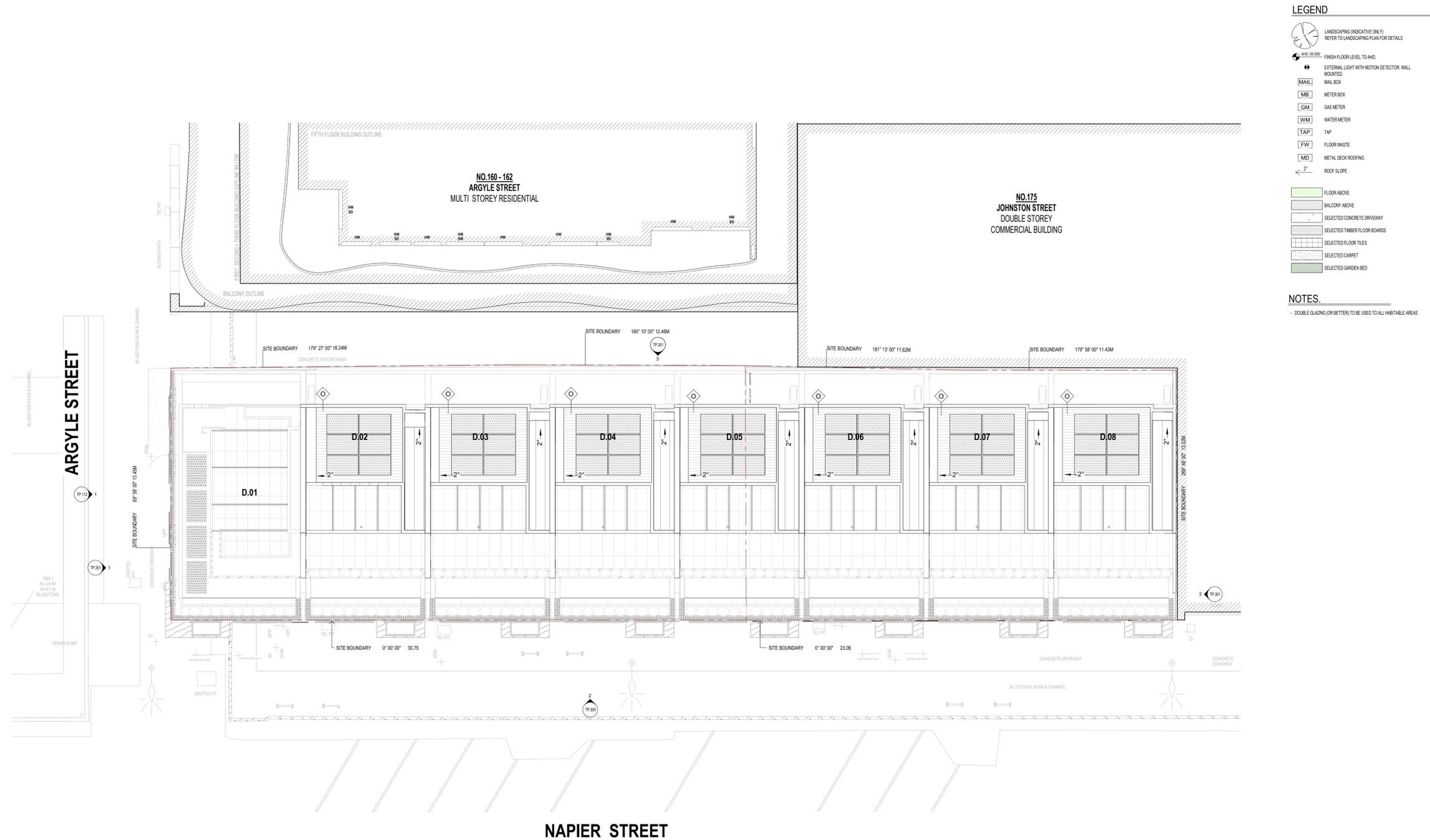
Project Address Fitzroy Row
316-328 Napier Street, Fitzroy
Drawing Title FOURTH FLOOR PLAN
Drawing Issue RFI ISSUE
Client Z.F.T
North Point

Project Number 231800
Drawing Number TP-205
Issue Date JUN 2024
Revision Issue I
Drawn by GM
Checked by GM
Scale A3 / A1 / 1 : 100

Rev	Description	Date
A	Concept 02	02.05.2023
D	Facade Presentation 03	03.10.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
H	Issue in Response to Council's RFI	17.07.2024
I	Issue in Response to Council's RFI	24.07.2024

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M3 GROUP

Project Address: Fitzroy Row, 316-328 Napier Street, Fitzroy
 Drawing Title: ROOF PLAN
 Drawing Issue: RFI ISSUE
 Client: Z.F.T
 North Point: [Symbol]

Project Number: 231800
 Drawing Number: TP.206
 Issue Date: JUN 2024
 Revision Issue: H
 Drawn by: GM
 Checked by: GM
 Scale: A3 / A1 / 1 : 100

Rev	Description	Date
A	Concept 02	02.05.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
H	Issue in Response to Council's RFI	17.07.2024

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FINISHES LEGEND

- LEGEND A
MATERIAL SELECTED BRICK
PRODUCT AH BRICKS
COLOUR 011 LIGHT GREY
FINISH BLENDED
MORTAR COLOUR LIGHT
- LEGEND B
MATERIAL SELECTED BRICK (SOLDER COURSE, 45 DEGREE)
PRODUCT AH BRICKS
COLOUR 011 LIGHT GREY
FINISH BLENDED
MORTAR COLOUR LIGHT
- LEGEND C
MATERIAL SELECTED BRICK (HEADER COURSE)
PRODUCT AH BRICKS
COLOUR 011 LIGHT GREY
FINISH BLENDED
MORTAR COLOUR LIGHT
- LEGEND D
MATERIAL SELECTED STANDING BEAM
PRODUCT -
COLOUR CHARCOAL
FINISH -
- LEGEND E
MATERIAL SELECTED STONE TO MATCH TITANIUM TRAVERTINE OR SIMILAR
COLOUR CHARCOAL TO MATCH MATERIAL D
FINISH -
- LEGEND F
MATERIAL LIGHT CONCRETE RENDER
PRODUCT -
COLOUR TO MATCH MATERIAL A
FINISH -
- LEGEND G
MATERIAL SELECTED NATURAL STONE
PRODUCT SERENGETI WHITE OR SIMILAR COLOUR
SUPPLIER SIONORNO
COLOUR WHITE
FINISH HONED
- LEGEND H
MATERIAL SELECTED ALUMINIUM FRAMED GLAZING
FRAME COLOUR CHARCOAL TO MATCH MATERIAL D
FRAME FINISH -
GLAZING CLEAR
- LEGEND I
MATERIAL SELECTED ALUMINIUM FRAMED GLAZING
FRAME COLOUR CHARCOAL TO MATCH MATERIAL D
FRAME FINISH -
GLAZING FLUTED
- LEGEND J
MATERIAL SELECTED METAL SCREENS, FENCES, BALUSTRADES, GARAGE DOORS (SOLID SECTION), FASCIAE - GUTTERS
COLOUR CHARCOAL TO MATCH MATERIAL D
FINISH -
- LEGEND K
MATERIAL SELECTED PERFORATED METAL (GARAGE DOOR LOWER SECTION)
COLOUR CHARCOAL TO MATCH MATERIAL D
FINISH -
- LEGEND L
MATERIAL SELECTED PERFORATED METAL FENCE
COLOUR CHARCOAL TO MATCH MATERIAL D
FINISH -
- LEGEND M
MATERIAL SELECTED ENTRY DOOR
COLOUR OAK
FINISH NATURAL
- LEGEND N
MATERIAL SELECTED MID GREY RENDER
COLOUR GREY
FINISH -
- LEGEND O
MATERIAL SELECTED METAL DECK ROOF
COLOUR LIGHT GREY
FINISH -

DWG REF: 2
VIEW NAME: West Elevation
DWG NUMBER: TP.200
SCALE: 1:100



DWG REF: 1
VIEW NAME: East Elevation
DWG NUMBER: TP.200
SCALE: 1:100

NOTES.

- DOUBLE GLAZING (OR BETTER) TO BE USED TO ALL HABITABLE AREAS

WINDOWS & GLAZING CHECKLIST

Item	U-Value	g-value	Sound Reduction Index
Window 1 - 0	1.2	0.6	25
Window 2 - 1	1.2	0.6	25
Window 3 - 2	1.2	0.6	25
Window 4 - 3	1.2	0.6	25
Window 5 - 4	1.2	0.6	25
Window 6 - 5	1.2	0.6	25
Window 7 - 6	1.2	0.6	25
Window 8 - 7	1.2	0.6	25
Window 9 - 8	1.2	0.6	25
Window 10 - 9	1.2	0.6	25
Window 11 - 10	1.2	0.6	25
Window 12 - 11	1.2	0.6	25
Window 13 - 12	1.2	0.6	25
Window 14 - 13	1.2	0.6	25
Window 15 - 14	1.2	0.6	25
Window 16 - 15	1.2	0.6	25
Window 17 - 16	1.2	0.6	25
Window 18 - 17	1.2	0.6	25
Window 19 - 18	1.2	0.6	25
Window 20 - 19	1.2	0.6	25
Window 21 - 20	1.2	0.6	25
Window 22 - 21	1.2	0.6	25
Window 23 - 22	1.2	0.6	25
Window 24 - 23	1.2	0.6	25
Window 25 - 24	1.2	0.6	25
Window 26 - 25	1.2	0.6	25
Window 27 - 26	1.2	0.6	25
Window 28 - 27	1.2	0.6	25
Window 29 - 28	1.2	0.6	25
Window 30 - 29	1.2	0.6	25
Window 31 - 30	1.2	0.6	25
Window 32 - 31	1.2	0.6	25
Window 33 - 32	1.2	0.6	25
Window 34 - 33	1.2	0.6	25
Window 35 - 34	1.2	0.6	25
Window 36 - 35	1.2	0.6	25
Window 37 - 36	1.2	0.6	25
Window 38 - 37	1.2	0.6	25
Window 39 - 38	1.2	0.6	25
Window 40 - 39	1.2	0.6	25
Window 41 - 40	1.2	0.6	25
Window 42 - 41	1.2	0.6	25
Window 43 - 42	1.2	0.6	25
Window 44 - 43	1.2	0.6	25
Window 45 - 44	1.2	0.6	25
Window 46 - 45	1.2	0.6	25
Window 47 - 46	1.2	0.6	25
Window 48 - 47	1.2	0.6	25
Window 49 - 48	1.2	0.6	25
Window 50 - 49	1.2	0.6	25
Window 51 - 50	1.2	0.6	25
Window 52 - 51	1.2	0.6	25
Window 53 - 52	1.2	0.6	25
Window 54 - 53	1.2	0.6	25
Window 55 - 54	1.2	0.6	25
Window 56 - 55	1.2	0.6	25
Window 57 - 56	1.2	0.6	25
Window 58 - 57	1.2	0.6	25
Window 59 - 58	1.2	0.6	25
Window 60 - 59	1.2	0.6	25
Window 61 - 60	1.2	0.6	25
Window 62 - 61	1.2	0.6	25
Window 63 - 62	1.2	0.6	25
Window 64 - 63	1.2	0.6	25
Window 65 - 64	1.2	0.6	25
Window 66 - 65	1.2	0.6	25
Window 67 - 66	1.2	0.6	25
Window 68 - 67	1.2	0.6	25
Window 69 - 68	1.2	0.6	25
Window 70 - 69	1.2	0.6	25
Window 71 - 70	1.2	0.6	25
Window 72 - 71	1.2	0.6	25
Window 73 - 72	1.2	0.6	25
Window 74 - 73	1.2	0.6	25
Window 75 - 74	1.2	0.6	25
Window 76 - 75	1.2	0.6	25
Window 77 - 76	1.2	0.6	25
Window 78 - 77	1.2	0.6	25
Window 79 - 78	1.2	0.6	25
Window 80 - 79	1.2	0.6	25
Window 81 - 80	1.2	0.6	25
Window 82 - 81	1.2	0.6	25
Window 83 - 82	1.2	0.6	25
Window 84 - 83	1.2	0.6	25
Window 85 - 84	1.2	0.6	25
Window 86 - 85	1.2	0.6	25
Window 87 - 86	1.2	0.6	25
Window 88 - 87	1.2	0.6	25
Window 89 - 88	1.2	0.6	25
Window 90 - 89	1.2	0.6	25
Window 91 - 90	1.2	0.6	25
Window 92 - 91	1.2	0.6	25
Window 93 - 92	1.2	0.6	25
Window 94 - 93	1.2	0.6	25
Window 95 - 94	1.2	0.6	25
Window 96 - 95	1.2	0.6	25
Window 97 - 96	1.2	0.6	25
Window 98 - 97	1.2	0.6	25
Window 99 - 98	1.2	0.6	25
Window 100 - 99	1.2	0.6	25



info@m3group.a
Unit 2, 1 Bik Lane, Fitzroy North 3068

Project Address: Fitzroy Row, 316-328 Napier Street, Fitzroy
Drawing Title: ELEVATIONS
Drawing Issue: RFI ISSUE
Client: Z.F.T.

Project Number: 231800
Drawing Number: TP.300
Issue Date: JUN 2024
Revision Issue: I
Drawn by: AV
Checked by: GM
Scale: A3 / As
A Indicated

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
H	Issue in Response to Council's RFI	17.07.2024
I	Issue in Response to Council's RFI	24.07.2024

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FINISHES LEGEND

- LEGEND A
MATERIAL SELECTED BRICK
PRODUCT AH BRICKS
COLOUR 011 (LIGHT GREY)
FINISH BLENDED
MORTAR COLOUR LIGHT
- LEGEND B
MATERIAL SELECTED BRICK (SOLDER COURSE, 45 DEGREE)
PRODUCT AH BRICKS
COLOUR 011 (LIGHT GREY)
FINISH BLENDED
MORTAR COLOUR LIGHT
- LEGEND C
MATERIAL SELECTED BRICK (HEADER COURSE)
PRODUCT AH BRICKS
COLOUR 011 (LIGHT GREY)
FINISH BLENDED
MORTAR COLOUR LIGHT
- LEGEND D
MATERIAL SELECTED STANDING SEAM
PRODUCT -
COLOUR CHARCOAL
FINISH -
- LEGEND E
MATERIAL SELECTED STONE TO MATCH
TITANIUM TRAVERTINE OR SIMILAR
COLOUR CHARCOAL TO MATCH MATERIAL D
FINISH -
- LEGEND F
MATERIAL LIGHT CONCRETE RENDER
PRODUCT -
COLOUR TO MATCH MATERIAL A
FINISH -
- LEGEND G
MATERIAL SELECTED NATURAL STONE
PRODUCT SERPENTINE WHITE OR SIMILAR COLOUR
SUPPLIER SIKORNO
COLOUR WHITE
FINISH HONED
- LEGEND H
MATERIAL SELECTED ALUMINIUM FRAMED GLAZING
FRAME COLOUR CHARCOAL TO MATCH MATERIAL D
FRAME FINISH CLEAR
GLAZING CLEAR
- LEGEND I
MATERIAL SELECTED ALUMINIUM FRAMED GLAZING
FRAME COLOUR CHARCOAL TO MATCH MATERIAL D
FRAME FINISH FLUTED
GLAZING -
- LEGEND J
MATERIAL SELECTED METAL SCREENS, FENCES, BALUSTRADES,
GARAGE DOORS (SOLID SECTION), FASCIAS - GUTTERS
COLOUR CHARCOAL TO MATCH MATERIAL D
FINISH -
- LEGEND K
MATERIAL SELECTED PERFORATED METAL (GARAGE DOOR LOWER SECTION)
COLOUR CHARCOAL TO MATCH MATERIAL D
FINISH -
- LEGEND L
MATERIAL SELECTED PERFORATED METAL FENCE
COLOUR CHARCOAL TO MATCH MATERIAL D
FINISH -
- LEGEND M
MATERIAL SELECTED ENTRY DOOR
COLOUR OAK
FINISH NATURAL
- LEGEND N
MATERIAL SELECTED MD GREY RENDER
COLOUR GREY
FINISH -
- LEGEND O
MATERIAL SELECTED METAL DECK ROOF
COLOUR LIGHT GREY
FINISH -

NOTES.

- DOUBLE GLAZING (OR BETTER) TO BE USED TO ALL HABITABLE AREAS

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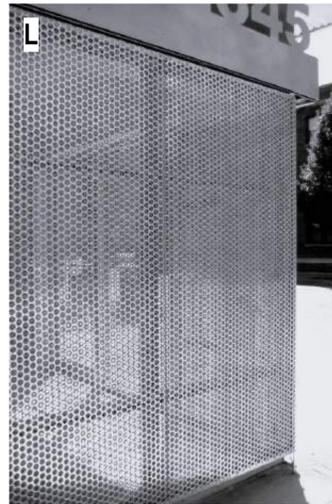
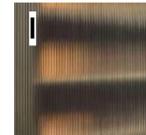
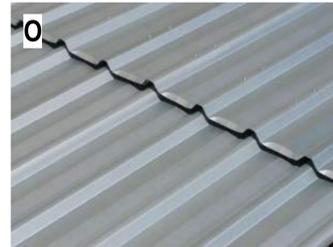
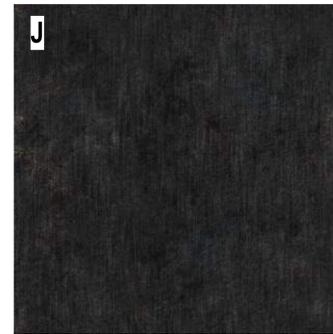
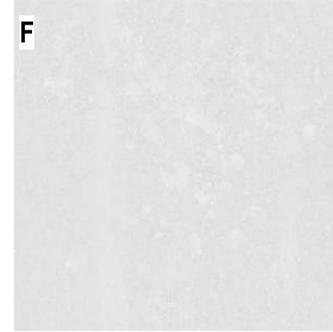
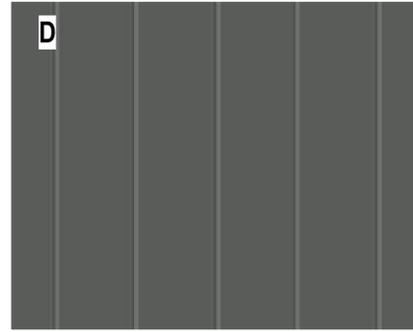
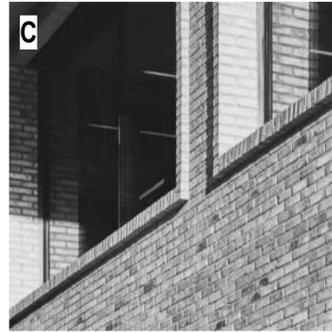
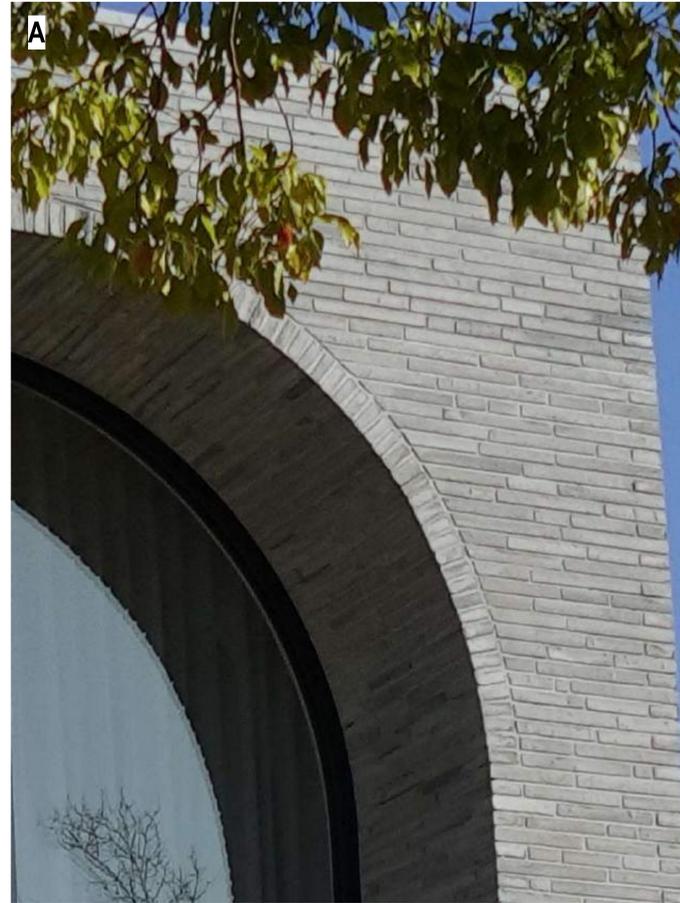
Project Address Fitzroy Row
316-328 Napier Street, Fitzroy
Drawing Title ELEVATIONS
Drawing Issue RFI ISSUE
Client Z.F.T

Project Number 231800
Drawing Number TP.301
Issue Date JUN 2024
Revision Issue
Drawn by AV
Checked by GM
Scale A3 / As
A Indicated

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
H	Issue in Response to Council's RFI	17.07.2024

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FINISHES LEGEND

LEGEND	A
MATERIAL	SELECTED BRICK
PRODUCT	AH BRICKS
CLOUR	011 (LIGHT GREY)
FINISH	BLENDED
MORTAR COLOUR	LIGHT
LEGEND	B
MATERIAL	SELECTED BRICK (SOLDER COURSE, 45 DEGREE)
PRODUCT	AH BRICKS
CLOUR	011 (LIGHT GREY)
FINISH	BLENDED
MORTAR COLOUR	LIGHT
LEGEND	C
MATERIAL	SELECTED BRICK (HEADER COURSE)
PRODUCT	AH BRICKS
CLOUR	011 (LIGHT GREY)
FINISH	BLENDED
MORTAR COLOUR	LIGHT
LEGEND	D
MATERIAL	SELECTED STANDING SEAM
PRODUCT	-
CLOUR	CHARCOAL
FINISH	-
LEGEND	E
MATERIAL	SELECTED STONE TO MATCH
PRODUCT	TITANIUM TRAVERTINE OR SIMILAR
CLOUR	CHARCOAL TO MATCH MATERIAL D
FINISH	-
LEGEND	F
MATERIAL	LIGHT CONCRETE RENDER
PRODUCT	-
CLOUR	TO MATCH MATERIAL A
FINISH	-
LEGEND	G
MATERIAL	SELECTED NATURAL STONE
PRODUCT	SERRAVALLO WHITE OR SIMILAR COLOUR
SUPPLIER	SIGNORINO
CLOUR	WHITE
FINISH	HONED
LEGEND	H
MATERIAL	SELECTED ALUMINUM FRAMED GLAZING
FRAME COLOUR	CHARCOAL TO MATCH MATERIAL D
FRAME FINISH	-
GLAZING	CLEAR
LEGEND	I
MATERIAL	SELECTED ALUMINUM FRAMED GLAZING
FRAME COLOUR	CHARCOAL TO MATCH MATERIAL D
FRAME FINISH	-
GLAZING	FLUTED
LEGEND	J
MATERIAL	SELECTED METAL SCREENS, FENCES, BALUSTRADES, GARAGE DOORS (SOLID SECTION), FASCIAS + GUTTERS
CLOUR	CHARCOAL TO MATCH MATERIAL D
FINISH	-
LEGEND	K
MATERIAL	SELECTED PERFORATED METAL (GARAGE DOOR LOWER SECTION)
CLOUR	CHARCOAL TO MATCH MATERIAL D
FINISH	-
LEGEND	L
MATERIAL	SELECTED PERFORATED METAL FENCE
CLOUR	CHARCOAL TO MATCH MATERIAL D
FINISH	-
LEGEND	M
MATERIAL	SELECTED ENTRY DOOR
CLOUR	OAK
FINISH	NATURAL
LEGEND	N
MATERIAL	SELECTED M/D GREY RENDER
CLOUR	GREY
FINISH	-
LEGEND	O
MATERIAL	SELECTED METAL DECK ROOF
CLOUR	LIGHT GREY
FINISH	-

NOTES.

