

Agenda

Planning Decisions Committee

6.30pm, Tuesday 5 July 2022

Richmond Town Hall

www.yarracity.vic.gov.au

The Planning Decisions Committee

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

Participating in the Meeting

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

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

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

- Speak for a maximum of five minutes;
- direct your submission to the chair;
- confine your submission to the planning permit under consideration;
- If possible, explain your preferred decision in relation to a permit application (refusing,
- granting or granting with conditions) and set out any requested permit conditions
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

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

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

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

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

Arrangements to ensure our meetings are accessible to the public

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

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

1. Appointment of Chair

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

2. Statement of recognition of Wurundjeri Woi-wurrung Land

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

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

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

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

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

3. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

Cr Herschel Landes
Cr Anab Mohamud (substitute for Cr Stephen Jolly)
Cr Amanda Stone

Council officers

Amy Hodgen (Senior Co-ordinator Statutory Planning)
Gary O'Reilly (Senior Statutory Planner)
Rhys Thomas (Senior Governance Advisor)

4. Declarations of conflict of interest

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

5. Confirmation of Minutes

RECOMMENDATION

That the minutes of the Planning Decisions Committee held on Tuesday 14 June 2022 be confirmed.

6. Committee business reports

Item		Page	Rec. Page
6.1	PLN20/0931 - 133-137 Victoria Parade, Fitzroy - Full demolition of the existing building, construction of a multi-storey building and a reduction in the statutory car parking and visitor bicycle facility requirements	5	43

6.1 PLN20/0931 - 133-137 Victoria Parade, Fitzroy - Full demolition of the existing building, construction of a multi-storey building and a reduction in the statutory car parking and visitor bicycle facility requirements

Report Summary

Purpose

1. This supplementary report provides an assessment of amended plans (and proposal) circulated for VCAT Hearing P11699/2021 for the site at 133-137 Victoria Parade, Fitzroy. The matter relates to a S79 Failure to Determine within the prescribed time for a 9-storey student accommodation proposal. Council officers had considered the application at the Development Assessment Panel (DAP) meeting of 9 February 2022 and indicated that if able, Council would have refused to grant a permit for the application.
2. The amended proposal seeks approval for full demolition of the existing non-contributory building on the site and construction of a 6-storey building (office and food and drink uses) and a reduction in the statutory car parking and visitor bicycle facility requirements. The amended proposal significantly alters the proposal and as such requires re-consideration by Council.
3. By order of the Tribunal dated 2 March 2022, Council is required to provide a copy of its new statement of grounds and a copy of the officer report assessing the amended proposal to all other parties to the proceeding no later than **8 July 2022**.
4. A compulsory conference has been listed for this matter on 15 August 2022. Council must provide its draft conditions relating to the amended proposal to VCAT and parties by 8 August 2022.
5. This report recommends that Council change its position to support the amended proposal subject to the proposed draft conditions and advise VCAT and parties of this position.

Key Planning Considerations

6. Key planning considerations include:
   (a) Clause 15.01 – Urban Environment
   (b) Clause 15.03 – Heritage
   (c) Clause 21.05 – Built form
   (d) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay
   (e) Clause 22.07 – Development Abutting Laneways Policy
   (f) Clause 34.01 – Commercial 1 Zone
   (g) Clause 43.01 – Heritage Overlay (Schedule 334)
   (h) Clause 43.02 – Design and Development Overlay (Schedule 2 and Schedule 39) – the latter is an interim control introduced into the Planning Scheme on 22 October 2021 under Amendment C288.
   (i) Clause 52.06 – Car Parking
   (j) Clause 52.34 - Bicycle Parking

Key Issues

7. The key issues for Council in considering the proposal relate to:
   (a) Policy and strategic support
   (b) Heritage, urban design and built form;
   (c) Off-site amenity;
   (d) Sustainable design;
   (e) Car parking, bicycle parking, vehicle access and
   (f) Other matters (Waste, wind, open space, tree protection).

Submissions Received

8. Eleven statements of grounds have been lodged with VCAT in relation to the original 9-storey proposal.
9. To date, one statement of grounds has been received to the amended proposal (at the date of writing) raising concerns with:
   (a) Height exceedance over DDO39 and that the proposal does not demonstrate design excellence; and
   (b) Poor street level activation
10. One informal response to the amended plans has also been submitted to Council by existing parties to the appeal. This also raised concerns with the height exceedance over DDO39.

VCAT Proceedings (remove if not relevant)

11. VCAT matter P11699/2021 is a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT).
12. This matter was subject to VCAT orders following a previous compulsory conference due to the change of the proposal from a 9-storey student accommodation development to a 6-storey office development.
13. The application needs to be re-considered by Council due to the level of change between the original and the amended proposal. Once a position is finalised, this needs to be provided to all parties to the VCAT proceeding.
14. A third compulsory conference is listed for this matter to consider this amended proposal on 15 August 2022, with hearing dates listed for 24-28 October 2022.

Conclusion

15. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
   (a) Increased northern boundary setback of Level 5 by 2m (to 6.34m)
   (b) Change the material of Level 5 to a light grey finish
   (c) Screening measures to north facing windows at Levels 1 and 2 and demonstrate no unreasonable overlooking from the north facing windows at Levels 3 and 4;
   (d) Reduction in the height of the plant screen to 1.8m to reduce visual bulk and overshadowing impacts on the public realm;
   (e) Provision of bicycle parking in the public realm;

CONTACT OFFICER: **Amy Hodgen**
TITLE: **Senior Coordinator Statutory Planning**
TEL: **9205 5330**

6.1 PLN20/0931 - 133-137 Victoria Parade, Fitzroy - Full demolition of the existing building, construction of a multi-storey building and a reduction in the statutory car parking and visitor bicycle facility requirements

Reference	D22/145791
Author	Amy Hodgen - Senior Coordinator Statutory Planning
Authoriser	Manager Statutory Planning

Ward:	Langridge
Proposal:	Full demolition of the existing building, construction of a multi-storey building and a reduction in the statutory car parking and visitor bicycle facility requirements
Existing use:	Shop and Food and Drink Premises
Applicant:	Argo Group (Aus) Pty Ltd
Zoning / Overlays:	Commercial 1 Zone; Heritage Overlay Schedule 334, Design and Development Overlay Schedules 2 and 39; Development Contributions Plan Overlay
Date of Application:	18 December 2020
Application Number:	PLN20/0931

Planning History

1. The planning history for this site is detailed within the appended DAP report for the consideration of the original application.

Background

2. Application PLN20/0931 was lodged with Council on 18 December 2020 for land at 133-137 Victoria Parade, Fitzroy. The application sought approval for the '*Use and development of the land for a 9-storey residential building (student accommodation), full demolition of existing building and a car parking reduction for a food and drinks premises (no permit required for food and drinks use)*'.

3. There were 43 objections to the application. The applicant lodged a section 79 'failure to determine' review with VCAT on 11 November 2021 (on Day 62), and 11 objector statements of grounds have been lodged to the review.

4. The application was considered by officers under delegation at the DAP meeting of 9 February 2022. VCAT and parties were advised that if Council were able, it would have refused to grant a planning permit on the following 5 grounds:

    1. *The height, inadequate setbacks and massing of the proposed development is contrary to Schedule 39 of the Design and Development Overlay and does not respond to the site context and would be visually overwhelming, also resulting in excessive overshadowing of the public realm.*

    2. *The height and massing of the proposed development would adversely impact the significance of the heritage precinct*

    3. *The proposal would result in unreasonable amenity impacts to surrounding residential properties including visual bulk, loss of daylight to existing windows and overlooking.*

4. *The boundary windows to the east elevation rely on borrowed amenity and do not allow for equitable development outcomes with the adjoining property to the east.*

5. *The proposal does not provide an adequate level of energy efficiency and sustainable design.*

5. On 10 February 2022 a compulsory conference was held at VCAT between objectors, Council and the applicant to consider the 9-storey student accommodation proposal. There was no agreement reached at this conference, with a second compulsory conference then scheduled for 1 March 2022.

6. At the compulsory conference on 1 March 2022, the applicant advised their intent to amend the proposal. A timeline for re-lodgement of the amended proposal was agreed by all parties and outlined in the VCAT order of 2 March 2022.

7. In accordance with that order, the permit applicant, Argo Group (Aus) Pty Ltd, submitted to Council, amended plans on 28 March 2022. Amongst other changes, the amended plans reduced the building height by 3 levels to 6-storeys and changed the proposed use from student accommodation to office (section 1 use within the zone).

8. A further set of amended plans were submitted to Council on 9 May 2022. Notably, these plans further reduced the height of the revised 6 storey building from 24m to 21m. These plans were circulated in accordance with Tribunal Practice note PNPE9 on 10 June 2022.

9. In forming the initial position of refusal, Council officers undertook a detailed review of strategic policy and analysed the site context. This assessment was informed by detailed comments from Council's Heritage Advisor and external urban design consultants. The DAP report concluded that the building should be reduced to a maximum of 6-storeys for this site – allowing a form that would sit above the DDO39's discretionary height limit of 4-storeys for this site– and that there was potential to consider a design response that varied the DDO39 setback provisions. The reasons for this position are outlined below and are relevant to this matter as the amended plans generally adopt the officer position on built form expressed in the earlier report.

10. Application for Review VCAT P11699/2021 has been listed for a third Compulsory Conference on 15 August 2022, and for a Major Cases hearing between 24-28 October 2022.

11. This report provides an assessment of the amended plans received 9 May 2022 and recommends that Council change its position to one of support for the application, subject to conditions (and specifically screening to northern windows at levels 1 and 2 and a reduction in the height of the plant screening on the rooftop).

Planning Scheme Amendments

12. Amendment C269yara to the Yarra Planning Scheme seeks to rewrite local policy to conform with the newest format for Planning Schemes introduced through Amendment VC148. It seeks to replace the Municipal Strategic Statement (MSS) at Clause 21 and Local planning policies at Clause 22 with a Municipal Planning Strategy (MPS – 02.01 to 02.04) and integrate local policies under the policy heads within the Planning Policy Framework (PPF – Clauses 11-19). Effectively it establishes a new format for existing policies and incorporates more recent strategic work undertaken since and including the Yarra Planning Scheme Review (in 2014).

13. This is a seriously entertained planning scheme amendment. It has been adopted by Council and is currently with the Minister for approval.

14. There are relevant strategic changes within Amendment C269 that should be considered as part of this application. These strategic changes include the delineation of the boundaries of Activity Centres in Yarra with reference to the criteria contained in Planning Practice Note 58 (Structure Planning for Activity Centres) (PPN58).

An assessment against PPN58 was undertaken for all Activity Centres in Yarra in the Activity Centres – Roles and Boundaries, City of Yarra (October 2019) (Activity Centres Report).

15. Amendment C269 proposes to include the subject site within the Smith Street Major Activity Centre. Strategic Directions at Clause 02.03 include the following relevant provisions in relation to Activity Centres:

    (a) *Activity centres are a focus of growth in Yarra with the addition of mid-rise commercial development and apartments. They will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.*

    (b) *These activity centres generally contain highly valued streetscapes and commercial buildings included on the Heritage Overlay and must balance the requirements for growth with the retention of heritage significance.*

16. In addition, new policy at Clause 11.03-1L – Activity Centres includes the following relevant strategies:

    (a) *Support high quality mid-rise buildings in major and neighbourhood activity centres as specified in a Design and Development Overlay.*

    (b) *Support development that improves the built form character of activity centres, whilst conserving heritage places, streetscapes and views to identified landmarks.*

17. Smith Street Major Activity Centre has the following relevant strategies:

    (a) *Promote the metropolitan and local retail and business roles of the activity centre.*

    (b) *Retain the visual prominence of the Victorian and Edwardian heritage streetscape, including local landmarks, street corner sites and former department stores, particularly in the traditional retail core.*

    (c) *Encourage employment through mixed use and commercial development, including in the mixed use zoned land behind Smith Street.*

18. Strategic directions at Clause 02.03-4 Built environment and heritage include the following relevant strategies:

    (a) *Reinforce Yarra's low-rise neighbourhoods by directing mid-rise buildings to appropriate locations, within major and neighbourhood activity centres, employment areas (as identified in clause 02.01), major regeneration areas (as shown on the Framework Plan in clause 02.04), and along boulevards (Hoddle Street, Alexandra Parade, Victoria Parade and the south end of Queens Parade).*

    (b) *Ensure mid-rise buildings are in accordance with any building height requirements set out in the relevant zone or overlay, or, where there are no building height requirements specified, having regard to the physical and strategic context of the site.*

    (c) *Manage the scale, intensity and form of development in activity centres to protect highly intact heritage streetscapes and buildings*

    (d) *Improve the built form character and streetscapes of Yarra's boulevards – Alexandra Parade, Hoddle Street, Victoria Parade and the south end of Queens Parade.*

19. The strategic identification of the site within a Major Activity Centre (as opposed to sitting between two Major Activity Centres) arguably provides increased support for higher intensity development forms on the site as policies emphasise the strategic benefits of development within an Activity Centre setting. This is tempered by those strategic directions which acknowledge the importance of heritage streetscapes, buildings and boulevards within the City of Yarra. It does this through the provision of detailed built form guidance within Design and Development Overlay controls that have been developed for its centres – including Victoria Parade.

20. The new policy framework therefore provides a greater reliance on the guidance provided within Design and Development Overlays to achieve the strategic outcomes sought under the provisions of the Planning scheme. This is relevant for the subject site, which is located within both a Major Activity Centre, and along a boulevard, and is included within Design and Development Overlay Schedule 39 where specific design outcomes are sought under the controls.

21. The objectives of DDO39 encourage a mid-rise building form (3-7 storeys) to the west of Wellington Street, with higher development anticipated on larger sites to the east of Wellington Street. Albeit not under DDO39, taller forms are also apparent to the west of Napier Streets. DDO39 provisions provide the main considerations for built form outcomes on this site and reflect the proposed policy framework settings. However, given the location of the site at the western edge of DDO39, it is also useful to consider neighbouring planning controls.

Aboriginal Cultural Heritage Significance

22. The site is not within an area of Aboriginal Cultural Heritage Sensitivity.

The Proposal

23. The amended plans seek approval for a 6-storey building over one full level of basement. The existing building is proposed to be demolished (as with the original proposal). The predominant use of the building will be office (1044sqm), with a food and drink premises on the ground floor (and within a portion of the basement) totalling 221 sqm. A total of 7 car parking spaces and 26 bicycle parking spaces are proposed.

24. Components of the design expression, materiality and ground floor use of the amended proposal are retained from the original proposal; however, the building is significantly reduced in height, its façade detailing, and design has been modified, and the building includes increased setbacks to Victoria Parade, Napier Street and the rear lane. The proposed ground level food and drinks premises will maintain an active frontage to Victoria Parade, while Napier Street benefits from windows to the food and drinks premises and the main office entry.

25. The proposed built form changes include the provision of a splay on the corner of Napier and Victoria Parade as called for in DDO39 – which had previously not been provided.

Use/Layout:

26. The building is proposed to be constructed to site boundaries at the ground level, with the basement similarly constructed to the east, west and south boundaries and set back 2.648m from the northern laneway boundary to facilitate vehicle access to the car stackers.

27. The basement comprises the car stacker pit, services and fire pump room, a bike storage room with 26 bicycle parks (within 13 two-tiered bike racks). End of trip facilities are provided adjacent to the bike storage (4 showers), and lift and stair access is proposed. The western side of the basement (87sqm) is dedicated to the food and drink premises (linked via an internal stair to the ground floor).

28. The ground floor comprises the main area of the food and drink premises (134 sqm) with its frontage oriented to Victoria Parade, and its entry located near the corner of Victoria Parade and Napier Street. Windows are proposed along the secondary frontage to Napier Street. The office lobby is centrally located with frontage to Napier Street.

29. Car parking is proposed to be accessed at ground level from the lane to the north, and 7 car spaces are proposed within a multi-car pit stacker system. Services, including fire booster cupboard and bin storage are proposed along the western side of the ground floor (Napier Street) however are internal to the building and would be screened by the ground floor building façade.

30. Levels 1 to 5 within the building comprise office floor plates, generally reducing in size at upper levels and ranging from 298 sqm (net floor area) to 160 sqm. Each level has stair and lift access and staff amenities, with level 2 comprising a 25 sqm balcony facing Victoria Parade (sitting above the podium level).

31. Level 3 includes an external access door to the north and has a maintenance access platform, with the remainder of the roof at this level shown as 'non-trafficable'.

32. The roof comprises a service and lift core, which would be set back 2.89m from the common boundary with No. 139 Victoria Parade, and is generally to the front half of the building roof, A solar PV system (7.2kWp) is proposed on the roof with a low (10 degree) pitch. The roof top services are to be enclosed within a louvred screen that is 2.6m in height. The solar panels sit outside of this area. Less than 50% of the roof is dedicated to services. The roof is accessible via a service hatch (for servicing only). There is no other access to this area.

33. The key changes to the use/layout seen within the amended proposal are:

    - The previous student accommodation use has been replaced with office use at levels 1-5;
    - The food and drink premises has been increased in size from 83 sqm to 221 sqm;
    - 7 car spaces (including one accessible space) accessed from the northern lane are proposed where there was previously no car parking proposed for the uses;
    - Bicycle parking had been proposed on the ground floor accessed directly from the rear lane, bike parking is now proposed in the basement and access via a lift;
    - There is no accessible open space on the roof (previously there was communal open space for the accommodation use) and roof services have been decreased in height.

Height and Setbacks:

34. The proposal is designed with a 2-storey podium/base with a maximum height of 8m to the street frontages. The upper levels are set back from the street and lane frontages (the latter above 10.6m). The two-storey building base is to be constructed to the street frontage of both Victoria Parade and Napier Street, with a corner recess to Victoria Parade of 1m (depth) and 3.7m length (forming the entry to the food and drink premises).

35. Levels 2-4 of the proposed building would be set back 4.03m from Victoria Parade, and 1.5m from Napier Street. The top floor would have an increased setback of 4.43m to Victoria Parade and 1.9m from Napier Street (400mm additional from levels below). This level forms the 'top' of the building and is treated in different colour and materiality to express this difference from lower levels. It reads as having a dark framed box-like form and is highly glazed. It caps the building while providing a lighter element at this level.

36. The building would be constructed on the boundary to the east (but for the irregular boundary line – the wall will be marginally in-set) and would be set back from the rear (lane) boundary as follows:

    - On the rear boundary for ground level to level 2 (to 10.6m);
    - 3m at levels 3 and 4;
    - 4.344m at level 5.

37. The building would have an overall height of 21.64m to the parapet. The centralised lift core and services would have a maximum height of 24.24m – sitting 2.6m above roof height, and screened by louvred panels.

38. The key built form changes in the amended proposal are:

- The amended proposal is 3 storeys lower than the student accommodation proposal. The commercial use has greater floor to floor heights than the accommodation use. This results in an overall building height reduction of 8.3m from the original proposal.
- Street wall height to Victoria Parade have been reduced from a maximum of 8.2m to 8m in height;
- Setbacks of levels 2-5 are increased to Victoria Parade from 3m (at level 3) and 1.5m to levels 4 and 5 to a minimum of 4m (4.4m to level 5);
- Setbacks to Napier Street were previously only proposed at levels 2 and 3 and were 200-300mm, with the levels above built to the boundary. The amended proposal is to provide a setback from Levels 2-5 of a minimum of 1.5m (1.9m to level 5).
- The rear setbacks were previously 1.6m to ground and first floor level, on the boundary for levels 2 and 3 (to a height of 14.05m) and a setback of 3m to the remaining levels (up to level 8). The rear setbacks are now on the boundary for the first three levels (10.6m), and a minimum of 3m for levels 3-4, and 4.5m to level 5 to providing a more recessive presentation to this boundary.

Building Design and Materials

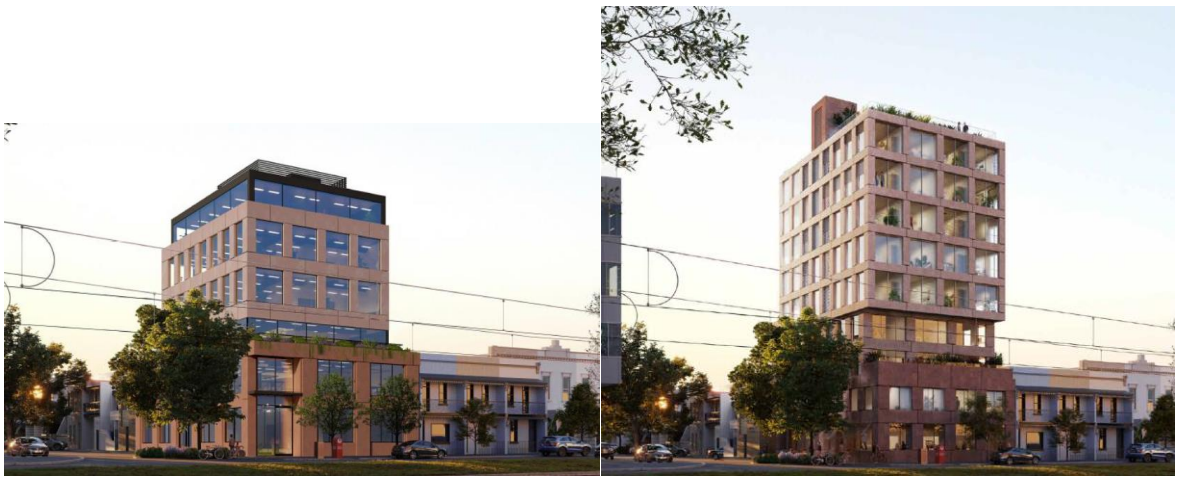
39. The building is defined by its two-storey podium base, with recessed rising-form above. The podium is expressed to street boundary, and has a simple, repeated geometric façade presentation. The Victoria Parade frontage has a regular fenestration pattern with tri-partite glazing, separated by vertical precast concrete panels with a textured render finish in a red tone. The building is broken into three bays to Victoria Parade, and this grain is reflective of the terrace frontages of properties to the east.

40. The podium base of the building has been refined in this proposal. The street wall is marginally lower (now 8m instead of 8.2m) and the window proportions have been altered from a square fenestration pattern to a vertically emphasised form – in line with the previous advice from Council's Heritage Advisor.