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M3 GROUP

Project Address
Drawing Title
Drawing Issue
Client

Fitzroy Row
316-328 Napier Street, Fitzroy
FINISHES SCHEDULE
RFI ISSUE
Z.F.T

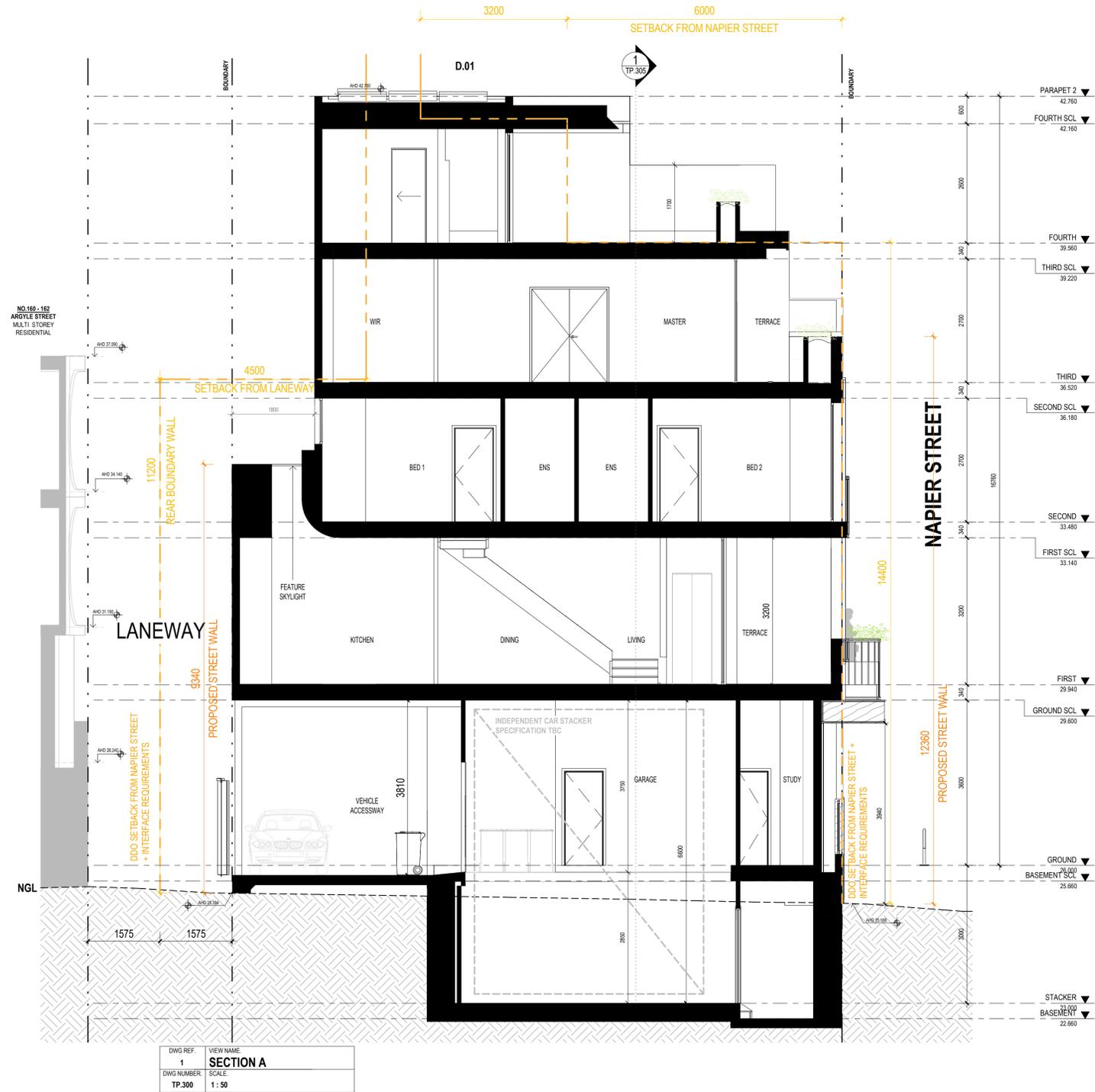
Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

231800
TP_303
JUN 2024
G
GM
GM
A3 /
A1 / 1:50

Rev	Description	Date
B	Facade Presentation	22.06.2023
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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M3 GROUP

Project Address: Fitzroy Row, 316-328 Napier Street, Fitzroy
 Drawing Title: SECTION
 Drawing Issue: RFI ISSUE
 Client: Z.F.T

Project Number: 231800
 Drawing Number: TP.304
 Issue Date: JUN 2024
 Revision Issue: H
 Drawn by: GM
 Checked by: GM
 Scale: A3 / A1 / 1 : 50

Rev	Description	Date
-	Concept 01	24.01.2022
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
H	Issue in Response to Council's RFI	17.07.2024

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DWG REF.	VIEW NAME
1	SECTION B
DWG NUMBER	SCALE
TP.301	1 : 100



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M3 GROUP

Project Address
Drawing Title
Drawing Issue
Client

Fitzroy Row
316-328 Napier Street, Fitzroy
SECTION
RFI ISSUE
Z.F.T

Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

231800
TP.305
JUN 2024
H
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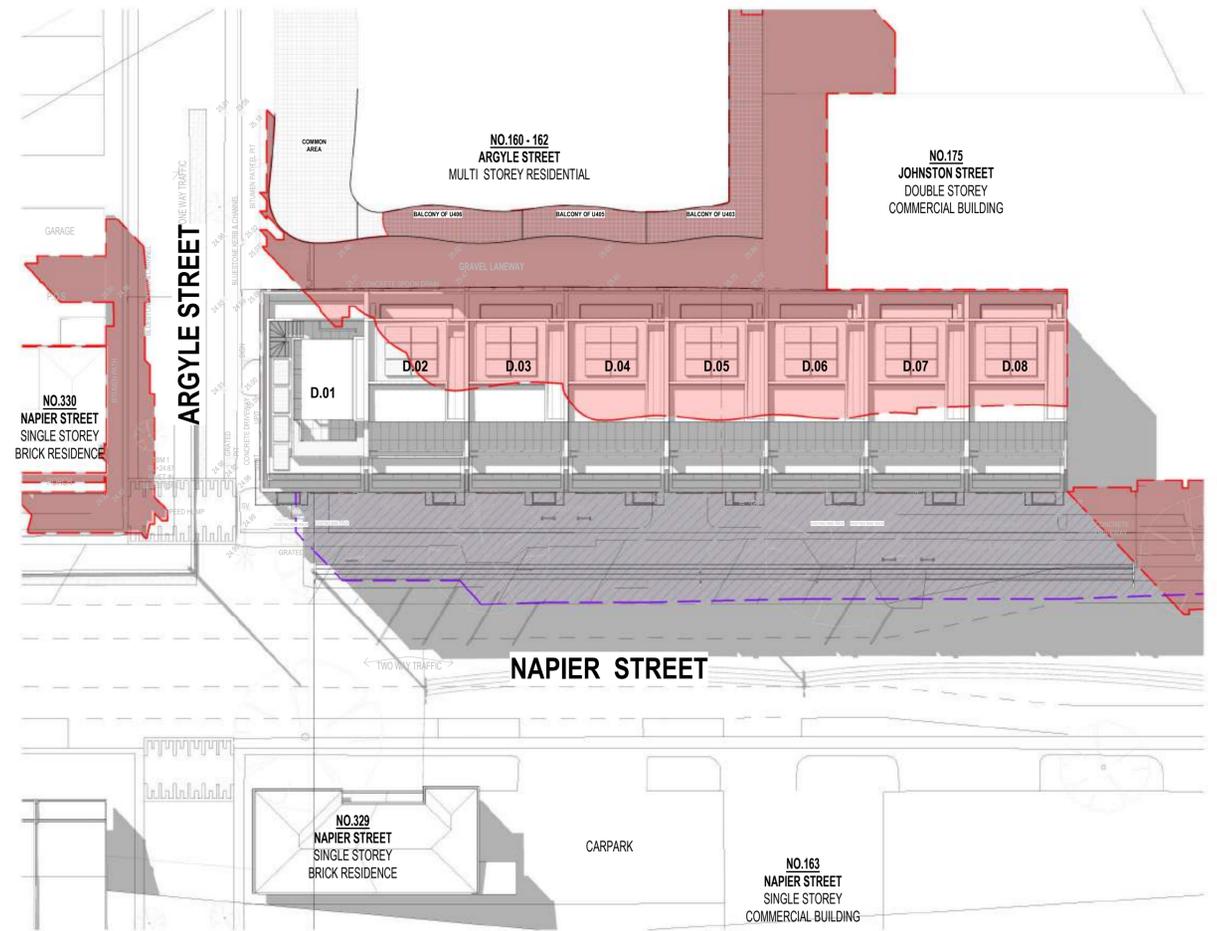
Rev	Description	Date
-	Concept 01	24.01.2022
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
H	Issue in Response to Council's RFI	17.07.2024

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DWG REF: 1
VIEW NAME: 9AM - 22ND SEPTEMBER
DWG NUMBER: 1
SCALE: 1:200



DWG REF: 2
VIEW NAME: 10AM - 22ND SEPTEMBER
DWG NUMBER: 1
SCALE: 1:200

LEGEND

-  PROPOSED SHADOW
-  EXISTING SHADOW CAST BY NEIGHBORS
-  EXISTING SHADOW CAST BY EXISTING BUILDING ON SUBJECT SITE
-  PROPOSED SHADOW CAST TO THE BALCONIES OF NO.160 - 162 ARGYLE STREET



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Unit 2, 1 Bik Lane, Fitzroy North 3068

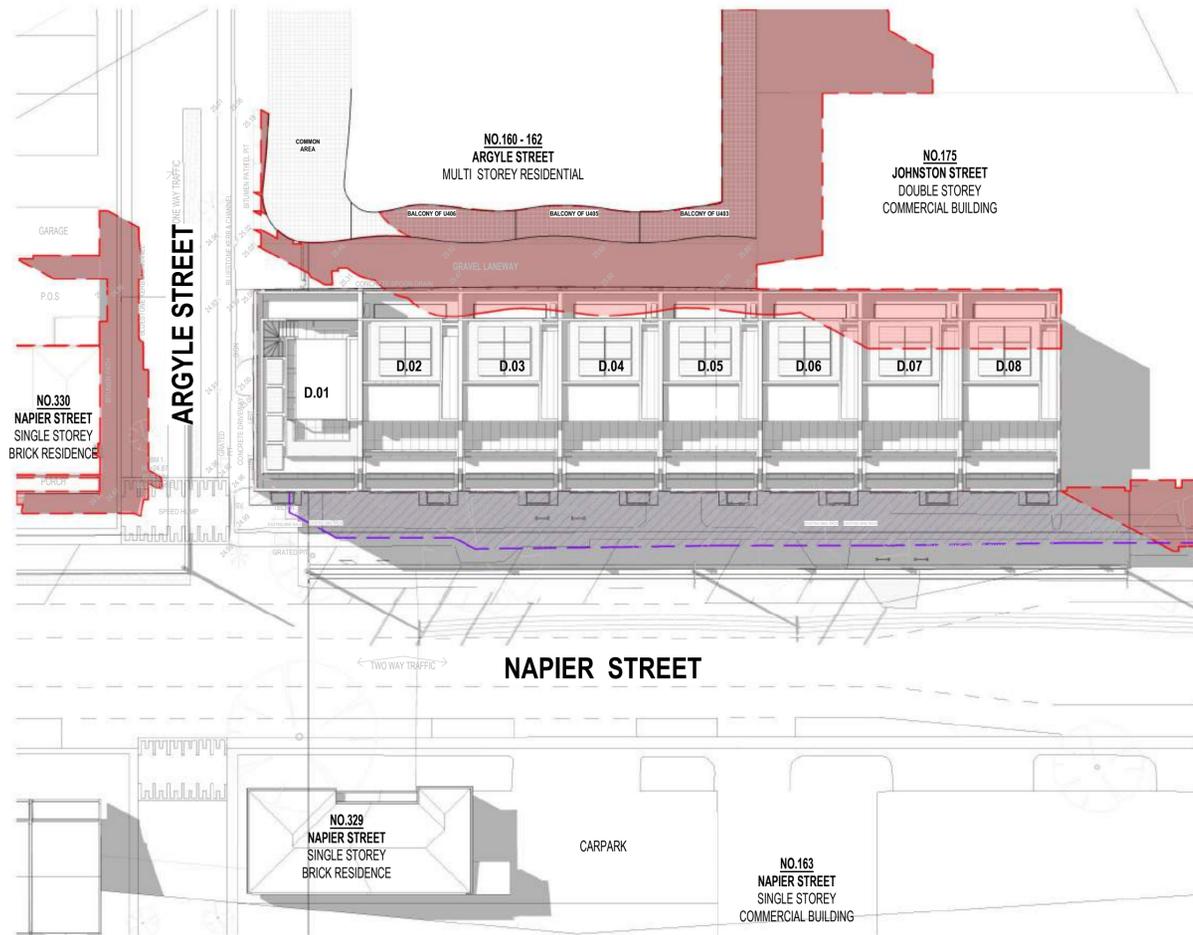
Project Address: Fitzroy Row 316-328 Napier Street, Fitzroy
Drawing Title: 9AM + 10AM SHADOW DIAGRAMS
Drawing Issue: RFI ISSUE
Client: Z.F.T
North Point: 

Project Number: 231800
Drawing Number: TP-400
Issue Date: JUN 2024
Revision Issue: I
Drawn by: DE
Checked by: GM
Scale: A3 / As A Indicated

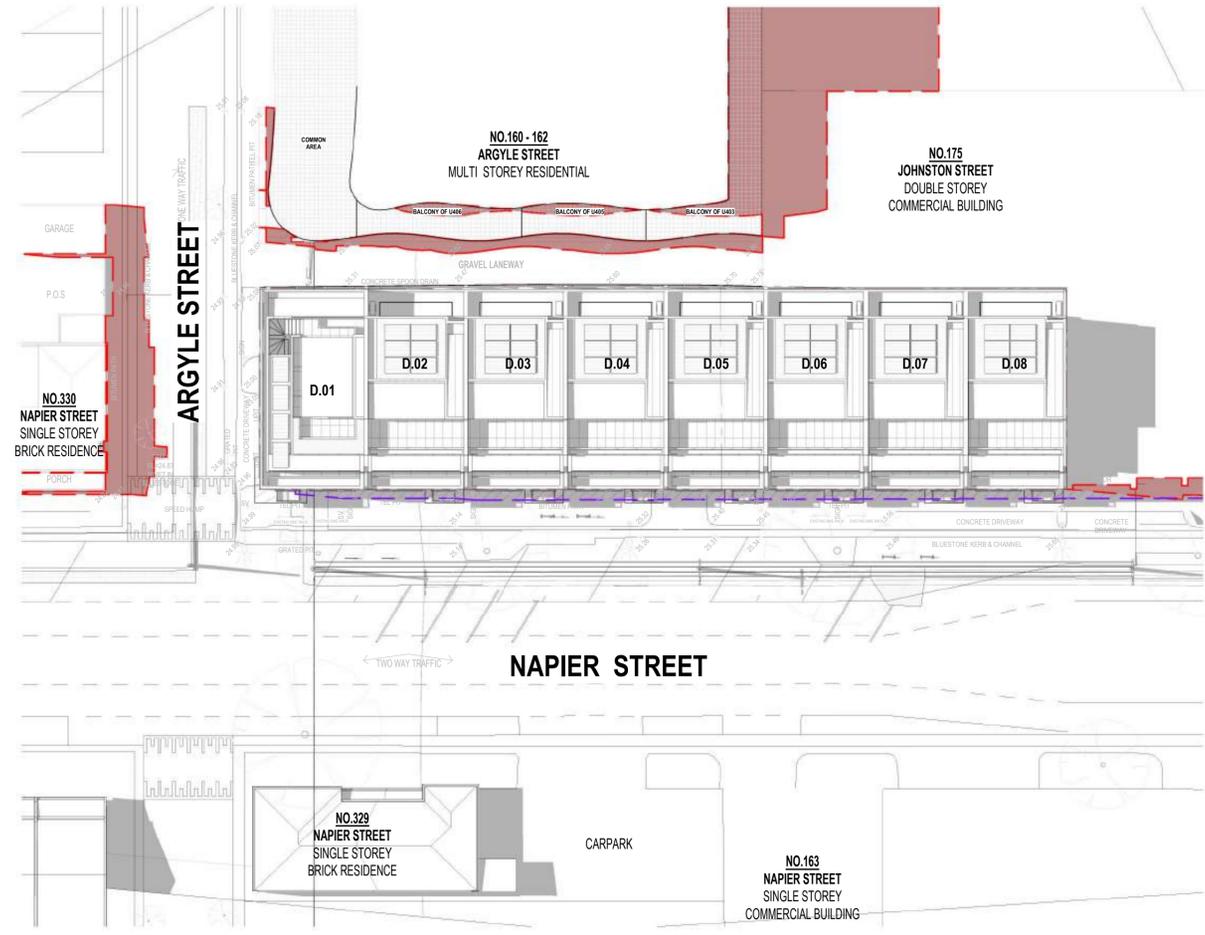
Rev	Description	Date
-	Concept 01	24.01.2022
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
I	Issue in Response to Council's RFI	24.07.2024

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DWG REF.	VIEW NAME
1	11AM - 22ND SEPTEMBER
DWG NUMBER	SCALE
	1:200



DWG REF.	VIEW NAME
2	12PM - 22ND SEPTEMBER
DWG NUMBER	SCALE
	1:200

LEGEND

-  PROPOSED SHADOW
-  EXISTING SHADOW CAST BY NEIGHBORS
-  EXISTING SHADOW CAST BY EXISTING BUILDING ON SUBJECT SITE
-  PROPOSED SHADOW CAST TO THE BALCONIES OF NO.160 - 162 ARGYLE STREET



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Unit 2, 1 Bik Lane, Fitzroy North 3068

M3 GROUP

Project Address
Drawing Title
Drawing Issue
Client
North Point

Fitzroy Row
316-328 Napier Street, Fitzroy
11AM + 12PM SHADOW DIAGRAMS
RFI ISSUE
Z.F.T

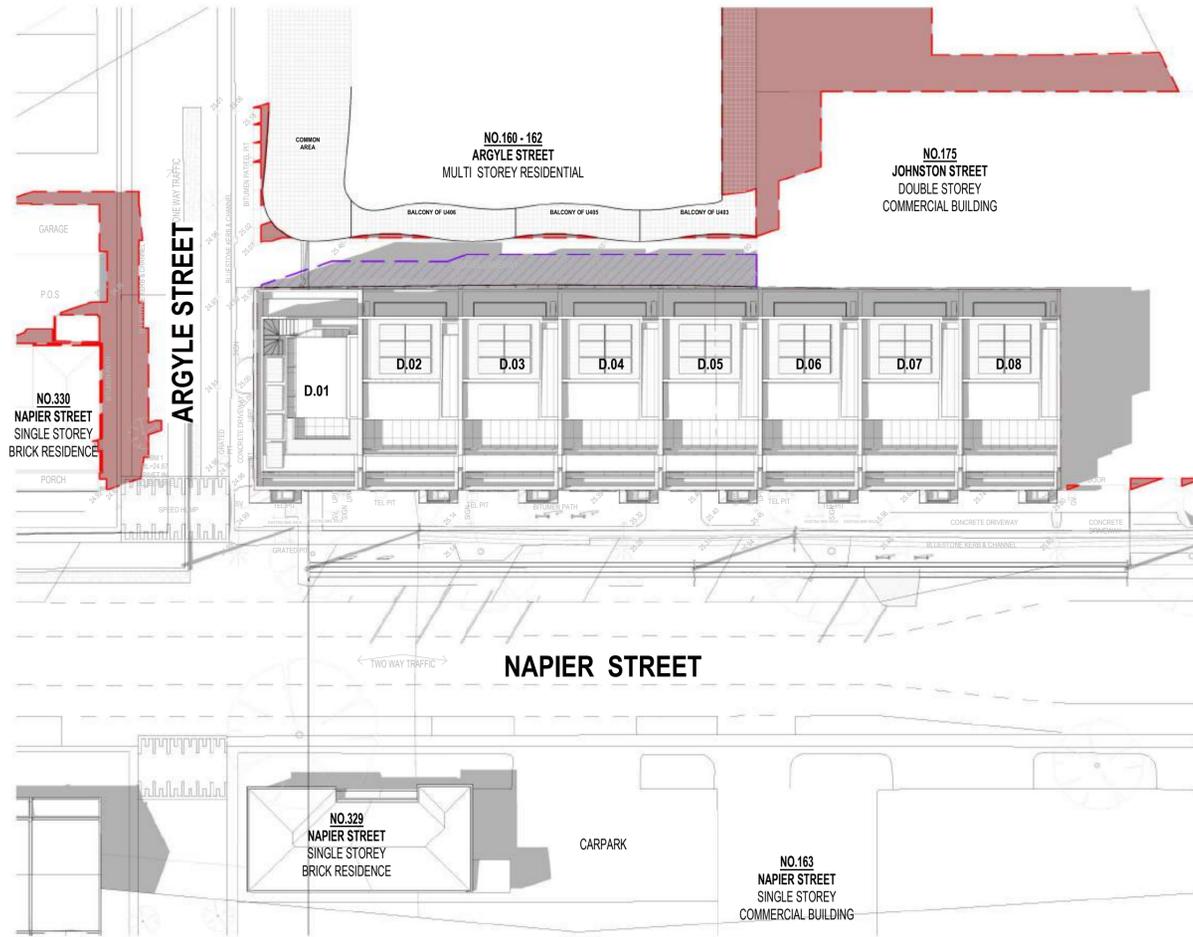
Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

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JUN 2024
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A Indicated

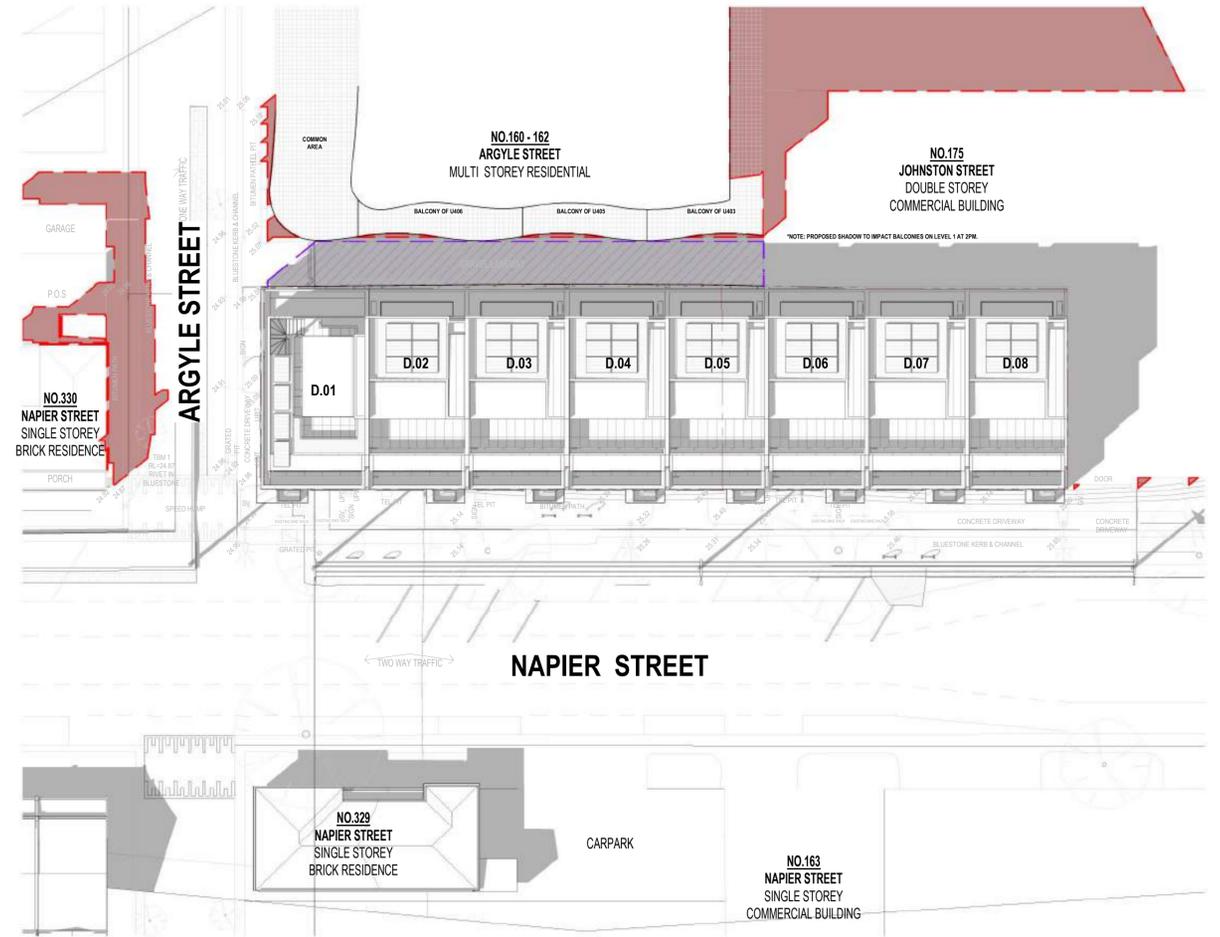
Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
I	Issue in Response to Council's RFI	24.07.2024

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DWG REF:	VIEW NAME:
1	1PM - 22ND SEPTEMBER
DWG NUMBER:	SCALE:
	1: 200



DWG REF:	VIEW NAME:
2	2PM - 22ND SEPTEMBER
DWG NUMBER:	SCALE:
	1: 200

LEGEND

- PROPOSED SHADOW
- EXISTING SHADOW CAST BY NEIGHBORS
- EXISTING SHADOW CAST BY EXISTING BUILDING ON SUBJECT SITE
- PROPOSED SHADOW CAST TO THE BALCONIES OF NO.160 - 162 ARGYLE STREET



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Unit 2, 1 Bik Lane, Fitzroy North 3068

M3 GROUP

Project Address
Drawing Title
Drawing Issue
Client
North Point

Fitzroy Row
316-328 Napier Street, Fitzroy
1PM + 2PM SHADOW DIAGRAMS
RFI ISSUE
Z.F.T
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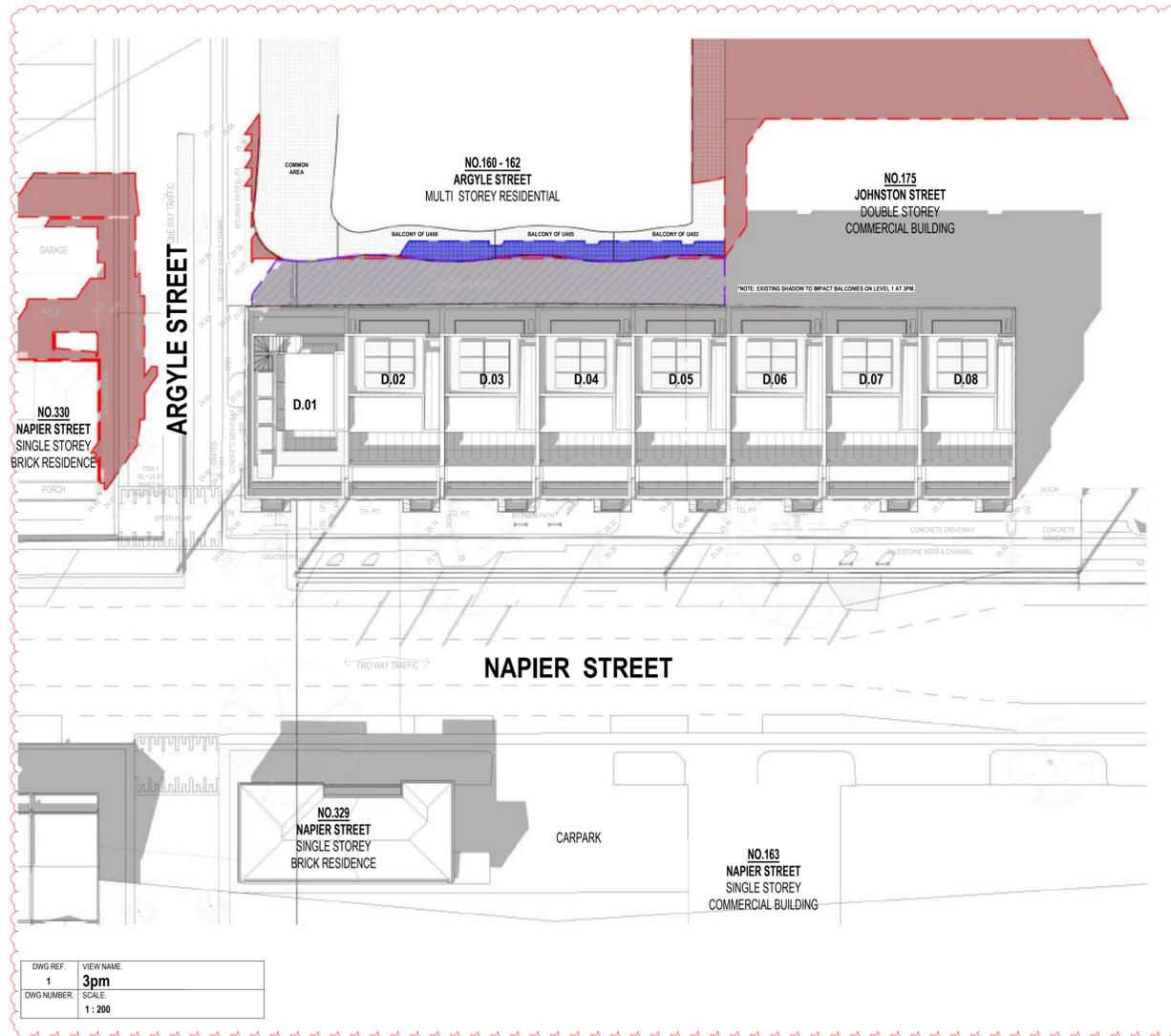
Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

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JUN 2024
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A Indicated

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
H	Issue in Response to Council's RFI	17.07.2024
I	Issue in Response to Council's RFI	24.07.2024

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Project Address
Drawing Title
Drawing Issue
Client
North Point

Fitzroy Row
316-328 Napier Street, Fitzroy
3PM SHADOW DIAGRAMS
RFI ISSUE
Z.F.T



Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

231800
TP.403
JUN 2024
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A Indicated

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
H	Issue in Response to Council's RFI	17.07.2024
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M3 GROUP

Project Address Fitzroy Row
316-328 Napier Street, Fitzroy
Drawing Title PHOTOMONTAGE
Drawing Issue RFI ISSUE
Client Z.F.T

Project Number 231800
Drawing Number TP-500
Issue Date JUN 2024
Revision Issue I
Drawn by AV
Checked by GM
Scale A3 / A1 /

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023
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Project Address
Drawing Title
Drawing Issue
Client

Fitzroy Row
316-328 Napier Street, Fitzroy
PHOTOMONTAGE
RFI ISSUE
Z.F.T

Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

231800
TP.501
JUN 2024
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Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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M3 GROUP

Project Address	Fitzroy Row 316-328 Napier Street, Fitzroy	Project Number	231800
Drawing Title	PHOTOMONTAGE	Drawing Number	TP-502
Drawing Issue	RFI ISSUE	Issue Date	JUN 2024
Client	Z.F.T	Revision Issue	G
		Drawn by	AV
		Checked by	GM
		Scale	A3 / A1 /

Rev	Description	Date
E	Issue for Consultant Coordination	23.10.2023
F	Issue for Planner Review	17.11.2023
G	Lodgement Issue	13.12.2023

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SLR Consulting Australia

Level 11, 176 Wellington Parade, East Melbourne VIC 3002, Australia



4 September 2024

SLR Ref No.: 640.030695.07970 316 Napier St 20240904.docx

Attention: Madeleine Maloney
City of Yarra
PO Box 168
RICHMOND 3121

**RE: 316-328 Napier Street, Fitzroy
Development Application Acoustic Review
PLN18.0173.03**

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to review the acoustic report prepared to support the application for a residential development at 316-328 Napier Street, Fitzroy.

Details of the report are as follows.

- Title: 316-328 Napier Street, Fitzroy, Acoustic Assessment of Proposed Car Stackers
- Date: 27 May 2024
- Reference: AC64OME-01E02 Acoustic Assessment (r0)
- Prepared by: Octave Acoustics Pty Ltd
- Prepared for: Zapris Developments Pty Ltd

The report has been prepared to address the Council RFT for the project. The RFI (as provided in the acoustic report) is reproduced below:

- Noise from the car stacker operation in terms of impact to dwellings within the development and on the opposite side of Napier Street and the eastern right-of-way assessing compliance in relation to the Noise Protocol, Part 1 and relevant sleep disturbance limits. If any recommendations regarding acoustic treatments are made and are adopted as part of the proposal, ensure plans are updated to be consistent with the recommendations as necessary.
- If there are any live music venues within 50 meters of the subject site, the requirements of Clause 53.06 of the Yarra Planning Scheme.

1.0 Proposal

(Reference: Section 1 of the report)

The acoustically significant aspects of the application are summarised below:

- The proposal is for 8 adjacent townhouses each of which is proposed to have a two car stacker.
- The car stackers are located at the rear (east side) of the proposed dwellings within enclosed garages (architectural drawings included in Appendix B of the report).
- The nearest noise sensitive receivers potentially impacted by noise from the car stackers are identified as the multi-storey residential building at 160 Argyle Street Fitzroy (separated from the site by a lane) and the single storey residence at 159 Argyle Street.

- Octave Acoustics are not aware of any live music venues within 50 m of the subject site, and have therefore considered noise from the car stackers only in their report.

SLR Comment: *The acoustically significant aspects of the application have generally been identified. The precise location of sensitive receivers at 160 Argyle Street is not clear (i.e. ground or first floor, setbacks etc.)*

SLR also have not identified any live music venues within 50 m of the subject development and accept that the report need only address noise from the carpark equipment.

2.0 Noise criteria

(Reference: Section 3.1 of the report)

Noise from car stackers operation is proposed to be assessed to noise limits determined in accordance with Part I Victorian EPA *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, Publication 1826 (the Noise Protocol). Octave observe that noise from residential premises are not strictly required to comply with the Noise Protocol, however they consider the assessment of car stacker noise to the Noise Protocol to be appropriate practice.

Noise limits have been determined from land use zoning levels in the area and are: 58 dBA (day), 52 dBA (evening) and 47 dBA (night).

Sound transmitted from the garage of dwelling to an adjacent dwelling via a common wall is proposed to be assessed to the external limit less 15 dB.

Additionally, noise from the equipment is proposed to be assessed to sleep disturbance criteria of 50-55 indoors, assuming windows are open, and 60-65 dBA at outside bedroom windows.

SLR Comments: *SLR agrees that noise from the car stackers can reasonably be assessed to Part I of the Noise Protocol and we are comfortable with the use of zoning levels as noise limits. That is, we have not recommended that site specific background noise levels be conducted for the assessment.*

We note however, that the adjustment for noise indoors under the Noise Protocol is -20 dB for newer buildings, rather than the -15 dB Octave have identified.

We consider the assessment of car stacker noise to sleep disturbance L_{max} criteria to be good practice and agree that the nominated external limits (60-65 dBA L_{max}) are appropriate. The identified internal limit of 50-55 dBA is reasonable for sound transmitted via an openable window however for noise transfer via structural elements (e.g. a common wall) it would be more appropriate to design to meet indoor limits for a 'windows closed' scenario. These are typically 10 dB lower, i.e. 40 dBA L_{max} in bedrooms and 45 dBA L_{max} in living rooms in accordance with the AAAC guideline levels for three star dwellings reproduced in Section 7.3.2 of the City of Yarra 'Guidelines – managing noise impacts in urban development', 2019.

3.0 Noise Control Recommendations

(Reference: Section 4.2 of the report)

The following noise control measures are proposed:

- Provision of not less than 18 m² acoustic absorption treatment with an NRC value of not less than 0.9 within the carpark.
- Vibration isolation of the motor.



- Car stacker frame to be fixed to the ground floor slab only and that fixing include vibration isolation mounts.
- Garage doors to be closed during operation of the car stacker where practical.

SLR Comments: *The provided advice is sufficiently detailed and can be expected to control vibration and structureborne sound from the car stacker and to assist in the control of airborne sound emission. Operation of the garage roller doors will effectively be part of noise emissions and advice should ideally be provided for selecting an appropriate door and for installation measures to minimise structureborne sound emissions to adjoining dwellings.*

4.0 Assessment

(Reference: Section 4 of the report)

A computer noise model has been prepared to predict car stacker noise to potentially impacted residents. Model inputs are identified as:

- Assumption of up to three car stacker uses during any half hour of the night period.
- Car stacker movement duration of 1 minute per cycle.
- Garage door open during car stacker operation
- Car stacker sound power of 92 to 97 dBA L_{max} and 80 dBA L_{eq} (hydraulic pump only)
- A decibel penalty of +5 dB has been applied for intermittency.

The predicted noise levels are presented in Table 3 of the report. All predicted levels comply with the identified noise limits.

Compliance is also predicted at internal receiver locations (i.e. townhouses within the development).

SLR Comments:

Regarding the provided Noise Protocol assessments, we note that:

- *Noise from operation of the garage door should be included in the assessment.*
- *It is unclear whether the L_{max} level has been included in the L_{eq} assessment. Regular maximum noise events over a short duration can raise the overall L_{eq} level.*
- *A decibel penalty has not been applied for impulsiveness. Car stacker operations typically produce quite impulsive noise.*
- *Marginal compliance is predicted for dwellings adjacent to the car stacker (i.e. 30 dBA noise level and 32 dBA limits). This would equate to non-compliance if a -20 dBA adjustment, as opposed to the identified -15 dB were applied to the assessment.*
- *The operational assumptions in the assessment regarding the car stacker use are considered conservative. For this small development we would be comfortable with the assumption of one operation in any 30 minute period at night. The assumption of a single operation at night would also be more representative of impacts for an assessment to adjacent townhouses, as these are only likely to be impacted by noise from the car stacker in the next garage (as opposed to all of them).*

Regarding the provided L_{max} assessments:

- *In our experience car stacker maximum noise emissions caused by the mechanical latching and shunting operations can be quite variable and installation dependent. Some units may produce L_{max} sound power levels greater than 97 dBA.*



- *Our indicative calculations also suggest that there is potential for higher L_{max} noise levels than Octave have predicted, for the assumed sound power levels, at the overlooking apartments at 160 Napier Street. We acknowledge however that there is some uncertainty from our end regarding the precise location of the sensitive receiver / assessment location.*

In summary we have some reservations about the provided assessment, however given the potential variability of noise from the equipment it is unlikely that these concerns will be able to be fully addressed by the acoustical consultant prior to the installation of the car stackers. For this reason we have recommended that the permit include the requirement for commissioning noise testing and a revised report at that time. A suggested permit condition is provided in the following sub-section.

5.0 Suggest permit condition

Following installation of the car stackers and prior to occupancy, an acoustic assessment of noise from the carpark equipment is to be conducted. The assessment should include:

- Measurements of not less than one full cycle of car stacker operation, inclusive of the garage door opening and closing. The measurement/s are to be conducted at:
 - A location representative of the most impacted apartment at 160 Argyle Street, and
 - Within the potentially most impacted townhouse with windows closed.
- The measured noise is to be assessed to:
 - The Noise Protocol Part I night noise limit, inclusive of corrections for intermittency, impulsiveness, duration and tonality, as appropriate, assuming one cycle of operation in any 30 minute period at night. An adjustment of 20 dB is to be used for any assessment to indoor receiver locations unless an alternative adjustment is determined in accordance with the Noise Protocol.
 - To a sleep disturbance criterion of 65 dBA L_{max} at the façade of existing dwellings, 40 dBA L_{max} inside adjacent townhouse bedrooms and 45 dBA L_{max} inside other habitable room windows, with windows closed.
- A report detailing the assessment methodology and demonstrating compliance with the noise limits is to be submitted to Council.

6.0 Summary

SLR has reviewed the acoustic report prepared to address the City of Yarra RFI regarding noise impacts from the car stackers proposed for 318-328 Argyle Street, Fitzroy. The report includes recommendations that can be expected to assist in the management of noise from the equipment. However, due to the variability in the level of noise emitted from car stackers, the proximity of the nearest existing noise sensitive receivers and some uncertainties regarding the provided assessment, it is recommended that post completion acoustic tests are conducted to demonstrate that the equipment complies with the relevant noise limits. A suggest permit condition is provided in **Section 4** of this review.



Planning Decisions Committee Meeting Agenda - 10 December 2024

City of Yarra
316-328 Napier Street, Fitzroy

4 September 2024

Regards,

SLR Consulting Australia

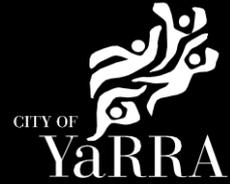


Dianne Williams
Principal - Acoustics
dwilliams@slrconsulting.com

Reviewed by: Jim Antonopoulos
Technical Director - Acoustics
jantonopoulos@slrconsulting.com



Urban Design Formal Referral Response



Application Information:

Referral Officer:	Ben Thorp
Officer:	Madeleine Moloney
Council Reference:	PLN24/0164
Address:	316 Napier St, Fitzroy VIC 3065
Proposal:	Demolition of existing buildings; construction of a five-storey building (and basement) containing 8 dwellings; and associated use of the land for dwellings.
Comments Sought:	Click here to view referral memo: Record D24/317373: IREF24/01415 - Referral Request
Disclaimer:	Council's Urban Designer provides the following information which is based on the information provided in the referral request memo referenced above.
Prev. Responses:	

Recommendation

- The proposal is supported in principle, subject to changes.

Comment Summary

- Overall this is a considered proposal that is broadly within the built form and massing expected for this location and makes an appropriate response to the public realm interface. Materials are high quality and the design is well-refined aesthetically.
- There are some changes needed but overall this proposal can be supported from an urban design perspective.

Built Form and Massing

- The proposal for 8 townhouses each of 5 storeys is unusual for this location where recent multi-rise residential proposals adopt an apartment typology. This diversity of building type is not unwelcome though and will provide an alternate option for urban living in this location.
- The built form generally complies with the requirements of the relevant DDOs. We will defer to the comments of Strategic Planning on this.
- Considering the width of Napier Street, existing high built form and street trees there are few issues of visual impact for a building such as this in this location, from an urban design perspective.
- The massing has been broken up along the Napier street frontage through effective architectural strategies of vertical and horizontal emphasis, well demonstrated through the provided design strategy diagrams. These are appreciated.
- At the Argyle Street frontage the built form is less well-resolved in relation to its context. The narrower width of Argyle Street and more direct relation to low-rise form to the north should have suggested a different approach to the sheer wall that

has been provided here. The upper level setback here is also very minor compared to Napier Street.

- It is recommended that levels 3 and 4 are removed from D.01 to create a greater upper level setback to Argyle Street:



Figure 1: create larger upper level setback to Argyle Street.

- Considering that this change will necessitate major revisions to D.01, it may be necessary to reconsider the overall programming of this dwelling and relation of internal functions to the street. A more significant presentation of this dwelling to the corner and to Argyle Street through the reprogramming of lifts and stair locations will likely create a more contextual response through 'facing' the dwelling to Argyle rather than Napier. See comments below under public realm and façade design for further suggestions.

Public Realm Interface

Napier Street

- The interface to Napier street is relatively well-resolved in terms of achieving a balance between passive surveillance of the public realm and privacy for building occupants. This is achieved through level changes, planters acting as screening and programming of study spaces at the ground floor interface to the street.
- There are some concerns with these spaces that their constrained dimensions may make them less functional than anticipated and the space may ultimately be used for storage. Nonetheless, with living spaces programmed above that open to generous balconies, there is still good potential for passive surveillance of the street from level 1.

Argyle Street

- The interface to argyle Street has suffered somewhat by the fronting of D.01 towards Napier rather than Argyle. Typically in sets of townhouse occupying a corner site the terminating dwelling in the row will be orientated to front the return street. This creates a more integrated street frontage with fenestration and articulation to this 'return' street. In this case with D.01 facing Napier and internal programming of stairs and lifts on the north wall, this has not been achieved.

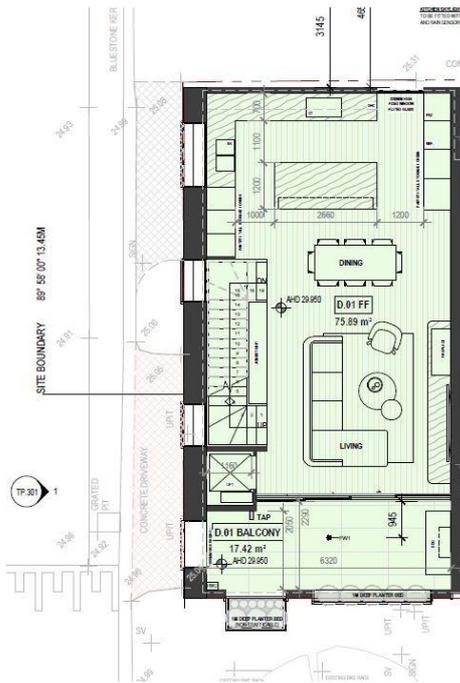


Figure 2: Plan of D.01 level 1. Stairs and lift programmed on north wall.

- The presentation of a relatively blank north wall to Argyle Street has resulted in a lesser architectural and urban design outcome.
- It is recommended that the layout of D.01 is rotated to address Argyle Street as much as Napier Street presenting a façade more similar to that presented to Napier.
- Alternatively, the applicant may want to consider alternate uses for the part of the site currently occupied by D.01. For instance, a commercial use with a ground floor retail and upper level small offices may more easily produce a more desirable public realm outcome at the corner. An activated edge here would better integrate the overall proposal with the surrounding streetscape and produce a stronger urban design outcome.

- The design shows visitor bicycle parking included in the public realm:

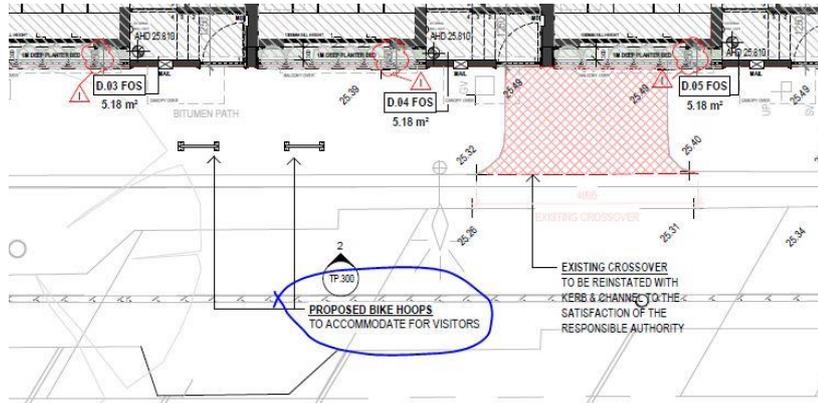


Figure 3: Proposed visitor parking shown in the public realm.

- All statutory visitor bike parking must be provided within the site.

Façade Design & Materials

- The proposal features high quality materials using bricks and natural stone as well natural wood. These are composed in a visually pleasing arrangement on the Napier Street façade.
- As discussed above, the Argyle Street façade is less successful in a number of ways as result of the fronting of D.01 towards Napier Street. In terms of the façade design, the outcome of this decision is that there are large areas of blank wall here. These are broken by strip windows, however the overall aesthetic merit of this façade is reduced compared to the Napier Street façade.
- It is recommended that the strategies discussed above under public realm in regard to D.01 are pursued to produce a north façade design with more fenestration (larger windows to habitable rooms), balconies and a more similar façade composition to that of Napier Street.

Streetscape and Capital Works

- The proposal features the removal of several crossovers to Napier street.
- Kerb and channel must be reinstated as bluestone kerb and channel as per Yarra Standard drawings.
- The removal of the central crossover adjacent to D.05 has created the opportunity for an additional street tree.
- The proponent is requested to contribute towards the cost of this tree as follows:

Tree planting requirements

- Plans should indicate the location of one (1) additional trees along Napier Street to be planted by Council with developer contribution.

All street tree planting is to be undertaken by Council's tree planting contractor. The applicant is requested to contribute to the cost of planting 1 new street trees, which would cover the cost of tree sourcing, planting and 24 months of establishment maintenance.

An estimate of the total cost for the trees and planting is \$1,765 with a breakdown provided below:

- Road – 1 large tree @ Napier Street; \$1,765 per tree

Council's tree planting contractor will source and plant the street tree. Final tree species and locations are to be confirmed by Council's arborist prior to construction. However, please keep Council updated as the project progresses so when the plans are approved Council can ensure trees are placed on order in time for completion.

- The remaining crossover removed at the Southern end of the Napier Street frontage will leave a large area unused between the reinstated kerb and the bicycle lane. This is an opportunity for an additional garden bed in a kerb outstand. It is recommended that the proponent investigate providing this as a further enhancement to the public realm. Any design must investigate all stormwater flows and may need to maintain a continuous run-through channel at the current kerb line.



Figure 4: Potential area of kerb outstand on Napier Street.

The proposal is supported in principle, subject to the following improvements and additional details:

- Increased setback to Argyle Street through the removal of levels 3 and 4 of D.01.
- Redesign of D.01 to present to the corner and Argyle Street with windows to habitable rooms and balconies. Consider commercial use for the part of the site currently designed as D.01.
- All statutory bicycle parking to be accommodated within the site boundary.
- Streetscape works described above are incorporated in plans for endorsement through the provision of Public Realm and Streetscape Plan, to the satisfaction of Urban Design.

- The Public Realm Plan must include, but not limited to:
 - (a) Layout plan indicating all existing and proposed features and surface levels.
 - (b) Show all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs.
 - (d) Clear dimensions of existing and proposed footpath widths, bicycles hoops setback width (preventing effects on pedestrian access along footpath) and offset from face of kerb to the satisfaction of the Council or responsible authority.
 - (f) Demonstrate a seamless / DDA accessible transition from the public realm into the principal entrance to the proposed building at ground floor level.
 - (g) Reconstruction of all footpaths adjacent to the property in accordance with Council standards and Department of Transport's requirements.
 - (h) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades.

These comments exclude comments from the following teams, and they will be providing separate referral comments:

- Strategic Transport
- Strategic Planning
- City works – Open Space Services
- ESD
- City Works – Waste Management
- Development Engineering
- City Strategy – Open Space Services
- Heritage

Capital Works:

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

Urban Designer: Ben Thorp
Date: 22 August 2024

Strategic Transport Formal Referral Response



Application Information	
Referral Officer	Philip Mallis
Officer	Madeleine Moloney
Council Reference	PLN24/0164
Address	316 & 324 – 328 Napier St, Fitzroy VIC 3065
Proposal	Demolition of existing buildings; construction of a five-storey building (and basement) containing 8 dwellings (including new vehicle crossover); and associated use of the land for dwellings; and a reduction of visitor bicycle parking under clause 52.34.
Comments Sought	<p>Comments on the application from a Strategic Transport perspective are requested on the following:</p> <ul style="list-style-type: none"> • Bicycle Parking Provision (in particular is the reduction of visitor bicycle parking acceptable?) • Design and location of bicycle parking spaces and facilities • Green Travel Plan <p>Capital Works If you are aware of any capital works approved or proposed within the area of the subject site (as relevant to the planning application), please provide details and a copy of the plans associated with these works.</p>

Council's Strategic Transport unit provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.

Comments

Bicycle Parking Provision

Statutory Requirement

Under the provisions of Clause 52.34-5 of the Yarra Planning Scheme, the development's bicycle parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwelling	8 units	In developments of four or more storeys, 1 resident space to each 5 dwellings	2 resident spaces	8 resident spaces
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	1 visitor spaces	4 visitor spaces
Bicycle Parking Spaces Total			2 resident spaces	08 resident spaces
			1 visitor spaces	4 visitor spaces

The development provides a total of 6 additional resident spaces and 3 additional visitor spaces than the requirements of the Scheme.

Adequacy of visitor spaces

Number of spaces

The provision of 4 visitor spaces is adequate given:

- The proposal provides 3 more visitor spaces than the requirements of the planning scheme. **(adequate)**
- Supply is more than the CASBE requirements, which require 0.25 visitor spaces per dwelling, equating to a total of 2 visitor bicycle spaces. **(adequate)**

Design and location of visitor spaces

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

- All visitor spaces are provided at ground level in an external area (i.e. footpath of Napier Street) and are publicly accessible. **(adequate)**
- Pursuant to Clause 52.34-5, all visitor spaces are to be provided at a bicycle rail. Parking facilities are provided as horizontal facilities aligning with this requirement. **(adequate)**
- The visitor parking spaces on the footpath of Napier Street do not have dimensions identifying their distance from the kerb and the property's boundary. Furthermore,

dimensions of the space itself is also not provided. Visitor bicycle parking spaces must be designed in accordance with AS2890.3 and Yarra City Council Public Domain Manual Technical Notes Section 3.3.1. **(inadequate)**

Adequacy of resident spaces

Number of resident spaces

The provision of 8 resident spaces is adequate given:

- The proposal provides 6 additional resident spaces over the requirements of the planning scheme. **(adequate)**
- The supply meets the CASBE requirements, which require the provision of 1 residential space per dwelling, which results in the requirement of 8 resident bicycle spaces. **(adequate)**

Design and location of resident spaces and facilities

Resident spaces are inadequately located and designed for the following reasons:

- Resident parking is provided at ground floor level within each unit in the form of a 'steadyrack' vertical bike rack. There is sufficient space to accommodate a horizontal rack instead if required. **(adequate)**
- The bike rack is easily accessible from both the car park entrance and Napier Street entrance. **(adequate)**
- Bicycle parking is located within each private unit and is therefore located within a secure, lockable compound. **(adequate)**

Green Travel Plan

Adequate: The application includes a Green Travel Plan (GTP) dated 8 November 2023. The GTP provides all the required information and can be endorsed.

Recommendations

The following should be shown on the plans before endorsement:

1. Dimensions need to be provided on the plans for the visitor parking spaces to ensure they meet the requirements

Sustainable Transport Planner (Strategic Transport Unit): Philip Mallis

Signature:

Date: 1 October 2024

Strategic Planning Formal Referral Response



Application Information:

Referral Officer:	Madeline Riseborough
Officer:	Madeleine Moloney
Council Reference:	PLN24/0164
Address:	316 & 324 – 328 Napier St, Fitzroy VIC 3065
Proposal:	Demolition of existing buildings; construction of a five-storey building (and basement) containing 8 dwellings; and associated use of the land for dwellings.
Comments Sought:	Click here to view referral memo.
Disclaimer:	<p>Council's Strategic Planning Unit provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.</p> <p>The Strategic Planning comments in this assessment focus on compliance with the following clauses in the Yarra Planning Scheme: Interim Schedule 36 to the Design and Development Overlay (DDO36). and Draft Schedule 36 to the Design and Development Overlay (DDO36).</p> <p>They do not provide commentary on other sections of the Planning Scheme or fully assess the internal amenity of the application.</p>
Prev. Responses:	No previous response given.

Development Details:

Relevant amendment:	Amendment C270yara – Fitzroy & Collingwood Interim Built Form Controls Stage 1 (Approved) Amendment C271yara – Fitzroy & Collingwood Built Form Controls (Authorised - Exhibition to commence in late 2024)
Amendment Status:	<p>Interim DDO36 - Fitzroy east and Johnston Street north was first introduced into the Yarra Planning Scheme on 27 August 2021 via Amendment C270yara.</p> <p>The latest amendment, C323yara, gazetted on 7 March 2024, extends the interim controls until Friday 30 June 2025, while permanent controls are being considered. These are the controls that are primarily being utilised in the assessment of PLN24/0164.</p>

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Existing and proposed controls:	Draft DDO36 - Fitzroy east and Johnston Street north has been Authorised (with conditions) for formal exhibition by the Minister for Planning (via draft Amendment C271yara which implements the permanent controls). The assessment of the proposal against Draft DDO36 considers the Minister's conditions. The conditions and anticipated changes that will apply to the Draft DDOs and Amendment can be read online.
	It is anticipated that exhibition of draft Amendment C271yara will take place in late 2024 – early 2025 (depending on DTP's final sign off the form of the amendment).
Subject Site Plan:	Commercial 1 Zone
	Design and Development Overlay (Schedule 36) – Fitzroy east and Johnston Street north (interim) Design and Development Overlay (Schedule 36) – Fitzroy east and Johnston Street north (draft permanent) Design and Development Overlay (Schedule 10) Heritage Overlay - Not contributory (HO334 – South Fitzroy Precinct)
	Click here for the plan.

Summary of Strategic Planning comments:

The application does not comply with a number of requirements within the current interim DDO36 and the proposed draft DDO36 - Fitzroy east and Johnston Street north.

Notably, the lack of building separation between the eastern and southern boundaries does not consider the development opportunities of neighbouring properties. Whilst these requirements within the interim and draft DDOs are discretionary, not adhering to this combination is not considered an appropriate outcome and would create visual bulk and be invasive on neighbouring properties and potentially the public realm.

Strategic Planning notes that the proposal is within the Commercial 1 Zone without any proposal for commercial activity provided. This is considered a poor outcome for the site given its location on a key street (Napier Street) within the Johnston Street Neighbourhood Activity Centre and does not respond to the commercial character of Johnston Street. It is suggested that the proposal considers how to incorporate commercial activity at the ground floor.