41. Level 3 sits behind the parapet of the lower levels and is predominantly glazed – this is the 'blind' level that is only seen at distance from the building. Levels 3 and 4 sit directly above this form and are treated in a smooth render in a lighter (pinkish) colour. A regular gridded fenestration pattern is proposed at these levels. Level 5 is a dark finish (woodland grey) and glazed box that has a slightly increased setback from levels below. It provides a lighter 'top' element to the building.

42. Above this is the centrally located plant area which is screened with louvres, and which sits 2.6m above the roof level. This would be visible from the central median and the opposite side of Victoria Parade, but would not be evident when standing proximate to the building.

43. Built form changes largely reflect the previous analysis undertaken by Council officers in relation to height, setbacks, the corner splay and façade design. Notably the colour of the building remains a pinkish-red – which was not favoured by the Heritage Advisor. This is – for reasons outlined later in the report – considered to be suitable by officers.



Figures 1 and 2: left – amended 6-storey office proposal with ground level podium in 3 bays, and recessed levels above – right – original 9-storey student accommodation proposal with projecting levels above level 4 providing a discordant form and excessively tall proposal.

ESD Features:

44. The proposed office building includes the following key ESD features and commitments:

    (a) The proposal achieves a 50% BESS report score.

    (b) Individual commercial tenants will be provided with separate minimum authority metering and all the major common services (e.g. DHW, HVAC, Lifts etc.) will be sub metered separately.

    (c) A Building Users Guide will be prepared for the occupants and operators of the building.

    (d) Good daylight and ventilation to office areas are provided (except food & drink premises, particularly the basement level – however it remains unclear if this is for public use).

    (e) There is commitment to an Improvement in required NCC2019 insulation levels to the building fabric elements roof, walls, ceilings, floor, glazing system etc.

    (f) A 7kW Solar PV system will be provided for the building.

    (g) 10,000L underground rainwater tank for toilet flushing is located under the basement;

    (h) Water efficient fixtures and taps. The development will not utilise water-based heat rejection systems, with all HVAC being air-cooled.

    (i) The building is designed to include some landscaping at the podium level.

    (j) The proposal includes an oversupply of bicycle parking and end of trip facilities compared to the statutory requirements.

Existing Conditions

Subject Site

45. Refer to previous office report pages 9-10. Notably, the existing building on site is non-contributory and Council's Heritage Advisor has no objection to the building's removal.



Figure 3: Subject site as viewed from the corner of Victoria Parade and Napier Street (Source: Google Street view image dated Nov 2021)

Surrounding Land

46. Refer to previous officer's report Pages 10-17. There have not been any notable changes since the previous report except for the continued construction of the 13 storey building associated with the Australian Catholic University on the western side of Napier Street.

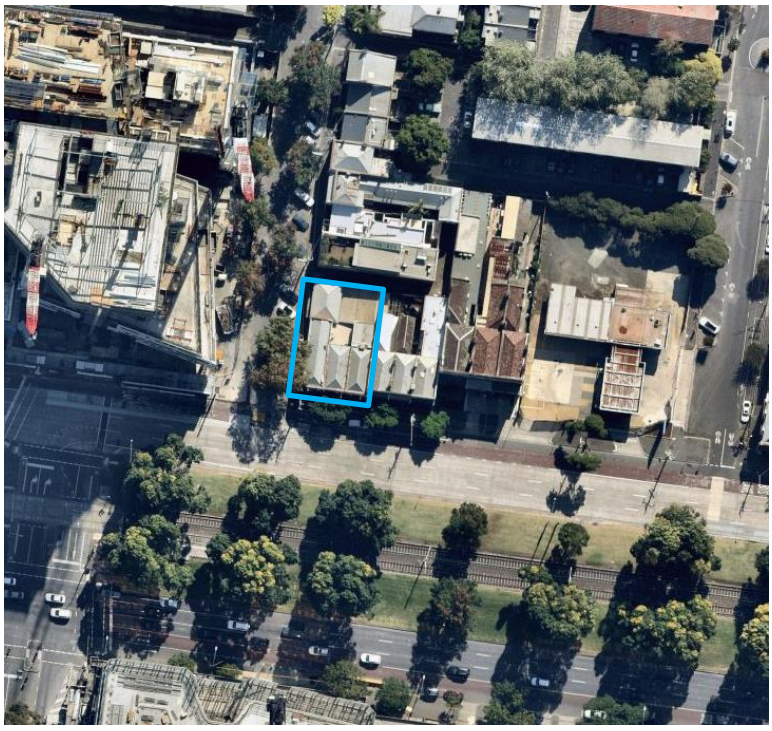


Figure 4: Aerial image of the site (blue outline) and surrounds (Source: Nearmap image dated 17 April 2022)

Planning Scheme Provisions

Zoning and Overlay Provisions

47. The site is affected by the following controls:

- Commercial 1 Zone;
- Heritage Overlay Schedule 334 (HO334 – South Fitzroy Precinct)

- Design and Development Overlay Schedule 2 (DDO2 – Main Roads and Boulevards)
- Design and Development Overlay Schedule 39 (DDO39 – Victoria Parade)
- Development Contributions Plan Overlay Schedule 1 (DCPO1)

48. See previous report pages 21-24 which outline the relevant objectives of the zones and overlays and detail the relevant permit triggers.

49. Of note, the amended proposal does not trigger a permit for the use of land under the Commercial 1 Zone as both the office use and food and drink premises are Section 1 – no permit required - uses.

50. The Design and Development Overlay Schedule 39 (interim control until 22 April 2023 – after which period a permanent control is anticipated to be in the Scheme) remains the most prescriptive and relevant built form control for the site. The overlay was introduced on 22 October 2021 via Amendment C288 to the Yarra Planning Scheme. This was post lodgement of the original application, but the control does not include transitional provisions and as such was relevant to the original application and remains relevant here.

Particular Provisions

Clause 52.06 – Car Parking

51. Given the location of the site in the Principal Public Transport Network Area, the Column B rates to Clause 52.06-5 apply.

52. The table below identifies the car parking requirement under Clause 52.06-5, the provision on site, and the subsequent reduction below the statutory requirement for the amended proposal:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	1,044 m^2	3.0 spaces per 100 m^2 of net floor area	31	7
Food & drink premises	221 m^2	3.5 spaces per 100 m^2 of leasable floor area	7	0
		Total	**38 Spaces**	**7 Spaces**

53. Pursuant to Clause 52.06-3 a permit is required to reduce the parking requirement for the proposed use. A reduction of 31 spaces is proposed. This amended proposal seeks a greater reduction in parking than the original application.

54. The student accommodation use proposed to comprise 52 student rooms, and an 83m^2 food and drinks premises. The parking rate for student accommodation is not set within Clause 52.06 Car Parking – but must be to Council's satisfaction (as a such does not require a statutory reduction).

55. Council's Traffic Engineers considered that the student accommodation use would generate a need for 20 spaces based on a rate of 1 space each per 5 student rooms for students and staff (resulting in a need for 10 spaces for students and 10 for staff). The food and drink premises required 2 parking spaces under Clause 52.06. The proposal did not include any car parking – and as such sought a reduction (statutory reduction of 2 spaces, but nominally from 22 spaces to 0 spaces).

56. The current application is predominantly for office use and seeks a reduction from 38 spaces to 7 spaces – a shortfall of 31 spaces. For reasons outlined later in the report, this is appropriate for the use and location and should be supported.

Clause 52.34 Bicycle Facilities

57. Pursuant to Clause 52.34-1 of the Scheme, a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage are provided on the land.

58. The following table identifies the bicycle facility requirements under Clause 52.34-3 of the Scheme, the provision of bicycle facilities on site, and the subsequent reduction/increase below/above the statutory requirement that is being sought in the amended proposal:

Proposed Use	Quantity / Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	1,044 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	3 employee spaces	26 employee spaces
		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	1 visitor spaces.	0 visitor spaces
Retail premises (other than specified in this table)	221 sqm	1 employee space to each 300 sqm of leasable floor area	1 employee spaces	
		1visitor space to each 500 sqm of leasable floor area	0 visitor spaces.	
Bicycle Parking Spaces Total			**4 resident / employee spaces**	**26 resident / employee spaces**
			1 visitor spaces	**0 visitor spaces**
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**0 showers / change rooms**	**4 showers / change rooms**

59. The amended proposal seeks to provide 26 employee spaces – which is 21 spaces and 4 showers/change rooms more than the requirements of the Scheme. Visitor spaces are not provided on site, therefore a reduction of 1 visitor bicycle space is required.

60. The original application sought to provide 39 resident/employee spaces (and no car parking) which exceeded the statutory requirement by 34 spaces; and sought to reduce the visitor parking provision from 5 spaces to 0 (although proposed to include visitor parking hoops within the public realm/footpath of Napier Street).

61. The amended proposal does not include any bicycle hoops in the public realm, and these are sought by condition.

62. The proposed oversupply of bicycle parking for the office use considered to be appropriate given the characteristics of the use.

General Provisions

63. Clause 65 – Decision guidelines

Planning Policy Framework (PPF)

64. Refer to officer report at page 26.

65. As the amended proposal is for an office use instead of accommodation use; the following provisions are also relevant:

- Clause 17.01 – Employment
- Clause 17.01-1S - Diversified economy
- Clause 17.01-1R - Diversified economy – Metropolitan Melbourne
- Clause 17.02-1S – Business

66. While conversely, provisions at Clause 16 Housing are not relevant to this application.

Local Planning Policy Framework (LPPF)

67. Refer to the original officer report at page 26. Due to the change in the composition of uses on the land; Clause 21.04-1 Accommodation and Housing is not relevant to this application.

Relevant Local Policies

68. Refer to the original officer report at page 27.

Advertising

69. The original application was advertised and 43 objections were received, which were summarised on page 27 of the original officer report.

70. The amended plans were circulated by the permit applicant in accordance with VCAT practice note PNPE9, and the specific orders of the Tribunal. This included notification requirements (the applicant has served the amended plans and reports on all parties to the VCAT review, including Council. In addition, the applicant was required to notify all previously notified persons (owners and occupiers) and any previous objectors of the proposed amendments and include a list of changes).

71. In addition, Council has included the amended plans and documents on its website with the original application material.

72. To date, Council has received one Statement of Grounds from an existing party (with these due on 8 July 2022). An informal response to the amended plans has also been received.

73. The Statement of Grounds and the informal response maintain objection to the proposed height of the development, noting that this exceeds the preferred height limit contained within DDO39 and fails to provide architectural merit. Concern is also raised regarding street activation, noting only a single entrance to both Napier Street and Victoria Parade are to be provided.

Referrals

74. The referral comments are based on the VCAT amended plans, prepared by Point Architects and dated 9 May 2022, and supplementary reports that relate to these plans. The exception is the Environmental Wind Assessment, which was based on the plans lodged on 28 March 2022 (which have been superseded). The referral response prepared by Vipac (Council's external wind consultant) is based on the May plans (current plans).

External Referrals

75. The application was not required to be referred to any external authorities under the provisions of the Scheme.

Internal Referrals

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

    (a) Heritage Advisor

    (b) Urban Design (external consultant – Hansen Partnership)

    (c) ESD

    (d) Strategic Planning

    (e) Development Engineering

(f) Strategic Transport

(g) City Works Branch (open space services)

(h) City Works Branch (waste); and

(i) Wind assessment (external consultant – Vipac)

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

OFFICER ASSESSMENT

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

(g) Policy and strategic support

(h) Heritage, urban design and built form;

(i) Sustainable design;

(j) Car parking, bicycle parking, vehicle access and

(k) Waste management

(l) Other

Policy and Strategic Support

79. The original application was assessed by officers to have a strong basis in strategic policy. The amended proposal is for a different use, but also benefits from the locational advantages of its Victoria Parade frontage, and siting proximate to both Brunswick and Smith Streets – along with its proximity to the Melbourne CBD.

80. Broad strategic policy was not the issue with the previous decision to recommend refusal – rather the specific built form sought for the site was out of scale, and there was an inability to manage impacts on heritage streetscapes to the north and east (in particular) where a fine grained, predominantly single to two storey development pattern exists.

In addition, the scale of the building resulted in off-site amenity impacts to neighbouring properties, the combination of the use and built form raised issues of equitable development to the eastern side and there was overshadowing of the public realm.

81. The original application was for a student accommodation use, and factors that influenced the favourable broad policy assessment included the proximity to high quality public transport, proximity to Major Activity Centres along Smith and Brunswick Street and the co-location of the use with the Australian Catholic University campus (ACU) which extends to the west side of Napier Street – opposite the site.

82. These same locational benefits apply to the amended proposal, noting that Amendment C269 (local policy re-write) is with the Minister for Planning and will place the site within the Smith Street MAC. This indicates the strategic importance of the land, which will be in a Major Activity Centre and sits at the periphery of a significant health and education node, and along a boulevard which is identified as appropriate for mid-rise redevelopment. This designation carries through to the application of DDO39 and as such is addressed separately, under considerations of built form.

83. The amended proposal principally seeks an office building rather than student accommodation use. Given the Commercial 1 Zoning of the land, this is a section 1 (no permit required) use in the zone and meets the stated purpose which is (emphasis added):

- *To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

84. The Office use clearly aligns with purpose of the zone. As a commercial area it meets current policy provisions of Clauses 17.01-1S Diversified economy which seeks to '*improve access to jobs closer to where people live*' and Clause 17.02 Business; which specifically includes a strategy that seeks that '*commercial facilities are aggregated, and provide for a net community benefit in relation to viability, accessibility and efficient use of infrastructure*'.

85. In addition, consideration must be given to the future designation of the land within a Major Activity Centre under C269yara. The proposal would meet the intent of Activity Centre policies at Clause 02.03 which identifies that *'Activity centres are a focus of growth in Yarra with the addition of mid-rise commercial development and apartments. They will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development'.*

86. The proposal seeks to provide a food and drink premises at ground level – as per the original proposal but now larger in area. This is a more viable size and can better accommodate a food and drink use. It facilitates activate frontage to both streets and is a use that would provide a good level of street activation. This is encouraged under DDO39 and the C1Z provisions and is discussed below. It meets policy at Clause 15.01-2S that seeks to '*Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security'*.

87. The broad policy provisions that support economic development are met – as with the original application, the more salient question is in relation to the built form outcome for the site; and the potential interface issues (amenity) that may arise from mid-rise built form with an interface to low-rise heritage buildings, and the Neighbourhood Residential Zone.

88. Policy and planning provisions in the scheme focus on both issues – which are addressed separately below.

Heritage Urban Design and Built Form

Heritage

89. The site sits within Heritage Overlay 334 however the site itself does not comprise a building of heritage value. The building is graded 'not contributory' and its full demolition has been supported by Council's Heritage Advisor and planning officers in the previous DAP report. As with the earlier consideration, the heritage advice is that:

    During demolition, if any 19th century fabric is discovered an archival photographic record in colour should be made and ultimately lodged in the Fitzroy Library. Similarly, any significant fabric or artefacts should be retained and lodged with Council.

90. This is recommended to form a condition on the proposed without prejudice draft conditions to be prepared for VCAT.

91. The key heritage concerns for the site therefore relate to the impact on any redevelopment on this site impacting the character and appearance of this part of the precinct comprising the heritage place, therefore, and the significance of the heritage place. Relevant provisions at Clause 15.03 and Clause 22.02 -Development guidelines for sites subject the Heritage Overlay (Heritage Policy) and Clause 43.01 (Heritage overlay) inform the heritage assessment. It is noted that the heritage values of existing development in this area have informed the broader built form strategies for the site and surrounds and provisions like DDO2 and DDO39 endeavour to ensure that the built form and appearance of the area is mindful of the heritage character.

92. Council's heritage advisor acknowledges the interplay between the heritage policies and the DDO39 built form outcomes and has undertaken a detailed assessment of cultural significance in that context. The assessment is therefore useful not only in relation to the heritage matters but also to the heritage character issues that arise.

93. The original 9-storey building application was not supported by Council's heritage advisor. Clear guidance was given following a detailed contextual analysis, and this advice has substantially been followed in the amended proposal. This was re-referred to Council's Heritage Advisor who was largely supportive of the amended proposal. The heritage assessment below is broken down into the comments made in relation to height; the podium/street wall, setbacks and design, colours and materials with an assessment of the amended proposal provided. Based on this assessment, the amended proposal provides a satisfactory response to matters of cultural heritage significance.

Building Height

94. In relation to building height, the contextual analysis undertaken by the heritage advisor noted that:

    (a) The key context is a boulevard (Victoria Parade) which has double storey Victorian dwellings east of the site to Gore Street (with few exceptions), and streets running north from the boulevard which predominantly comprise single and double storey Victorian dwellings. Heritage considerations relating to suitable height outcomes will be different between the two street frontages.

    (b) There is already a degree of visual intrusion along Napier Street from the approved (under construction) St Teresa of Kolkata building and the existing Mary Glowrey building.

95. While the heritage advisor acknowledges the proposed building will be a dominant element in the Victoria Parade Streetscape, when assessed against relevant policy, including provisions within DDO39, the Heritage Adviser ultimately concludes: '*On balance and in the context of the relevant policies and the existing and emerging (ACU site) physical context, the proposed building is generally acceptable'.*

96. Concern, however, was raised in relation to the dark colour to the top level and that this would exacerbate the dominance of the building. This will be further discussed in relation to materials.

Street Wall Height/Podium

97. The following was noted by the Heritage Advisor in relation to the previous podium form and height:

- *The height to the top of the Victoria Parade street wall (podium) is 8.2 metres which is just below the height of the parapet of the abutting terraces in Victoria Parade. (SK-2002, Rev. E). This is appropriate and acceptable in the physical context however it exceeds the street wall height specified in DDO39 by 200 mm. However, DDO 39 at 2.3 states, viz.:*
    - *Infill development should match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser.*
- *In the context it accords with the DDO in this regard.*

98. The amended proposal has marginally reduced the street wall height to Victoria Parade to 8m to reflect the DDO controls and as per the comments above is satisfactory from a heritage perspective.

99. The amended proposal now includes a street wall to Napier Street of 7.9m. The site has an interface with a lane to the north, and a non-contributory three-storey dwelling in the Heritage Overlay sits north of this. This meets the street wall height sought under DDO39 (8m).

Setbacks

100. Building setbacks need to be considered from both a heritage and urban design perspective. Within this location, the impact on heritage was considered to be important to the overall built form assessment. The DDO39 setback provisions largely seek a heritage related outcome for this location (the street wall height and the setback provisions are a direct result of the location within the Heritage Precinct and adjacent to fine-grained, low rise heritage buildings), noting that the provisions include the objective:

To ensure development to the west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character.

101. The heritage assessment of the previous building setbacks indicated that upper-level setbacks above the podium might not be required from a heritage perspective – subject to the overall lowering of the building (from 9 to 6 storeys). The heritage advisor stated:

'2.3 of DDO39 states, inter alia, viz.:

- *Development of non-heritage buildings on street corners should provide a corner splay at minimum of 1 x 1 meter [sic. i.e. metre] along the site's corner boundaries.*
- *Development should retain the visual prominence of:*
    - *the heritage street wall in the vistas along the street; and*
    - *heritage fabric of the return façades of heritage buildings on corner sites'.*

No corner splay has been provided.

'2.4 of DDO39 states, inter alia, viz.:

- *Upper levels above the street wall within or immediately adjacent to land subject to the Heritage Overlay should be set back by a minimum of 6m on Victoria Parade and Wellington Street.*
- *Upper levels above the street wall for all other sites should be set back by a minimum of 6m from the primary frontage.*
- *Upper levels above the street wall should be set back by 3 metres from the secondary frontage.*
- *Upper levels should:*
    - *be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage streetscape and minimise upper level bulk;*
    - *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;'*

Given the boulevard nature of Victoria Parade, the varied setbacks in the immediately vicinity of the subject site, (zero to say 4 metres on sites abutting to the east), and the varied setbacks of the Victoria Parade and Napier Street elevations of the St Teresa of Kolkata building, and the mixed nature of the Victoria Parade streetscape between Napier and Brunswick Streets and the existing zero setbacks of the building on the subject site, in this location a setback of 6 metres to Victoria Parade would not have any benefit to heritage.

For similar reasons, and while noting that some of the buildings in Napier Street to the north have small front garden setbacks and also noting that the properties between Victoria Parade and Little Victoria Street have either a zero setback (two properties to the north immediately adjacent to the subject site) or a high boundary wall or an approximately 1 metre setback, a 3 metres setback to Napier Street in this location would have no benefit to heritage considerations and would change a streetscape element (setback depth) which while not Victorian, has existed for approximately 70 or so years.

102. From a heritage perspective, the original recommendation was for either development above the podium to be in the same plane (no setback - preferred) or for there to be only one step in the setback to the rising form (not stepped setbacks at various levels which was seen as discordant). The council officer assessment in the previous report recommends against the zero-setback approach to upper levels for urban design reasons (and to ensure the base of the building presents as a street wall as sought by DDO39, and to ensure the upper level is recessive as sought by the objective) – but concludes that the setbacks within DDO39 of 6m to Victoria Parade and 3m to Napier Street could potentially be reduced largely because of the location of the site on the western edge of the precinct, its location at Napier Street and the built form on the west side of Napier Street that is now apparent.

103. The amended plans have adopted this approach. There are upper level setbacks provided to both street elevations (and the rear lane -addressed separately); but they do not meet DDO39. The setbacks will read as a single setback above the podium form. This meets the outcome sought by the heritage advisor; therefore, the setbacks are appropriate from a heritage perspective.

104. On Victoria Parade, the proposed 4m setback above the podium (extending to 4.4m at level 5) will in this case and at this location be sufficient to ensure the building does not detract from the heritage character of the streetscape The taller building form on the corner to the west is particularly important here and impacts on the appropriate built form response of this particular site The refinement of the façade to better reflect the vertical orientation of windows and the improved, regular grid better reflect the solid to void ratios of these buildings and this also assists in ensuring the buildings will not overwhelm or dominate the heritage buildings in the area. On this corner, having regard to what has transpired immediately to the west of Napier Street, the proposed building height and setback provides a more appropriate transition from the taller forms to the west down to the lower forms to the east.