Additionally, the upper-level setbacks and Argyle fronting street wall height have not been sufficiently considered. The upper levels of this application are not visually recessive and do not create a clear visual distinction between the lower street walls and upper-level development.

Due to the smaller scale of the proposed development, Strategic Planning notes that the recommendations below to street wall height and upper-level setback can be varied if the building separation and building layout concerns are addressed.

An application assessed against DDO36 **should not be granted** in its current form.

Recommended changes to the proposal are discussed in the table and discussion outlined below.

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Assessment of compliance with built form requirements:

Built Form Requirements	Interim DDO36	Draft DD36	PLN24/0164	Compliance with DDO36 and recommendations.
Street wall height	<p><u>Napier Street:</u> 14.4m (preferred)</p> <p><u>Argyle Street:</u> 11.2m (preferred)</p>	<p><u>Napier Street:</u> 14.4m / 4 storeys (preferred)</p> <p><u>Argyle Street:</u> 11.2m / 3 storeys (preferred)</p>	<p><u>Napier Street:</u> 12.36m / 3 storeys (approx.)</p> <p><u>Argyle Street:</u> 14.82m / 4 storeys (approx.)</p>	<p><u>Napier Street:</u> The proposed street wall height along Napier Street complies with the requirements in interim and draft DDO36.</p> <p><u>Argyle Street:</u> The proposed street wall height along Argyle Street does not comply with the requirements in interim and draft DDO36.</p> <p>Recommendation: Decrease the street wall height along Argyle Street to comply with interim and draft DDO36.</p>
Street wall setbacks	No front setback.	No front or side setback.	No front or side setback.	<p>The proposed street wall setback complies with the requirements in the interim and draft DDO36.</p> <p><i>No change recommended.</i></p>
Upper-level setback	<p><u>Napier Street:</u> 6m (preferred)</p> <p><u>Argyle Street:</u> 10m (preferred)</p>	<p><u>Napier Street:</u> 6m (preferred)</p> <p><u>Argyle Street:</u> 10m (preferred)</p>	<p><u>Napier Street:</u> 2.2m</p> <p><u>Argyle Street:</u> 0.3m</p>	<p><u>Napier Street:</u> The proposed upper-level setback along Napier Street does not comply with the requirements in interim DDO36.</p> <p><u>Argyle Street:</u> The proposed upper-level setback along Argyle Street does not comply with the requirements in draft DDO36.</p> <p>Recommendation: Increase the upper-level setback on Napier Streets and Argyle Street to comply with the interim and draft DDO36.</p>

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Building height	30.4m (preferred)	30.4m / 9 storeys (preferred)	17.8m / 5 storeys (approx.)	The proposed building height complies with the requirements in the interim and draft DDO36. <i>No change recommended.</i>
Interface	11.2m (preferred)	11.2m (preferred)	9.34m (approx.)	The proposed interface complies with the requirements in the interim and draft DDO36. <i>No change recommended.</i>
Overshadowing and solar access	See below comments and interim DDO36 .	See below comments and draft DDO36 .	See below comments and PLN24/0164 Plans .	The proposed overshadowing and solar access complies with the requirements in the interim and draft DDO36. <i>No change recommended.</i>
Building separation	<u>Habitable windows:</u> Setback 4.5m (preferred) <u>Non-habitable windows:</u> Setback 3m (preferred)	<u>Habitable windows:</u> Setback 4.5m (preferred) <u>Non-habitable windows:</u> Setback 3m (preferred)	<u>East boundary:</u> 2.2m – 3.5m <u>South boundary:</u> 0m	<u>East boundary:</u> The proposed building separation on the eastern boundary does not comply with the requirements in the interim or draft DDO36. <u>South boundary:</u> The proposed building separation on the southern boundary generally complies with the requirements in the interim or draft DDO36. Recommendation: Increase the building separation on the eastern boundary to comply with the interim and draft DDO36.
Building layout (other design requirements)	See below comments and interim DDO36 .	See below comments and draft DDO36 .	See below comments and PLN24/0164 Plans .	The proposed building layout does not comply with the requirements in the interim or draft DDO36. Recommendation: Consider accommodating commercial activity at the ground floor.

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<p>Façade design (other design requirements)</p>	<p>See below comments and interim DDO36.</p>	<p>See below comments and draft DDO36.</p>	<p>See below comments and PLN24/0164 Plans.</p>	<p>The proposed façade design complies with the requirements in the interim and draft DDO36. <i>No change recommended.</i></p>
<p>Access, parking and loading areas</p>	<p>See below comments and interim DDO36.</p>	<p>See below comments and draft DDO36.</p>	<p>See below comments and PLN24/0164 Plans.</p>	<p>The proposed access, parking and loading area complies with the requirements in the interim and draft DDO36. <i>No change recommended.</i></p>

Strategic Planning full comments:

Street Wall Height Requirements

Napier Street:

The proposed street wall height along Napier Street **complies** with the requirements in interim and draft DDO36.

Argyle Street:

The proposed street wall height along Argyle Street **does not comply** with the requirements in interim and draft DDO36.

As seen in *Figure 1* the proposed street wall to Argyle Street is over 3m (1 storey) higher than the preferred street wall in the interim and draft DDOs. Given the proposal doesn't comply with the upper-level setback requirements within interim and draft DDO36 in addition to not complying with this street wall height the taller street wall is in contrast with the design objectives outlined in *Clause 1.0 Design Objectives* of DDO36.

The insufficient street wall height to Argyle Street in addition to the proposed upper-level setbacks and lack of building separation are not considered appropriate for the site.

Recommendation:

Decrease the street wall height along Argyle Street to comply with interim and draft DDO36.

We note that due to the smaller scale of this development, this recommendation could be varied, and the street wall heights considered acceptable if the building separation and building layout concerns are addressed.

Street Wall Setback Requirements

The proposed street wall setback **complies** with the requirements in the interim and draft DDO36.

Both interim and draft DDO36 indicate that development should have no front or side street setback unless an immediately adjoining heritage building is set back from the street. The proposal has no setback and adjoins a laneway at the rear and an existing building to the south with no setback retaining and continuing the existing front setback.

Upper-level Setback Requirements

Napier Street:

The proposed upper-level setback along Napier Street **does not comply** with the requirements in interim and draft DDO36.

Argyle Street:

The proposed upper-level setback along Argyle Street **does not comply** with the requirements in interim and draft DDO36.

The proposed upper-level setbacks are noted as 'slight setback of between 0.3 metres and 2.2 metres to Argyle and Napier Streets respectively with this increasing to 7.1 metres and 4.5 metres for the top floor, noting that the development provides a sloping wall treatment to the latter.'

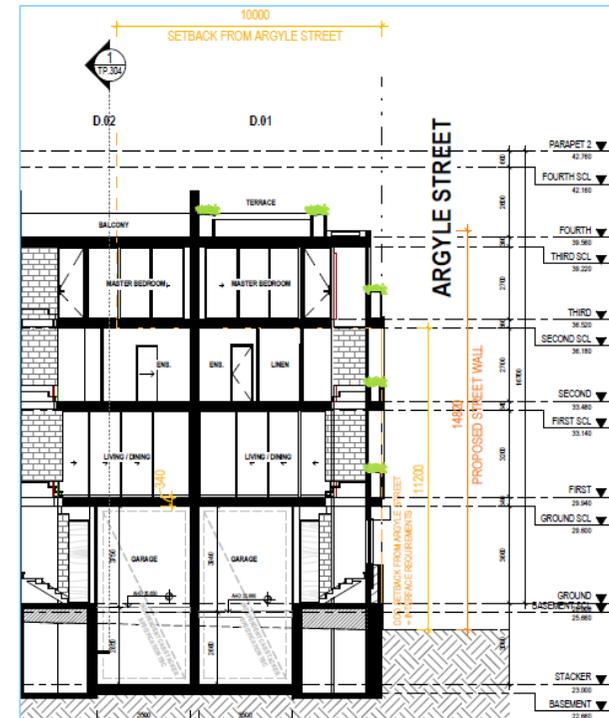


Figure 1: Argyle Street – street wall height and upper-level setback

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It is noted that whilst the Argyle Street upper-level setback could be considered in compliance with the requirements if the street wall height is accepted as there is no level above the proposed streetwall height, this streetwall height exceeds the preferred requirements within interim and draft DDO36 (see *figure 1*).

Additionally, whilst Napier Street does not comply with the upper-level requirements, the streetwall height is within the preferred requirements within interim and draft DDO36. This could be considered in compliance with the requirements as it would sit within the proposed envelope (see *figure 2*).

The insufficient upper-level setbacks in addition to the proposed streetwall heights and lack of building separation are not considered appropriate for the site.

Recommendation:

Increase the upper-level setback on Napier Street to comply with the interim and draft DDO36.

We note that due to the smaller scale of this development, this recommendation could be varied, and the upper-level setback considered acceptable if the building separation and building layout concerns are addressed.

Building Height Requirements

The proposed building height **complies** with the requirements in the interim and draft DDO36.

Both the current interim DDO36 and draft DDO36 have a preferred maximum height of 30.4m / 9 storeys. The proposed development is for a maximum height of 17.8m / 5 storeys.

Strategic Planning notes that whilst the DDO suggests a taller height for the property, this may not be feasibly due to the shape of the site.

Interface Requirements

The proposed interface **complies** with the requirements in the interim and draft DDO36.

Interim and draft DDO36 propose an 11.2m rear boundary wall requirement to limit the impact on the amenity of existing dwellings. The application proposes a 9.34m rear streetwall interface with the laneway to the east of the site. This wall height is considered appropriate given the narrow (3.15m – seen in *Figure 2*) width of the laneway that separates the proposed site from the development to the east.

Overshadowing and Solar Access Requirements

The proposed overshadowing and solar access **complies** with the requirements in the interim and draft DDO36.

PLN24/0164 only anticipates overshadowing the opposite side of Napier Street at 9 am and the balconies of 160-162 Argyle Street at 3 pm. This is outside the controls of 10 am – 2 pm and is sufficient with the overshadowing and solar access requirements within the interim and draft DDOs.

Building Separation Requirements

The proposed building separation **does not comply** with the requirements in the interim or draft DDO36.

The proposal does not adequately provide building separation from the residential property at 160-162 Argyle Street and the commercial property at 175 Johnston Street, Fitzroy (see *figure 3*).

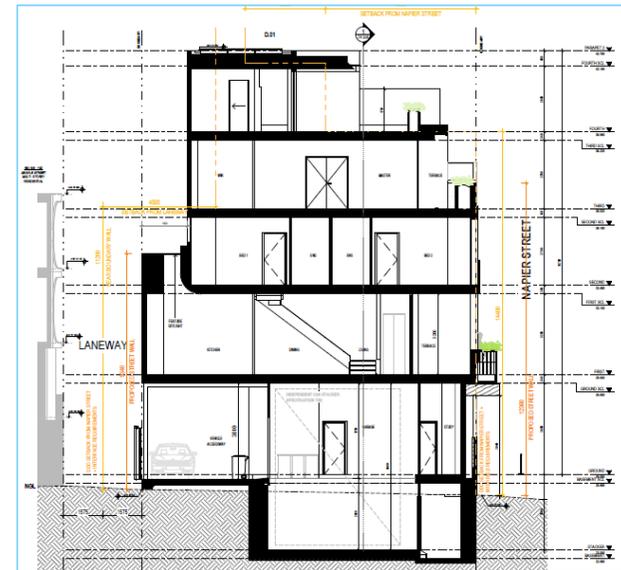


Figure 2: Napier Street – street wall height and upper-level setback & rear interface - street wall height and building separation

Planning Decisions Committee Meeting Agenda - 10 December 2024

Both interim and draft DDO36 indicate that a development should be setback a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists; and be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.

Proposed Units 1 - 5:

Habitable windows are proposed on the 2nd floor and non-habitable windows are proposed on the 3rd and 4th floors. There are existing west-facing habitable windows across the laneway at the east of the proposed site. For Units 1-5 the proposed windows are setback approximately 3.5m from the common boundary (centre of the laneway). This separation is not sufficient and inappropriate given the existing and proposed habitable windows.

Proposed Units 6 - 8:

Habitable windows are proposed on the 2nd floor and non-habitable windows are proposed on the 3rd and 4th floors. For units 6-8 the proposed windows are setback approximately 2.2m from the common boundary. This separation is not sufficient and inappropriate and would limit the development potential of the property at 175 Johnston Street, Fitzroy. It is noted that this is a zoned C1Z and has the potential to propose residential use in addition to the existing commercial use.

As seen in *Figure 2* and *Figure 3*, the rear separation is not sufficient. The proposal doesn't comply with the equitable development objectives within interim DDO36 outlined in *Clause 1.0 Design Objectives* of DDO36. The lack of building separation in addition to the proposed streetwall heights and upper-level setbacks is not considered appropriate for the site.

Recommendation:

Increase the building separation on the eastern boundary to comply with the interim and draft DDO36.

Other Design Requirements

Building Layout Requirements

The proposed building layout **does not comply** with the requirements in the interim or draft DDO36.

The proposed building layout does not allow for the adaption of new uses over time without major structural works. As the proposal is within the Commercial 1 Zone, DDO36 supports development that accommodates commercial activity on the ground floor and incorporates a commercial floor height. We note that this application is entirely residential with no proposal for commercial activity. A lack of commercial services and activity, particularly at the ground level of the site is a significant loss of opportunity and a considered a poor outcome for the site.

Recommendation:

Consider accommodating commercial activity at the ground floor.

Façade Design Requirements

The proposed façade design **complies** with the requirements in the interim and draft DDO36.

There are several façade design requirements that the proposal complies with sufficiently.

Strategic Planning defers to the urban design team for a detailed response to the façade and design assessment.

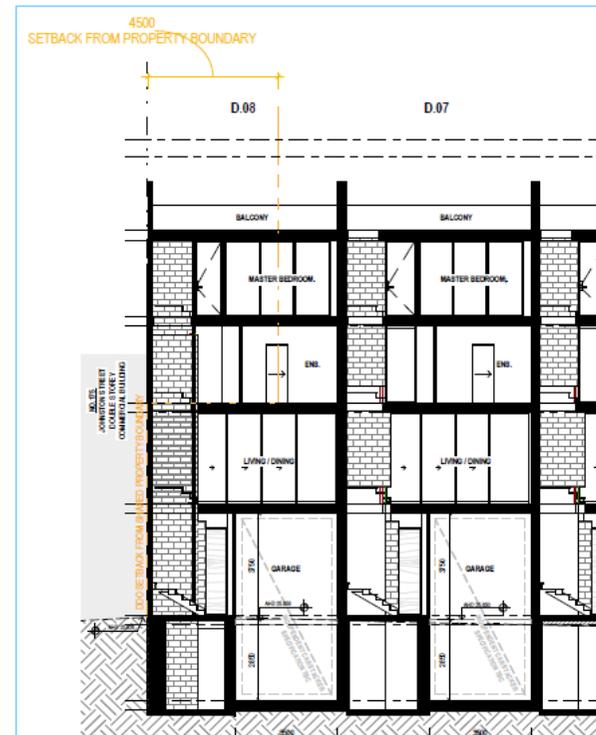


Figure 3: South interface – Building separation

Access, Parking and Loading Areas Requirements

The proposed access, parking and loading area **complies** with the requirements in the interim and draft DDO36.

Pedestrian access to buildings clearly distinguished is achieved via Napier Street and avoids laneway access, with vehicle access from the laneway at the rear of the proposal and concealed from the public realm. Additionally, the proposal does not provide additional vehicular access from Johnston Street and provides a minimum headroom clearance of 3.6m to the first-floor overhang.

Strategic Planning defers to the development engineering and strategic transport comments for a detailed response to the access, parking and loading areas assessment.

Strategic Planner: Riseborough Madeline

Date: 19 August 2024

Open Space Services Formal Referral Response



Application Information	
Referral Officer	Madeleine Moloney
Officer	Tree Dimensions (MSS)
Council Reference	PLN24/0164
Address	316 & 324–328 Napier Street, Fitzroy, VIC 3065
Proposal	Demolition of existing buildings; construction of a five-storey building (and basement) containing 8 dwellings (including new vehicle crossover); and associated use of the land for dwellings; and a reduction of visitor bicycle parking under clause 52.34.
Comments Sought	The impact of development on adjacent street trees on Napier Street and whether any management plan is required during construction.

Council's Open Space Services (City Works) provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.

Council's Open Space Services (City Works) were requested to make comment on the proposal:

Referral Type:

- The impact of development on adjacent street trees on Napier Street and whether any management plan is required during construction.

Capital Works

If you are aware of any capital works approved or proposed within the area of the subject site (as relevant to the planning application), please provide details and a copy of the plans associated with these works.

Comments and Recommendations

Local Laws, Overlays, Policies, Plans and Standards Used in Assessment

- AS 4970–2009 *Protection of trees on development sites*
- AS 4373–2007 *Pruning of amenity trees*

Application Documents Used in Assessment

- Set of Plans – M3 Group, 06/2024
- Landscape Plans – Acre, 24/05/2024

Arborist report

A Tree Management Plan (TMP) will be required to protect the Napier Street trees. Although the trees have sufficient clearance from the building envelope due to powerline clearance pruning, there may be ancillary construction impacts to trees from construction access/demolition/site storage due to site constraints, including limited access via the Argyle Street frontage.

If a Construction Management Plan (CMP) will form one of the permit conditions, it is strongly recommended that the two documents are aligned (e.g., the TMP should address site storage, site access, and clearance requirements for scaffolding/gantries, and the CMP should show tree protection measures required on any relevant plans).

Recommendation to Statutory Planning

I recommend as follows (*tick all that apply*);

- A Permit could be granted with No Conditions suggested. No further comments required.
- A Permit could be granted with Conditions suggested – *see below*.
- Further Information Required – *see below*.
- I have Preliminary Concerns and the application must be amended – *and a commentary provided below*.

A Permit could be issued with the following conditions:

1. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection and preservation of the three street trees along Napier Street in accordance with AS 4970, as well as robust TPZ fencing with appropriate signage, including:
 - a. pre-construction
 - b. during construction
 - c. post-construction
 - d. the provision of any barriers
 - e. any pruning necessary
 - f. watering and maintenance regimes, to the satisfaction of the Responsible Authority.
2. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
3. **Note to planner: If possible, include permit condition wording that ties the Tree Management Plan to the Construction Management Plan so that tree protection requirements and construction impacts are consistent across both documents.**

Manori Senanayake

Tree Dimensions

Desktop assessment date: 30/08/2024

Site photos (29/08/2024)



Image 1: Street trees along Napier Street, facing south-west.



Image 2: Street trees along Napier Street, facing north-east.

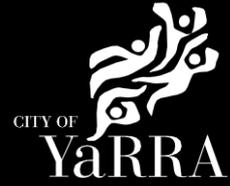


Image 3: Street trees along Napier Street, facing north.



Image 4: Street trees along Napier Street, facing north.

ESD Formal Referral Response



Application Information:

Referral Officer:	Euan Williamson
Officer:	Madeleine Moloney
Council Reference:	PLN24/0164
Address:	316 Napier St, Fitzroy VIC 3065
Proposal:	Demolition of existing buildings; construction of a five-storey building (and basement) containing 8 dwellings; and associated use of the land for dwellings.
Comments Sought:	Click here to view referral memo: Record D24/457568: IREF24/01411 - Internal Referral Response - ESD
Disclaimer:	Council's ESD Officer provides the following information which is based on the information provided in the referral request memo referenced above.
Prev. Responses:	

ESD comments were requested on the following:

- Response to previous comments

In assessing this application, the following documents were reviewed:

- SMP prepared by Enrate Aust dated 25th June 2024
- Plans prepared by M3 Group dated 17th June 2024

Comments

The standard of the submitted ESD does not meet Council's Environmentally Sustainable Design (ESD) standards.

A number of updates have been made to the SDA which have addresses previous concerns that were raised. This includes:

- Updated references in the SDA to the correct set of plans.
- Updated reference in the SDA to toilet connections (only) to rainwater tanks.

Recommendations

Should a permit be issued, the following items below are outstanding and should be addressed in an updated sets of documents as well as conditioned on permit.

Stormwater management and rainwater tank size

- Recommend increase the rainwater tank to a minimum 10,000 litres and update the plans, STORM and SDA reports consistently.

Thermal energy efficiency

- The NatHERS thermal energy rating is proposed to be assessed at Building Permit stage under the NCC2019 and proposes an average 6.4 Star rating. The extension period for the NCC2022, which requires an average 7 Stars, ended on the 1st May 2024. Given the energy ratings were undertaken on June 2024, please provide written evidence from the registered Building Surveyor that this project can still be assessed on the older 2019 version of the Code and that 6.4 Stars is satisfactory. Recommend that an average 7 Star NatHERS is achieved by this proposed development and adherence to the current 2022 version of the NCC.
- No response to the recommendation for external retractable shade was included. Recommend that the development incorporate external shading particularly on the west elevation (e.g. retractable awnings) to minimise heat gain to habitable rooms.

Cross ventilation

- First floor living areas appear to have fixed easterly glazing and fixed skylights, making cross ventilation impossible. Recommend altering easterly glazing to and skylights to kitchens as operable to facilitate the opportunity for cross ventilation. Recommend conditioning kitchen window and skylight operability on planning permit.

Water efficient landscaping

- There is no reference to water efficient landscaping in the landscape plan. Many of the species selected seem at odds with this claim. Update SDA and BESS and remove this claim or updated the documents to substantiate this claim.
- Recommend conditioning that taps and floor-waste (drains) to all balconies and terraces on permit.

Clothes drying

- No clothes drying racks or lines are proposed. This is a missed opportunity to address a key energy efficiency opportunity. Recommend that outdoor clothes drying lines or racks are conditioned on permit to all dwellings.

Rooftop solar panels

- Recommend a condition on permit to note the total minimum capacity of the solar roof top solar arrays.

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

Thanks,

Euan.

ESD Advisor: Euan Williamson

Date: 18 November 2024

ESD Formal Referral Response



Application Information	
Referral Officer	Madeleine Moloney
Officer	Gavin Ashley
Council Reference	PLN24/0164
Address	316 & 324 – 328 Napier St, Fitzroy VIC 3065
Proposal	Demolition of existing buildings; construction of a five-storey building (and basement) containing 8 dwellings (including new vehicle crossover); and associated use of the land for dwellings; and a reduction of visitor bicycle parking under clause 52.34.
Comments Sought	Click here to view the link to the Statutory Planning Referral memo: D24/317246

Council's ESD Officer provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.

ESD comments were requested on the following:

- Review of the Sustainable Design Assessment
- Whether the building achieves an appropriate level of ESD performance.
- Please also advise if any important ESD commitments are not shown on the plans or are inaccurately shown.

Please Note; Since the original submission of the application some changes to the building design have been made. In particular, the upper level has been modified. A revised SDA was not provided in conjunction with the revised plans. Therefore there will be a slight mismatch between the plans referenced in the SDA and the advertised plans. Please feel free to address this in your comments as necessary.

In assessing this application, the following documents were reviewed:

- Plans prepared by M3 Group dated July 2024 (RFI Issue)
- Sustainable Design Assessment prepared by Enrate dated 07.12.24
- Landscape Plans prepared by Acre dated May 24.05.24

Comments

The standard of the submitted ESD **does not meet** Council's Environmentally Sustainable Design (ESD) standards.

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

(1) Applicant ESD Commitments

- A total BESS score of 53% with no mandatory category (Water, Energy, Stormwater, IEQ) below 50%
- Average NatHERs rating of at least 6.5 Stars demonstrated through preliminary energy modelling
- Clear double glazed, low-e windows and sliding doors
- Electric instantaneous hot water systems
- Solar PV system with minimum total capacity of 18.4kW (1.6kW – 2.4kW per dwelling)
- Reverse cycle ducted heating and cooling (3 Star efficiency)
- External lighting controlled by motion sensors
- 6,000 litre rainwater tank collecting from all roof areas, achieving a STORM Rating of 101%
- Water efficient fixtures, fitting and appliances (e.g. 5 Star taps; 4 Star showerhead)
- Vegetation/landscaping equivalent to at least 10% of site area
- Low VOC paints and floor coverings
- Timber to have sustainability certifications (e.g. FSC or AFSC)
- Electric vehicle charging point within garage of each dwelling
- One bicycle parking space within garage of each dwelling
- 80% of construction waste to be reused or recycled
- Operational resource recovery of four streams (general, recycling, FOGO, glass)
- Retractable roofs on fourth floor balconies providing shading to west facing glazing

(2) Application ESD Deficiencies

- Remove 'Natural Gas' as an energy supply in BESS and include commitment in SDA to an all-electric development with no gas connections
- Incorporate external shading particularly on the west elevation (e.g. retractable awnings) to minimise heat gain to habitable rooms

(3) Outstanding Information

- Update SDA and BESS inputs to reflect the current plans (e.g. dwelling areas)
- Update NatHERs ratings to reflect the current plans, considering opportunities to achieve a minimum average NatHERs rating of at least 7 Stars

- Update STORM assessment to reflect the current plans, and increase the rainwater tank capacity to maximise the reuse potential of available rainwater from roof areas
- Clarify connections (i.e. toilet flushing and irrigation) to the rainwater tank for rainwater reuse, ensuring connections are consistently referenced across documentation
- Ensure input to BESS Water Credit 3.1 (Water Efficient Landscaping) is correct as per credit criteria
- Clarify extent of provision of taps and floor wastes to balconies and terraces, ensuring consistency between SDA, BESS and plans
- Clarify Visual Light Transmittance (VLT) value of representative glazing type proposed (i.e. glazing used in NatHERS modelling)
- Confirm openability of first floor skylights to kitchen areas and mark accordingly on plans
- Remove BESS IEQ Credit 2.2 (Cross Flow Ventilation) as not all habitable rooms meet the credit criteria
- Remove selection in BESS of 'Private outdoor clothesline' as no fixed clotheslines are proposed
- Include annotations on roof plan of the total minimum capacity of each solar PV system

(4) ESD Improvement Opportunities

- Consider specification of a lighter coloured metal deck roof instead of light grey to reduce urban heat impacts

Recommendations

The applicant is required to address the items listed as ESD Deficiencies (2) or Outstanding Information (3) and it is recommended that ESD Improvement Opportunities (4) are considered for inclusion to improve the environmental performance of the development.

ESD Officer: ASHLEYG

Signature: Gavin Ashley

Date: 14.09.2024

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.

Sustainable Management Plan (SMP)

for planning applications being considered by Yarra 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. 1,000m² or greater*.

What is a Sustainable Management Plan (SMP)?

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

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

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

Assessment Process:

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

City Works Formal Referral Response



Application Information:

Referral Officer:	Atha Athanasi
Officer:	Madeleine Moloney
Council Reference:	PLN24/0164
Address:	316 Napier St, Fitzroy VIC 3065
Proposal:	Demolition of existing buildings; construction of a five-storey building (and basement) containing 8 dwellings; and associated use of the land for dwellings.
Comments Sought:	Click here to view referral memo: Record D24/317265: IREF24/01410 - Internal Referral Request
Disclaimer:	Council's City Works Unit provides the following information which is based on the information provided in the referral request memo referenced above.
Prev. Responses:	

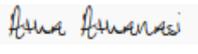
Comments:

The waste management plan for 316 & 324 – 328 Napier St, Fitzroy authored by M3 Group and dated 20/5/24 is not satisfactory from a City Works Branch's perspective.

Issues to be rectified include, but may not be limited to the following:

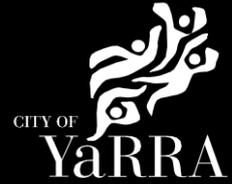
1. Council provides up to 2 kerbside hard waste collections for residential properties each year, however the WMP must show where it is proposed the hard waste will be collected from so we can assess if there is sufficient space on the footpath or adjacent area that meets operational requirements, otherwise hard waste will need to be collected from within the property by private contractor like all other waste streams.
2. Council does not have an at call green waste service, this was discontinued as of 30/6/24 due to the introduction of the kerbside fogo service.
3. The details for management of e-waste must be defined, e-waste cannot be disposed of in waste bins.
4. The waste generation table must include number of bedrooms per townhouse.
5. The bin storage area must be large enough to ensure all proposed bins can be accommodated. The space allocated and the bin footprint for each storage area must be provided in M².
6. More detail is required regarding the proposed collection process, please detail where bins will be placed for collection, including any relevant risk assessments and be certain of required collection vehicle for this site.
7. The swept path diagram must be included in the plan and clearly show entry and exit paths for the collection vehicle.

Waste Management Officer: Atha Athanasi

Signature: 

Date: 3/09/2024

Development Engineering Formal Referral Response



Application Information	
Referral Officer	Artemis Bacani
Officer	Madeleine Moloney
Council Reference	PLN24/0164
Address	316 & 324–328 Napier Street, Fitzroy
Application No.	IREF24/01409
Proposal	Demolition of existing buildings; construction of a five-storey building (and basement) containing 8 dwellings (including new vehicle crossover)
Comments Sought	<ul style="list-style-type: none"> • Proposed vehicle crossover • Proposed vehicular access and design of car parking spaces. • Waste Vehicle Access Arrangements • Confirmation if the abutting laneway to the east is a Council laneway (it appears instead to be part of the land associated with 175-179 Johnston St).
Disclaimer:	Council's Development Engineering unit, provides the following advice based on information provided in the referral request memo referenced above.

Engineering referral details

Council's Engineering Referral team has reviewed the drawings and documents provided by the Statutory Planning department, as outlined in **Table 1** below.

A list of requirements for the applicant and proposed conditions to be included in the Planning Permit have been outlined in the **Section 1 – Engineering requirements** below. Specific details of the assessment are provided in **Section 3** - and have informed the requirements and conditions.

Note: the engineering related matters highlighted in the Planning referral have been assessed and included in the response.

Table 1 - Drawings and documents reviewed by Engineering

Consultant	Drawing No. or Document	Revision	Dated
M3 Group	TP.200 <i>Basement Plan</i>	G	13 December 2023
	TP.201 <i>Ground Floor Plan</i>	I	24 July 2024
	TP.304 <i>Section</i>	H	17 July 2024
	<i>Waste Management Plan</i>	3	20 May 2024
TTM Consulting	<i>Traffic Impact Assessment</i>	2	17 June 2024
Acre	<i>Town Planning Presentation – RFI Amendments</i>		24 May 2024

SECTION 1: Engineering requirements – Issue to the applicant

The applicant must satisfy the engineering items outlined in **Table 2** below. A written response must be provided for each requirement, and the action is to be completed prior to resubmission.

Any amendments to plans/drawings or updates to reports/documents must be highlighted using a **red cloud** around the relevant section. In the written response, indicate the relevant sheet/pages of each document which have been amended.

Should any engineering comments / direction not be adopted, the relevant planner is **REQUIRED** to refer back to the Civil Engineering team for further discussion / comments / conditions prior to finalising reports.

Table 2 - Engineering requirements for applicant

Item	Engineering requirement	Action for applicant
1	Consider the installation of convex mirrors at the development's vehicle entrance.	Update the relevant drawings accordingly
2	It is advisable that the proposed ground floor levels are set to a minimum of 26.080 AHD on the Napier Street frontage and 25.650 AHD on the Argyle Street frontage	Update the relevant drawings accordingly
3	Undertake a public street lighting assessment to comply with the relevant public lighting Standards and Council requirements.	Submit public street lighting assessment
4	Re-submit the vehicle crossing vertical clearance diagrams with the updated levels, to address the quoted flood levels in the flood mapping.	Provide a ground clearance assessment
5	Submit the vertical ground clearance diagrams for the vehicle entrances at garage D.01 and D.02.	Provide a ground clearance assessment
6	Align the western edge of the vehicle crossing with the western edge of the vehicle entrance.	Update the relevant drawings accordingly
7	Setback the mailboxes behind the property line.	Update the relevant drawings accordingly
8	Setback the structure located on the north-west corner of the site (on the ground level) behind the property line.	Update the relevant drawings accordingly
9	Delete the bicycle hoops on Napier Street.	Update the relevant drawings accordingly

SECTION 2: Engineering Conditions – Planning Permit

The conditions outlined in **Table 3** below must be included in the Planning Permit to ensure the specific engineering requirements are complied with.

Note: further conditions may be required if any of the items in Table 2 are not fulfilled prior to the issuing of the Planning Permit.

Table 3 - Engineering conditions to be included in the Planning Permit

Condition related to...	Engineering condition
VC: <i>Design</i>	<p><u>Concurrent with the submission of Condition 1 plans</u> or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval.</p> <p>The submitted design must demonstrate compliance with City of Yarra's, <i>Vehicle Crossing Information Sheet</i>.</p>
VC: <i>Construction</i>	<p><u>Before the building/s is/are occupied</u>, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:</p> <ul style="list-style-type: none"> (a) at the permit holder's cost; <i>and</i> (b) to the satisfaction of the Responsible Authority.
VC: <i>Reinstatement</i>	<p><u>Before the building/s is/are occupied</u>, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:</p> <ul style="list-style-type: none"> (a) at the permit holder's cost; <i>and</i> (b) to the satisfaction of the Responsible Authority.
Condition related to...	Engineering condition
Public Realm: <i>Footpath specific</i>	<p><u>Before the building/s is/are occupied</u> or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Napier Street and Argyle Street frontages must be reconstructed in asphalt:</p> <ul style="list-style-type: none"> (a) at the permit holder's cost; <i>and</i> (b) to the satisfaction of the Responsible Authority(s).
Public Realm:	<p><u>Before the building/s is/are occupied</u>, or by such later date as approved in writing by the Responsible Authority, the kerb and</p>

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Condition related to...	Engineering condition
<i>Kerb & channel specific</i>	<p>channel along the property's Napier Street and Argyle Street frontages must be reconstructed:</p> <ul style="list-style-type: none"> (a) at the permit holder's cost; <i>and</i> (b) to the satisfaction of the Responsible Authority(s).
<p>Public Realm: <i>Functional layout plan</i> <i>[High level details]</i></p>	<p><u>Concurrent with the submission of Condition 1 plans</u>, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.</p> <p>The Public Realm Plan must show, but not be limited to, the following:</p> <ul style="list-style-type: none"> (a) footpath reconstruction; (b) kerb and channel reconstruction; (c) at the permit holder's cost; <i>and</i> (d) to the satisfaction of the Responsible Authority.
<p>Public Realm: <i>Detailed design plans</i></p>	<p><u>Before the development commences (excluding site preparations, demolition and bulk excavation)</u>, or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition XX) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.</p>
<p>Public Realm: <i>Construction & handover</i></p>	<p>Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition XX) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.</p>
Condition related to...	Engineering condition
<p>Reinstatement of damages caused during development works</p>	<p>Within 2 months of the completion 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:</p> <ul style="list-style-type: none"> (a) In accordance with Yarra Standard Drawings Yarra City Council (b) at the permit holder's cost; and (c) To the satisfaction of the Responsible Authority.

Table 4 - Notes to be included in the Planning Permit

Note related to...	Engineering note
Redundant stormwater outlets	All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.
Service infrastructure adjustment to suit finished grades, alignments, etc.	Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly: (a) at the permit holder's cost; and (b) to the satisfaction of the Responsible Authority.
Existing parking infrastructure	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.
Private utility assets	Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.
Adjusting utility infrastructure	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.
Existing parking infrastructure	Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
Parking sensors	The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

SECTION 3: Engineering detailed assessment

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
Three-bedroom dwelling	8	2 spaces per dwelling	16	16

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

The proposed development is providing 16 on-site car spaces to satisfy the car parking requirements of *Clause 52.06*.

TRAFFIC IMPACT

Trip Generation

The trip generation for the site adopted by TTM Consulting is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Trips	AM Peak Hour	PM Peak Hour
Three-bedroom dwellings (8 Dwellings)	0.65 trips per dwelling per peak hour 6.5 trips per dwelling per day	52 Trips	5 Trips	5 Trips
	Total	52 Trips	5 Trips	5 Trips

The proposed development will generate up to 5 vehicle movements in the AM and PM peak hour periods respectively.

Impacts on the Surrounding Road Network

According to the traffic report, any concurrent movements at the development can be accommodated. This will involve an exiting vehicle reversing to the end of the accessway and giving-way to the vehicle entering the site.

It is agreed the post-development traffic generated by the site should not have a detrimental impact on the traffic operation of Argyle Street and the surrounding road network.

DEVELOPMENT LAYOUT DESIGN

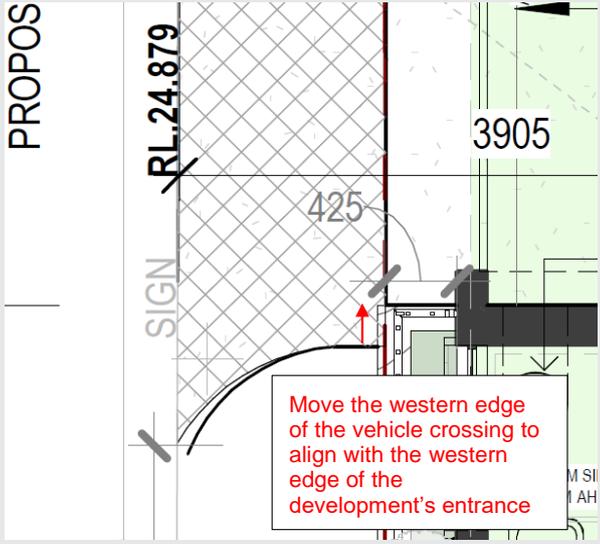
Layout Design Assessment

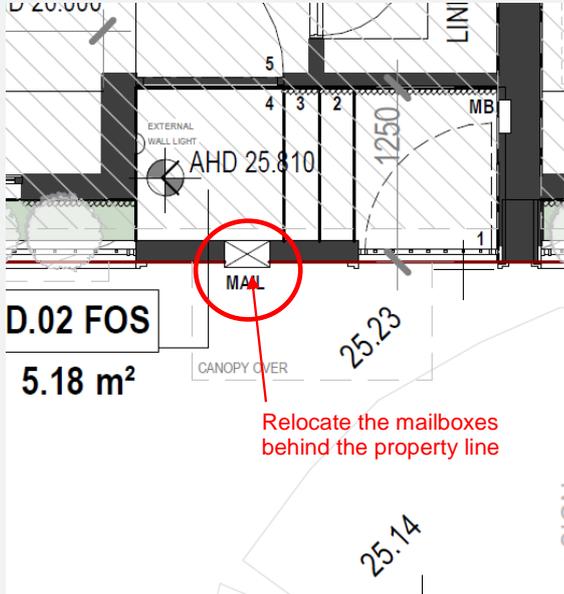
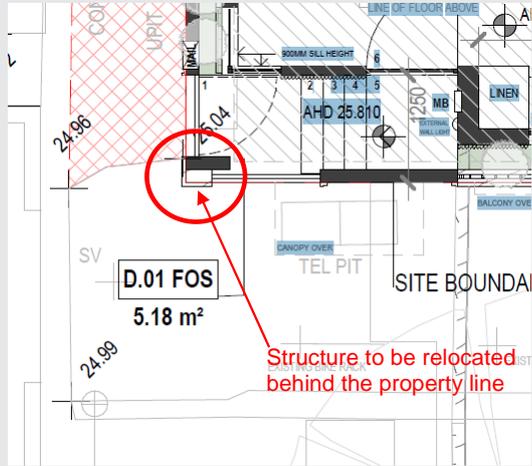
Item	Assessment
Access Arrangements	
Car Park Entrance	The development's car park entrance is 3.8 metres in width which provides single traffic movements into and out of the site.
Width of Car Park Door	The width of the car park door is 3.8 metres in width.
Visibility	Visibility triangles are not provided at the car park entrance.
Headroom Clearances – Car Park Entrance	The headroom clearance at the car park entrance is 3.81 metres to satisfy <i>AS/NZS 2890.1:2004</i> .
Mechanical Car Parking	
Car Stacker System	The car parking for the development will be accommodated within the CSI Chateau Park Premium Parking System with Pit car parking system. The proposed car stacker device is available with a platform width of 2.4 metres and a platform length of 5.2 metres which can accommodate a B85 design vehicle.
Floor-to-Ceiling Height above the Car Stacker System	The floor-to-ceiling height above the car stacker system is 3.75 metres. The specifications for the proposed car stacker system confirms the car stacker system can be accommodated inside the garages.
Vehicle Height Clearance	The CSI Chateau Park Premium Parking System with Pit car parking system can provide a vehicle clearance height of 1.8 metres for 25 % of the spaces to satisfy <i>Design standard 4 – Mechanical parking</i> .
Pit Depth	The pit is 2.85 metres in depth.
Gradients	
Ramp Grade for the first 5.0 metres inside the Property	The grade for the first 5 metres inside the property is no greater than 1 in 10 to satisfy <i>Design standard 3 – Gradients</i> .
Swept Path Diagrams	
Swept Path Diagrams – Drawing No.1237701, Issue A (Sheet No.1)	The swept path assessment for the B85 design vehicle demonstrates adequate entry and exit movements into and out of the car stacker platforms. Some correctional movements could be required to allow vehicle entry or exit to and from the car stacker platforms which are permissible under <i>AS/NZS 2890.1:2004</i> .
Swept Path Diagrams – Drawing No.1237701, Issue A (Sheet No.2)	The swept path assessment for the B85 design vehicle demonstrates adequate entry and exit movements into and out of the car stacker platforms. Some correctional movements could be required to allow vehicle entry or exit to and from the car stacker platforms which are permissible under <i>AS/NZS 2890.1:2004</i> .

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Item	Assessment
Swept Path Diagrams – Drawing No.24MET0188, Issue A (Sheet No.1)	The swept path assessment for the 6.34-metre-long Waste Wide Mini Rear Loader Truck demonstrates adequate entry and exit movements into and out of the site via Argyle Street.
Other Items	
Flood Mapping Information	<p>Council's flood mapping indicates the section of Napier Street and Argyle Street, in front of the site, is subject to flooding during a severe storm event.</p> <p>The applicable flood level for the site's Napier Street and Argyle Street frontage is 25.780 AHD and 25.350 AHD respectively for a 1 in 100-year flood event – Please see under <i>'Engineering Advice for Design Items to be Addressed by the Applicant'</i> section for further information.</p>
Public Street Lighting	As this development is likely to generate additional pedestrian movements at night, a street lighting assessment should be undertaken to ensure that it complies with the relevant public lighting Standards and Council requirements.
Vehicle Crossing Vertical Clearance Diagrams – Drawing No.24MET0188, Issue A (Sheet No.1 to 3)	The vehicle crossing vertical clearance diagrams will be further reviewed by Council when the applicant has considered the flooding levels for the development, see below under <i>'Engineering Advice for Design Items to be Addressed by the Applicant'</i> .
1 in 4 Gradient at the Entrance of D.01 & D.02 Garages	The drawing (Drawing No.TP.201) shows a gradient of 1 in 4 at the garage entrance for D.01 and D.02. The ramp is considered steep and might cause vehicles to bottom-out.
Abutting Road to the East of the Site	A check of Council's GIS shows the road / driveway to the east of the site is private land and forms part of 279 Johnston Street.
Canopies – Napier Street Frontage	The canopies along the Napier Street frontage have a clearance height above the footpath ranging between 3.45 metres and 4.1 metres, and a setback of greater than 750 millimetres from the edge of kerb to satisfy the requirements of the <i>Building Regulations 2018 – Reg 103</i> .
Bicycle Hoops – Napier Street	The Engineering unit do not support the proposed bicycle hoops outside of the development in Napier Street.

Engineering Advice for Design Items to be Addressed by the Applicant

Item	Details
Visibility	The applicant to consider the provision of convex mirrors at the development's vehicle entrance to improve the visibility of pedestrians along the footpath.
Flood Mapping Information	For the proposed development, it is advisable that the proposed ground floor levels are set to a minimum of 26.080 AHD on the Napier Street frontage and 25.650 AHD on the Argyle Street frontage. These levels are 300 mm above the quoted flood level (this is known the Nominal Flood Protection Level (NFPL)).
Public Street Lighting	The applicant to undertake a street lighting assessment to ensure that it complies with the relevant public lighting Standards and Council requirements.
Vehicle Crossing Vertical Clearance Diagrams	The applicant to re-submit the vertical clearance diagrams with updated levels, to address the quoted flood levels in the flood mapping.
1 in 4 Gradient at the Entrance of D.01 & D.02 Garages	The applicant to submit the vertical ground clearance diagrams for the vehicle entrance to the D.01 and D.02 garages, with the following levels: <ul style="list-style-type: none"> - the level at the eastern and western edge of the driveway; - the level at the centre of the driveway; and - the finished floor level 2 metres inside the garage. <p>These levels are to be shown on a 1 in 20 scale cross-sectional diagram, with dimensions and the B99 design vehicle vertical ground clearance template. The assessment should be taken along the centre of the car stacker platform.</p>
Width of Vehicle Crossing	The applicant to align the western edge of the vehicle crossing with the western edge of the vehicle entrance. 

Item	Details
<p>Mailboxes</p>	<p>The applicant to setback the mailboxes behind the property line along the Napier Street and Argyle Street frontages.</p>  <p>Relocate the mailboxes behind the property line</p>
<p>Structure on the North-West Corner of Site – Ground Floor</p>	<p>The applicant to setback the structure located on the north-west corner of the site (on the ground level) behind the property line.</p>  <p>Structure to be relocated behind the property line</p>
<p>Bicycle Hoops – Napier Street</p>	<p>The applicant to delete on the drawings the proposed bicycle hoops on Napier Street.</p> <p>Bicycle hoops associated with the development must be provided inside the property.</p>

SECTION 4: Acknowledgement

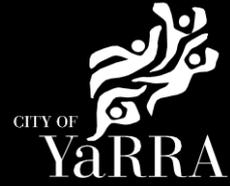
Engineer: Artemis Bacani

Signature: 

Date: 4 September 2024

Referral Response

City Strategy – Open Space Design



Application Information:

Referral Officer:	Aimee Pilven
Officer:	Madeleine Moloney
Council Reference:	PLN24/0164
Address:	316 Napier St, Fitzroy VIC 3065
Proposal:	Demolition of existing buildings; construction of a five-storey building (and basement) containing 8 dwellings; and associated use of the land for dwellings.
Comments Sought:	Click here to view referral memo: D24/335196 - IREF24/01408 - Internal Referral Response - City Strategy - Open Space Design
Disclaimer:	Council's City Strategy - Open Space Plan & Design Unit – Open Space Planner, provides the following referral advice based on the information provided in the referral request memo referenced above.
Prev. Responses:	No – First response

We were requested to make comments on the following:

- Landscaping Plan (which shows landscaping proposed within the development's property boundary)

Comments and Recommendations:

The submitted Landscape Plans (prepared by Acre) have been reviewed for the above planning application. The plans show that landscaping is proposed within the property boundary at Ground floor and Levels 1, 2, 3 & 4 (roof terrace).

The following comments outline recommendations and further information required to be provided on the landscape plan.

These referral comments do not assess any landscaping or streetscape works occurring outside of the subject site – refer to Urban Design Unit referral comments.

General Landscape Plan Requirements:

Overall, the proposed landscape concept is supported, however planter widths need to be increased in some instances and or plant species modified.

The following comments outline further information required to be provided on the landscape plan.

1. Ground Floor Plan: Amend plant code 'Pet' to 'Pat' (33no.) proposed along the eastern site boundary line, running parallel to the driveway.

2. Ground Floor Plan: It is recommended that a replacement species for *Cotoneaster dammeri* is proposed along the northern façade, as mature spread reaches 1m and proposed growing space does not allow for this.
3. Ground Floor Plan: It is recommended to increase the planter widths on the northern and western facades, where feasible. This will promote healthy and successful plant growth and minimise the risk of greenery encroaching into the public realm and impeding on accessibility and sightlines.
4. Level 1 Plan: It is recommended to increase all planter widths on the western façade. This will promote healthy and successful plant growth for the proposed plant species, through increased soil volume and available space, and therefore provide additional greening to the building edge.
5. Provide additional dimensions (particularly width for planters).
6. Ensure the proposed planting areas/planters are coordinated on the architectural plans as per landscape plans.
7. Provide further detail on maintenance tasks, specifically around accessing Ground Floor, and Levels 1, 2 and 3 (northern façade) planters.
8. If feasible, provide an additional larger shrub (i.e. *Cedrela sinensis*) within planter area/private open space of D.01 Level 4 (roof terrace).
9. Provide a legend and materials schedule containing key features, materials and surfaces and show on the landscape plans with appropriate annotations.
10. Provide typical detail drawings for all landscape materials, fixed furnishings and elements.
11. Provide information on any proposed vertical growing structures including detail drawings, mounting technique etc.
 - 11.1. Ensure successful co-ordination of retractable awning and growth of vines to steel arbour proposed for Dwelling 01.
12. Loadbearing weights for the building structure need to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed.

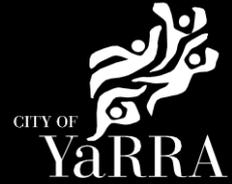
City Works

Not applicable.

Open Space Designer: Aimee Pilven

Date: 5 September 2024

Heritage Formal Referral Response



Application Information:

Referral Officer:	Caitlin Mitropoulos
Officer:	Madeleine Moloney
Council Reference:	PLN24/0164
Address:	316 & 324-328 Napier Street, Fitzroy VIC 3065
Proposal:	Demolition of existing buildings; construction of a five-storey building (and basement) containing 8 dwellings (including new vehicle crossover); and associated use of the land for dwellings; and a reduction of visitor bicycle parking under clause 52.34.
Relevant Overlays	Design and Development Overlay (Schedule 10 and Schedule 36) Heritage Overlay (Schedule 334 – South Fitzroy Precinct) Heritage Grade: Not contributory The most recent version of the incorporated document, City of Yarra Database of Heritage Significant Areas (City of Yarra, March 2024) (Database) can be accessed online
Yarra Planning Scheme References	<ul style="list-style-type: none">• Clause 02.01-6 Municipal planning strategy - Built environment and heritage• Clause 02.03-4 Strategic directions – Built environment and heritage• Clause 15.03-1S Heritage conservation• Clause 15.03-1L Heritage• Clause 43.02 Design and Development Overlay• Clause 43.01 Heritage Overlay
Comments Sought:	As per the Schedule to the Heritage Overlay, there are no internal alteration, external paint, or tree controls. Solar energy system controls apply. Comments on the application from a Heritage perspective are requested on the following: <ul style="list-style-type: none">• Proposed demolition• The overall height and massing, form, materiality and design detailing of the new building in relation to the wider heritage precinct.• Fencing to Napier Street.• New vehicle crossover and garage to Argyle Street.• Any other matters of relevance to heritage considerations. Please note the DDO10 and DDO36 both apply to the site which also contain reference to heritage considerations.
Disclaimer:	Council's Heritage Advisor provides the following information which is based on the information provided in the referral request memo referenced above.
Prev. Responses:	None to the knowledge of the writer.

Context Images

Street Frontage:



Figure 1 View of 324-328 Napier Street, Fitzroy from the north (in Napier Street). Source: Extent Heritage Pty Ltd, August 2024.



Figure 2 View of 324-328 and 316 Napier Street, Fitzroy from the west (in Napier Street). Source: Extent Heritage Pty Ltd, August 2024.

Oblique Images:



Figure 3 View of 324-328 and 316 Napier Street, Fitzroy from the south (in Napier Street). Source: Extent Heritage Pty Ltd, August 2024.



Figure 4 View of 324-328 and 316 Napier Street, Fitzroy from the west (in Argyle Street). Source: Extent Heritage Pty Ltd, August 2024.

Heritage context:

The purposes of the Heritage Overlay at clause 43.01 include 'to implement the Municipal Planning Strategy and the Planning Policy Framework.' The local heritage policy at clause 15.03-1L, the state heritage policy at clause 15.03-1S and clause 43.01 (Heritage Overlay) have been considered in preparing a response to this application. It is noted that *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013* is a policy guideline at clause 15.03-1S.

Significance of site and surrounds

The site comprises the following properties (refer to Figure 5 in this regard);

- 316 Napier Street, Fitzroy with a heritage status of 'Not contributory' in the Database (a factory/warehouse constructed in 1940-1950);
- 324-328 Napier Street, Fitzroy with a heritage status of 'Not contributory' in the Database (a factory/warehouse constructed in 1940-1950).

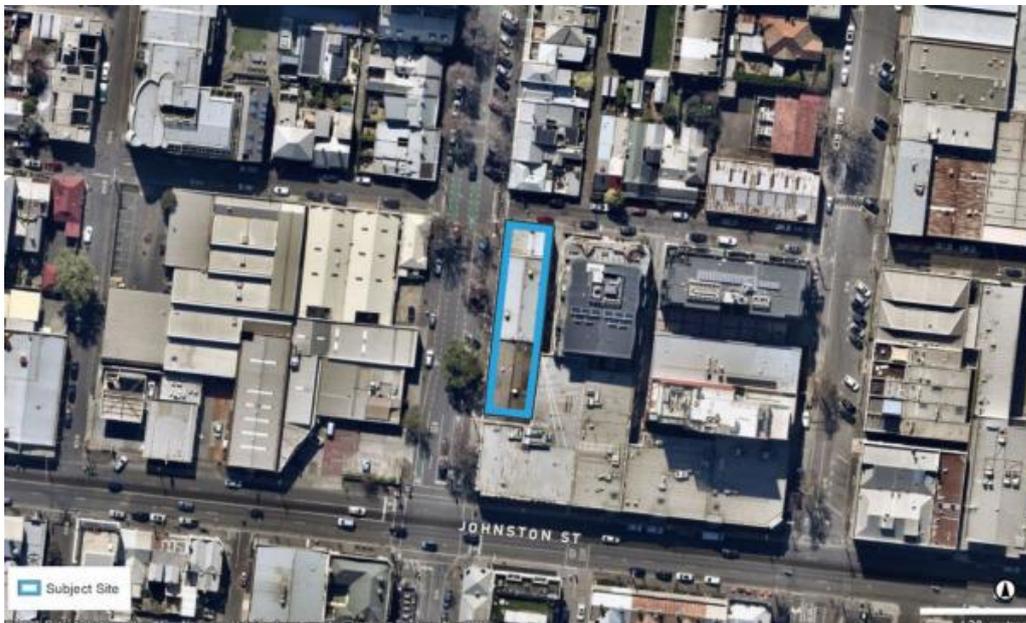


Figure 5 Aerial photograph showing 316 and 324-328 Napier Street, Fitzroy (outlined in blue), Source: 316-328 Napier Street, Fitzroy. Town Planning Application. Urbis. Prepared for the Zapiris Family Trust. July 2024, page 2.