105. To Napier Street, the 1.5m setback (extending to 1.9m at Level 5) is sufficient to read the podium base of the building with a distinct break to the form above. While not as recessive as to Victoria Parade, the upper-level reduced setback in this context is more acceptable given development on the immediate west side of Napier Street. The site is adjacent to a non-contributory building to the north (former industrial building converted to 3-storey dwelling) which is constructed to all site boundaries. Opposite the site on Napier Street there is an approved 5-storey street wall and much higher rising form above (to 13-storeys). The longer-range views along Napier Street will terminate with taller built form at the southern end of the street; but the main heritage street wall of buildings along Napier Street will be retained. The character of the heritage place will not be unduly impacted by the building form proposed.

106. The amended proposal also alters the building heights at the rear of the building. The development has a 10.6m wall height to the lane (rather than 14m) and includes a minimum of 3m setbacks to the form above (extending to 4.5m). The rear interface was considered an acceptable heritage response by the heritage advisor – the enhanced setbacks and lowered wall height to the lane are therefore improvements. The rear interface was previously not supported by officers on amenity and visual bulk grounds, and this is addressed below (under the discussion of DDO39).

107. In addition, the amended proposal has included a recess in the building at the corner of Victoria Parade and Napier Street to meet the corner splay requirements. This is an improvement at ground level and is supported.

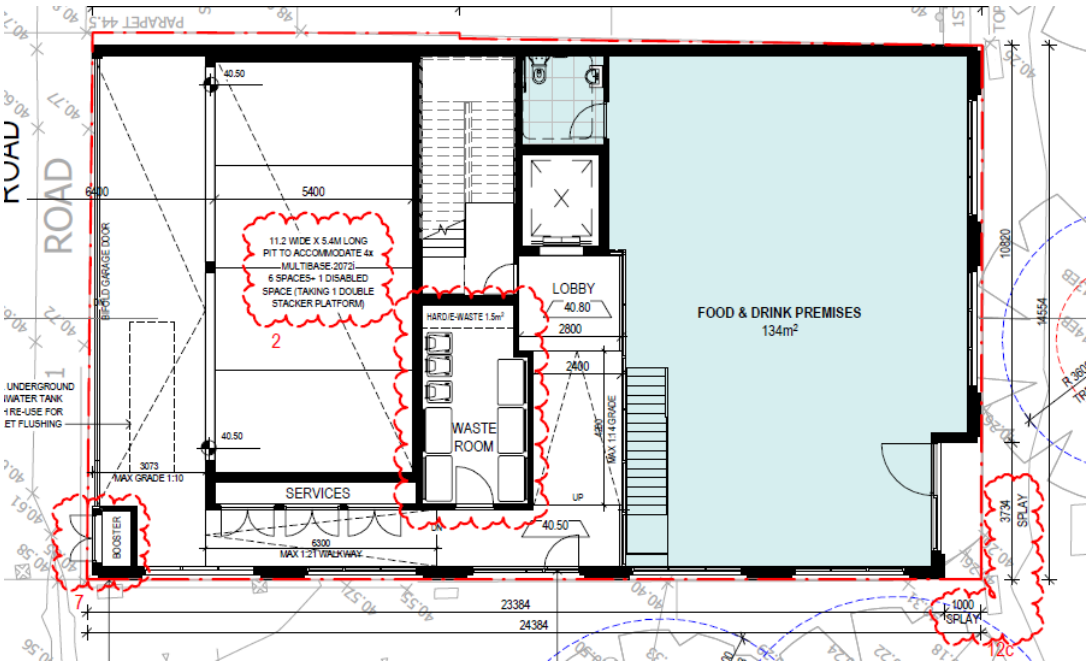


Figure 5: splay/recession to the street corner is now proposed.

108. In relation to setbacks, Council's Heritage advisor concluded in relation to the revised design that: *In the physical context the setbacks proposed, while not compliant with DDO39, are acceptable from a performance perspective*. On this basis, and for the reasons outlined above, the proposed upper level setbacks are considered satisfactory from a Heritage Perspective.

Design, Colours and Materials

109. The previous heritage assessment (see the attached DAP report) stated that:

(a) *A more uniform grid of vertically-oriented rectangular windows and with more solid and less void should be applied to all elevations;*

(b) *The lift overrun will present a visual intrusion in the Napier Street streetscape. Given that in reality, because of pedestrian activity on the northern footpath of Victoria Parade which limits upwards views, horizontal views from trams and limited views from the carriageway due to heavy vehicular traffic, the lift overrun is less likely to be noticed and would be less visually intrusive if it were located along Victoria Parade or otherwise more centrally in the building.*

(c) *A less striking and more neutral and sober colour palette is preferred so that as far as is possible any new building blends in rather than standing out in the streetscapes.*

(d) *The Reckli panels and textures are acceptable.*

110. The amended proposal has refined the architectural response to include a more legible grid of vertically oriented windows; included a more centralised lift overrun/services area to the roof deck (and lowered the lift/services overrun) while the Reckli panels (which were acceptable) have been replaced with rough textured render (similar finish) at the podium level and a smoother pink finish to upper levels. The concept of a rough base to the building in a deeper colour, rising to a smoother finish is also adopted in the amended proposal, with a building 'top' in colorbond 'woodland grey' and the use of clear glazing.

111. While the materials and finishes are supported by Council's heritage advisor in their latest review, it was recommended that the red/pink/terracotta palette be changed to a '*less striking and more neutral and sober colour palette*'.

112. The building colour in the amended proposal adopts the colour palette from the original application – which was supported by Council officers. The material that accompanied the original application indicates that the colour was drawn from colours and textures found in the local area, including numerous buildings of red brick construction. They do not specifically relate to immediate neighbours, but draw on the varied textures and colours that '*represent the various layers of Fitzroy's history…*'.

113. Materials and colours of buildings in the area are highly varied – although the immediate terraced row to the east is more consistently finished in lighter colours. The new St Teresa of Kolkata building opposite is to be predominantly white, and the Mary Glowery building is also a predominantly white/light building. Notwithstanding this, it is considered that the variation in colour will not detract from the character and appearance of the Heritage place.

114. In support of this, it is noted that Schedule 334 to the Heritage Overlay does not include an external paint control and buildings can be painted without a permit under the heritage overlay. The proposed building reflects the colour of the existing florist on the site, and there are numerous examples of red brick buildings in the immediate area. Some variation in the colour of buildings can assist with wayfinding as it provides clear references for people to locate themselves within the streetscape. The colour is acceptable within the area and will not be unduly dominant or detract from the adjoining terraced row.

115. As previously noted, Council's Heritage advisor has raised concern with the 'woodland grey or similar' dark finish to the uppermost level, recommending that this be changed to a lighter colour such as a pale grey so that it is less dominate against the sky. This will be included as a condition.

Urban Design and Built Form

116. In addition to the specific Heritage considerations there are built form outcomes that need to be addressed by the development. These are expressed within Clause 15 (Built form and heritage), Clause 21.05 (Built form) and most relevantly within Design and Development Overlay Schedules 2 (Main Roads and boulevards) and Schedule 39 (Victoria Parade).

117. The original 9-storey building proposal was assessed against these provisions and policy guidance. The key concerns were excessive building height and inadequate setbacks which were not considered to be an acceptable response to the outcomes sought under DDO39, nor to the context of the area. Despite this, there were other aspects of the design response that were acceptable under the both the DDO provisions and supporting policies – some of these features have been retained in this proposal.

118. The following extract from the previous report for the 9-storey development accurately describes the character of the area, which is mostly relevant to a consideration of DDO2, and is relevant to consideration of the 6-storey proposal:

The existing character of the surrounding area is somewhat varied, with the majority of built form along Victoria Parade being double storey in height (and mainly dwellings) to the east of the site and with a significant emerging character of taller development on the large medical and educational institutional sites to the west of the site along Victoria Parade.

To the immediate east of the site are three double storey 'contributory' heritage graded dwellings and adjoining these dwellings to the east are 3 'individually significant' graded double storey dwellings. Abutting this 2 storey residential context, the proposed development at nine storeys is considered to appear as an incongruous element.

The previous Surrounding Land section [in the DAP report] *provides a detailed list of other large scale developments existing, approved and under construction along the north and south side of Victoria Parade. When compared to these developments along the north of Victoria Parade (to the west of the site), particularly in the context of the Australian Catholic University (ACU) building on the opposite side of Napier Street, the proposed development could be said to be complementary to this emerging pattern of development.*

However as will be discussed in greater detail in the following Heritage, Urban Design and DDO39 assessments, it is considered the tall building heights achieved to the west of the subject site cannot be reasonably anticipated at the subject site and support is not recommended for the proposed 9 storey building.

This is because the subject site is located on a section of Victoria Parade that is dominated by 2 storey dwellings to the east which is a very different context to the tall institutional buildings found to the west of Napier Street. Further to this, the subject site is significantly smaller than the institutional land parcels found to the west. These institutional sites have sufficient land area to accommodate generous setbacks to the upper levels and separation between buildings to allow for highly articulated building forms that effectively ameliorate height in response to their heritage contexts.

119. While the 9-storey building was not acceptable, the assessment indicated the building met many of the DDO2 (Main Roads and Boulevards) policy guidance.

120. The relevant design objectives for DDO2 are:

    (a) *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*

    (b) *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*

    (c) *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design. To encourage high quality contemporary architecture.*

    (d) *To encourage urban design that provides for a high level of community safety and comfort.*

    (e) *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

121. Given the heritage assessment above, it is considered that the amended proposal meets the heritage related objectives of this provision.

122. As with the original development, the inclusion of an active frontage with a food and drink premises at ground level will assist with contributing to active streetscapes, which encourages a high level of community safety and active street frontages are supported in a Commercial 1 Zone.

123. The remaining objective of DDO2 relates to the maintenance of a high level of amenity to adjacent residential uses through design height and form of development. This objective is relatively general in nature –there are more specific built form outcomes in DDO39 with measurable or specific outcomes that form part of a full assessment of off-site amenity. The assessment of the 9-storey building found that this objective was not met by the proposal due to impacts on adjoining dwellings to the north and east.

124. The original proposal was visually bulky in its presentation to the east, above the adjoining 2-storey contributory terrace buildings; while the presence of windows on the eastern boundary above the existing heritage building impacted the development potential of the neighbouring site.

125. Both of these issues have been addressed in the amended plans. To the north, the high wall (14m) on the laneway was visually dominant and the lack of building recession above was noted.

126. The amended proposal:

    (a) Retains a two storey (8m) street wall height to match the neighbouring buildings;

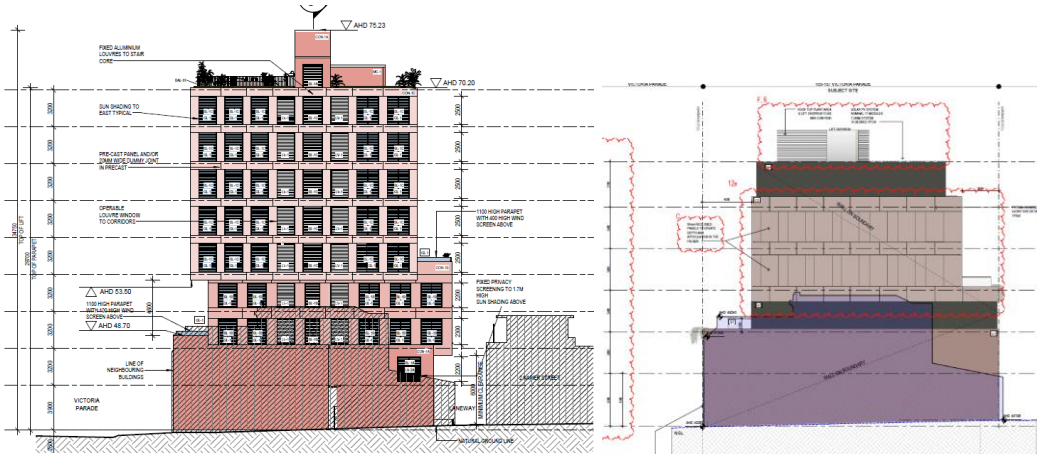
    (b) Provides a minimum 4m setback to upper floor levels from the Victoria Parade frontage.

(c) Provides a sacrificial wall (which allows for reciprocal development abutting the boundary), decorated with a gridded blockwork pattern to break up the massing on the eastern elevation.

(d) Reduces the building height by 3 levels (8m) to reduce the dominance of the rising form; and

(e) Provides a maximum 10.6m high wall on the rear laneway with increased setbacks in two steps above this wall.

127. The amendment has significantly reduced the height and the abrupt nature of the transition to the eastern boundary. This addresses the concern that the building is excessive in height and top heavy – and while the upper levels project above the height of neighbouring forms, they are no longer considered to *dominate* the building form, or the fine grain streetscape to the east.



Figures 6 and 7: east elevation of the original proposal and the amended proposal.

128. The northern interface is also now acceptable and is addressed separately under the DDO39 provisions.

129. The amended proposal is considered to meet the objectives of DDO2, Main roads and boulevards – noting that this schedule has less prescriptive outcomes than the more recently introduced DDO39, which we turn to next.

Design and Development Overlay Schedule 39 – DDO39

130. The main built form control that guides development on this site is the Design and Development Overlay Schedule 39. DDO39 embodies the emerging strategic work that sits within Amendment C269, which will include this part of Victoria Parade within the Smith Street Major Activity Centre, and which seeks a range of mid-rise development to be directed along this boulevard. The policies within C269 are seriously entertained (with the Minister for Planning for final approval). Relevant provisions within the new format MPS and PPF that support the outcomes sought by DDO39 include:

131. Clause 15.01-2L – Building Design – including:

***Building Heights**:*

(a) *Ensure that development reflects the predominant low-rise character of the area, except in the areas below: (inter alia)*

(i) *Boulevards (as defined in clause 02.03), where building heights should be in accordance with any building height requirements set out in the relevant zone or overlay (including design and development overlays), or, where there are no building height requirements specified, having regard to the physical and strategic context of the site.*

Mid-rise development

(b) *Direct mid-rise development to the following locations (inter alia):*

(i) *Appropriate locations within major and neighbourhood activity centres; major employment precincts, commercial and industrial land (as defined in clauses 02.01 and 11.03-1L),*

(ii) *where building heights should be in accordance with any building height requirements set out in the relevant zone or overlay (including design and development overlays), or, where there are no building height requirements specified, having regard to the physical and strategic context of the site.*

132. As noted, the revised strategic provisions in the scheme provide greater emphasis on supporting design and built form outcomes expressed in Design and Development Overlays.

133. A summary of the relevant preferred built form requirements of DDO39 and the relevant Decision Guidelines that inform this assessment was included in the original DAP report and are repeated here for ease of reference.

134. The relevant objectives of DDO39 include:

(a) *To ensure development responds to the varied character and open streetscape of Victoria Parade by supporting:*

(i) *a new lower- to mid-rise character (ranging from 3 to 7 storeys) behind a varied heritage street wall west of Wellington Street, excluding the Smith Street junction;*

(b) *To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of footpaths on the opposite side of streets, central median of Victoria Parade and public spaces.*

(c) *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.*

135. The following Decision Guidelines are of relevance to this assessment:

(a) *whether development retains the prominence of the heritage street wall (west of Wellington Street) in the vistas along Victoria Parade;*

(b) *whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street;*

(c) *whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials;*

136. Policy requirements relevant to the subject site are as follows:

(a) *A preferred 4 storey or 14.4m overall height.*

(b) *Preferred street wall to Victoria Parade to match the height of the abutting heritage parapet or a maximum of 8m, with preferred 6m setback to levels above,*

(c) *Preferred street wall height to Napier Street of 8m with preferred 3m setback to the levels above,*

(d) *The rear boundary wall on the NRZ interface should not exceed a height of 8m with levels above contained within a 45 degree setback envelope.*

(e) *Service equipment, plant rooms and balustrades/unenclosed pergolas for communal areas can exceed the preferred maximum height by no more than 2.6m, must occupy less than 50% of the roof area (solar panels excepted) and must not cause additional offsite overshadowing,*

(f) *Should provide a 1x1 meter splay on corner boundary to the intersection of laneways and footpaths.*

(g) *Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.*

(h) *New development should not overshadow:*

(i) *the northern edge of the Victoria Parade central median at 12pm on 22 September;*

(ii) *the footpath/kerb outstand on the western side of any street at 10am.*

(i) *Development façades should relate to the vertical and horizontal proportions of the historic fine-grain residential and retail shop front character of Victoria Parade to the west of Wellington Street and create a suitable ratio of solid and void elements,*

(j) *Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.*

Overview

137. The amended proposal has reduced the height of the proposed building by 3 storeys (8.3m), and increased the setbacks to the south, west and north boundaries. The amended height and setbacks generally accord with the officer view of a suitable development scale and form as expressed in the previous DAP report and despite non-compliances with the preferred height and setbacks of DDO39, the proposal is considered to clearly meet the key objective of DDO39 for this area and warrant approval largely because of the location of this particular site right at the edge of DDO39 with a distinctly different form of development apparent west of Napier Street which is outside of DDO39.

138. As noted earlier, the amended proposal does not meet all of the preferred DDO39 provisions. When assessed against the above relevant provisions, the proposal:

(a) provides a 6-storey development height of 21.6m – exceeding the building height provision of 14.4m by 7.2m.

(b) provides an 8m street wall height to both Victoria Parade and Napier Street and complies with the street wall height provisions for both streets.

(c) Provides upper-level setbacks above the street wall of 4m to 4.4m to Victoria Parade (rather than 6m).

(d) Provides upper-level setbacks above the street wall on Napier Street of 1.5m – 1.9m (instead of 3m)

(e) The rear boundary height abutting the laneway (with development in the NRZ to the north) is 10.6m (not 8m)

(f) The setbacks above the podium levels to the north (rear) do not fall within the 45-degree setback envelope and do not meet DDO39 set back provisions.

(g) Service equipment and the lift overrun is sited centrally, occupies less than 50% of the roof and is located behind 2.6m high screens. The lift and service area will contribute to additional overshadowing of the public realm – while minor, it does not meet the provisions;

(h) The equivalent of a 1m by 1m splay is provided (1m by 3.7m is proposed) at the street corner, which complies;

(i) The proposal will not overshadow land in a residential zone adjoining the site and complies with the public realm overshadowing provisions. This is a significant improvement over the original proposal, where overshadowing of the public realm formed a ground of refusal;

(j) The façade design meets the policy provisions; and

(k) Pedestrian entries to the food and drink premises and office building are both clearly visible and secure.

139. Assessment against the objectives and provisions in DDO39 follows.

Building Height

140. Advice was sought on the amended application from an external Urban Design Advisor (Hansen Partnership). This advice is attached in full, but in summary it does not support the amended proposal in its current form.

141. The Urban Design assessment indicates that a number of the provisions of DDO39 are met by the proposal – which accords with the assessment above; however provisions in relation to height and setbacks are not met. The concerns raised are summarised in the conclusion which states:

In summary, we are not supportive of the revised proposal. At 6 storeys it still exceeds the preferred (discretionary) 4 storey scale sought by DDO39 and also fails to meet numerous requirements. Resulting in a prominent rising form that fails to respect the prevailing low-rise scale and heritage context of this section of Victoria Parade (east of Napier Street). While the proposal's Ground Floor arrangement and podium form are broadly acceptable, the lack of meaningful upper level setbacks results in a 'prominent' massing arrangement whereby the rising form will be the dominant element, overwhelming the surrounding heritage context and failing to suitably transition down in scale and mitigate its visual bulk impacts on abutting NRZ properties within Napier Street.

We consider that minor reductions are required to the proposal's overall height, scale and massing in order for the proposal to respond to the DDO39's objectives and design requirements.

We also advise that unreasonable overlooking issues to the abutting roof top terrace (at 2-4 Napier Street) need to be resolved.

142. Notably, the Urban Design Advice indicated that there was the potential for a 5-storey form on the site (rather than 6) – however setbacks would need to be increased to meet the DDO39 provisions.

143. This advice also reflects Council's Strategic Planning referral (attached), which sought an outcome for the site that adheres more closely to the DDO39 height and setback provisions.

144. The officer assessment for the original 9 storey proposal provides a detailed assessment of the key considerations regarding building height. The report identified that:

Based on this heritage contextual analysis, it is agreed that greater height to a maximum of six storeys and reduced setbacks beyond those suggested by the DDO39 can be reasonably contemplated at the site. Firstly, it is noted that the DDO39 Map 1 applies the 4 storey height limit to single dwellings, with the subject site being the only triple width lot with a 4 storey height limit applied to it. Given its larger lot size, it is reasonable to anticipate that some additional height can be contemplated at the subject site.

Further, it is a common Urban Design supposition that some additional height can be achieved on corner lots, where the breadth offered by the two frontages allows for some additional height to be considered.



Figure 8: DDO39 Map 1 applies the 4 storey height limit to single dwellings, with the subject site being the only triple width lot with a 4 storey height limit applied to it (subject site highlighted with a red dot).

Of further significance when considering height, is the context offered by the ACU building currently under construction adjacent to the subject site. It was outlined earlier in this assessment that the kind of height achieved at the ACU site (ie 13 storeys) cannot be reasonably anticipated to be achieved on the subject site given it is so much smaller than the ACU site. This previous proposition is retained and it remains considered that 9 storeys is excessive on this site. However, the six storeys recommended by the heritage advisor is considered to strike a well-considered balance between the preferred 4 storey height limit suggested by the DDO39 and a heritage based contextual analysis that acknowledges the presence of the 13 storey building under construction across the street at the ACU site.

The suggested 6 storey maximum for the subject site is considered appropriate as the ACU site has an existing heritage building (Kolkata) [sic – Glowery Building] *of 4.5 storeys to Napier Street, that would be comparable in height to a six storey building at the subject site (with the heritage floor to ceiling height being greater than those proposed at the subject site). The Napier Street wall to the new ACU building is sheer to a 22m height on the Napier/ Victoria Parade intersection and splays/ is setback 3m on its northern end. Given the sheer nature of this wall and that a reduction in height of the building at the subject site to 6 storeys would reduce the street wall to approx 20m (2m lower than the street wall the ACU site), the proposed 6 storey height suggested by the Heritage advisor is considered to sit comfortably within this context (see figure 22). The height relationship with the dwellings to the east will be discussed in further detail later in this assessment.*

145. The height of the amended proposal sits just above 20m (at 21.6m); despite this variation the analysis remains accurate for this proposal. The minor increase in height above 20m relates to the change in use from accommodation to office – where greater floor to floor heights are required for servicing, and to reflect the deeper floorplates (and need for daylight access). The proposal has introduced setbacks to the Napier Street frontage, and increased setbacks from the Victoria Parade frontage. The St Teresa of Kolkata building has a significantly greater street wall height (22m) and the proposed building would read as a more recessive given the 8m street wall, and 1.5m setback to the rising form – with a 21.6m overall building height.