Adjoining and nearby places of contributory and individual significance, include the following:

- to the east, 160 Argyle Street, (a six storey mixed use development) which includes a building with a 'Contributory' heritage status (the P Fieffer Engineering Factory/Warehouse constructed between 1930-1940);
- to the west, across Napier Street, 329 Napier Street, Fitzroy a single storey heritage building with a heritage status of 'Contributory' in the Database (constructed 1900-1915);
- to the north across Argyle Street, 330 Napier Street (a single storey terrace house) with a heritage status of 'Contributory' in the Database (constructed c 1870-1890).
- To the north of 330 Napier Street is a row of single storey terrace houses including 332-340 Napier Street, all of which have a heritage status of 'Contributory' in the Database (generally constructed between 1870-1890);
- to the north-west across Napier Street, 331, 333 and 335 Napier Street, single storey heritage dwellings with a heritage status of 'Contributory' under the Database (all constructed in 1870-1890);
- to the south-west (across Johnston Street), the Town Hall Hotel at 166 Johnston Street which has a heritage status of 'Individually significant' (constructed) 1860-1930.

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Under clause 43.01-8 of the Heritage Overlay, a relevant decision guideline is that any applicable statement of significance, heritage study and any applicable conservation policy must be considered before deciding an application (as appropriate).

The significance of the place as set out in the Statement of Significance for the heritage place is as follows:

How is it significant?

HO334 South Fitzroy Heritage Overlay Area is aesthetically and historically significant to the City of Yarra (National Estate Register [NER] Criteria E1, A4)

Why is it significant?

The South Fitzroy Heritage Overlay Area is significant:

- *As the earliest urban area outside the Melbourne City grid to be settled in the Melbourne municipality, with several buildings from the mid nineteenth century surviving as testimony to its early establishment;*
- *For the unusually high number of early Victorian-era and some Regency period buildings, being generally simply detailed and a clear reflection of the early date of Fitzroy's settlement.*
- *As evidence of early government planning controls or Acts of Parliament, from the 1850s, that aimed to solve street alignment problems in this privately planned suburb, arising from a hitherto lack of co-ordination between neighbouring allotment owners;*
- *As a good example of the successful application of the Act for Regulating Buildings and Party Walls, and for Preventing Mischief by Fire in the City of Melbourne (Melbourne Building Act 1849), which forced the use of fireproof construction and gave South Fitzroy a character distinct from other inner suburbs such as Richmond and Collingwood, that have a greater proportion of Victorian-era timber buildings.*
- *As a substantially intact collection of predominantly mid to late nineteenth and early twentieth century building stock, interspersed with well preserved inter-war residential, commercial, retail and industrial buildings that contribute to the historical character of the area.*
- *For the relatively large number of individually significant buildings, being predominantly solid masonry rather than clad with timber, largely as a result of the Melbourne Building Act, 1849.*
- *For the ornate and exuberant detail of many late nineteenth and early twentieth century buildings in the suburb, reflecting the affluence of many of the inhabitants of this area, particularly in the late 19th century.*
- *For the early street, lane and allotment layouts, some original bluestone kerbs, paving and guttering, and some mature exotic street trees, providing an appropriate setting for this collection of residential, retail, commercial and industrial buildings.*
- *For the landmark qualities of some large factory and warehouse buildings from the late 19th and earlier 20th century, such as the MacRobertson confectionary complex which are significant features in the skyline of this predominantly low rise suburb; and*
- *For the major early institutions that developed on its fringes, in particular, St Vincent's Hospital and The Convent of Mercy, as closely linked with the area's history, education and welfare within the metropolitan area.*

The South Fitzroy Precinct (HO334) is within close proximity to the Royal Exhibition Building and is adjacent to the World Heritage Environs Area precinct. The nineteenth century development and character of the South Fitzroy Precinct contributes to the broader setting and context of the Royal Exhibition Building. Views and vistas of the Royal Exhibition Building from within the South Fitzroy Precinct, including views to the dome from Gertrude Street, are also an important feature of the precinct.

Proposal

The proposal includes the following:

- demolition of the two existing buildings on the subject site;
- construction of a five storey townhouse development, comprising eight dwellings;
- the building will be oriented towards the Napier Street frontage, with a secondary frontage to Argyle Street;
- vehicle access and accommodation will be provided via a new crossover to Argyle Street with private garages located at Ground Level;
- each dwelling will utilise a double car stacker, with a basement car stacker for each dwelling descending to a basement level car space.

- the overall maximum building height above ground level to the top of the upper level parapet is approximately 17.664 metres.

Assessment of proposed works: Design and Development Overlay

DDO10 Johnston Street Precinct – West of Smith Street

The preferred future character for the DDO10 which affect the site includes:

- A more consistent streetscape with the street-frontage 'façade wall' at the predominant two to three storey height of 20th and 19th Century buildings.

The design objectives for DDO10 include:

- To retain the valued features which contribute to the preferred future character and heritage of the area.

An assessment of the proposal against the relevant design principles at clause 3.0 of DDO10, **together with recommended revisions to the plans to respond to DDO10** is set out in the table below.

Design principles	Response
Buildings should be built to the street frontage and side boundaries of the site	<p>The proposal is generally consistent with this principle, noting that:</p> <ul style="list-style-type: none"> • At Ground Level on the west elevation, the walls are setback between approximately 0.3 - 1.2 metres to the boundary, and between approximately 0.4 - 3 metres from the north boundary, with the walls built to the west and east boundaries at First and Second Floor Levels above. • At Ground Level the proposal is built to part of the south boundary and a 2.1 metre high fence is proposed along part of the east boundary (on the east side of the vehicular accessway).
The form, massing, materials, finishes and detailed design of buildings respond to the preferred character of the area.	<ul style="list-style-type: none"> • The proposal is for a 3 storey street wall to Napier Street (with a height of approximately 11.8-12.5 metres) and a 3 storey street wall to Argyle Street (up to approximately 12.6 metres). On the east and north elevations elevation, canopies above the Ground Floor entry (with terraces/balustrades immediately above at First Floor Level) project beyond the site boundaries into the airspace above Napier and Argyle Streets below. The form and massing of the proposed street wall adequately responds to the preferred character of the area except for the proposed 3 storey street wall height to Argyle Street which fails to respond to the two storey height of the 'Contributory 20th Century building to the east at 160 Argyle Street (being the P Fieffer Engineering Factory/Warehouse constructed between 1930-1940 incorporated into the 6 storey development at 160 Argyle Street). <p>It is recommended that the plans are revised to:</p> <ul style="list-style-type: none"> • reduce the street wall height on the west and north elevations and modify the form and massing of the proposal to respond to the street wall height of the nearby 20th and 19th Century buildings (including the street wall height of the 'Contributory' P Fieffer Engineering Factory/Warehouse constructed between 1930-1940 to the east at 160 Argyle Street). • remove the projecting canopies above the Gound Floor entries and the terraces/balustrades above at First Floor level to ensure a 'façade wall' which

	<p>does not project into the heritage streetscape and which does not detract from views towards Contributory heritage fabric (including the Contributory dwelling at 330 Napier Street to the north).</p>
<p>The street frontage façade of infill development should complement the predominant street frontage height of nearby and abutting properties. The street façade height should not exceed three storeys or 12 metres.</p>	<p>To Napier Street, the street wall height is between approximately 11.8-12.5 metres</p> <p>To Argyle Street, the street wall height is between approximately 12.6 metres.</p> <p>The height of the street wall to Argyle Street runs counter to this design objective as its height fails to complement the predominant street frontage height of nearby and abutting heritage buildings including the single storey contributory buildings at 329 and 330 Napier Street, and the street wall height of the 'Contributory' P Fieffer Engineering Factory/Warehouse to the east at 160 Argyle Street.</p> <p>It is recommended that the plans are revised so that the street wall height on the west and north elevations are reduced to complement the predominant street wall height of nearby properties, including the Contributory heritage buildings at 329 and 330 Napier Street and 160 Argyle Street.</p>
<p>Development above street façade height should be set-back and not exceed four to six storeys. Setbacks should meet the following view line and amenity setback criteria:</p> <ul style="list-style-type: none"> – Avoid increased overshadowing of street and public space between 10am and 2pm at the equinox (22 September); – Where sites adjoin fine grained, low rise residential development, provide a stepped transition in height at the sensitive interface to minimise amenity impacts; – Minimise the visual intrusion of the upper levels when viewed from footpaths or public spaces. 	<p>Whilst the height of the 5 storey proposal (between approximately 35.5- 36.2 metres) responds to this design objective, the setbacks of the upper levels from Argyle Street runs counter to the relevant design objectives.</p> <p>The site adjoins fine-grained low rise heritage buildings to the east and north and fails to provide a stepped transition in height, particularly at the interface to low rise development to the north. The street wall and the upper levels will be visually intrusive when viewed from footpaths in Napier and Argyle Streets.</p> <p>It is recommended that the plans are revised:</p> <ul style="list-style-type: none"> • to reduce the height of the street wall and introduce a stepped transition in height (above First Floor Level) down to the fine-grained, single storey buildings to the north in Napier Street, including the contributory heritage building at 330 Napier Street.

DDO36 Fitzroy East and Johnston Street North

Noting that the requirements of DDO36 will expire on 30 June 2025, the design objectives of DDO36 include:

To ensure development responds to the heritage character and streetscape by supporting:

- a new mid-rise character (ranging from 6 to 9 storeys) with a new prominent street wall along the northern side of Johnston Street and scale of development transitioning down to Argyle Street;

To ensure the façade composition and articulation of development responds to:

- the commercial character of Johnston Street; and
- the varied industrial and residential heritage character of Fitzroy East.
- To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development 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.

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An assessment of the proposal against the relevant requirements of DDO36, together with **recommended revisions to the proposal (in bold) to respond to DDO36** are set out in the table below.

Requirement	Response
Street wall heights should not exceed the heights specified in Map 1 (14.4 metres to Napier Street and between 11.2-14.4 metres to Argyle Street as shown on Map 1) and as stated below, where applicable.	<p>To Napier Street, the street wall height is between approximately 11.8-12.5 metres</p> <p>To Argyle Street, the street wall height is between approximately 12.6 metres.</p> <p>The proposed street wall height to Argyle Street fails to respond to the mixed commercial and residential heritage character of this part of Argyle Street. Due to its height, minimal setbacks and architectural expression, the proposed street wall to Argyle Street is too visible, both directly and obliquely. It competes with and does not respond to the street wall heights of nearby contributory heritage buildings. This would diminish the existing streetscape which includes single and double storey contributory heritage buildings. This outcome fails to achieve an appropriate response to the design objectives for DDO36 which seek to ensure that new development responds to the heritage character and streetscape by supporting a mid-rise character and a scale of development transitioning down to Argyle Street.</p> <p>It is recommended that the proposal is revised so that the street wall height on the north elevation is reduced to reduce its prominence when viewed both directly and obliquely and to appropriately respond to the street wall heights of nearby contributory heritage buildings (including 330 Napier Street to the north and heritage fabric of the development to the east at 160 Argyle Street).</p>
Development should achieve a continuous street wall with no front setback towards a street, unless a front set back exists and the site is within a Heritage Overlay.	The proposal runs counter to this requirement at Ground Level, the front setbacks from Napier and Argyle Streets. Front gardens (originally bordered by timber or iron picket fences of around 1 metre in height are contributory elements of Victorian-era houses in the South Fitzroy Precinct) and these exist in both Napier and Argyle Streets. Taking this existing heritage context into consideration, the departure from the requirement to achieve a continuous street wall with no front setback to Napier and Argyle Streets is acceptable from a heritage perspective.
<p>Upper levels above the Argyle Street streetwall should be setback by a minimum of 10 metres</p> <p>Upper levels above the primary and side street wall should be set back by a minimum of 6 metres along other streets.</p>	<p>The following elements of the proposal do not achieve these requirements:</p> <p>Levels 3 and 4 are not set back 10 metres from the Argyle Street streetwall.</p> <p>Levels 3 and 4 do not appear to be set back a minimum of 6 metres from the Napier Street (west) boundary.</p> <p>See comments and recommendations immediately below in this regard.</p>
<p>Upper levels should:</p> <ul style="list-style-type: none"> - be visually recessive from main frontages and side streets to ensure development does not overwhelm 	It is acknowledged that the site is constrained due to its narrow width. However, due to the proposed setbacks, height and architectural expression, the visual bulk of the upper levels on the northern elevation fails to respond to

<p>the heritage buildings and minimise upper level bulk;</p> <ul style="list-style-type: none"> - be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street; and - contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form. 	<p>the Upper Level Setback Requirements for the following reasons:</p> <ul style="list-style-type: none"> - the upper levels will be too visible, both directly and obliquely in views from both Argyle and Napier Streets. This would compete with and detract from the character of the surrounding streetscapes within the South Fitzroy Precinct which includes one and two storey contributory heritage buildings. This outcome runs counter to the requirement which seeks upper levels which are visually recessive to ensure that new development does not overwhelm the heritage buildings; - the upper level setbacks along the north elevation do not avoid repetitive steps in the built form as they are not within a maximum of two steps. <p>It is recommended that the setbacks of the upper levels on the north elevation are increased to:</p> <ul style="list-style-type: none"> - ensure that the proposal responds adequately to the requirements of DDO36 and achieves upper levels which are visually recessive from Argyle and Napier Streets and to minimise the visual bulk of the upper levels; - ensure development does not overwhelm the surrounding South Fitzroy Precinct, which includes one and two storey and contributory heritage buildings.
<p>Development should not exceed the 30.4 metres (as shown on Map 1). Architectural features may exceed the building height. Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:</p> <ul style="list-style-type: none"> - the equipment/structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands etc.; and - the equipment/structures are no higher than 2.6 metres above the preferred maximum height; and - the equipment/structures occupy less than 50% of the roof area (solar panels excepted) 	<p>The height of the building (to the top of the Level 9 roof) is between approximately 16.9 to 17.6 metres which complies with the requirement. Proposed services and equipment located on the roof include solar panels. Other services and equipment such as air-conditioning units and other mechanical equipment are not depicted on the plans (except for the rooftop air conditioning units on the First Floor Roof (east of the proposed apartments))</p> <p>It is recommended that the proposal is revised as follows: To show all services and equipment proposed, including all air-conditioning units and mechanical equipment.</p>
<p>Development on a rear boundary should not exceed 11.2 meters. Upper level setbacks above a rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped</p>	<p>The maximum height of development on the rear (east) boundary is approximately 12.72 metres. The outcome of this design fails to achieve the relevant design objectives of DDO36 which seek a scale of development transitioning down to Argyle Street from the street wall along the northern side of Johnston Street. It also fails to ensure that a suitable transition to low scale fine grained development</p>

<p>façade to avoid repetitive stepping of individual levels.</p>	<p>to the north is achieved, including the contributory heritage building at 330 Napier Street.</p> <p>It is recommended that the upper level setbacks on the north elevation are increased to achieve a meaningful transition down to the low scale, fine grained buildings to the east in Argyle and to the north in Napier Street.</p>
<p>Development on streets other than Johnston Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.</p> <p>Development façades should:</p> <ul style="list-style-type: none"> - relate to the vertical and horizontal proportions of the modern commercial character of Johnston Street. - create a suitable ratio of solid and void elements; - create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc. <p>Blank side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.</p>	<p>The proposal fails to respond to the facade design requirements for the following reasons:</p> <ul style="list-style-type: none"> - Whilst the development creates a pedestrian oriented environment to Napier Street, the ratios of solid and void elements to the west façade do not achieve a suitable ratio of solid to void elements, noting that contributory elements of the South Fitzroy Precinct include less than 40% of the street wall face comprised with openings such as windows and doors. - projecting Ground Floor elements (canopies with terraces above); repetitive openings/fenestration and the sheer three storey wall on the north elevation will read together as one monolithic form which will dominate and visually overwhelm the heritage elements of the streetscape (with little visual interest). Projecting canopies with terraces above are not characteristic in this precinct; - The southern boundary wall of the proposal will project above the adjoining the two-storey building at 179 Johnston Street and will be visible from the public realm. It has not been designed to provide visual interest to passing pedestrians through colour, texture or finishes. <p>To achieve this requirement, it is recommended that the proposal is revised to:</p> <ul style="list-style-type: none"> - alter the ratio of solid to void elements on the west elevation, to respond to the contributory elements of the South Fitzroy Precinct which include less than 40% of the street wall face comprised with openings such as windows and doors; - delete the projecting Ground Floor elements (canopies with terraces above); redesign the openings/fenestration and the sheer three storey wall on the north elevation to introduce visual interest, noting that the projecting canopies with terraces above are not characteristic in this precinct. - revise the southern boundary wall (where it projects above the adjoining the two-storey building at 179 Johnston Street) to provide visual interest to passing pedestrians through colour, texture or finishes.

Assessment of Proposed Works: Heritage Overlay

An assessment of the proposal under the Heritage Overlay and the relevant aspects of the Planning Policy Framework is set out below. At the conclusion of this document is a table which summarises recommended changes to the proposal following this assessment.

Demolition

The extent of demolition proposed by this application includes the demolition of:

- the 316 Napier Street, Fitzroy with a heritage status of 'Not contributory';
- 324-328 Napier Street, Fitzroy with a heritage status of 'Not contributory'.

Relevant objectives and strategies at clause 15.03-1S include:

- Ensure the conservation of places of heritage significance;
- Provide for the conservation and enhancement of those places that are of aesthetic, architectural, cultural, scientific or social significance.
- Retain those elements that contribute to the importance of the heritage place.

Strategies at clause 15.03-1L include those which seek to:

- Retain, conserve and enhance individually significant and contributory buildings as identified in the incorporated document in schedule to clause 72.04 'City of Yarra Database of Heritage Significant Areas.'
- Prioritise the conservation and adaptive reuse of a heritage place over demolition.
- Prevent the demolition of individually significant or contributory buildings unless all of the following can be demonstrated:
 - The building is structurally unsound rather than in poor condition.
 - Alternative stabilisation works have been investigated and are not feasible.
 - The replacement building and/or works is appropriate for the heritage context.

Given that the buildings proposed for demolition are described as not contributory in the Database, their demolition is acceptable from a heritage perspective, subject to a new development to replace the existing buildings which appropriately responds to the relevant provisions in the Scheme.

New development

The key consideration for assessing the proposal is whether the proposal will adversely affect the significance of the South Fitzroy Precinct.

Key decision guidelines at clause 43.01-8 of the Heritage Overlay include:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.

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- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

Relevant aspects of the Planning Policy Framework are addressed below.

Siting, setbacks, and scale

Strategies at clause 15.03-1L (New development, alterations or additions) seek to:

- Promote development that is high quality and respectful in its design response by:
 - Maintaining the heritage character of the existing building or streetscape.
 - Respecting the scale and massing of the existing heritage building or streetscape.
 - Retaining the pattern and grain of streetscapes in heritage places.
 - Not visually dominating the existing heritage building or streetscape.
 - Not detracting from or competing with the significant elements of the existing heritage building or streetscape.
 - Maintaining the prominence of significant and contributory elements of the heritage place.
 - Respecting the following elements of the heritage place:
 - Pattern, proportion and spacing of elements on an elevation.
 - Orientation to the street.
 - Setbacks.
 - Street wall.
 - Relationship between solid and void.
 - Roof form.
 - Being visually recessive against the heritage fabric through:
 - Siting.
 - Mass.
 - Scale.
- Protecting and conserving the view of heritage places from the public realm (except from laneways, unless fabric visible from laneways is identified as being significant in the Statement of Significance for the place).
- Maintain views to the front of an individually significant or contributory building or views to a secondary façade where the building has two street frontages by not:
 - Building over the front of it.
 - Extending into the air space above the front of it.
 - Obscuring views of its principal façade/s.

Residential infill

Strategies at clause 15.03-1L seek to:

- Setback residential infill development to match the setback of the principal street frontage of adjoining heritage buildings.
- Ensure that buildings and works associated with residential infill are consistent with:
 - Prevailing side setbacks and building spacing.
 - Height relative to the surrounding context.
- Encourage new residential development to reflect the prevailing roof pitch and form.
- Discourage use of atypical buildings to determine the appropriate siting, form and appearance of new development in the context of its surrounds.

Comments: siting, setbacks and scale

West

The proposed setbacks from Napier Street (west boundary) are as follows:

- between 0 metres (Ground to Level 2) to approximately 1.7 metres to the southern boundary wall and 7.1 metres to the kitchenette wall at Level 4.

These setbacks are acceptable, except for the following:

- the zero setback at Level 2 and the setbacks at Levels 3 and 4 which, when combined with the height of the building (up to approximately 17.8 metres) run counter to strategies at clause 15.03-1L which

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promote development which is respectful in its design response by not visually dominating the existing heritage streetscape and being visually recessive against the heritage fabric through siting, mass and scale.

On the west elevation, it is recommended that the plans are revised as follows:

- amend the height of the street wall and amend the setbacks above Level 2 from the west boundary to ensure that the new building:
 - does not dominate, detract from and compete with the significant elements of the existing heritage streetscape which includes the single storey Victorian-era heritage building at 330 Napier Street (to the north) and the two-storey heritage building at 160 Argyle Street;
 - responds to the heritage character and streetscape by transitioning in scale down towards Argyle Street.

North

The proposed setbacks from Argyle Street (north boundary) are as follows:

- between 0 metres (Ground to Level 3) and 6.8 metres to the upper element at Level 04, noting that setbacks at level 4 range between 2-6.8 metres).

These setbacks are acceptable, except for the following:

- the zero setback at Level 2; the minimal setback at Level 3 (not dimensioned) and the setback at Level 4 of between 2-6.8 metres. When combined with the height of the building (up to approximately 17.8 metres) these setbacks result in an outcome which would visually dominate the streetscapes in Argyle and Napier Streets in this part of the South Fitzroy Precinct. It would detract from and compete with the character and significance of the South Fitzroy Heritage Overlay Area, including nearby contributory heritage buildings at 160 Argyle Street and 330 and 329 Napier Street. This outcome runs counter to strategies at clause 15.03-1L which promote development which is respectful in its design response by not visually dominating the existing heritage streetscape and being visually recessive against the heritage fabric through siting, mass and scale.

On the north elevation, it is recommended that the plans are revised as follows:

- reduce the height of the street wall and increase the setbacks above Level 1 from the north boundary to ensure that the building does not detract from and compete with the significant elements of the existing heritage streetscape, which include the contributory buildings at 329 and 330 Napier Street and the heritage building to the east at 160 Argyle Street. The revision should ensure that views towards the nearby contributory buildings (including 330 Napier Street) are not unreasonably obscured by the proposed development, and that the proposal does not visually dominate the existing heritage buildings and streetscape.

East

The proposed setbacks from the east boundary are as follows:

- between 0 metres (Ground to Level 3) and approximately 2 metres to Level 4.

These setbacks are acceptable, except for the following:

- the zero setback at Level 2 (and part Level 3); the minimal setback at Level 3 and 4 (not dimensioned). When combined with the height of the building (up to approximately 17.8 metres) these setbacks result in an outcome which would visually dominate the streetscape in Argyle Street. It would detract from and compete with the nearby contributory heritage building at 160 Argyle Street. This outcome runs counter to strategies at clause 15.03-1L which promote development which is respectful in its design response by not visually dominating the existing heritage streetscape.

On the east elevation, it is recommended that the plans are revised as follows:

- amend the eastern façade and/or revise the setbacks above Level 1 from the east boundary to ensure that the eastern façade of the proposal does not detract from and compete with the significant elements of the existing heritage streetscape, which include the contributory building to the east at 160 Argyle Street. The revision should ensure that views towards the nearby contributory buildings are not unreasonably obscured by the proposed development, and that the proposal does not visually dominate the existing heritage buildings and streetscape, including 160 Argyle Street to the east.

The southern boundary of the subject site adjoins the two-storey building at 179 Johnston Street. The building at 175-179 Johnston Street is given a heritage status of 'Not contributory' in the Database. The proposed zero setbacks from the southern boundary at all levels are considered to be acceptable.

Building form and roof form

New development, alterations and additions

Strategies at clause 15.03-1L seek to:

- Promote development that is high quality and respectful in its design response by:
 - Not detracting from or competing with the significant elements of the existing heritage building or streetscape.
 - Maintaining the prominence of significant and contributory elements of the heritage place.
 - Respecting the following elements of the heritage place (amongst others):
 - Pattern, proportion and spacing of elements on an elevation.
 - Relationship between solid and void.
 - Roof form.
 - Chimneys.
 - Verandahs and canopies.
 - Being visually recessive against the heritage fabric through:
 - Siting.
 - Mass.
 - Scale

Building form and roof form – residential infill

Strategies at clause 15.03-1L seek to:

- Ensure that buildings and works associated with residential infill development are consistent with:
 - Prevailing side setbacks and building spacing.
 - Height relative to the surrounding context.
- Encourage new residential infill to reflect the prevailing roof pitch and form.
- Discourage use of atypical buildings to determine the appropriate siting, form and appearance of new development in the context of its surrounds.

Roof terraces and roof decks

Clause 15.03-1L contains strategies which seek to:

- Set back roof terraces/roof decks so that they are concealed when viewed from the street and where on a corner, when viewed from the side street.
- Encourage roof terraces/roof decks that are set back a minimum of one metre from chimneys and parapets.
- Ensure that stairwells, lift wells and lift overruns are not visible when viewed from the public realm.

Comments

This part of the South Fitzroy Precinct is characterised by low-scale, fine grained heritage buildings, such as the one storey contributory building at 330 Napier Street (to the north) and the remaining heritage fabric of the two storey P Fieffer Engineering Factory/Warehouse to the east at 160 Argyle Street. The height of the proposal (to the top of the roof) is up to approximately 17.8 metres. The height of the street wall to Napier Street is approximately 12.5 metres. The street wall height to Argyle Street is approximately 12.6 metres.

The proposed building will be visually dominating and it will adversely affect the character and appearance of this part of the South Fitzroy Precinct. This is due to the combination of the height of the proposed street wall to Argyle Street, the proposed upper level setbacks (particularly from the north boundary) and the relationship between solid and void on the north and west elevations. In addition, canopies projecting over the boundary line with terraces above which are visible from the street are not characteristic in this precinct, and they run counter to strategies at clause 15.03-1L which seek roof terraces which are concealed when viewed from the street.

As well as the reduction in the street wall height and alterations to the setbacks already referred to above, it is recommended that the proposal is revised to:

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- alter the ratio of solid to void elements on the west and north elevations, to reflect contributory elements of the South Fitzroy Precinct which include less than 40% of the street wall face comprised with openings such as windows and doors;
- remove the projecting canopies above the Ground Floor entries and the terraces/balustrades above at First Floor level to ensure a 'façade wall' which does not project into the heritage streetscape and which does not detract from views towards Contributory heritage fabric (including the Contributory dwelling at 330 Napier Street to the north).

Appearance

Clause 15.03-1L (New development, alterations and additions) contains strategies which seek to:

- Promote development that is high quality and respectful in its design response by:
 - Respecting the following elements of the heritage place (amongst others):
 - Pattern, proportion and spacing of elements on an elevation.
 - Orientation to the street.
 - Relationship between solid and void.
 - Chimneys.
 - Verandahs and canopies.
 - Materials.
 - Being visually recessive against the heritage fabric through:
 - Materials.
 - Architectural detailing.
 - Texture, colours and finishes.
- Retain or reinstate historic street and laneway fabric and infrastructure, including bluestone
- In circumstances where primary pedestrian access is provided from a laneway, allow for any reinstatement of the laneway fabric to provide universal access.