146. It is relevant that the Urban Design Advice indicates the upper level would have a 'prominent massing' which would be the dominant element and would overwhelm the surrounding, lower scale heritage streetscape. The advice received from Council's heritage advisor however indicates that a six-storey form with no or minimal setbacks above the podium would be an acceptable heritage outcome and would not dominate the surrounding streetscape.

147. Council's Strategic Planning advice also sought an outcome that adhered more closely to the DDO39 height provisions. As with the External Urban Design advice, the height concerns rest with the understanding that the proposal will have a detrimental heritage impact (and it is noted that the heights referenced in the strategic planning memo are not correct, as they relate to the March 2022 rather than May 2022 plans, thus the building height which was considered by Council's Strategic Planning advice is overstated by 3m).

148. Further, it is not clear to what extent the edge location of the site juxtaposed to the ACU buildings immediately across Napier Street to the west was considered. Accepting that any departure from DDO39 needs to be carefully considered, that fact and the larger consolidated size of the site compared to what was assumed by the built form framework behind the DDO39 suggest that some additional height is appropriate providing it is still consistent with the key objective of the DDO39.

Upper Level Setbacks

149. Setbacks to upper levels do not meet DDO39 for either streetscape, nor for the rear lane interface.

150. The upper-level setback requirements to the street interfaces are shown visually within the Urban Design advice from Hansen, and copied below:



Figure 9: extract from the Hansen Urban Design Advice

151. This non-compliance has been raised as part of the built form concern within the External Urban Design advice, and within the strategic planning referral response.

152. The assessment within the Urban Design advice is that the failure to setback in accordance with the DDO39 requirements means the upper levels are not visually recessive and will overwhelm the abutting heritage streetscapes. The assessment agreed that the massing does avoid repetitive steps in the form and complies with that component of the massing requirement.

153. A similar position is found within the strategic planning referral, which also indicates concern that the setbacks lead to impacts on the adjoining heritage streetscapes.

154. The figure above shows that the non-compliance to both streets is relatively minor (1.6m-2m to Victoria Parade and 1.1m-1.5m to Napier Street). As with the concerns surrounding building height, both comments are based on a concern about impacts to heritage as opposed to concerns about the building form *per se*.

155. Council's heritage advisor indicated that the setback for the upper levels above the street wall had little impact on the heritage streetscapes abutting the site. The main concern from a heritage perspective was to ensure the building form did not include discordant elements (such as the previous sliding upper level alignment); and that the overall height was reduced to be more respectful of adjoining heritage properties to the east.

    The heritage advice was that it was not necessary to meet the DDO39 setbacks to achieve a heritage outcome – with zero upper-level setbacks the preferred option, or one setback without creating a stepped effect as an alternative to this.

    …. A zero setback at Ground level and above the podium is preferred (i.e. in the same plane), or at least a continuous setback which is increased further at the upper levels without creating a stepped effect i.e. one step only

156. The previous report includes the following analysis of this position and the outcomes sought under DDO39:

    Given this Heritage contextual analysis, one must consider whether requiring the full preferred 3m upper level setback to Napier Street and 6m setback to Victoria Parade suggested by DDO39 is reasonable in this context (particularly given the sheer appearance of the 5 storey/22m high ACU wall opposite). The External Urban Design advice was also not supportive of the protruding/stacked building form to Victoria Parade, indicating level 4-8 protruding over level 2 and 3 to the Victoria Parade frontage in particular exacerbates bulk and recommended to 6m setback suggested by the DDO as preferred.

The External Urban Design advice was also not supportive of the 0.2-0.3m setback to the level 2 and 3 to Napier Street with the levels above to the boundary. Their recommendation was to impose the 3m setback suggested by DDO39 (along with a reduction in height to 4 or maximum 5 storeys).

While acknowledging that the Heritage Advisor has suggested zero setbacks to Napier Street and Victoria Parade would be acceptable, given the strong DDO39 policy emphasis on achieving upper level setbacks and the view supporting setbacks offered by the External Urban Design Advice, zero upper level setbacks are not considered appropriate. However, based on the above Heritage Advice a reduction in the 3m and 6m upper level setbacks suggested DDO39 and without a stepping effect in these setbacks, can also be reasonably contemplated.

However, it is also important to note that the building stepping is currently contributing toward the building articulation and that a uniform setback may require other changes to the design to ensure it continues to contribute positively to the streetscape in accordance with DDO2 and DDO39. For these reasons, it is not possible to address the issue of setbacks to Napier Street and Victoria Parade by way of conditions and this issue forms a ground of refusal.

157. The previous assessment did not determine the setback requirements, for this site, but it did clearly indicate that lesser setbacks than the DDO39 requirements could be contemplated based on site specific characteristics while meeting heritage related outcomes in the DDO39.

158. The 4m setback to levels 2-4, and 4.4m setback to level 5 are considered suitable to define the building base and provide a visual break in the built form. The subtle façade and material change above the street wall assists with visual separation and the darker colour treatment applied to the base levels will assist with grounding the building and emphasising the podium form. The consistent 2-storey street wall height that extends along the neighbouring built form will reinforce this datum, with upper levels clearly visible - but recessive.

159. To Napier Street the proposed upper-level setbacks are not as significant – with levels 2-4 being set back 1.5m, and level 5 setback 1.9m. This reflects the lesser setbacks sought for secondary frontages under the DDO39 provisions. In the specific context of the site, especially noting the immediate development to the west, the 1.5m setback is a sufficient depth to break the building form, and to reduce the presence of the higher building levels when adjacent to the site.

160. The building includes a 400mm additional setback to the top level from both street frontages. While it is set back further than the levels below, it will not read as a ‘step’ in the building. The level will only be marginally inset from that below, however, with the change in colour and a greater proportion of glazing, it will provide a suitable top to the building without undermining the intent of the heritage advisor to have a single, rationalised form above the street wall.

    However, as discussed within the heritage assessment earlier, Council’s Heritage Advisor was not supportive of the dark colour finish to the topmost level as such a condition will require this to be changed to a light grey. Nevertheless, this will continue to provide a clear contrast with the levels below.

    <u>Rear Setback</u>

161. The rear setback (northern laneway) to the proposal does not meet the DDO39 provisions which seek an 8m maximum rear boundary wall height where the interface is to the NRZ (whether or not there is a laneway separating the sites). Setbacks above 8m should be contained within a 45-degree setback envelope and no more than 2 steps in form should be provided.

162. Notably, the previous report indicated that:

    ‘officers believe some variation to this requirement could be contemplated, given the residential interface does not have any ground floor open space opposite. Had ground floor open space been located opposite, it would be appropriate to require a maximum 8m wall height to limit visual bulk to an acceptable level.

However, in this instance the 3 storey dwelling opposite is a converted commercial building that occupies 100% of the site and with its open space located on the second floor. Given its elevated position, and that the open space is enclosed by approx. 1.7m high wooden screens, it is considered the open space would not experience unreasonable visual bulk from a boundary wall in excess of 8m in height with the levels above setback within the 45 degree setback envelope.'

163. The original proposal had wall heights of 14m along the rear boundary, which was considered too high – even with a robust interface to the north. The amended proposal seeks a 10.6m wall along the rear boundary up to level 2 (3-storeys) and then a 3m setback for levels 3 and 4, with a 4.5m setback to level 5. The setbacks form 2 steps to meet policy expectations, but the wall exceeds 8m at the rear boundary, and does not conform to the 45-degree setback line.

164. The wall height to the rear boundary is considered acceptable. The existing dwelling's robust built form interface to the north side of the lane and the location of their open space at an elevated level will minimise any impacts from the proposed 10.6m boundary wall on the laneway. The rising form is set back a further 3m, and then 4.5m to the building top – and while this does not hide the upper building levels (as per building in the 45-degree envelope) it is adequate to reduce the built form impression from the neighbouring site and the public realm.

165. The setbacks do not conform with DDO39 in relation to the 45-degree setback line. This setback provision seeks to limit views to upper levels of buildings to limit visual bulk impacts. The setbacks provide a reduction in height both to the lane interface and the overall building from the original proposal, an improvement to façade expression and increased upper level setbacks, combined with the site conditions to the immediate north are adequate to ensure the design will not lead to significant loss of amenity to the northern neighbour.

166. As such, no unreasonable amenity impacts are anticipated in respect of the dwelling to the north.

Equitable Development

167. The original application raised concerns with equitable development as it proposed habitable room windows on the common boundary with the eastern neighbour.

168. The amended proposal has replaced this with a blank wall which allows for future development on the neighbouring site. This wall has been designed and treated appropriately and this is an acceptable response to the interface to a property within the Commercial 1 zone; and where the DDO39 provisions indicate that development (retaining the contributory heritage building) could be constructed at the rear of the site up to 4 storeys in height.

169. This treatment was considered acceptable in the external Urban Design advice and officers concur with this assessment.

170. This meets the DDO39 provisions and is acceptable.

Service Equipment/Lift overruns

171. The overall building requirements at 2.5 of the Schedule (DDO39) states the following in relation to service equipment:

    (a) *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:*

        (i) *the equipment/structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands etc.; and*

        (ii) *the equipment/structures are no higher than 2.6 metres above the proposed building height; and*

(iii) *the equipment/structures occupy less than 50 per cent of the roof area (solar panels excepted).*

172. The amended proposal meets the above provisions with the exception that the equipment causes additional overshadowing to the public realm at all hours between 9am and 3pm. While the additional shadowing is effectively a sliver for much of the day, and is predominantly cast on the road, it does also impact footpath areas at 3pm.

173. Officers are of the view that the plant screening should be reduced form 2.6m (the maximum allowed under this provision) to 1.8m which will alleviate the additional shadow cast by the plant and bring this into conformity with the DDO39 requirements.

174. This is recommended to be included on the draft, without prejudice conditions.

Off-site amenity

175. Within the City of Yarra, activity centres and commercial areas tend to run along key strategic routes. They are predominantly linear, and many have an abuttal to a residential area. To assist with managing potential conflicts between zones and uses, Council applies its Interface Uses policy at Clause 22.05. In addition, the decision guidelines within the Commercial 1 Zone are applicable.

176. The site has an interface to the Neighbourhood Residential Zone Schedule 1 (NRZ1) to the north, with a dwelling occupying a former industrial building to the north, separated from the site by a 3m wide laneway. To the east, the site abuts a residential dwelling at No. 139 Victoria Parade. This is a Victorian era terraced dwelling that forms one of three dwellings in a row, heading east.

177. The dwellings to the east are assessed differently in terms of impact as they are located within the Commercial 1 Zone, where the main purpose of the zone is to facilitate a 'vibrant mixed use commercial centre for retail, office, business, entertainment and community uses' and to provide for 'residential uses at densities complementary to the role and scale of commercial centres' (with residential uses generally encouraged above ground level – at shop top or within apartment buildings).

178. The Commercial 1 Zone decision guidelines direct consideration of 'the interface with adjoining zones, especially the relationship with residential areas' and specifically under the buildings and works guidelines seeks consideration of:

(a) *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

(b) *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

179. Amenity considerations of overlooking, overshadowing and impacts on solar systems of dwellings must be considered where that land is within a residential zone. There is no equivalent assessment where the site is within the Commercial Zone.

180. The Interface Uses Policy (Cl 22.05) includes the objective '*to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity'.*

181. The assessment of amenity impacts between the dwelling to the north and to the east therefore differ, with dwellings located within the Commercial Centre not anticipated to retain the same level of amenity as those within a residential zone. Likewise, residential properties at the edge of a centre do not benefit from the same level of amenity as those sites located within the heart of a residential area.

182. Clause 22.05-4 of the Interface Uses Policy applies to non-residential development near residential properties. This seeks that non-residential development is to be designed to/so that:

(a) *Minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through the use of appropriate siting, setbacks, articulation and possibly screens.*

(b) *The location, length and height of any wall built to a boundary not adversely impact on the amenity of any adjoining residential properties in terms of unreasonable overshadowing of private open space, visual bulk or loss of day light to habitable room windows.*

(c) *Where private open space and/or windows to adjoining residential properties are unreasonably affected, appropriate setbacks from boundaries are to be provided to address loss of daylight, overshadowing and visual bulk impacts.*

(d) *Provide for a high level of acoustic protection to adjoining residential properties by:*

(i) *Locating plant and other service infrastructure (including automatic garage doors) in discrete locations*

(ii) *Using masonry wall construction rather than, for example, curtain walling*

(iii) *Building in effective acoustic insulation.*

(e) *Minimise noise transmission within the building, including from machinery and ventilation systems, between floors or separate units and to adjoining residential properties.*

(f) *Minimise the opportunity for views from adjoining residential properties into the site, especially where the storage, preparation, business or industrial activity could present an unsightly appearance.*

(g) *Minimise the opportunity for light spill due to fixed or vehicular lights, outside the perimeter of the site and on to habitable room windows of nearby residential properties.*

183. These matters have been partly addressed for the northern interface under the DDO39 considerations. Relevantly, the proposal will not overshadow the property to the north due to orientation.

184. Section Z-Z (shown below) demonstrates the relationship between the proposal and the dwelling to the north. Overlayed on top in red is the Clause 55 (ResCode) Standard B17 Side and Rear Setback envelope measured from the finished floor level of the Level 2 deck associated with No. 2-4 Napier Street. While Clause 55 is not applicable (nor is it applied at an elevation position), it provides a useful analysis of potential visual bulk specifically as it relates to the SPOS of the adjacent property. This analysis demonstrates that the setback of the upper levels is largely within the envelop considered acceptable from a visual bulk perspective (inclusive of the laneway). However, it is noted that Level 5 encroaches approximately 2m into this envelope. To reduce the perceived visual bulk from this property, it is recommended that Level 5 is set back a further 2m from the northern boundary (i.e. 6.34m).

As demonstrated by the blue dashed line, this increased setback will also conceal views of this level by the levels below thereby resulting in a perceived 5 storey building as viewed from the adjacent property to the north. This amendment will be included within the draft 'without prejudice' conditions on the revised proposal.

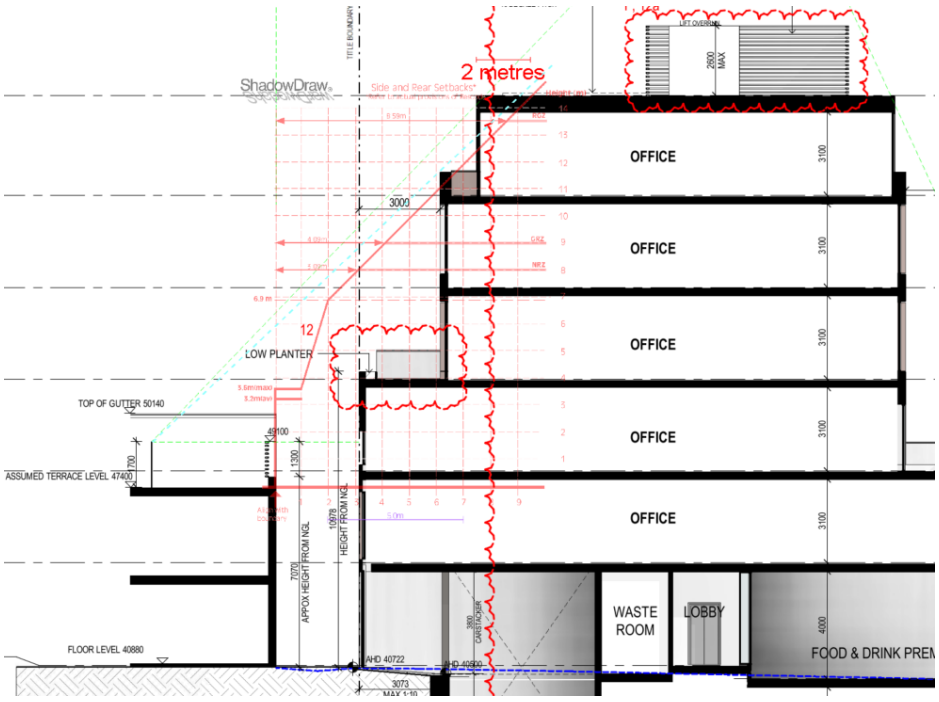


Figure 10: Section Z-Z with Standard B22 overlayed

185. The proposed development has the potential to overlook the neighbouring property from its upper-level windows – both towards the rooftop open space, and the habitable room window at first floor level (dining room) that faces the lane, and the windows at the second floor level that are setback from the lane boundary.

186. The section shows the rooftop open space, but does not show the first level window (south facing) in the dwelling, but its location, along with the location of the windows in the second floor south elevation can be reasonably estimated.

187. The proposal as shown would lead to overlooking from levels 1 and 2 (into the neighbouring windows). Given the screening that surrounds the roof top terrace of the existing dwelling, it is not expected that there would be unreasonable overlooking to this deck from level 2.

188. Windows at Levels 1 and 2 of the proposed office should incorporate screening measures that limit views towards neighbouring windows to ensure no loss of privacy to the neighbouring dwelling to the north. This will form a draft condition for VCAT.

189. Levels 3 and 4 above are set back, however it is unclear whether this would be sufficient to prevent unreasonable overlooking into the roof top terrace to the north. Additional analysis is required of the views available, with additional screening to be provided in the event that unreasonable overlooking i.e. views within 9m, is possible.

190. There is a maintenance deck at Level 3 within the northern setback which could cause overlooking if it were accessed by staff. As the deck is intended for maintenance only, a condition will be added requiring the door access to remain locked and only accessible by building maintenance and other authorised persons.

191. To the east, the dwelling in the Commercial 1 Zone has some level of amenity protection afforded to it by Clause 22.05 – interface uses policy. Relevant considerations include overlooking, overshadowing and visual bulk of walls on boundaries, light spill and noise from plant and equipment.

192. The property to the east has development along its western boundary to the full extent of the lot, with open space to the rear, on the eastern side of the lot. This boundary construction is low-level but provides some protection from the impacts of the development of wall on the boundary to 3 levels (10.6m) (and then to 21m with a 3m-4.5m setback from the rear – which reduces the extent of high wall along the adjoining boundary).

193. The shadow diagrams prepared with the application indicate that there will be some minor additional shadow cast over the open space of the property in the afternoon only, at 1pm and 2pm – but by 3pm there is no additional shadow (however the garden is in shadow at this time – caused by existing structures). The extent of additional shadow at both 1pm and 2pm very minor and with the main unencumbered area of open space retained with sunlight. Given the zoning and the intent for higher development on the land expressed in the DDO39 provisions, this shadow is acceptable. The shadow is not cast from the 2 levels that sit higher than the DDO39 provisions seek (14.4m) but from the lower elements of the building. As such a reduction in building height to meet the DDO39 building height would have no appreciable benefit on the sunlight to the neighbouring open space.

194. The proposal does not include windows in the eastern elevation and there will be no overlooking to the east resulting from the proposal.

195. There is the potential for noise spill from the mechanical car stackers that have been introduced into the amended proposal on the adjacent residential interfaces to the north and east. To ensure that noise from the mechanical car stackers is appropriately mitigated, a condition will be included to require an acoustic report.

196. The development will change the built form on the site to accommodate a mid-rise built form and this will lead to some additional amenity impacts to neighbouring sites. Despite this, the off-site impacts of the proposal are within acceptable limits and the development accords with the purpose of the DDO39 and the relevant decision guidelines of the Commercial 1 Zone.

Sustainable design

197. A ground of refusal for the 9 storey student accommodation development was that the proposal did not provide a suitable level of sustainable design.

198. Policy at clauses 58.03-1 (*Energy efficiency objectives*), clause 58.03-1 (*Integrated Stormwater objectives*),15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

199. The amended proposal changes the predominant building use to office and the applicant has prepared a new sustainability management plan (SMP) prepared by Lucid Consulting (dated 25 March 2022). The key sustainability commitments for this project are outlined under the proposal section of the report, above.

200. Council's ESD officer has reviewed the SMP and advised that the document and proposal largely meet Council's requirements and there are no major deficiencies with the information. There is some outstanding information that is required within the SMP, which will be sought by condition.

Car parking, bicycle parking, vehicle access

201. The previous arrangement with car parking (reduction to zero) and bicycle parking did not form a ground of refusal for the proposal. Despite this, these matters require further assessment as the amended proposal has made significant changes to these components of the application.

Car Parking

202. The amended application was accompanied by a traffic engineering assessment prepared by Traffix Group and dated May 2022. This meets the application requirements at Clause 5.0 of DDO39 which asks for an accompanying ' *traffic engineering report …that demonstrates how the development (amongst other things) – reduces car dependence and promotes sustainable transport modes.* This was referred to Council's Development Engineers for review.

203. The amended proposal seeks a reduction in the statutory parking requirement from 38 car parking spaces to 7 spaces (31 space reduction). Parking is proposed to be accessed via the rear lane, and parking would be provided within a multi car stacker system. One space is accessible (disabled space).

204. Council's engineers undertook a comparative assessment for similar uses of a similar scale that have been approved within the City of Yarra. They noted that the proposed rate of parking for the office (which has all 7 spaces allocated to it):

Although considerably lower than some of the rates listed above, the proposed office parking rate of 0.67 spaces per 100 square metres of floor area is considered appropriate as the site has very good access to public transport and seeks to encourage more sustainable forms of transport.

205. The proposed food and drink premises is proposed to have no parking allocation. The assessment of demand for this use was as follows:

A staff parking demand of 1 space per 100 square metres of floor area for the food and drink use could be adopted. Using this rate would equate to 2 spaces. This reflects the precinct approach for similar food and drink use and acknowledges that a proportion of customers for this use will be drawn from the office and employees and residents from surrounding businesses and residences.

In recent times, Council has approved similar type food and drink venues with no on-site parking, as shown in the table below:

Development Site	Approved Parking Rate
236-238 Smith Street, Collingwood PLN16/0056 issued 16 August 2016	No on-site car parking (140 patrons)
391 Victoria Street, Abbotsford PLN14/1078 issued 27 March 2015	No on-site car parking (46 patrons)

Customers and staff to the venue would be fully aware of the parking demands in the Fitzroy area and choose to commute to and from the venue by more sustainable transportation modes, such as catching public transport, riding a bicycle, or walking.

206. Following a detailed assessment of the public transport availability in the location and the parking restrictions and demand in this part of Fitzroy, the development engineering advice concludes in relation to the proposed statutory parking reduction that:

From a traffic engineering perspective, the reduction of car parking associated with the office and the food and drink uses is considered appropriate in the context of the site and the surrounding area.

Staff that have not been allocated a car space would make other travel arrangements to commute to and from the site, such as take public transport or ride a bicycle or walk. The operation of the development should not adversely impact on the existing on-street parking conditions in the area.

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

207. There have been no additional statements of grounds lodged to the amended proposal in relation to car parking, but it is noted that the previous objections included concerns about the reduction in parking for the previous student accommodation use and food and drink premises.

208. The previous report noted:

Objectors have raised concerns that staff and visitors may increase pressure on existing on-street car parking. However, the development would not be eligible for on-street staff or visitor parking permits, which would minimise the impact the development will have on existing on-street car spaces. A permit note would have detail this had the application been supported. To facilitate further analysis of this issue, the applicant has provided information on available on-street car parking spaces.

209. This remains the case with the amended proposal, with no eligibility for parking permits.

210. The predominant use component of the site has been altered from Student Accommodation to Office. Student accommodation has a relatively low parking requirement (20 spaces were seen as suitable; spread equally across staff and students) – however where parking is utilised by students or associate staff it is generally long stay. It is required at the time that other residential parking is required – likewise visitors to the student accommodation use compete with visitors to other residential uses for short stay parking. The proposed office use has a different use profile. It generates a higher statutory parking rate, but existing on street restrictions make on-street parking unsuitable for staff who would require long stay parking when restrictions are in place. It is therefore a use where staff who cannot access on site parking shift to more sustainable modes. Visitors can utilise short stay parking – but where parking is in short supply, visitors also are likely to use other modes. The proposed parking reduction is therefore supported.

211. Traffic generation resulting from the proposed 7 parking spaces is considered to be low and will not impact the safe operation of surrounding streets.

212. The parking layout and access was assessed by Council's development engineers to be appropriate, with no major issues identified. Some matters require clarification via conditions (such as headroom clearance to the ground level; width of garage doors etc) and these will be included as part of the VCAT draft conditions included in this report.

213. Officers support the reduction of car parking on this site; particularly for the uses proposed. Victoria Parade is well served by public transport, numerous car share opportunities and sits at the junction of two strategic cycling corridors. Office uses, in particular, are suitable for encouraging a mode shift to more sustainable transport use as their use times coincide with peak transport services. The use generates predominantly long-term (i.e. all day, weekdays) parking demands. The parking availability in this area cannot support this type of parking. It is a location where there are on street parking restrictions most of the day (when the office would be in use) and the combination of these parking controls and limited parking on-site will assist with meeting the Council's stated sustainable travel objectives.

214. The food and drink premises would have a similar scenario for staff, while such uses within activity centres (which this will be designated) there is a centre-based approach taken to parking. Most patrons will arrive on foot, and it is unlikely that the food and drink premises will be a destination in its own right (people in the area for other purposes will utilise the premises). On this basis the provision of no on-site parking for staff or visitors to the food and drink premises is supported.

215. The use of the lane to facilitate parking and access is appropriate, with both streetscapes protected from the intrusion of vehicle access.

216. The decision guidelines within DDO39 include:

(a) *the cumulative impact of development on traffic and parking in the nearby area, including on the functionality of laneways; and*

(b) *whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.*

217. The application minimises impacts on traffic and parking through limiting supply for a use that can be served by alternative transport modes. The proposed parking access is well located from an existing lane and supports a pedestrian oriented outcome through avoiding new/additional crossovers on to the street – which could cause pedestrian-vehicle conflict.

Bicycle Facilities

218. The application proposes 26 employee bicycle parking spaces and 4 shower rooms in its end of trip facilities. The proposal meets the Australian Standard in regard to provision of at least 20% of the spaces in ground level, horizontal rails.

219. Council's strategic transport referral response supported the oversupply of bicycle parking for the use (with 4 employee and 1 visitor space required) and indicated that this was appropriate (and could even be increased) in response to the proposed reduction in car parking sought for the uses.

220. Clarification is required for the dimensions of the lift access to the basement bicycle parking area. The lift needs to meet AS2890.3 (regarding its size) to ensure it can be utilised as shown. This will be included in the draft permit conditions for VCAT.

221. Visitor bike parking is required for the use (1 space) and this is not included on the site (the basement does not appear to be accessible for visitors). The original application included a commitment to provide publicly accessible bike parking within Napier Street, near the corner of Victoria Parade. This has not been shown on the amended plans.

222. The location previously shown was not supported; however there is a need to provide two hoops within the public realm to support the development. Council's internal Urban Design referral response has indicated that these spaces are to be located as shown below in pink (subject to detailed review on site):

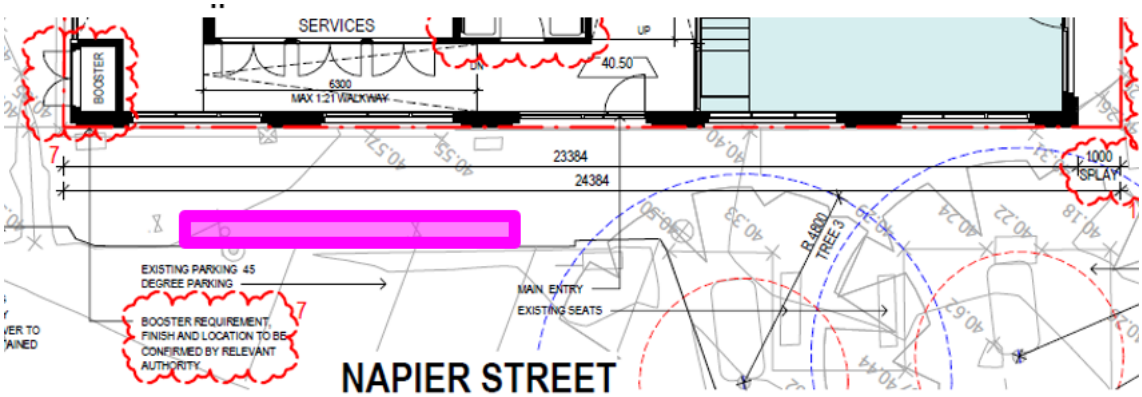


Figure 11: ground floor plan showing proposed location for bicycle hoops

223. Notwithstanding the oversupply of employee spaces for the development, the reduction in car parking and the location of the site on two strategic cycling routes indicates that bike parking facilities are of increased importance in this location. The requirement for the provision of two bike hoops, integrated along the Napier Street footpath will be included in the draft conditions for VCAT.

Waste Management

224. An updated waste management plan (WMP) prepared by Leigh Design and dated 6 May 2022 accompanied the amended proposal.

225. Loading and waste has also been addressed (in terms of location of waste and access for collection) within the Traffix report; with the spaces and level of accessibility supported by Council's development engineers.

226. The updated WMP has been reviewed by Council's Civil Works (Waste) department. The revised WMP was not considered to be acceptable as the size of the bin area has not been provided in the WMP (in m^2), and the bin room has been reduced from in size the original proposal despite this use generating a higher level of waste in the amended WMP. As such a revised WMP will be required by condition to address these matters.

Wind Impacts

227. Design and Development Overlay Schedule 39 includes in Section 5.0 Application requirements that an application– '*for development proposals for buildings over 20m in height should be accompanied by a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment of footpaths and public spaces while walking, sitting, and standing*'.

228. The original application was accompanied by a desktop assessment prepared by MEL Consultants, which had been peer reviewed by Council's external Wind Consultants (Vipac).

229. Vipac generally agreed with the methodology and recommendations of the MEL Consultants report regarding the impacts of the 9-storey building on the pedestrian level/footpaths surrounding the proposed development, which found that the proposed design would be expected to have an acceptable wind environment.

230. Vipac suggested that wind tunnel testing be undertaken to confirm predictions in the report, and to determine whether any further wind mitigation strategies would be necessary. Council's previous DAP report noted that this would have been required by condition (wind tunnel testing) if the application had been supported.

231. The reduction in the building height and alteration to the setbacks have reduced the likely wind impacts at ground level around the building. As such, as part of the amended proposal a revised Wind Impact Assessment was prepared by MEL Consultants – dated and based on the original amended plans dated 24 March 2022, lodged with Council on 28 March 2022. These plans were later amended by the applicant (as part of the Further Information process) to reduce the building height to 21m (rather than the 24.04m in the first amended plan set).

232. As part of the further information request Council did not require the Wind Assessment to be updated, noting that the reduction in building height was not accompanied by other changes in building form that would significantly impact the assessment.

233. The MEL Consultants assessment (based on March plans) was peer reviewed by Council's External Wind consultants (Vipac) who were also provided with a copy of the advertised amended plans (9th May 2022 plans). The written response notes the MEL Consultants report is based on a proposal for a building approximately 3m higher than now proposed (but of the same built form/setbacks and massing), and that if anything, this reduction '*would be beneficial to the local wind environment'* .

234. The Vipac assessment concludes that the wind conditions:

    (a) would satisfy the safety criterion,

    (b) wind conditions at ground level walkways along Victoria Parade and Napier Street are within walking comfort criterion,

    (c) wind conditions are the main entrance to the building in Napier Street are within the standing comfort criterion,

    (d) balustrades to balconies should be 1.5m (as shown on the May plans) to ensure the balcony area is within standing comfort criterion.

235. The report notes that no wind tunnel testing was undertaken. Council officers do not consider that this is required now that the building height has been reduced to 21.6m – but would have been required for the 9-storey building. The desktop assessment that has been undertaken is therefore considered to be acceptable and ensures that there will be no significantly detrimental wind impacts on the surrounding street network that result from the proposed building.

236. The relevant decision guideline of DDO39 of '*whether the development mitigates negative wind effects'* has been considered, and the application provides a suitable outcome.

Tree Protection

237. An updated Tree protection management plan has been provided with the amended proposal. The assessment and tree protection relates to street trees located in Victoria Parade (2 trees) and Napier Street (2 trees).

238. Council's arborist has reviewed the tree management plan and noted that the tree species noted are incorrect – but that the tree protection measures in the plan are acceptable.

239. The plan makes reference to pruning work that *may* require council approval. Council's arborist has confirmed that any required pruning work *will* require approval – this is not a planning matter and the approval required is from Council's City Works Department.

Infrastructure and Services

240. These matters are addressed in the previous report, with no additional or different issues arising from the amended proposal. Standard permit conditions will be applied to address infrastructure matters, including reconstruction of laneways, footpaths, relocation of services, adjustment of parking signs etc.

Statement of Grounds

241. Council has received one statement of grounds (and one informal response) to the amended proposal at the time of writing this report. Concerns raised are summarised as follows:

    (a) Building height exceeds the preferred height of DDO39 and fails to provide architectural excellence.

        (i) This is discussed in paragraphs 94 to 96, 110 and 140-148.

    (b) The proposal has poor street activation.

        (i) This is discussed in paragraphs 107 and 122.

Conclusion

242. For the reasons above, it is recommended that Council indicate to the Tribunal and parties that they support the amended application subject to the following conditions, as set out in the recommendation below.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to advise VCAT and the parties to VCAT proceeding P11666/2021 that it supports the proposal at 133-137 Victoria Parade, Fitzroy for full demolition of the existing building, construction of a multi-storey building and a reduction in the statutory car parking and visitor bicycle facility requirements based on the plans prepared by Point Architects and dated 9 May 2022, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the VCAT amended plans prepared by Point Architects plan numbers, TP 100, 101, 103, 104, 106, 107, 200, 300, 404, all REV P3 dated 09/05/2022, and TP105 and 403 REV P2 dated 28.03.2022 and TP 500, 501, 502 & 503 REV P1 dated 09/05/2022 further modified as following:
    (a) Increase the setback of Level 5 to a minimum of 6.34m from the northern boundary;
    (b) External finish of Level 5 changed to light grey;

(c) Reduction in height of building plant and screens to a maximum 1.8m (RL 63.6 AHD);
(d) Overlooking treatment to north-facing windows at Levels 1 and 2 to reduce overlooking to windows and open space at No. 2-4 Napier Street within 9m and to a height of 1.7m above the respective finished floor levels;
(e) Demonstrate no unreasonable overlooking (i.e. within 9m to a height of 1.7m) will occur from the north facing windows at Levels 3 and 4, with any additional screening treatment clearly shown;
(f) Include note on plans that the door access to the maintenance deck area on Level 3 is to remain locked and only accessible by building maintenance or other authorised persons for maintenance purposes;
(g) Dimensions of the access lift and main entry to show compliance with AS2890.3 to ensure the lift is large enough for bicycle access;
(h) Dimensions of the door into the bicycle storage facility to confirm compliance with AS2890.3;
(i) Details of external ground surface treatment within the site (such as entrance thresholds);
(j) Dimension the width of the proposed garage door on the north elevation and on the ground floor plan;
(k) Dimension the height of the head clearance under the proposed garage door;
(l) Note and/or dimension on the drawings that the dedicated accessible space and shared area will have a minimum headroom clearance of 2.5 metres as required in *Figure 2.7* of *AS/NZS 2890.6:2009;*
(m) Provide a 1 in 20 scale cross-sectional diagram of the vehicle accessway along the centre of each car stacker platform with the following spot levels:
    (i) the level of the north and south edge of the laneway;
    (ii) the centreline/invert level of the laneway;
    (iii) the 40 millimetre lip/bullnose along the northern edge of the internal concrete slab; and
    (iv) the finished floor level 2.0 metres inside the internal concrete slab.
(n) Convex mirrors at the entrance to the car park; angled to improve visibility of on-coming vehicles in the laneway;
(o) Levels to be provided adjacent to the subject site, including footpath levels to demonstrate seamless transitions are achieved to all proposed entrances;
(p) Notations stating the following:
    (i) The utility service doors to Napier Street can swing at 180-degrees and be latched onto the building when in service,
    (ii) bi-fold garage does not open over or into the public highway (lane) to the north
    (iii) The existing garden bed/kerb outstand to remain in its current configuration,
    (iv) Bicycle hoops (2) will be installed in accordance with Council Standards and installed as per Council details,
    (v) Add notation that all car parking areas are electrically wired to be ‘EV ready’.
(q) Identify the location of minimum 40A single phase electrical sub circuit to be installed to for future EV charging points;
(r) Provide at least one electric bicycle charging point in the employee bicycle parking area.
(s) All entrance thresholds must demonstrate that a seamless, universally accessible, and appropriate interface with the adjacent existing footpaths and laneway are achieved. Any handrails, tactiles and landings must be fully accommodated within the subject site boundary;
(t) Clearly show and annotate all existing streetscape fixtures to be retained on all relevant plans;
(u) Any relevant changes required by the endorsed Acoustic report pursuant to condition 5;
(v) Any relevant changes required by the endorsed Sustainable Management Plan pursuant to condition 9;
(w) Any relevant changes required by the endorsed Waste Management Plan pursuant to condition 11; and

(x) Any relevant changes required by the endorsed Landscape Plan pursuant to condition 15.

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

Façade Strategy

3. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
   (a) elevation drawings at a scale of 1:20 illustrating typical podium details, urban seating, entries and doors, and utilities and typical tower facade details;
   (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
   (c) information about how the façade will be maintained; and
   (d) a sample board and coloured drawings outlining colours, materials and finishes.

4. As part of the ongoing progress and development of the site, Point Architects, or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
   (a) oversee design and construction of the development; and
   (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Acoustic report

5. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The Report must show/address the following:
   (a) Car stackers
   (b) The Noise Protocol zoning levels be calculated for 2 Napier Street,
   (c) Background noise monitoring be conducted in proximity to the subject site or the report adopt the Noise Protocol zoning levels as noise limits,

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

Sustainable Transport

7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two bike hoops must be installed along the site frontage:
   (a) at the permit holder's cost; and
   (b) in a location and manner,

   to the satisfaction of the Responsible Authority.

Green Travel Plan Required

8. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
   (a) a description of the location in the context of alternative modes of transport;

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

Sustainability Management Plan

9. Before the development commences or otherwise agreed by the Responsible Authority, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the amended Sustainable Management Plan by Lucid Consulting Australia Dated 25 March 2022, but updated to include the following:
    (a) Any changes necessary as a result of condition 1 requirements,
    (b) Confirm ventilation strategy for all of the food and drink premises including the basement level and ensure that AS:1668 fresh air delivery rates are exceeded by at least 50%.
    (c) Confirm VOC and formaldehyde limits for all internal sealants and paints, adhesives, and engineered timber products
    (d) Provide a Section J Report which details these improvements against a reference case to support claims of reductions in energy consumption and peak demand.
    (e) Include details within Section J Report to support claims of GHG emission reduction.
    (f) Include HVAC details within Section J Report.
    (g) Clarify that post-development stormwater flows will not exceed pre-development levels.
    (h) Confirm that timber will be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).
    (i) Confirm PVC specifications for pipes, cabling, flooring.
    (j) Confirm provision of a site-specific construction Waste Management Plan with a target recycling rate of 80% of construction and demolition waste.
    (k) Clearly articulate location of specific bins within the waste room floor plans.
    (l) Provide a statement as to how the development responds to urban heat impacts and mitigates these through (for example); increased vegetation, passive irrigation and light coloured/high-SRI external finishes and materials.
    (m) Confirm all energy and water management systems will be commissioned in accordance with the manufacturer's specifications
    (n) Confirm head contractor will be ISO 14001 accredited.
    (o) Confirm that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.

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

Waste Management Plan

11. Before the development commences, an amended waste management to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by Leigh Design (Dated 06 May 2022) but modified to include:
    (a) Any changes necessary as a result of condition 1 requirements,
    (b) Include the size of the bin storage area in metres squared, and
    (c) Include the bin truck swept path diagram.

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.

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

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

Landscape Plan

15. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include:
    (a) a planting schedule which shows the type, location, quantity, height at maturity and botanical names of all proposed plants. Ensure none of the plants appear on the DELWP advisory list of environmental weeds;
    (b) provide details of the planter box planting, including detail of:
        (i) planter box materials and dimensions,
        (ii) mulch layer – something that won't blow away,
        (iii) growing media – suitable in weight and content for roof top gardens,
        (iv) filter media,
        (v) irrigation method,
        (vi) drainage system, and
        (vii) root barrier / water proofing layer;
    (c) provide details of the proposed method for irrigation and drainage for all planters;
    (d) detail the maintenance and irrigation schedules (duration, regime and detail body responsible for maintenance);
    (e) provide a specification of works to be undertaken prior to planting; and
    (f) detail plant/planting maintenance schedules and requirements.

16. 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.

17. Before the development commences, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by TAG Consulting and dated 10 May 2022, but modified to include (or show):

    (a) Confirmation within the report that any pruning to Council trees must be approved by a City of Yarra Arborist and works carried out by a Council approved contractor.
    (b) Trees species of 2, 3 and 4 amended within the report from Styraciflua (Liquid Amber), to the correct tree species. (Trees 2 and 3 are Quercus palustris (Pin Oak), Tree 4 is Ulmus procera (English Elm).)

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

Wind Report

19. The provisions, recommendations and requirements of the endorsed Wind Report (generally in accordance with the report prepared by MEL Consultants dated 28 March 2022) must be implemented and complied with to the satisfaction of the Responsible Authority.

Archival Record

20. During demolition, if any 19th Century building fabric is discovered, a detailed and annotated photographic record of this fabric must be submitted to and approved by the Responsible Authority as a record of the building, with any significant fabric or artifacts retained and lodged with Council. The photographs must:

    (a) be submitted in a colour format; and
    (b) be taken by a suitably qualified heritage photographer.

Development Infrastructure Levy

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 or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.

General

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

    to the satisfaction of the Responsible Authority.

23. All buildings and works must be maintained in good order and appearance 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, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

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

26. 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.

27. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Civil Works

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant drain outlets must be demolished and re-instated:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

29. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

30. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the Napier Street and Victoria Parade footpath in asphalt with a crossfall of no more than of 1 in 33 with kerb and channel re-constructed in its existing position) for the width of the property frontage if required by the Responsible Authority:
    (a) at the permit holder's cost; and
    (b) to the satisfaction of the Responsible Authority.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

31. 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.

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

33. 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.

Construction Management Plan

34. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management Plan must provide for:
    (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

(b) works necessary to protect road and other infrastructure;
(c) remediation of any damage to road and other infrastructure;
(d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
(e) facilities for vehicle washing, which must be located on the land;
(f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
(g) site security;
(h) management of any environmental hazards including, but not limited to,:
    (i) contaminated soil;
    (ii) materials and waste;
    (iii) dust;
    (iv) stormwater contamination from run-off and wash-waters;
    (v) sediment from the land on roads;
    (vi) washing of concrete trucks and other vehicles and machinery; and
    (vii) spillage from refuelling cranes and other vehicles and machinery;
(i) the construction program;
(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
(k) parking facilities for construction workers;
(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
(p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with chapter 4 of the Civil Construction, Building and Demolition Guide (Publication 1834) as issued by the Environment Protection Authority in November 2020. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
    (i) using lower noise work practice and equipment;
    (ii) the suitability of the land for the use of an electric crane;
    (iii) silencing all mechanical plant by the best practical means using current technology;
    (iv) fitting pneumatic tools with an effective silencer;
    (v) other relevant considerations; and
    (vi) Any site-specific requirements.