Clause 15.03-1L (Residential infill development) contains strategies which seek to discourage use of atypical buildings to determine the appropriate siting, form and appearance of new development in the context of its surrounds.

A contemporary design approach has been adopted for the proposed new building. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, architectural detailing and relationship between solid and void.

The proposed external materials for the new development will include the following:

- light grey brick with light mortar (A) including soldier course (B) and header course (C) to the west and north elevations (and part of the east elevation);
- charcoal coloured selected standing seam (D) to all elevations at Level 4 and Level 3 on the east elevation;
- selected stone to match titanium travertine or similar (including charcoal colour (D) at Level 4 for balustrades); light grey concrete render (F) on the east and south façades;
- white selected natural stone (G) to the planter beds and front fences along the north and west facades;
- charcoal coloured aluminium framed glazing (H) and fluted glazing (I);
- Charcoal coloured metal screens, fences, balustrades; garage doors (solid sections); fascias and gutters (J);
- Charcoal coloured perforated metal garage door lower section (K);
- Charcoal coloured perforated metal fence (L): Oak entry doors to Napier Street (M);
- Mid grey render (N); light grey metal deck roof (O);
- 2.1 metre high perforated metal fence to the Ground Floor east elevation (although this is not shown in the east elevation plan).

Comment

Contributory elements of the South Fitzroy Heritage Overlay Area include:

- Victorian-era houses having face brick (red, dichrome and polychrome), and bluestone or stucco walls;
- slate, corrugated iron roof cladding or terracotta tile (Marseilles pattern);
- less than 40% of the street wall comprised with openings such as windows and doors;

- front gardens, originally bordered by typically timber or iron picket fences of around 1 metre height;
- public infrastructure, expressive of the Victorian and Edwardian era such as bluestone pitched road paving, crossings, stone kerbs and channels and asphalt paved footpaths;
- some distinctive rear and side service lanes or rights of way with substantial boundary walls, stable and loft structures, night soil hatches and privies.

Comments regarding appearance

Whilst the use of face brick is respectful of the contributory exterior materiality within the precinct, the following elements of the proposal are not sympathetic to the Victorian and Edwardian-era period of construction of the South Fitzroy Precinct. They would detract from and compete with the character and significance of the South Fitzroy Heritage Overlay Area and run counter to the strategy at clause 15.03-1L which seeks a respectful design response which is visually recessive against heritage fabric through materials and architectural detailing:

- the extensive use of charcoal colours in combination with the light grey brick wall cladding. This fails to respect the colours and finishes of nearby contributory heritage buildings which include lighter, warmer colours such as red and polychrome face brick; corrugated iron and white and light cream and beige coloured painted or rendered brick finishes;
- the proposed front boundary treatments to Napier and Argyle Streets which run counter to the strategy at clause 15.03-1L which discourages high fences, gates and boundary treatments (such as roller doors) on the principal street frontage that do not relate to the historic character of the area;
- the relationship between solid and void on the west and north facades, which does not respect or respond adequately to the relationship between solid and void of nearby contributory heritage buildings;
- the lightweight, perforated metal materiality of the metal fence to the rear laneway does which not adequately respond to the Victorian and Edwardian-era period of construction of the South Fitzroy Precinct and does not relate to the historic character of the area, which includes the red brick of the remaining elements of the contributory heritage building to the east at 160 Argyle Street.

It is recommended that the following aspects of the proposal are revised to introduce different materials, colours and architectural detailing which will sympathetically respond to the surrounding heritage context described above (including red and polychrome face brick; corrugated iron and white and light beige painted or rendered brick finishes brick iron picket front fences (up to about 1 metre in height);

- the use of dark charcoal colours for the coloured standing seam wall cladding and stone to the walls and balustrades at Level 4; charcoal aluminium window and door frames, metal screens, fences, balustrades; fascias and gutters; charcoal coloured perforated metal garage door and stone above the garage door to Argyle Street and the 2.1 metre high metal fence to the Ground Floor east elevation;
- the stone planter beds and front fences (up to 2.3 metres in height) on the east and north elevations, which fail to respond to the typically iron picket front fences (up to about 1 metre in height) of nearby contributory heritage buildings (noting that tall planter beds and front fences are not a typical feature within the surrounding heritage streetscape);
- the relationship between solid and void on the west and north facades’;
- the 2.1-metre-high metal fence to the rear laneway.

Vehicle accommodation

Modifications to vehicle accommodation has the potential to have an adverse impact on a heritage place. The following decision guidelines at Clause 43.01 is therefore relevant, ‘whether the proposed works will adversely affect the significance, character or appearance of the heritage place.’

Clause 15.03-1L (New development, alterations and additions) contains strategies which seek to:

- Promote development that is high quality and respectful in its design response by:
 - Maintaining the heritage character of the existing building or streetscape.
 - Not visually dominating the existing heritage building or streetscape.
 - Not detracting from or competing with the significant elements of the existing heritage building or streetscape.
 - Maintaining the prominence of significant and contributory elements of the heritage place.
- Respecting the following elements of the heritage place:
 - Pattern, proportion and spacing of elements on an elevation.
 - Relationship between solid and void.

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- Being visually recessive against the heritage fabric through siting, scale, materials and architectural detailing (amongst others).
- Also refer to strategies regarding Fences and gates at clause 15.03-1L (see below) including the following:
- Discourage high fences, gates and boundary treatments (such as roller doors) on the principal street frontage which do not relate to the historic character of the area.

Comment

The proposed vehicle accommodation will be provided via a new crossover to Argyle Street (approximately 4.3 metres in width) with private garages located at Ground Level. Each dwelling will utilise a double car stacker, with a basement car stacker for each dwelling descending to a basement level car space.

The garage door to Argyle Street is charcoal coloured perforated metal with charcoal coloured stone above. A 2.1-metre-high perforated metal fence to the east of the accessway (on the boundary with the rear laneway) is proposed.

It is recommended that the following aspects of the proposal are revised to introduce different materials, colours and architectural detailing which will sympathetically respond to the surrounding heritage context (including red and polychrome face brick; corrugated iron and white and light beige painted or rendered brick finishes):

- the charcoal-coloured perforated metal garage door to Argyle Street (with charcoal coloured stone above);
- the 2.1-metre-high charcoal coloured perforated metal fence to the east of the accessway (on the boundary with the rear laneway) which fails to respond to contributory elements of the South Fitzroy heritage Overlay Area which includes rear and side service lanes or rights of way with substantial boundary walls.

In the event that a permit is issued for the proposal, a condition should require the preparation of the methodology for the removal, storage (during construction) and reinstatement of bluestone pitched road paving, crossings, stone kerbs and channels and asphalt paved footpaths, which are contributory elements within the precinct.

Services and equipment

Clause 15.03-1L contains strategies which seek to:

- Ensure that the location and installation of services and equipment does not detract from the significance of the heritage place or damage the heritage fabric.
- Conceal solar panels, water tanks, hot water systems, air conditioners and other mechanical equipment from street view or where this is not possible, sensitively locate and install these services.
- Ensure fixed mobility services and equipment (including wheel chair ramps and grab-rails) are designed having regard to the heritage place.

Comment

The proposed services and equipment for the new development will include air conditioning units on the level 1 roof of all apartments (adjoining the laneway to the east. Whilst these units are generally concealed from view from the surrounding heritage streetscape, any other mechanical equipment which is proposed should be clearly depicted on the plans.

Fences and gates

Clause 15.03-1L contains strategies which seek to:

- Retain original fences and gates that contribute to the significance of the heritage place.
- Support front fences and gates that allow views to heritage places or contributory elements from surrounding streets.
- Discourage high fencing, gates and boundary treatments (such as roller doors) on the principal street frontage which do not relate to the historic character of the area.
- Ensure that fences and gates are sympathetic to the period of construction and architectural style of the heritage place.

The proposed fences and gates for the new development will be:

- stone planter beds and front fences (up to 2.3 metres in height) on the west and north elevations;
- the 2.1 metre high metal fence to the rear laneway.

Comment

Contributory elements of the South Fitzroy Heritage Overlay Area include:

- front gardens, originally bordered by typically timber or iron picket fences of around 1 metre height;
- some distinctive rear and side service lanes or rights of way with substantial boundary walls, stable and loft structures, night soil hatches and privies.

Due to the use of planter beds as boundary treatments (which are not a typical feature of the South Fitzroy Heritage Overlay Area); their height (up to 2.3 metres) and their materiality (stone and perforated metal) proposed boundary treatments to the east, north and west run counter to the strategy at clause 15.03-1L which seeks to ensure that fences and gates are sympathetic to the period of construction and architectural style of the heritage place.

The proposed boundary treatments should be revised as follows:

- introduce boundary treatments (Fences and gates) to the west and north facades which are sympathetic to the Victorian and Edwardian era features of the South Fitzroy Precinct. This could include lower, palisade style fences with cast iron spears on bluestone plinth ornamented with rendered or face brickwork (rather than tall planter beds and tall stone boundary treatments);
- to revise the boundary treatment to the east (for example, a use of brick materials to the wall to the eastern boundary with the laneway, rather than a perforated metal fence).

Recommendations

On heritage grounds, the works proposed in this application should be modified in the following way(s) and prior to further consideration

Suggested modification		Explanation
1.	<p>On the west elevation, it is recommended that the plans are revised as follows:</p> <ul style="list-style-type: none"> • to amend the height of the street wall and amend the setbacks above Level 02 from the west boundary. 	<p>To ensure that the new building:</p> <ul style="list-style-type: none"> • does not dominate, detract from and compete with the significant elements of the existing heritage streetscape which includes the single storey Victorian-era heritage building at 330 Napier Street (to the north) and the two-storey heritage building at 160 Argyle Street; • responds to the heritage character and streetscape by transitioning in scale down towards Argyle Street.
2.	<p>On the north elevation, it is recommended that the plans are revised as follows:</p> <ul style="list-style-type: none"> • reduce the height of the street wall and increase the setbacks above Level 1 from the north boundary. 	<p>To ensure that the building does not detract from and compete with the significant elements of the existing heritage streetscape, which include the contributory buildings at 329 and 330 Napier Street and the heritage building to the east at 160 Argyle Street. The revision should ensure that views towards the nearby contributory buildings (including 330 Napier Street) are not unreasonably obscured by the proposed development, and that the proposal does not visually dominate the existing heritage buildings and streetscape.</p>
3.	<p>On the east elevation, it is recommended that the plans are revised to amend the eastern façade and/or the setbacks above Level 1 from the east boundary.</p>	<p>To ensure that the building does not dominate, detract from and compete with the significant elements of the existing heritage streetscape, which include the contributory building at 160 Argyle Street to the east. The revision should ensure that views towards the nearby</p>

		contributory buildings are not unreasonably obscured by the proposed development, and that the proposal does not visually dominate the existing heritage buildings and streetscape, including 160 Argyle Street to the east.
4.	<p>It is recommended that the proposal is revised to:</p> <ul style="list-style-type: none"> alter the ratio of solid to void elements on the north and west elevations, noting that contributory elements of the South Fitzroy Precinct include less than 40% of the street wall face comprised with openings such as windows and doors; delete the projecting Ground Floor elements (canopies with terraces above); redesign the openings/fenestration and the sheer three storey wall on the north elevation to introduce visual interest, noting that canopies projecting over the boundary line with terraces above are not characteristic in this precinct. 	To ensure that the proposal does not detract from the significance of the South Fitzroy Heritage Overlay Area.
5.	<p>It is recommended that the following elements of the proposal are revised to introduce different materials, colours and architectural detailing:</p> <ul style="list-style-type: none"> the use of dark charcoal colours for the coloured standing seam wall cladding and stone to the walls and balustrades at Level 4; charcoal aluminium window and door frames, metal screens, fences, balustrades; fascias and gutters; charcoal coloured perforated metal garage door and stone above the garage door to Argyle Street and the 2.1 metre high metal fence to the Ground Floor east elevation; the stone planter beds and front fences (up to 2.3 metres in height) on the east and north elevations, which fail to respond to the typically iron picket front fences (up to about 1 metre in height) of nearby contributory heritage buildings (noting that tall planter beds and front fences are not a typical feature within the surrounding heritage streetscape); 	To ensure that the appearance of the proposal responds and relates to the historic character and contributory elements of the South Fitzroy Heritage Overlay Area which includes red and polychrome face brick walls; corrugated iron roof cladding; warm, white and light beige painted or rendered brick wall finishes and iron picket front fences (up to about 1 metre in height).

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	<ul style="list-style-type: none"> • the relationship between solid and void on the west and north facades; • the 2.1-metre-high metal fence to the rear laneway. 	
6.	<p>It is recommended that the following aspects of the proposal are revised to introduce different materials, colours and architectural detailing:</p> <ul style="list-style-type: none"> • the charcoal-coloured perforated metal garage door to Argyle Street (with charcoal coloured stone above); • the 2.1-metre-high charcoal coloured perforated metal fence to the east of the accessway (on the boundary with the rear laneway). 	<p>To ensure that the vehicular access sympathetically responds and relates to the historic character and contributory elements of the South Fitzroy Heritage Overlay Area which includes red and polychrome face brick walls; corrugated iron roof cladding; warm, white and light beige painted or rendered brick wall finishes; iron picket front fences (up to about 1 metre in height) and side service lanes or rights of way with substantial boundary walls.</p>
7.	<p>In the event that a permit is issued for the proposal, a condition should require the preparation of the methodology for the removal, storage (during construction) and reinstatement of bluestone pitched road paving, crossings, stone kerbs and channels and asphalt paved footpaths, which are contributory elements within the precinct.</p>	<p>To ensure consistency with strategy at clause 15.03-1L which seeks to retain or reinstate historic street and laneway fabric and infrastructure, including bluestone.</p>
8.	<p>The proposed boundary treatments should be revised as follows:</p> <ul style="list-style-type: none"> • introduce boundary treatments (Fences and gates) to the west and north facades which are sympathetic to the Victorian and Edwardian era features of the South Fitzroy Precinct. This could include lower, palisade style fences with cast iron spears on bluestone plinth ornamented with rendered or face brickwork (rather than tall planter beds and tall stone boundary treatments); • revise the boundary treatment to the east (for example, a use of brick materials to the wall to the eastern boundary with the laneway, rather than a perforated metal fence). 	<p>The proposed boundary treatments to the east, north and west run counter to the strategy at clause 15.03-1L which seeks to ensure that fences and gates are sympathetic to the period of construction and architectural style of the heritage place. This includes the use of planter beds as boundary treatments (which are not a typical feature of the South Fitzroy Heritage Overlay Area); the tall height of the planter beds and fences and the materiality of the planter beds and fences (stone and perforated metal).</p>

Heritage Advisor: Caitlin Mitropoulos

Date: 3 September 2024

Attachment – Clause 55 Assessment

The operation of Clause 55 specifies:

- if a development meets standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32, it is deemed to meet the objective for that standard; and
- where standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32 is met the decision guidelines for that standard do not apply to the application.

The proposal complies with the following standards/objectives of Clause 55 as set out in the table below.

Clause 54 Objective and Standard	Complies with Standard or Objective Achieved?
<p>Clause 55.02-1 - Neighbourhood character</p> <p><i>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</i></p> <p><i>To ensure that the design responds to the features of the site and the surrounding area.</i></p> <p>Standard B1</p> <p><i>The design response must be appropriate to the neighbourhood and the site.</i></p> <p><i>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</i></p>	<p>Complies with the Standard.</p> <p>See body of report for detailed consideration of the development response to Neighbourhood character, in particular with reference to DDO10 and DDO36 provisions.</p>
<p>Clause 55.02-2 – Residential policy</p> <p><i>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i></p>	<p>Complies with the Standard.</p> <p>The Town Planning Report submitted with the application addresses relevant policies pertaining to housing.</p> <p>The Strategic Support section of the body of the report confirms that the site is an appropriate location for increased residential densities.</p>

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<p><i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</i></p> <p>Standard B2</p> <p><i>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i></p>	
<p>Clause 55.02-3 – Dwelling diversity</p> <p><i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</i></p> <p>Standard B3</p> <p><i>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</i></p> <ul style="list-style-type: none"> • <i>Dwellings with a different number of bedrooms.</i> • <i>At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</i> 	<p>Not applicable</p> <p>This clause applies to developments of ten or more dwellings only.</p>
<p>Clause 55.02-4 – Infrastructure</p> <p><i>To ensure development is provided with appropriate utility services and infrastructure.</i></p> <p><i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i></p> <p>Standard B4</p>	<p>Complies with the Standard.</p> <p>The proposal is located within an established urban area where buildings are already situated and therefore access to existing utility services and infrastructure can be readily extended to accommodate the proposed dwellings on site. It is considered that the provision of additional dwellings on the subject land would not overload existing infrastructure services.</p>

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<p><i>Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available. Connection to a reticulated gas service is optional.</i></p> <p><i>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</i></p> <p><i>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</i></p>	
<p>Clause 55.02-5 - Integration with the street</p> <p><i>To integrate the layout of development with the street.</i></p> <p>Standard B5</p> <p><i>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</i></p> <p><i>Development should be oriented to front existing and proposed streets.</i></p> <p><i>High fencing in front of dwellings should be avoided if practicable.</i></p> <p><i>Development next to existing public open space should be laid out to complement the open space.</i></p>	<p>Objective achieved, subject to condition.</p> <p>The dwellings front either Napier Street and Argyle Street in accordance with the Standard. Furthermore, the consolidation of vehicle entry to a single vehicle access point is supported as it reduces the extent of the street frontage accommodating vehicle entry which also accords with the Standard.</p> <p>However, as high fencing is discouraged a variation is required for the proposed fencing up to approximately 2.4m height. This is discussed in more detail in the front fence objective of this table. However, subject to the reduction in height of front fencing to be no more than 2m above the footpath level, it is considered that the proposed fencing is acceptable in this regard as the high visual permeability of the metal spear portion of the gate (approximately 93%) and fence (approximately 76%) will ensure that surveillance is promoted at the ground level (in combination with the provision of a habitable room (study nook) within the front of the site.</p>
<p>Clause 55.03-1 - Street setback</p> <p><i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</i></p> <p>Standard B6</p> <p><i>Walls of buildings should be set back from streets:</i></p> <ul style="list-style-type: none"> <i>At least the distance specified in a schedule to the zone, or</i> 	<p>Not applicable</p> <p>No change to the zero front setback is proposed.</p>

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<ul style="list-style-type: none"> • <i>If no distance is specified in a schedule to the zone, the distance specified in Table B1.</i> <p><i>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</i></p>	
<p>Clause 55.03-2 - Building height</p> <p><i>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</i></p> <p>Standard B7</p> <p><i>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.</i></p> <p><i>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</i></p>	<p>Objective achieved</p> <p>There is no maximum height specified under the Commercial 1 Zone, however, the development maximum building height of 17.63m complies with the DDO36 preferred maximum height of 30.4m.</p>
<p>Clause 55.03-3 - Site coverage</p> <p><i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</i></p> <p>Standard B8</p> <p><i>The site area covered by buildings should not exceed:</i></p> <ul style="list-style-type: none"> • <i>The maximum site coverage specified in a schedule to the zone, or</i> • <i>If no maximum site coverage is specified in a schedule to the zone, 60 per cent.</i> 	<p>Objective achieved</p> <p>The proposed site coverage is 100%, exceeding the maximum 60% prescribed by the standard.</p> <p>However, as the existing site coverage is 100% this represents no change from existing condition.</p> <p>The body of the report addresses site coverage in respect of the applicable DDOs.</p>

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<p>Clause 55.03-4 - Permeability</p> <p><i>To reduce the impact of increased stormwater run-off on the drainage system.</i></p> <p><i>To facilitate on-site stormwater infiltration.</i></p> <p><i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i></p> <p>Standard B9</p> <p><i>The site area covered by the pervious surfaces should be at least:</i></p> <ul style="list-style-type: none">• <i>The minimum area specified in a schedule to the zone, or</i>• <i>If no minimum is specified in a schedule to the zone, 20 percent of the site.</i> <p><i>The stormwater management system should be designed to:</i></p> <ul style="list-style-type: none">• <i>Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</i>• <i>Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</i>	<p>Objective achieved</p> <p>The proposed site permeability is 0%. However, best practice stormwater management is achieved as outlined in the body of the report and a condition is included to increase rainwater tank capacity further.</p>
<p>Clause 55.03-5 - Energy efficiency</p> <p><i>To achieve and protect energy efficient dwellings and residential buildings.</i></p> <p><i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i></p> <p>Standard B10</p>	<p>Objective achieved, subject to condition.</p> <p>As per the body of the report, the building is designed, including various commitments outlined in the submitted Sustainable Design Assessment to achieve a good level of energy efficiency, with some additional commitments to be required by condition which would further enhance performance.</p> <p>All dwellings will have good solar access to roof terraces and have good daylight access and adequate ventilation (subject to condition to have operable skylights to the kitchens).</p>

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<p><i>Buildings should be:</i></p> <ul style="list-style-type: none"> • <i>Oriented to make appropriate use of solar energy.</i> • <i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</i> • <i>Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</i> <p><i>Living areas and private open space should be located on the north side of the development, if practicable.</i></p> <p><i>Developments should be designed so that solar access to north-facing windows is maximised.</i></p>	<p>The building will not impact any north-facing windows of dwellings and will not unreasonably impact daylight to existing dwellings within the Commercial 1 Zone (see further assessment in relation to the daylight to existing windows objective in this table).</p>
<p>Clause 55.03-6 – Open space</p> <p><i>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</i></p> <p>Standard B11</p> <p><i>If any public or communal open space is provided on site, it should:</i></p> <ul style="list-style-type: none"> • <i>Be substantially fronted by dwellings, where appropriate.</i> • <i>Provide outlook for as many dwellings as practicable.</i> • <i>Be designed to protect any natural features on the site.</i> • <i>Be accessible and useable.</i> 	<p>Not applicable</p>
<p>Clause 55.03-7 – Safety</p> <p><i>To ensure the layout of development provides for the safety and security of residents and property.</i></p>	<p>Objective achieved, subject to condition.</p> <p>The proposed development provides a high degree of safety to occupants with features such as:</p>

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Standard B12

Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

- Provision of habitable room windows providing surveillance to the street along the length of Napier Street at ground floor and to both Napier and Argyle Streets at first floor and above.
- Lighting providing to all pedestrian entries.
- Fencing that is largely highly visually permeable.
- No concealment spaces at ground level (deeper recessed areas are secured by gates/fencing and are clearly visible from the public realm).
- Secure access to the car parking area, including high fencing on the eastern boundary.

To ensure the shared vehicular entry and individual garages are appropriately lit, a condition will require lighting to be shown to this area. A standalone standard condition will also require that the lighting to the vehicular entry and to all individual garage entries are shown (given the shared car parking accessway).

Clause 55.03-8 – Landscaping

To encourage development that respects the landscape character of the neighbourhood.

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

Objective achieved, subject to condition.

Landscaping is not a strong feature of the site context, with built form in the Commercial 1 Zone having limited vegetation.

Some front and rear gardens are evident in association with the low-rise fine-grained dwellings to the north and east.

In this context, the planter boxes incorporated at the ground floor and upper levels of the dwellings 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 number of conditions, most of which will be adopted, to ensure that an appropriate level of detail, appropriate species are utilised – see body of the report for further details in regards to conditions.

Standard B13

The landscape layout and design should:

- *Protect any predominant landscape features of the neighbourhood.*
- *Take into account the soil type and drainage patterns of the site.*
- *Allow for intended vegetation growth and structural protection of buildings.*
- *In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.*

<ul style="list-style-type: none">• <i>Provide a safe, attractive and functional environment for residents.</i> <p><i>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</i></p> <p><i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</i></p> <p><i>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</i></p> <p><i>Development should meet any additional landscape requirements specified in a schedule to the zone.</i></p>	
<p>Clause 55.03-9 – Access</p> <p><i>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</i></p> <p>Standard B14</p> <p><i>The width of accessways or car spaces should not exceed:</i></p> <ul style="list-style-type: none">• <i>33 per cent of the street frontage, or</i>• <i>if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</i> <p><i>No more than one single-width crossover should be provided for each dwelling fronting a street.</i></p> <p><i>The location of crossovers should maximise the retention of on-street car parking spaces.</i></p> <p><i>The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.</i></p> <p><i>Developments must provide for access for service, emergency and delivery vehicles.</i></p>	<p>Complies with the Standard</p> <p>A single vehicle crossover is provided along the Argyle Street frontage. As the width of the site to Argyle Street is less than 20m to meet the Standard less than the 40% of the frontage should be occupied by the crossover. The crossover occupies approximately 5.2m of the 13.45m street frontage which equates to approximately 38% of the site's Argyle Street frontage and therefore complies.</p> <p>It is also noted that the extent of crossovers to both street frontages will be reduced, with removal of redundant crossovers and re-instatement with footpath, kerb and channel to both the Argyle and Napier Street frontages.</p> <p>Car parking spaces would not be lost as there are not car spaces</p> <p>Therefore the development represents a considerable improvement in terms of creating a more pedestrian friendly environment.</p>

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Clause 55.03-10 – Parking location

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

Standard B15

Car parking facilities should:

- *Be reasonably close and convenient to dwellings and residential buildings.*
- *Be secure.*
- *Be well ventilated if enclosed.*

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Complies with the Standard.

Car parking is provided at the ground floor of each corresponding dwelling, providing for safe and convenient access to its users.

The garages provide for a secure place that are well ventilated with use of semi-permeable fencing and garage doors.

No garages or accessways are located within 1.5m of habitable room windows.

Clause 55.04-1 Side and rear setbacks

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.

Standard B17

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

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

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Objective Achieved, subject to condition

The table below provides an assessment against Standard B17 where there are dwellings opposite/adjacent the boundaries.

The eastern walls are located opposite an apartment Building (160-164 Argyle Street) which has habitable room windows facing the subject site at all levels.

The northern walls are located opposite a single storey dwelling at No. 330 Napier Street.

Proposed Wall	Height (m)	B17 Setback (m)	Proposed setback (m)	Difference (shortfall)	Compliance with Standard B17
Eastern wall to upper levels of Dwellings 2-8 (where set back from boundary)	16.92m-17.35m	12.01m – 12.44m	1.8m	10.21m-10.64m	No
Eastern wall to upper levels of Dwelling 1 (to top of Level 4 roof terrace screen and stair access)	~14.9m-16m	9.99m-11.09m	1.8m	8.19m – 9.29m	No
Eastern side of pergola fascia and BBQ enclosure to Dwelling 1 Level 4 roof terrace	16.6m-16.7m	11.69m-11.79m	3.3m	8.39m – 8.49m	No
Northern wall to Dwelling 1 Level 3	14.82m	9.91m	0.42m	9.49m	No
Northern fascia to pergola of Dwelling 1 level 4 roof terrace	17m	12.09m	2.2m	9.89m	No
Northern wall to Dwelling 2 Level 4.	17.63m	12.72m	6.9m	5.82m	No

As shown in the table above, the proposed development does not comply with Standard in relation to the eastern and northern boundaries which is addressed further below.