35. During the construction:
(a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
(b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
(c) vehicle borne material must not accumulate on the roads abutting the land;
(d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
(e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

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

Construction hours & noise

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

Permit Expiry

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

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

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

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

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

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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

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

Attachments

1. VCAT Amended Plans
2. Previous Decision Plans
3. Consolidated Referral Comments
4. Previous Officer Report

Attachment 1 - VCAT Amended Plans

OFFICE BUILDING
133-137 VICTORIA PARADE, FITZROY

SHEET NO.	SHEET NAME
TP000	COVER SHEET
TP100	PROPOSED BASEMENT 1 FLOOR PLAN
TP101	PROPOSED GROUND LEVEL FLOOR PLAN
TP103	PROPOSED LEVEL 1 FLOOR PLAN
TP104	PROPOSED LEVEL 2 FLOOR PLAN
TP105	PROPOSED LEVEL 3 FLOOR PLAN
TP106	PROPOSED LEVEL 4 FLOOR PLAN
TP107	PROPOSED LEVEL 5 FLOOR PLAN
TP200	PROPOSED ELEVATIONS SHEET 1
TP300	SECTION & DETAILS
TP404	SITE SURVEY
TP500	VIEW FROM VICTORIA STREET
TP501	VIEW OF VICTORIA STREET/NAPIER STREET CORNER
TP502	VIEW FROM NAPIER STREET (REAR)
TP503	MATERIAL SCHEDULE

AREA SCHEDULE

	TOTAL OFFICE AREA (EXCLUDING BALC)	BUILT FOOTPRINT (EXCLUDING BALC)	BALC.
BASEMENT AREA	87sqm	316sqm	-
GROUND FLOOR	134sqm	345sqm	-
LEVEL 1	298sqm	345sqm	-
LEVEL 2	224sqm	261sqm	25sqm
LEVEL 3	181sqm	224sqm	-
LEVEL 4	181sqm	224sqm	-
LEVEL 5	160sqm	195sqm	-
TOTAL	1,265sqm	1,910sqm	25sqm
CARPARKS	7 Spaces		

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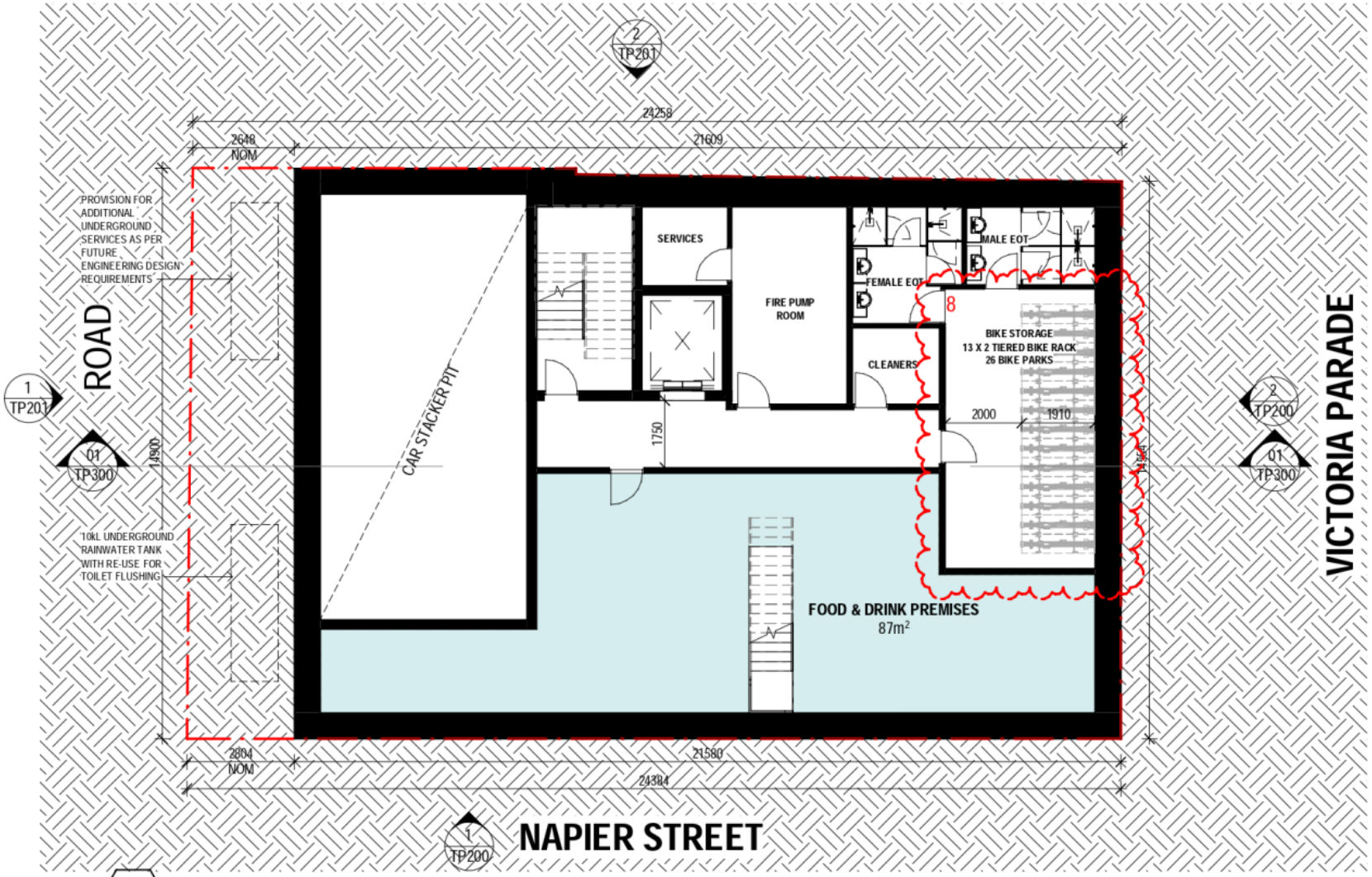
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REV	DESCRIPTION	DRN	CHK	DATE
P1	FOR CONSULTANT REVIEW	AS	EG	18.03.2022
P2	VCAT SET	AS	EG	28.03.2022
P3	COUNCIL RFI	AS	EG	09.05.2022

PROJECT	TITLE	DRAWN	SCALE	PLOT DATE	JOB No.
OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY	COVER SHEET	AS	1 : 100 @ A3	09.05.22	1131

DWG. No. TP000 REVISION P3

Attachment 1 - VCAT Amended Plans



1 TP100 PROPOSED BASEMENT 1 FLOOR PLAN
SCALE 1 : 100

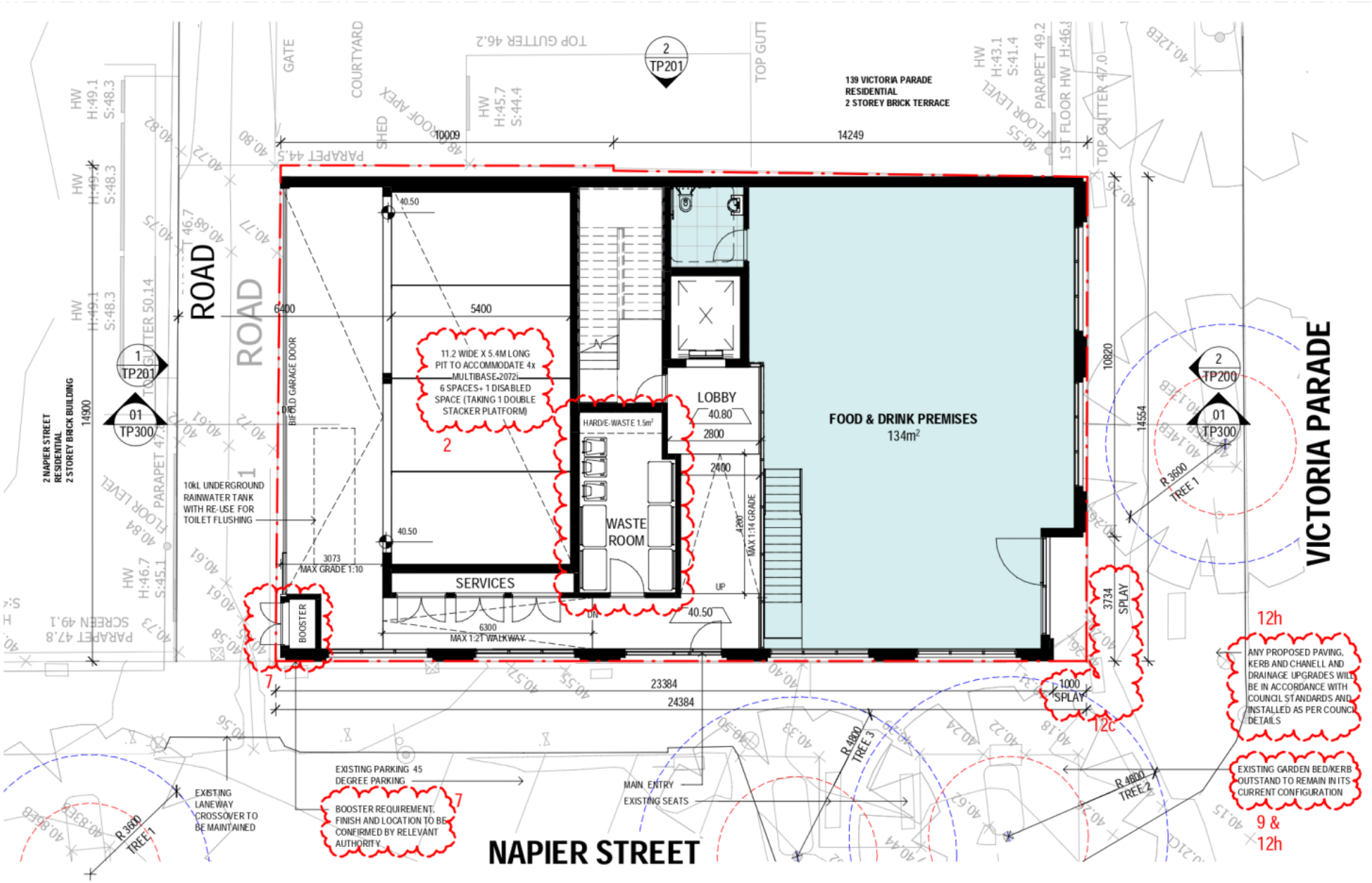
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REV	DESCRIPTION	DRN	CHK	DATE
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P2	VCAT SET	AS	EG	28.03.2022
P3	COUNCIL RFI	AS	EG	09.05.2022

PROJECT: OFFICE BUILDING, 133-137 VICTORIA PARADE, FITZROY
TITLE: PROPOSED BASEMENT 1 FLOOR PLAN
DRAWN: YK
SCALE: 1 : 100 @ A3
PLOT DATE: 09.05.22
JOB No: 1131
DWG No: TP100
REVISION: P3

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Attachment 1 - VCAT Amended Plans



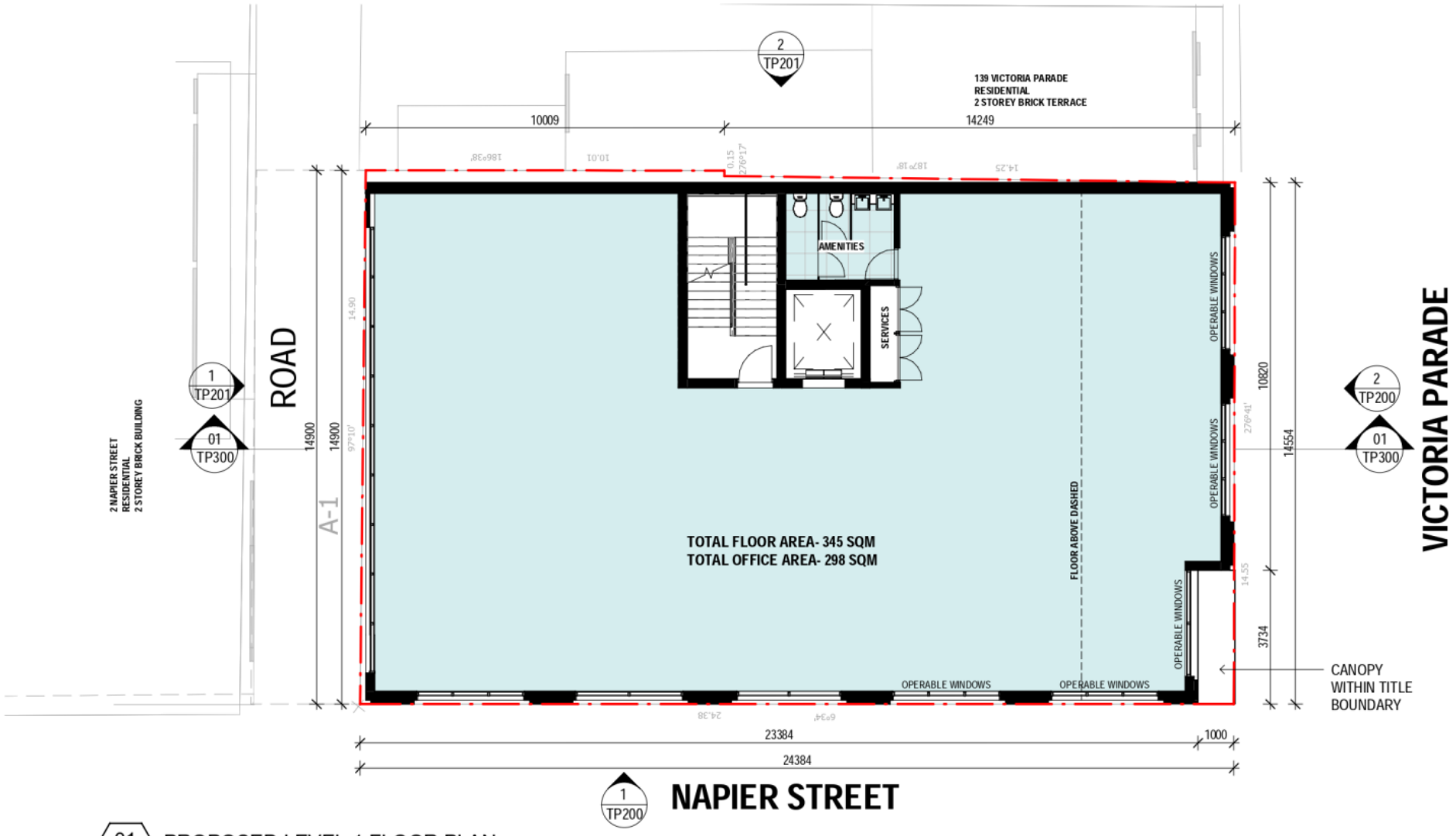
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P1	FOR CONSULTANT REVIEW	AS	EG	18.03.2022
P2	VCAT SET	AS	EG	28.03.2022
P3	COUNCIL RFI	AS	EG	09.05.2022

PROJECT: OFFICE BUILDING, 133-137 VICTORIA PARADE, FITZROY
TITLE: PROPOSED GROUND LEVEL FLOOR PLAN
DRAWN: AS
SCALE: 1 : 100 @ A3
PLOT DATE: 09.05.22
JOB No: 1131
DWG No: TP101
REVISION: P3

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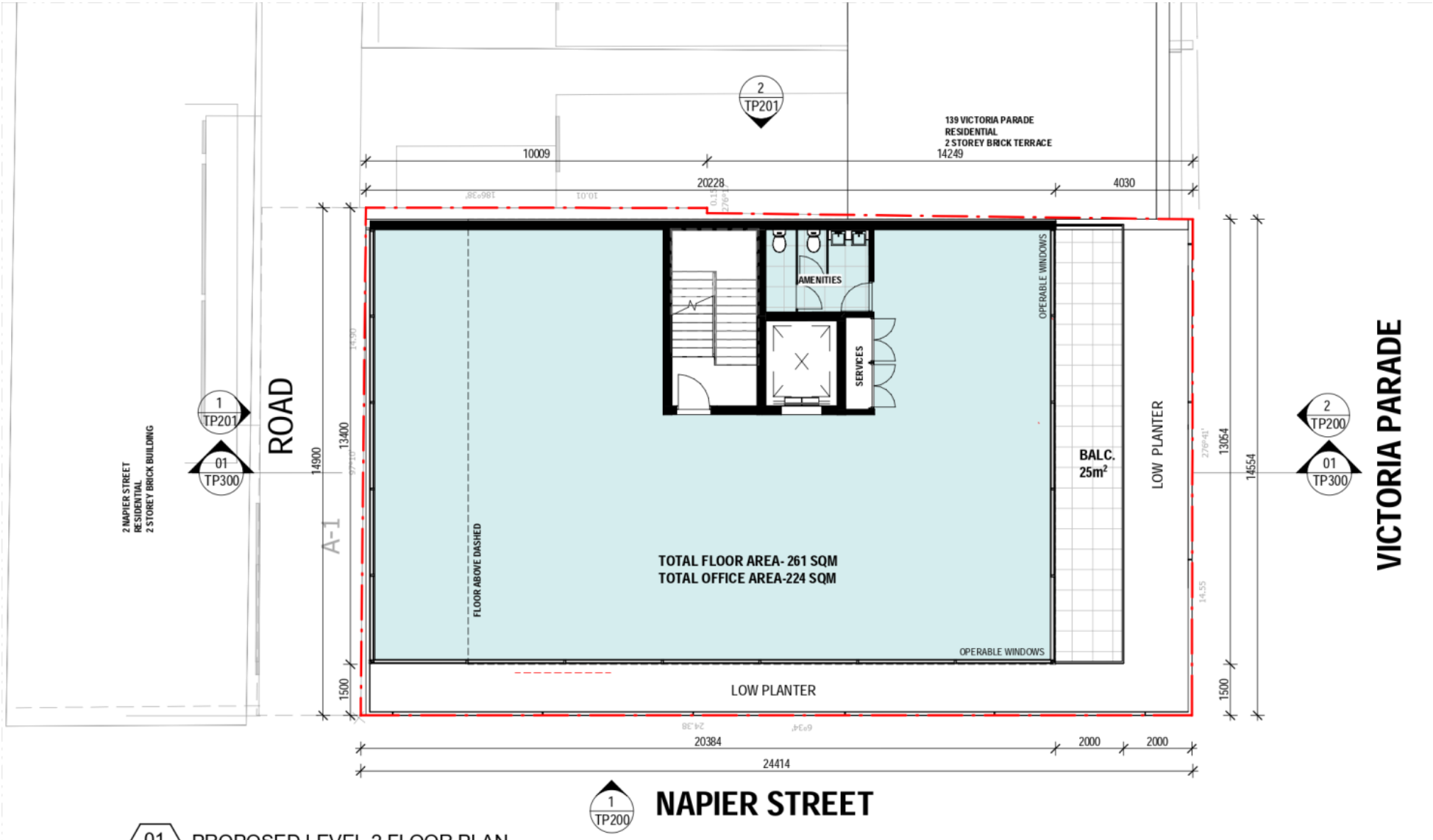
01 TP103 PROPOSED LEVEL 1 FLOOR PLAN
SCALE 1 : 100

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PROJECT	TITLE	DRAWN	SCALE	PLOT DATE	JOB No.
OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY	PROPOSED LEVEL 1 FLOOR PLAN	YK	1 : 100 @ A3	09.05.22	1131

DWG. No. TP103 REVISION P3

Attachment 1 - VCAT Amended Plans



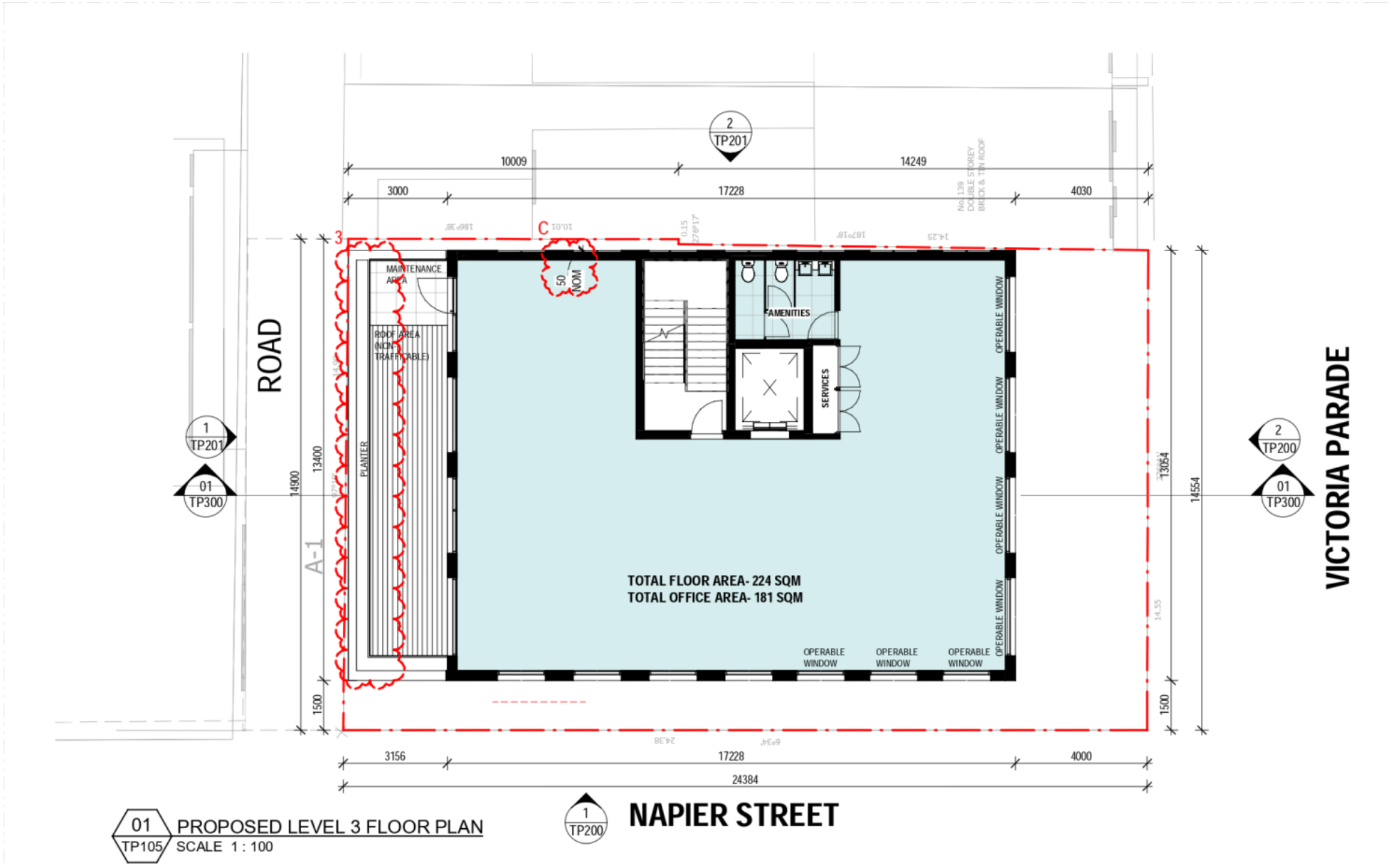
01 TP104 PROPOSED LEVEL 2 FLOOR PLAN
SCALE 1 : 100

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PROJECT	TITLE	DRAWN	SCALE	PLOT DATE	JOB No.
OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY	PROPOSED LEVEL 2 FLOOR PLAN	YK	1 : 100 @ A3	09.05.22	1131

DWG. No. TP104 REVISION P3

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01 TP105 PROPOSED LEVEL 3 FLOOR PLAN
SCALE 1 : 100

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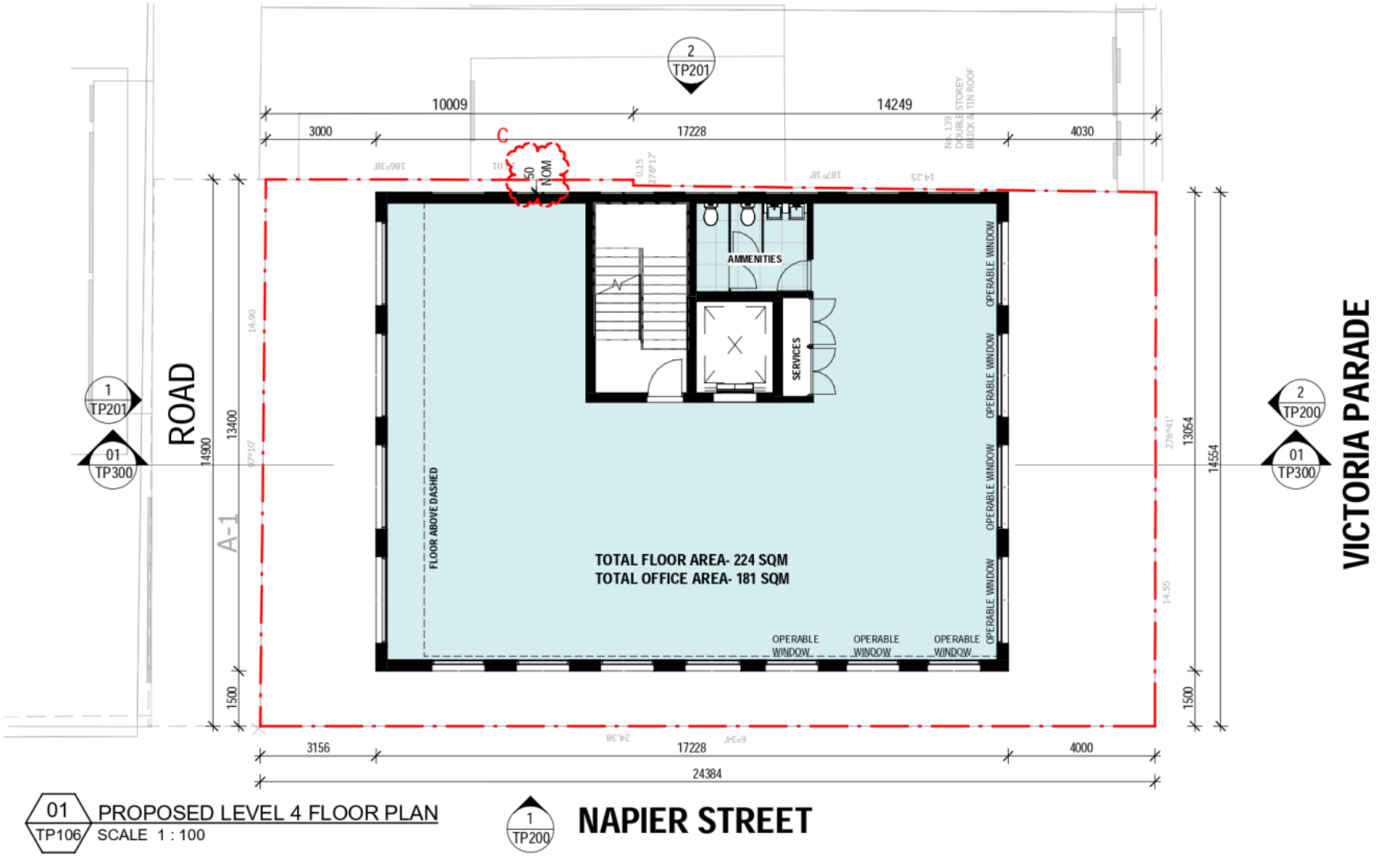
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REV	DESCRIPTION	DRN	CHK	DATE
P1	FOR CONSULTANT REVIEW	AS	EG	18.03.2022
P2	VCAT SET	AS	EG	28.03.2022

PROJECT	TITLE	DRAWN	SCALE	PLOT DATE	JOB No.
OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY	PROPOSED LEVEL 3 FLOOR PLAN	YK	1 : 100 @ A3	09.05.22	1131

DWG. No. TP105 REVISION P2

Attachment 1 - VCAT Amended Plans



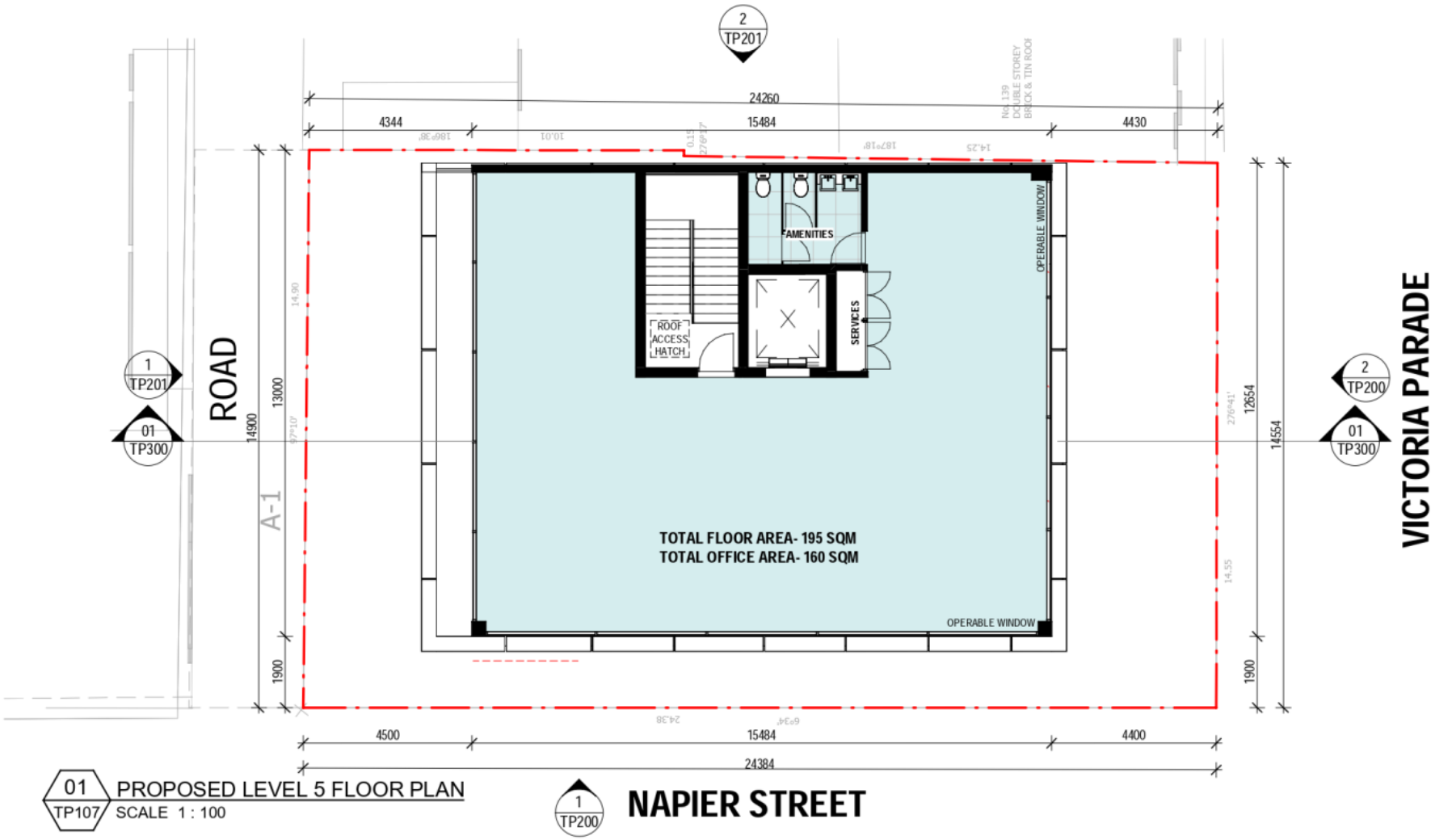
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REV	DESCRIPTION	DRN	CHK	DATE
P1	FOR CONSULTANT REVIEW	AS	EG	18.03.2022
P2	VCAT SET	AS	EG	28.03.2022
P3	COUNCIL RFI	AS	EG	09.05.2022

PROJECT: OFFICE BUILDING, 133-137 VICTORIA PARADE, FITZROY
TITLE: PROPOSED LEVEL 4 FLOOR PLAN
DRAWN: YK
SCALE: 1 : 100 @ A3
PLOT DATE: 09.05.22
JOB No: 1131
DWG No: TP106
REVISION: P3

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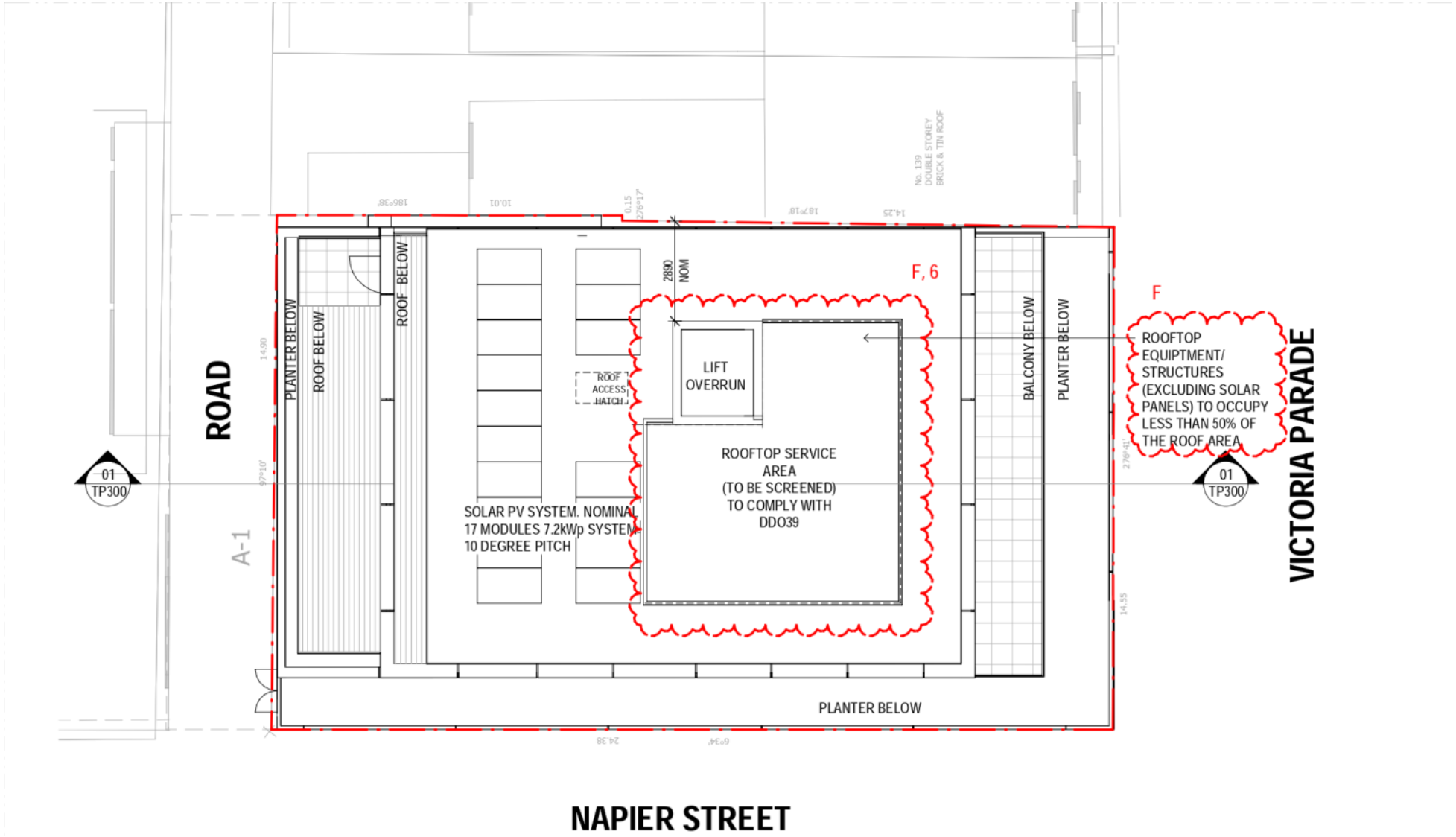
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PROJECT	TITLE	DRAWN	SCALE	PLOT DATE	JOB No.
OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY	PROPOSED LEVEL 5 FLOOR PLAN	YK	1 : 100 @ A3	09.05.22	1131

DWG. NO. TP107 REVISION P3

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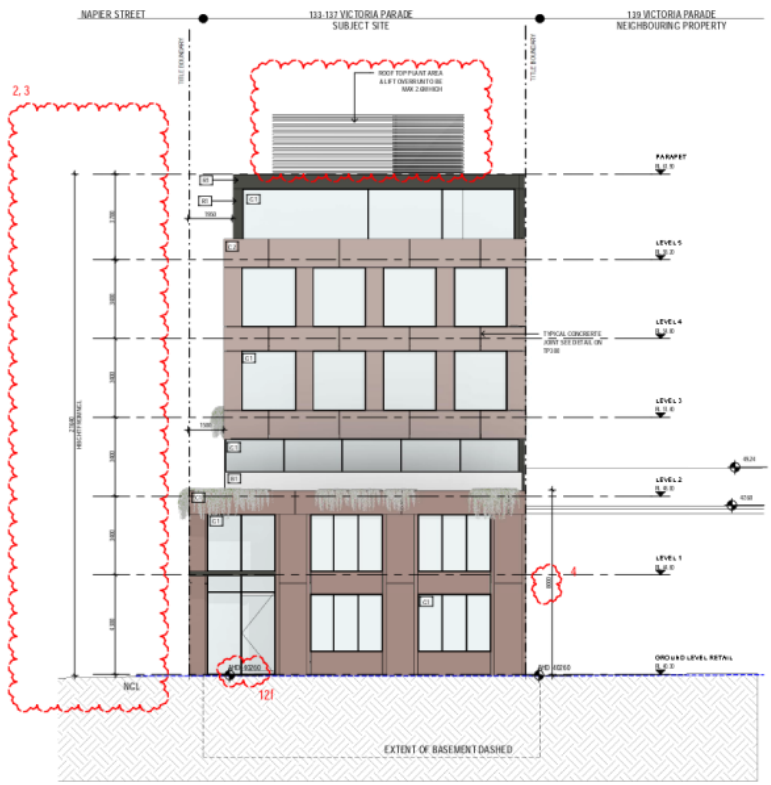
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P1	FOR CONSULTANT REVIEW	AS	EG	18.03.2022
P2	VCAT SET	AS	EG	28.03.2022
P3	COUNCIL RFI	AS	EG	09.05.2022

PROJECT	TITLE	DRAWN	SCALE	PLOT DATE	JOB No.
OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY	PROPOSED ROOF PLAN	AS	1 : 100 @ A3	09.05.22	1131

DWG No. TP108 REVISION P3

Attachment 1 - VCAT Amended Plans



2 TP200 ELEVATION - VICTORIA PARADE
SCALE 1 : 100



1 TP200 ELEVATION - NAPIER STREET
SCALE 1 : 100

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REV	DESCRIPTION	DRN	CHK	DATE
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P2	VCAT SET	AS	EG	28.03.2022
P3	COUNCIL RFI	AS	EG	09.05.2022

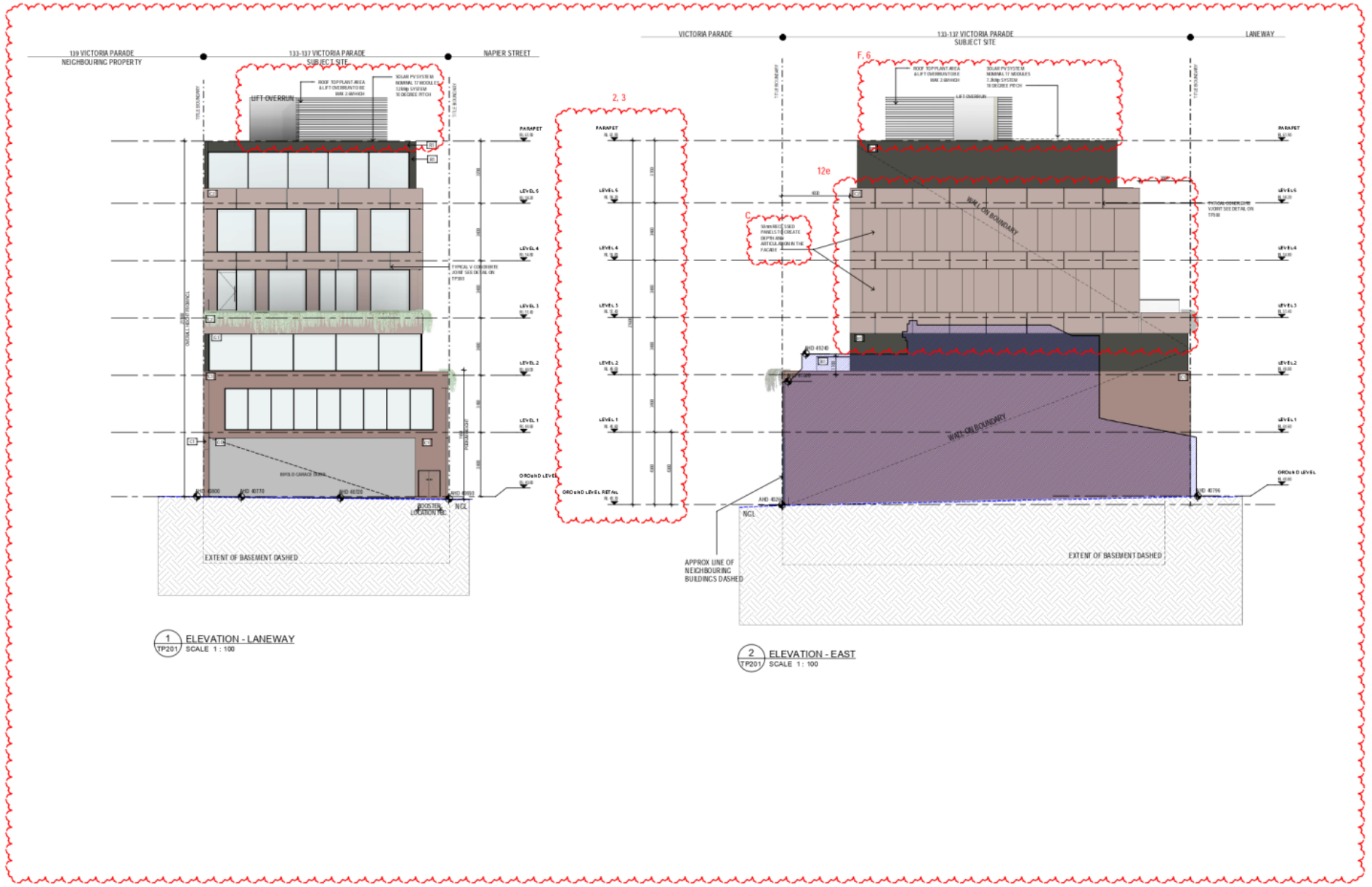
PROJECT: OFFICE BUILDING
133-137 VICTORIA PARADE,
FITZROY

TITLE: PROPOSED ELEVATIONS
SHEET 1

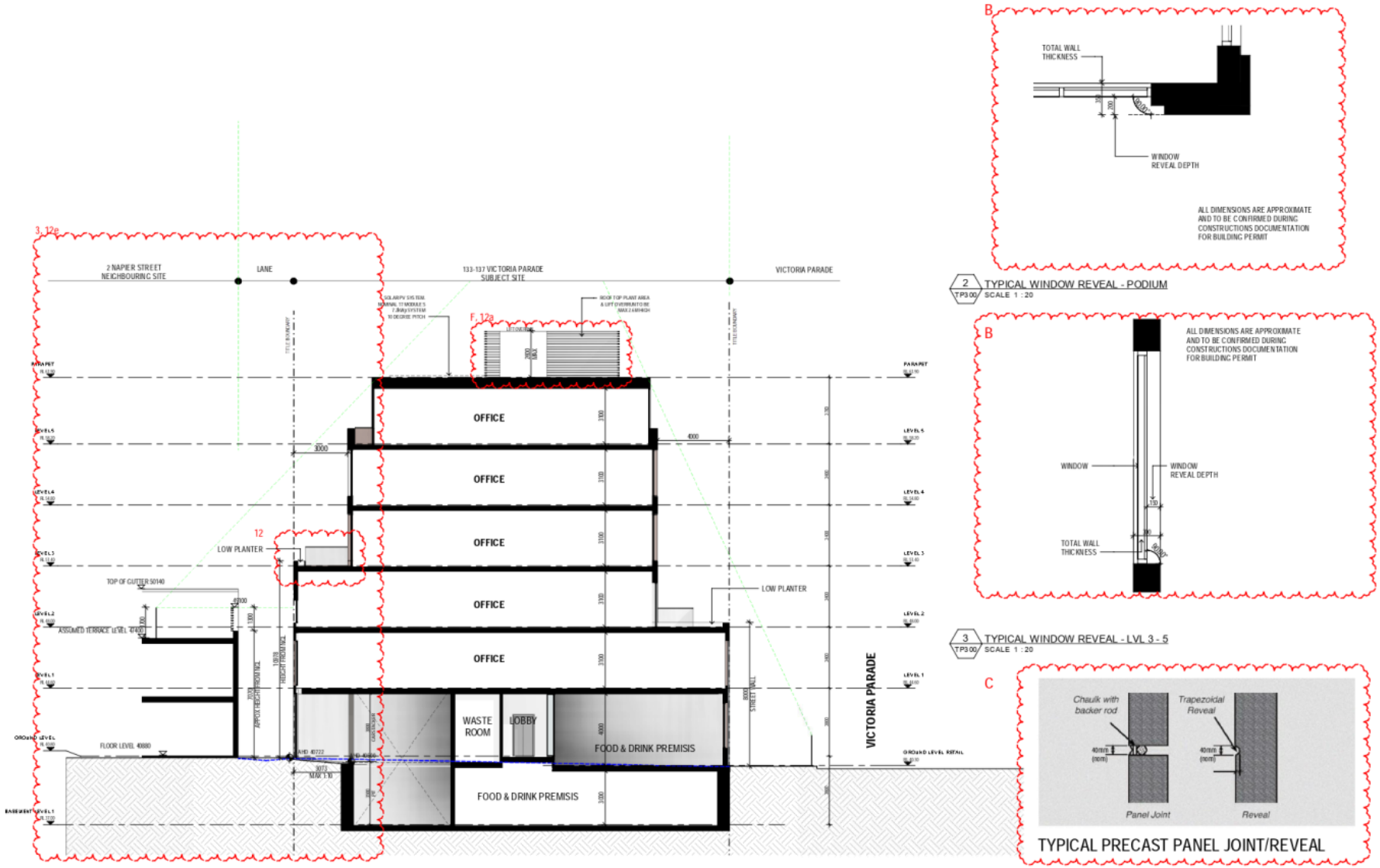
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DWG. No. TP200 | REVISION P3