Eastern boundary walls

It is unreasonable to expect compliance with the Standard on land within the Commercial 1 Zone, in an Activity Centre where built form controls (DDO36) anticipate development up to 30.4m overall on the site and 11.2m on-boundary

	<p>construction to this interface. The expectation of an unobstructed outlook along a side boundary in this context is unrealistic, especially as apartments at No. 160-164 Argyle Street are constructed on or close to their western boundary in as far as SPOS is concerned and some are designed with a single aspect to the west.</p> <p>However, while the side and rear setback requirements are taken from the title boundary, the intervening carriageway easement to the east provides an additional separation of 3.15m which provides considerable relief from bulk associated with the proposal.</p> <p>The upper levels of the development are a simple combination of charcoal standing seam cladding and some intervening sections of light grey concrete render. The vertical articulation to the cladding and variation in materials/colours in combination with the provision of variously proportioned windows across the upper level west elevation of the building provides sufficient articulation to break up the mass of the wall, as viewed from the balconies and habitable rooms associated with the dwellings within the Apartment building to the east.</p> <p>As the charcoal cladding will be required to be a lighter and/or warmer colour as a result of conditions to address heritage concerns, to ensure that the intervening render colours are still differentiated from the cladding, a condition will also require that the colour provided to these treatments, as necessary, to maintain a similar level of contrast to the surrounding cladding.</p> <p>The reduction in height of Dwelling 1 at the northern end of the building at the northern end will also reduce the extent of visible built form from dwellings opposite.</p> <p><u>Northern boundary walls</u></p> <p>While the northern walls also clearly do not comply, if the approximately 10.5m width of Argyle Street is taken into account, the walls would comply with the requisite minimum distance under the Standard and therefore would not result in unreasonable amenity impact.</p>
<p>Clause 55.04-2 – Walls on boundaries</p> <p><i>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</i></p>	<p>Objective achieved, subject to condition</p> <p>The proposed walls on boundaries substantially exceed the length and height under the Standard as all boundaries are constructed for their full length with on-boundary walls that are, at a minimum, 8.9m high.</p>

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Standard B18

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- *For a length more than the distance specified in a schedule to the zone; or*
- *If no distance is specified in a schedule to the zone, for a length of more than:*
 - *10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or*
 - *Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.*

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

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

Given the type of development and built form context this is to be expected as on-boundary construction is encouraged to street frontages, side boundaries and expected to rear boundaries under the applicable DDOs (see body of report).

The extent and height of on-boundary construction is consistent with the preferred neighbourhood character, as set out in the body of the report.

In terms of off-site amenity impacts, dwellings are located to the north and east of the subject site and will be addressed. It is noted that many VCAT decisions have addressed that amenity expectations must be tempered in

North

To the north, the 10.5m separation provided by Argyle Street would ensure that the Argyle Street street wall would not adversely impact the single storey dwelling opposite (as viewed from rear secluded private open space or the southern boundary habitable room window).

In addition, the northern façade is highly articulated with various openings and therefore would not appear as a monolithic mass.

East

A number of apartments within the six-storey apartment building to the east have balconies/terraces and associated habitable room windows facing the subject site.

Different apartments within the building at No. 160-164 Argyle Street will be impacted differently by the proposed eastern on-boundary wall, which ranges up to 12.4m in height.

For apartments located at Level 4 and above the relative height of the proposed eastern boundary wall would be under 3m in height above the finished floor level of those dwellings and therefore it would not result in unreasonable visual bulk as viewed from any sensitive areas.

In terms of apartments at level 3 and below, consideration will be given to the apartments most impacted due to location opposite the highest section of boundary wall or those lowest in the building.

Ground to Level 3 Apartments opposite triple storey wall (northern end)

The highest section of the eastern boundary wall (triple storey portion at northern end) is located opposite apartments that all have a dual aspect, and most of these apartments will maintain an outlook to the north (ground floor and Levels 2 -3) from their main living area and main (northerly) area of SPOS. West-facing

habitable room windows are to bedrooms and as such views from these areas are not critical to on-site amenity.

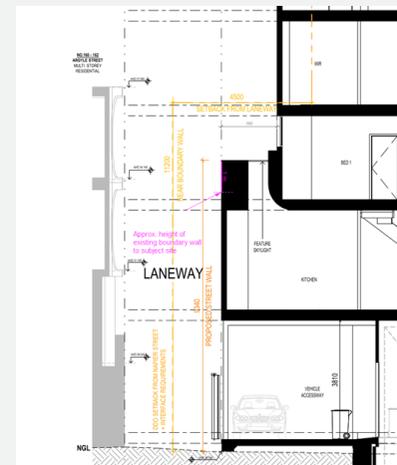
The Level 1 apartment has a northern balcony balustrade that is mostly full height and solid therefore does not offer much in the way of outlook to the north. However, likewise the western balustrade to this apartment is also relatively high (approximately 1.5m) and solid and has a roof over the majority of its depth which means that outlook to the west is also constrained under existing conditions as it looks onto the existing double-storey boundary wall of the subject site.

Overall, visual bulk impacts to these apartments from the new boundary wall is not unreasonable.

Level 1 – 3 Apartments opposite double-storey wall.

These dwellings are single-aspect only and have balconies and habitable room windows to main living spaces and bedrooms oriented to the west.

While the eastern on-boundary wall opposite these apartments will be higher than the existing wall, it only increases the wall height by approximately 1m compared to existing conditions (see diagram below which shows increase).



This would result in a wall height opposite Level 3 Apartments that is less than 3m above finished floor level and thus would have little impact.

	<p>Levels 1 and 2 apartments have been designed to face a side boundary and provide no setback to protect their amenity from future development in an area where multi-level development is expected. This is therefore not an unreasonable outcome in relation to additional bulk. The 2.8m carriageway width will still ensure that there is not an excessive sense of enclosure.</p> <p>However, whereas the previous on-boundary wall was composed of a painted brick surface, the proposed new double-storey eastern boundary wall is a grey render. Given the apartments opposite will face onto this wall from main living areas, to ensure there is at least a minimal degree of articulation maintained, this wall will be required to be provided with some further articulation through colour, texture or material changes - to be addressed by condition.</p> <p>Overshadowing and daylight impacts are assessed separately and also found to be acceptable.</p>
<p>Clause 55.04-3 - Daylight to existing windows</p> <p><i>To allow adequate daylight into existing habitable room windows.</i></p> <p>Standard B19</p> <p><i>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</i></p> <p><i>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</i></p> <p><i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i></p>	<p>Objective achieved.</p> <p>The table below assesses compliance with the Standard in relation to the apartment building to the east at No. 160-164 Argyle Street.</p>

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Proposed Wall	Opposite window	Wall height (m)*	B19 Setback (m)	Proposed setback (m)	Variation required
East boundary wall	Ground floor west-facing HRW to No. 160-164 Argyle Street.	12.4m (max.)	6.2m	3.14m	2.96m
East boundary wall	First floor west-facing HRWs to No. 160-164 Argyle Street.	3.55m-6.2m	1.77m-3.1m	4.65m	Complies
East boundary wall	Second floor and above west-facing HRWs	As the relative height of the wall is reduced in relation to the windows and the setback is maintained or increased, it follows that all windows at second floor and above comply.			Complies
Eastern wall set back from boundary to Dwelling 2	Ground floor west-facing HRW to No. 160-164 Argyle Street.	17.35m (max.)	8.67m (max.)	4.94m	3.73m variation required.
Eastern wall set back from boundary to Dwelling 1 (including privacy screen)	Ground floor west-facing HRW to No. 160-164 Argyle Street.	16.2m (max)	8.1m	4.94m	3.16m variation required.
Eastern wall set back from boundary	First floor west-facing HRWs to No. 160-164 Argyle Street.	11.57m	5.78m	6.45m	Complies

*Height measured from NGL in relation to ground floor windows or FFL of relevant window in relation to first floor or above.

While the ground floor bedroom window will evidently be affected by the proposed development the non-compliance would be considerably reduced in relation to the wall set back from the boundary, by the proposed deletion of the built form associated with the third floor which would reduce the overall height by approximately 3m and therefore non-compliance would be reduced by about 1.5m.

While there would evidently be a loss of daylight to this window in comparison to existing conditions, in the context of this being a bedroom only (not a living room where daylight impact is more important in relation to amenity) and in the context of a ground floor apartment in the Commercial 1 Zone where higher built form is anticipated, the daylight access is not unreasonable.

Furthermore, the south-facing habitable room window associated with the dwelling at No. 330 Napier Street is offset 10.5m (approx) from the development which would permit development on the northern boundary of the subject site up to 21m, therefore it is clear that the Standard is met in relation to this window.

Clause 55.04-4 – North facing windows

Not applicable

There are no north-facing habitable room windows opposite the proposed extension within 3 metres of the boundary.

To allow adequate solar access to existing north-facing habitable room windows.

Standard

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Clause 55.04-5 – Overshadowing open space

To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard B20

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Objective achieved

As per the submitted shadow diagrams, the only areas of secluded private open space affected by overshadowing from the proposed development are balconies associated with the apartment building to the east (No. 160-164 Argyle Street) along the western side, which will be impacted at the September Equinox from 2pm to 3pm.

In more detail:

- No balconies/terraces within the building are overshadowed from 9am – 1pm at the September Equinox.
- From 2pm- 3pm at the September Equinox a number or balconies/terraces located along the western side of the building, located at the first to fourth floor are impacted by additional overshadowing (ground floor and fifth floor (upper level) balconies/terraces are unaffected).

Although the specific level of overshadowing to individual balconies is not shown to levels below Level 4, some additional officer analysis has been undertaken to analyse impacts. Using “shadow draw” and based on floor levels shown on endorsed plans for planning permit PLN11/1094, this indicates that:

- Level 1 balconies will generally only be affected at 2pm however, under existing conditions due to the solid and relatively high masonry western masonry balustrade, only a small amount of sunlight would penetrate at this time. By 3pm the balconies to the western side would already be overshadowed full so there would be no increase to overshadowing.

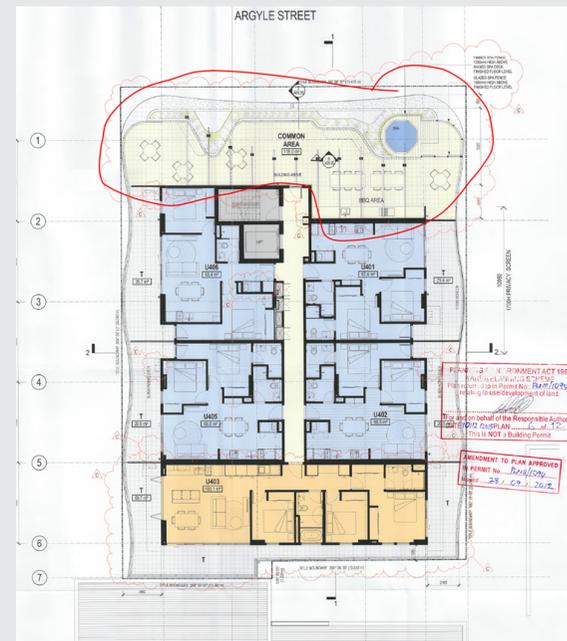
- Level 2 balconies would be overshadowed from 2pm – 3pm. However, balconies with dual aspect located at the front of the site would not be fully affected due to the angle of the sun and therefore would maintain solar access to the northern portion of the balconies.
- Level 3 balconies would be overshadowed from 3pm only. However, balconies with dual aspect located at the front of the site would not be fully affected due to the angle of the sun and therefore would maintain solar access to the northern portion of the balconies.
- Level 4 terraces would be only affected at 3pm where, as shown on the submitted shadow diagrams, the shadow would only reach the peripheral area of the terraces, thus maintaining good solar access at this time.

Evidently, the most affected dwellings will be those with a single west-facing balcony.

While they will be appreciably impacted by loss of solar access, the dwellings are not designed to provide for good solar access nor are they designed to protect against future development on the subject site, having been constructed directly to the western boundary.

Furthermore, it should be noted that all dwellings within the apartment building have access to an area of communal private open space located at the northern side of Level 4 of the building (see excerpt of endorsed plans for planning permit PLN11/1094 below).

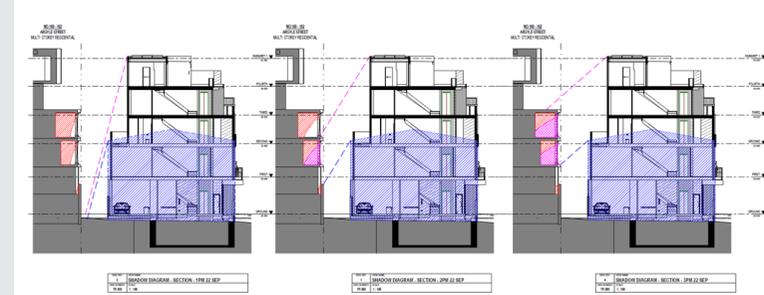
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Given the expectations of development on the subject site and the access to communal open space which would provide residents an opportunity to access sunlight within the building albeit in a communal space, overshadowing impacts of the proposal are not considered unreasonable.

The applicant has provided as part of the sketch plans submitted on 17 October 2024 which show sectional overshadowing diagrams to better illustrate overshadowing impacts. These sectional diagrams generally accord with the

officer analysis of impacts and shadow diagrams – a snapshot is shown below.



Clause 55.04-6 - Overlooking

To limit views into existing secluded private open space and habitable room windows.

Standard B22

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- *Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or*
- *Have sill heights of at least 1.7 metres above floor level, or*
- *Have obscure glazing in any part of the window below 1.7 metres above floor level, or*

Complies with the Standard.

- At ground level all habitable room windows face onto the adjoining Streets and there are no sensitive areas, i.e. secluded private open space (“SPOS”) or habitable room windows (“HRW”)s) within 9m distance.
- At first floor, all SPOS (western first floor balconies) and west and north-facing HRWs are located more than 9m distance from any sensitive areas. The east-facing HRWs are fixed and composed of fluted (i.e. translucent) glazing which meets the Standard. However, these windows are to be deleted by condition to address equitable development considerations.
- At second floor, all west and north-facing HRWs are located more than 9m distance from any sensitive areas. The east-facing HRWs all have sill heights of 1.7m above finished floor level which complies with the Standard.
- At third floor, all SPOS (western third floor terraces) and west-facing HRWs are located more than 9m distance from any sensitive areas.
- At fourth floor, all west-facing balconies and west-facing HRWs are located more than 9m distance from any sensitive areas. The east-facing HRWs are all composed of fixed fluted glass to a sill height of at 1.73m above finished floor level, thus meeting the Standard. The northern and western edges of the roof terrace to Dwelling 1 are located more than 9m distance from sensitive areas and the eastern edge of the terrace is screened to a height of 1.7m and with a material less than 25% transparent, thus meeting the Standard.

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<ul style="list-style-type: none"> • <i>Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</i> <p><i>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</i></p> <p><i>Screens used to obscure a view should be:</i></p> <ul style="list-style-type: none"> • <i>Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</i> • <i>Permanent, fixed and durable.</i> • <i>Designed and coloured to blend in with the development.</i> <p><i>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</i></p>	<p>While the Standard is met, as the material of the privacy screen of the roof terrace to Dwelling 1 is not specified this would be required as a condition, to ensure that it is a durable material.</p>
<p>Clause 55.04-7 - Internal views</p> <p><i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</i></p> <p>Standard B23</p> <p><i>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</i></p>	<p>Objective achieved, subject to condition</p> <p>Terraces/balconies at first floor and above are positioned such that views into lower level SPOS below would be obstructed by planter boxes and canopies and there would be no views into HRWs.</p> <p>Terraces/balconies on the same level appear to be divided by a combination of full height, solid walls or screens to a height of at least 1.7m. However, the material/transparency and height of all the dividing screens is not clearly shown.</p> <p>Details will be required by condition to confirm the extent, height, material and transparency of all screens between all areas of secluded private open space to limit internal views to other dwellings within the building (confirming a durable material is used).</p>
<p>Clause 55.04-8 - Noise impacts</p> <p><i>To contain noise sources in developments that may affect existing dwellings or small second dwellings.</i></p>	<p>Objective achieved, subject to condition.</p> <p>The proposed car stackers to each dwelling are located within the ground floor of the development. An air conditioning unit for each dwelling is located on the</p>

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<p><i>To protect residents from external noise.</i></p> <p>Standard B24</p> <p><i>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.</i></p> <p><i>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</i></p> <p><i>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</i></p>	<p>first floor roof of each dwelling, with the exception of Dwelling 1 where the Unit is provided on the second floor western terrace.</p> <p>As detailed in the body of the report, the acoustic report assessing noise from the car stacker has been assessed and a pre-occupancy acoustic report will be required by condition.</p> <p>The units are separated from the closest adjacent dwellings (to the east) by the adjacent carriageway easement and balcony areas. This is sufficient to ensure the units would not detrimentally impact bedrooms of the adjacent dwellings.</p> <p>Noise sources from other surrounding properties is addressed in the body of the report and, as referenced, noise sensitive areas will be protected by provision of double-glazing to all habitable rooms.</p>
<p>Clause 55.05 – 1 - Accessibility</p> <p><i>To encourage the consideration of the needs of people with limited mobility in the design of developments.</i></p> <p>Standard B25</p> <p><i>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</i></p>	<p>Objective achieved</p> <p>The dwelling entries of the ground floor of all dwellings will be reasonably accessible to people with limited mobility or are able to be easily made accessible to people with limited mobility.</p> <p>While the dwellings do not appear to be specifically designed to accommodate wheelchair access, the main pedestrian entry to each dwelling has few steps to negotiate and access to all levels except the upper level is via a lift.</p> <p>Pedestrian access from the rear garage area could also be obtained if visitors wish to avoid steps.</p>
<p>Clause 55.05-2 - Dwelling entry</p> <p><i>To provide each dwelling or residential building with its own sense of identity.</i></p> <p>Standard B26</p> <p><i>Entries to dwellings and residential buildings should:</i></p> <ul style="list-style-type: none"> • <i>Be visible and easily identifiable from streets and other public areas.</i> • <i>Provide shelter, a sense of personal address and a transitional space around the entry.</i> 	<p>Objective achieved, subject to condition</p> <p>In accordance with the Standard, it is considered that all entries are visible and easily identifiable from Argyle and/or Napier Street, as relevant, creating an individual sense of address. Each dwelling entry is recessed from the street frontage (between 1.25m to 3m depth) with development at the first floor and above providing a sheltered space (noting that the projecting planter box over the street will be deleted by condition). Internally an entry hallway is provided between the stair and lift access to upper levels and an adjacent study nook providing a further transition space.</p> <p>The location of indicative street numbering to each of the dwellings, in a location that is clearly legible from their respective street frontage, will also be required to</p>

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	<p>be annotated on the plans in a location that is clearly visible from the street as a condition of any approval.</p> <p>As detailed in the body of the report, some minor changes to the fence and canopy associated with Dwelling 1 are also to be made via condition to reinforce that the dwelling fronts Argyle Street.</p>
<p>Clause 55.05-3 – Daylight to new windows</p> <p><i>To allow adequate daylight into new habitable room windows.</i></p> <p>Standard B27</p> <p><i>A window in a habitable room should be located to face:</i></p> <ul style="list-style-type: none"> • <i>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</i> • <i>A verandah provided it is open for at least one third of its perimeter, or</i> • <i>A carport provided it has two or more open sides and is open for at least one third of its perimeter.</i> 	<p>Objective achieved, subject to condition.</p> <p>A number of habitable room windows face onto covered areas formed by cantilevered built form and therefore do not technically meet the Standard. However, as these areas are still open to the street beyond, the windows would still receive a good level of daylight. Furthermore, all such covered areas are open for more than one third of their perimeter and therefore would provide a similar level of daylight as a “verandah” that complies with the Standard.</p> <p>The east-facing first floor kitchen windows are located on the eastern boundary and while these windows face an open area (carriageway easement associated with No. 175 Johnston Street) which is well in excess of the minimum dimensions and area prescribed by the Standard, the open area is on land on an abutting lot. This therefore does not satisfy the Standard.</p> <p>Windows on boundaries shared with private land are not supported by Council as this results in borrowed amenity from the adjoining site. Therefore these windows will be required to be deleted by condition.</p> <p>However, the remaining large skylights over the kitchen of each dwelling will provide sufficient daylight for lighting this area. Although reliance on skylights (in lieu of windows) is not generally preferred, the provision of skylights is acceptable in this instance as the primary aspect of the adjoining open plan living area is to the west and outlook from a kitchen is not critical to internal amenity of the dwelling.</p> <p>The provision of skylights will also better protect the development from future development as the daylight will be coming from overhead rather than from the east which would be more vulnerable to new built form.</p>
<p>Clause 55.05-4 – Private open space</p>	<p>Complies with the Standard</p> <p>The proposal provides the following areas of secluded private open space to each dwelling:</p>

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B28

A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:

- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

Dwelling	First floor SPOS (sqm)	Third floor SPOS (sqm)	Fourth floor SPOS (sqm)	Total SPOS (sqm)
1	17.42	15.6	44.22	77.24
2	16.5	15.26	30.4	62.16
3	16.5	15.26	30.66	62.42
4	16.5	15.26	30.66	62.42
5	16.5	15.26	30.66	62.42
6	16.5	15.26	30.66	62.42
7	16.5	15.26	30.66	62.42
8	16.6	15.35	30.73	62.68

All dwellings have SPOS in the form of a first floor balcony adjacent the primary living areas which provides an area that generously exceeds the minimum 8sqm (ranges from 16.5sqm to 17.42sqm) and also exceeds the minimum width of 1.6m (minimum 2.05m depth to each balcony). In addition, these balcony areas are supplemented by a third floor balcony adjacent the master bedroom and larger fourth floor terrace providing between approximately 62sqm and 77sqm of total SPOS to each dwelling.

Clause 55.05-3 – Solar access to open space

To allow solar access into the secluded private open space of a new dwelling.

Standard B29

The private open space should be located on the north side of the dwelling, if practicable.

Objective achieved

Balconies/terraces are largely located along the western side of built form, with the exception of the northerly roof (fourth floor) terrace to Dwelling 1 which complies.

The west-facing balconies and terraces will still receive solar access from afternoon sunlight, in particular, the fourth floor terraces will receive a good level of solar access due to their size (approximately 30sqm) and provision of a retractable roofed area which can be kept open to improve solar access.

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<p><i>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</i></p>	
<p>Clause 55.05-6 - Storage <i>To provide adequate storage facilities for each dwelling.</i></p> <p>Standard B30 <i>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</i></p>	<p>Objective achieved</p> <p>The Clause 55 assessment submitted with the application indicates that each dwelling is afforded a storage area within the basement which provides more than 6 cubic metres of secure storage space (albeit not externally accessible directly).</p> <p>It is noted that the floor area for storage annotated on the plans appears to include areas that would likely be required for accessways, however, officer measurement indicates that an area of at least 12.2sqm per dwelling would be available for dedicated storage which would clearly exceed the requisite 6 cubic metres of storage.</p> <p>Walk-in robes and cupboards throughout the dwellings as well as external storage to the roof terraces of Dwellings 2-8 also supplement the dedicated storage area for ample storage.</p>
<p>Clause 55.06-1 – Design detail</p> <p><i>To encourage design detail that respects the existing or preferred neighbourhood character.</i></p> <p>Standard B31</p> <p><i>The design of buildings, including:</i></p> <ul style="list-style-type: none"> • <i>Facade articulation and detailing,</i> • <i>Window and door proportions,</i> • <i>Roof form, and</i> • <i>Verandahs, eaves and parapets,</i> <p><i>should respect the existing or preferred neighbourhood character.</i></p> <p><i>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</i></p>	<p>Objective achieved</p> <p>The body of the report includes detailed consideration of the building's design response to the surrounding built form context and is considered to respond adequately to the preferred character of the area as set out most clearly in the DDO36 and DDO10.</p>

Clause 55.06-2 – Front fences

To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard B32

A front fence within 3 metres of a street should not exceed:

- *The maximum height specified in a schedule to the zone, or*
- *If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.*

Objective achieved, subject to condition.

Each dwelling is provided a new front fence with fencing ranging from 1.57m to 2.42m in height in the form of a solid stone plinth (housing a planter box) and piers of varying height with a vertical metal bar infill between piers.

Although Argyle St is currently a secondary frontage of the subject site, it will become the primary frontage of Dwelling 1 and therefore the fencing to the Argyle Street frontage is included in this assessment.

The standard requirement for the site is for the front fence to not exceed a height of 1.5 metres and therefore a variation to the standard is required.

The surrounding area is typically characterised by no front fences or, where present, relatively low front fences, usually vertical timber picket or iron spear, but there are also apartment buildings with ground level balconies along Napier street that have solid (or largely solid) balustrades composed of timber or masonry.

Due to the basement ceiling level projecting above NGL at the southern end of the site, and the finished floor level of the ground floor also being elevated accordingly to account for this, the solid portions of the fence (plinth and brick piers) is designed to accommodate the planter boxes and to provide a balustrade to the stair access from the street frontage. Therefore, it is an intrinsic part of the design to have a higher plinth.

Given the style and scale of building proposed, it is considered that the fencing style relates acceptably to the proposed built form, with the fence material and style matching the balustrade treatment.

Furthermore, given the high transparency of the metal infill portion of the fence (approximately 93% transparency of the pedestrian gates and approximately 76% transparency of the other sections) the higher fence height is not unacceptable as most portions will allow for views.

However, the increasing height of the fencing relative to the footpath level as the lot slopes downward to the north, results in a fence height that is excessively high along the northern portion of the Napier Street frontage and along the Argyle Street frontage (where the 2.4m height is achieved).

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	<p>To address this, all front fencing will be required to be reduced to be no more than 2m in height about the adjacent footpath as a condition of any approval.</p>
<p>Common property objectives</p> <p><i>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</i></p> <p><i>To avoid future management difficulties in areas of common ownership.</i></p> <p>Standard B33</p> <p><i>Developments should clearly delineate public, communal and private areas.</i></p> <p><i>Common property, where provided, should be functional and capable of efficient management.</i></p>	<p>Complies with the Standard</p> <p>Common areas are limited to the shared vehicle entry and accessway. This area is clearly delineated from each individual dwelling by the secure garage entry door to each dwelling garage. The areas within each dwelling are also clearly confined by fencing, screening and walls dividing each dwelling. The common areas of the building are functional and able to be efficiently managed by way of body corporate or similar.</p>
<p>Site services objectives</p> <p><i>To ensure that site services can be installed and easily maintained.</i></p> <p><i>To ensure that site facilities are accessible, adequate and attractive.</i></p> <p>Standard B34</p> <p><i>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</i></p> <p><i>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</i></p> <p><i>Bin and recycling enclosures should be located for convenient access by residents.</i></p> <p><i>Mailboxes should be provided and located for convenient access as required by Australia Post.</i></p>	<p>Objective achieved, subject to condition</p> <p>All dwellings are provided with mailboxes to their relevant street frontage within the front fence which is conveniently accessible for postal services.</p> <p>Each dwelling also has bin storage areas (accommodating 4 waste streams including general recycling and glass recycling) building within or adjacent their individual garages. These areas will be required to be dimensioned by condition, as set out in the body of the report based on review of the Waste Management Plan by Councils City works Unit. Bins are conveniently located for both access (given there is lift access from the basement to third floor) for waste disposal and collection.</p>

6. Confidential Planning Decisions Committee Reports

Nil.