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P1	FOR CONSULTANT REVIEW	AS	EG	18.03.2022
P2	VCAT SET	AS	EG	28.03.2022
P3	COUNCIL SET	AS	EG	09.05.2022

PROJECT: OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY
TITLE: SECTION & DETAILS
DRAWN: AS
SCALE: As indicated @ A1
PLOT DATE: 09.05.22
JOB No.: 1131
DWG. No.: TP300
REVISION: P3

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REV	DESCRIPTION	DRN	CHK	DATE
P1	FOR CONSULTANT REVIEW	AS	EC	18.03.2022
P2	VCAT SET	AS	EC	28.03.2022
P3	COUNCIL SET	AS	EC	09.05.2022

PROJECT: OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY
TITLE: SHADOW DIAGRAMS 9am-10am
DRAWN: AS
SCALE: As indicated @ A1
PLOT DATE: 09.05.22
JOB No.: 1131
DWG. No.: TP400
REVISION: P3

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REV	DESCRIPTION	DRN	CHK	DATE
P1	FOR CONSULTANT REVIEW	AS	EG	18.03.2022
P2	VCAT SET	AS	EG	28.03.2022
P3	COUNCIL RFI	AS	EG	09.05.2022

PROJECT: OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY
TITLE: SHADOW DIAGRAMS 11am - 12pm
DRAWN: AS
SCALE: As indicated @ A1
PLOT DATE: 09.05.22
JOB No.: 1131
DWG. No.: TP401
REVISION: P3

Attachment 1 - VCAT Amended Plans



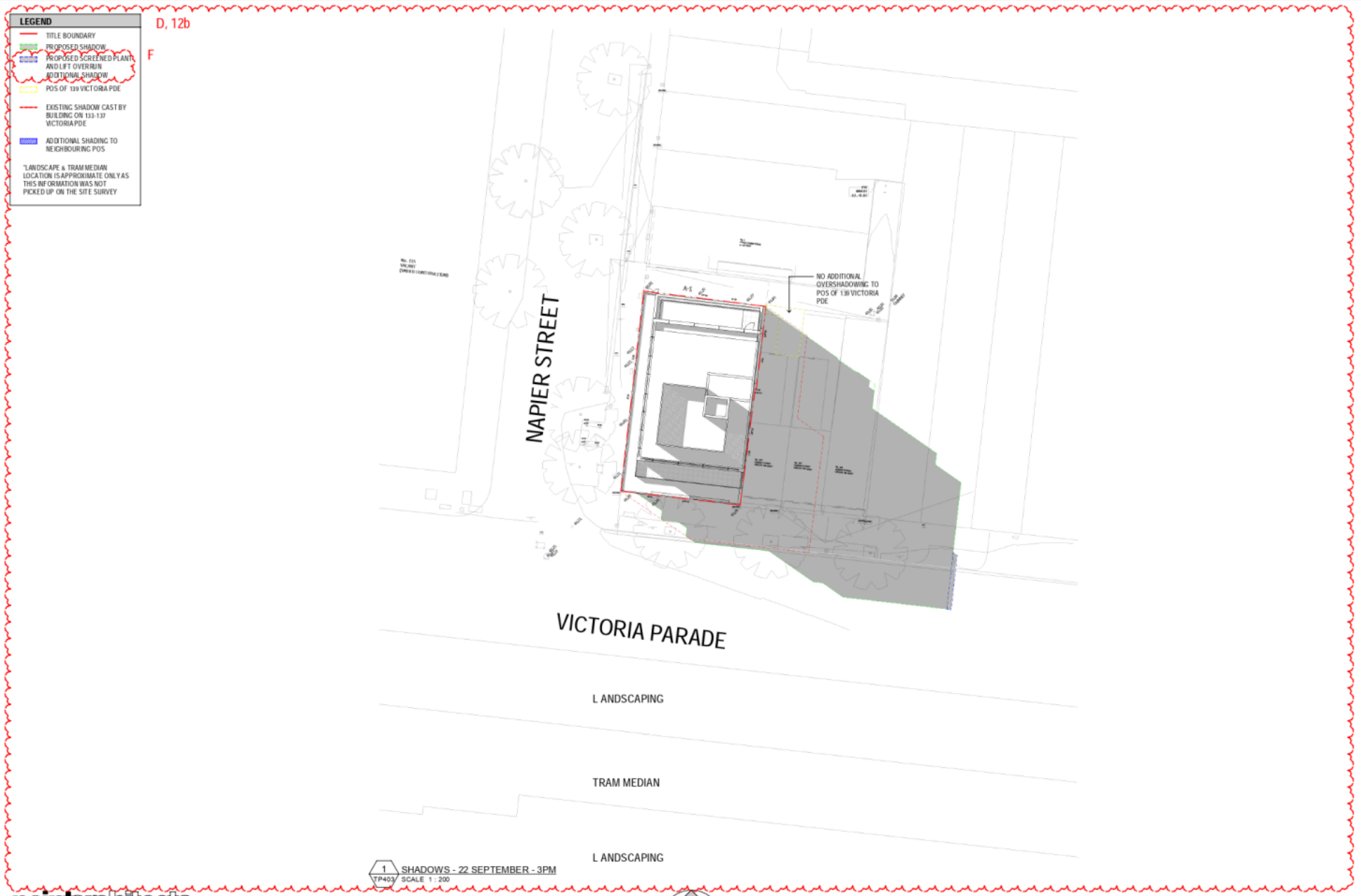
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REV	DESCRIPTION	DRN	CHK	DATE
P1	FOR CONSULTANT REVIEW	AS	EC	18.03.2022
P2	VCAT SET	AS	EC	28.03.2022
P3	COUNCIL SET	AS	EC	09.05.2022

PROJECT: OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY
TITLE: SHADOW DIAGRAMS 1pm - 2pm
DRAWN: AS
SCALE: As indicated @ A1
PLOT DATE: 09.05.22
JOB No.: 1131
DWG. No.: TP402
REVISION: P3

Attachment 1 - VCAT Amended Plans



Attachment 1 - VCAT Amended Plans



Attachment 1 - VCAT Amended Plans

1



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REV	DESCRIPTION	DRN	CHK	DATE
P1	COUNCIL RFI	AS	EG	09.05.2022

PROJECT: OFFICE BUILDING
133-137 VICTORIA PARADE, FITZROY

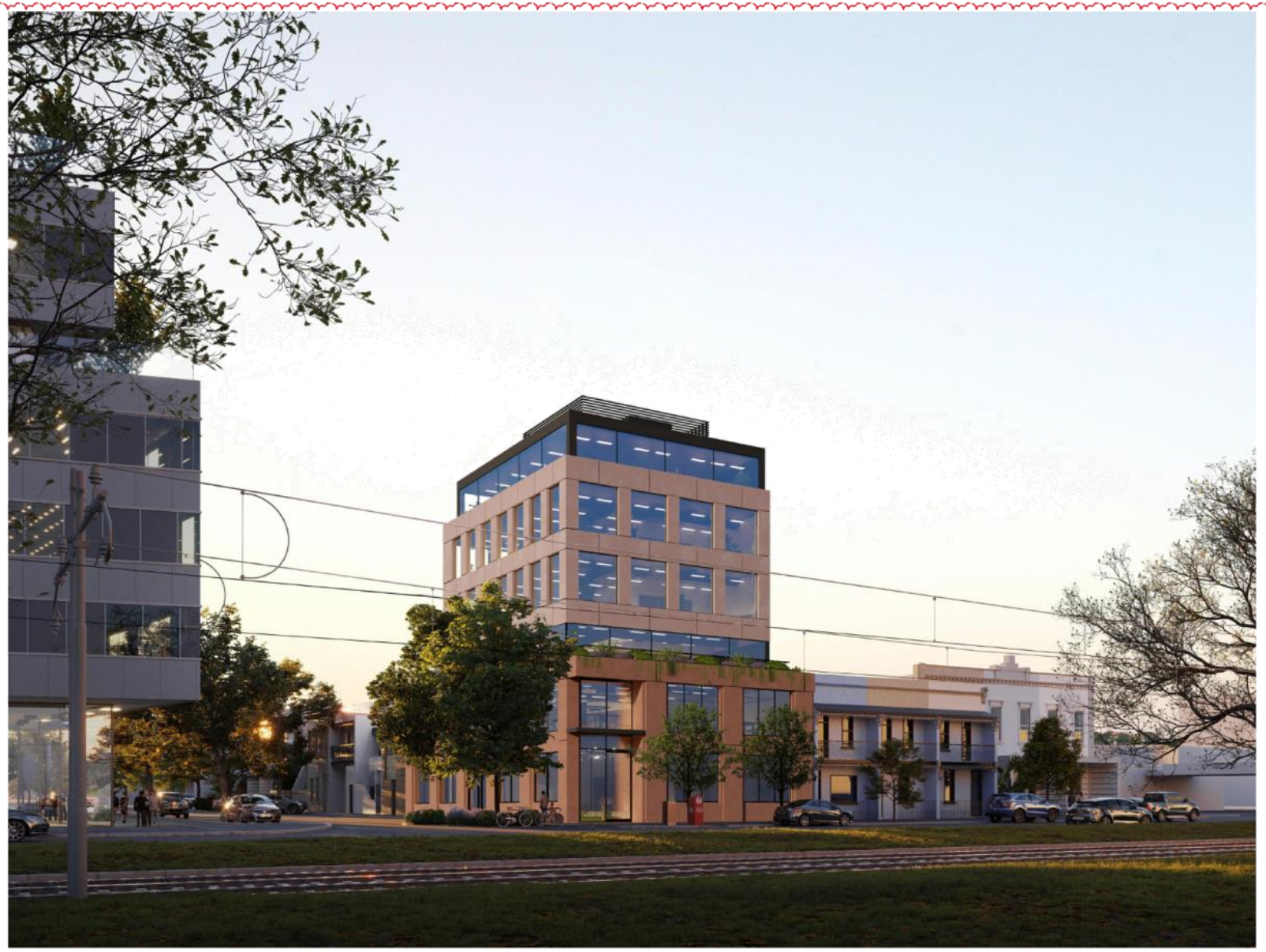
TITLE: VIEW FROM VICTORIA STREET

DRAWN	SCALE	PLOT DATE	JOB No.
AP	@ A1	09.05.22	1131

DWG. No. TP500 REVISION P1

Attachment 1 - VCAT Amended Plans

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REV	DESCRIPTION	DRN	CHK	DATE
P1	COUNCIL RFI	AS	EG	09.05.2022

PROJECT	TITLE	DRAWN	SCALE	PLOT DATE	JOB No.
OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY	VIEW OF VICTORIA STREET/NAPIER STREET CORNER	AP	@ A1	09.05.22	1131

DWG. No. TP501 REVISION P1

Attachment 1 - VCAT Amended Plans

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REV	DESCRIPTION	DRN	CHK	DATE
P1	COUNCIL RFI	AS	EC	09.05.2022

PROJECT	TITLE	DRAWN	SCALE	PLOT DATE	JOB No.
OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY	VIEW FROM NAPIER STREET (REAR)	AP	@ A1	09.05.22	1131

DWG. No. TP502 REVISION P1

Attachment 1 - VCAT Amended Plans

A

MATERIAL SCHEDULE



R1 **RENDERED FINISH**
COLOUR_COLORBOND
'WOODLAND GREY' OR
SIMILAR



B1 **GLASS BALUSTRADE**



C1 **CONCRETE FINISH**
COLOUR_'RED' OR SIMILAR
TEXTURED

G1 **GLAZED WINDOW**
FINISH_CLEAR
BLACK FRAMED



C2 **CONCRETE FINISH**
COLOUR_PINK OR SIMILAR
TEXTURED



GD **BIFOLD GARAGE DOOR**
FINISH_WOODLAND GREY OR
SIMILAR

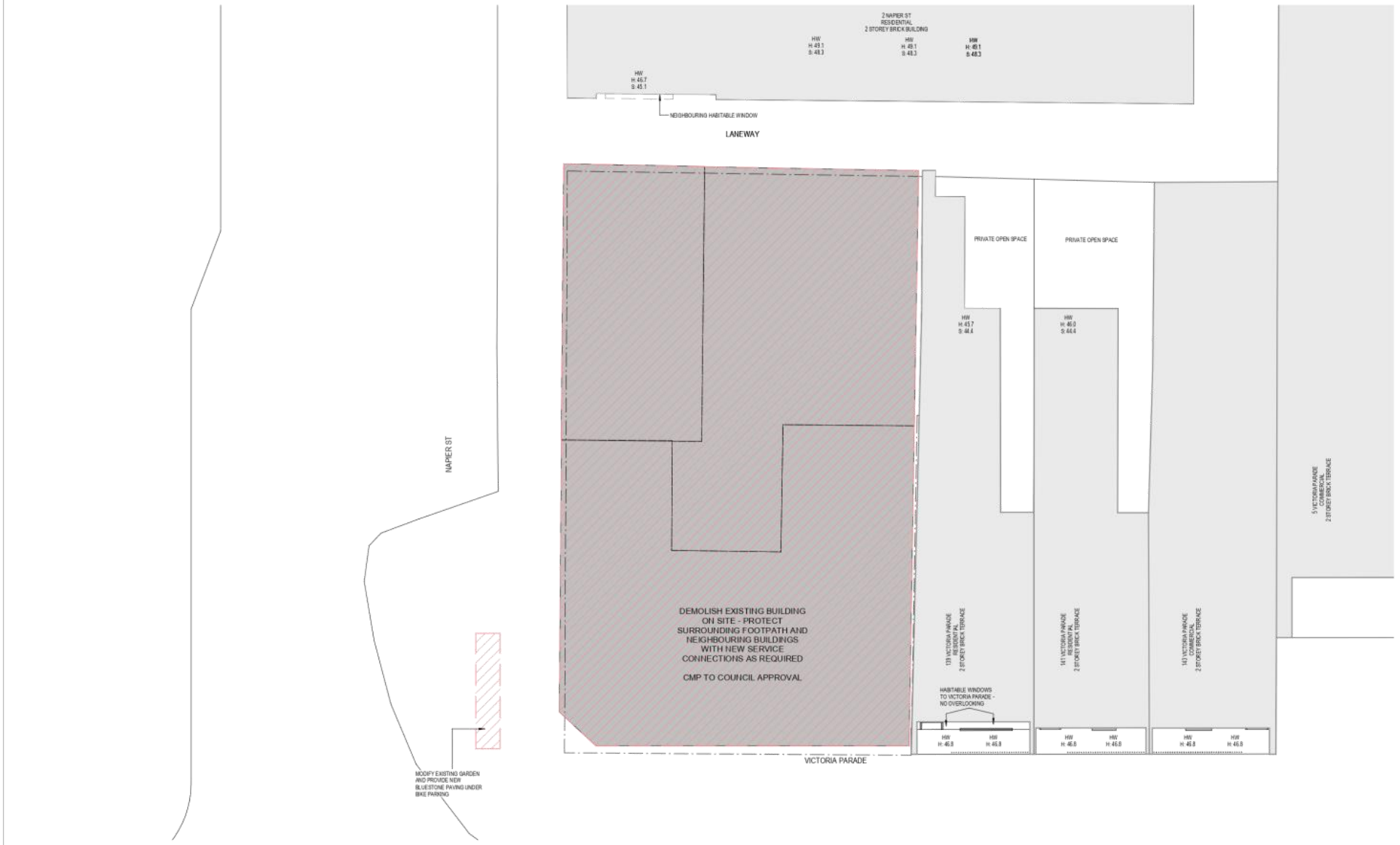
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PROJECT	TITLE	DRAWN	SCALE	PLOT DATE	JOB No.
OFFICE BUILDING 133-137 VICTORIA PARADE, FITZROY	MATERIAL SCHEDULE	AS	1 : 100 @ A3	09.05.22	1131

DWG No. TP503 REVISION P1

Attachment 2 - Previous Decision Plans



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sydney@hassellstudio.com
Nominated Architects NSW:
Tony Grist 5350
Glenn Scott 5943
Ross de la Motte 7398

REFERENCE

NORTH

NOTES
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REV	DESCRIPTION	DATE
E	RFI Response	27/04/21

CLIENT
ARGO GROUP

PROJECT
STUDENT ACCOMMODATION
133-137 VICTORIA PARADE

STATUS

DRAWING TITLE
DEMOLITION PLAN

REVIEWED
Checker

APPROVED
Approver

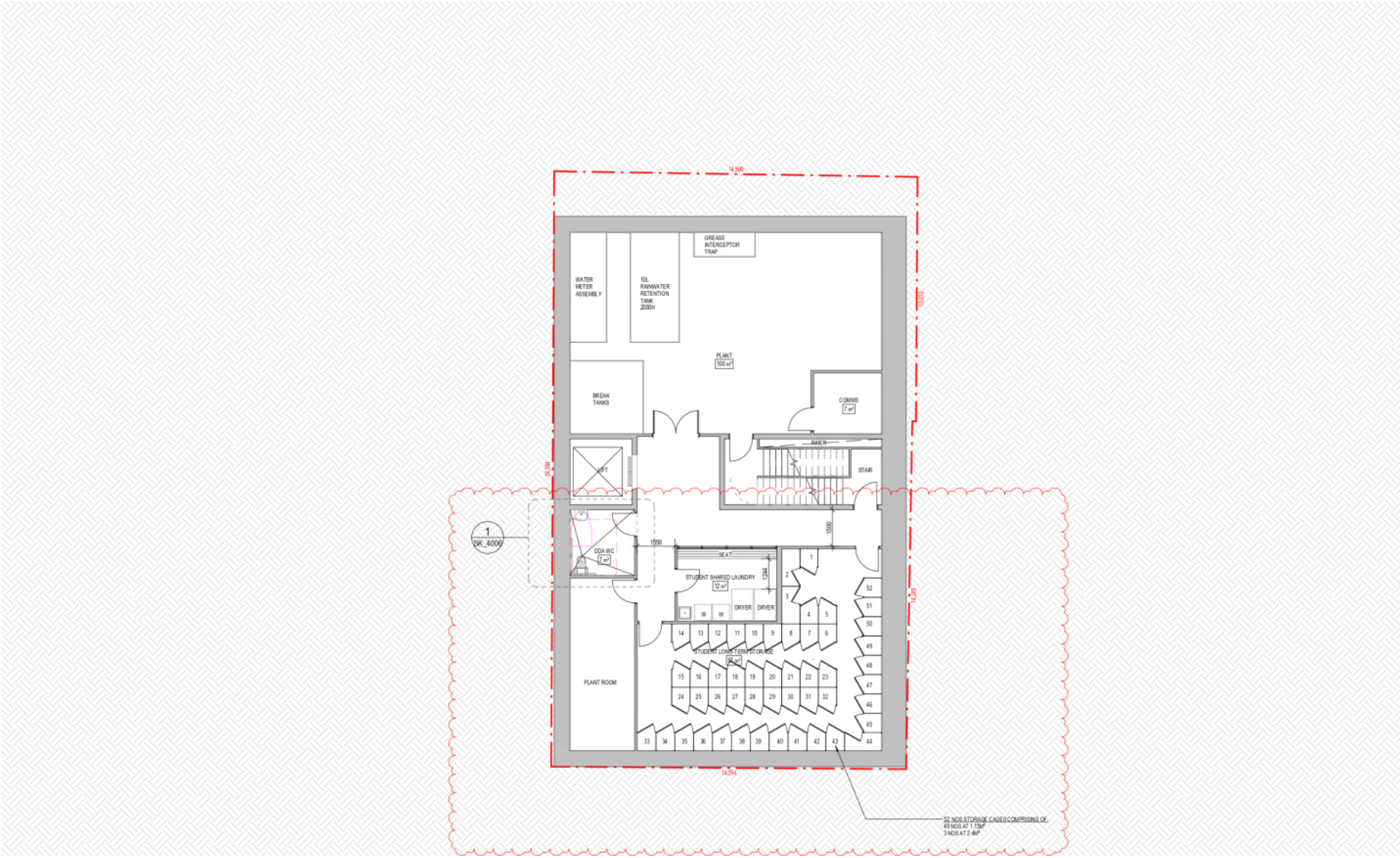
DRAWING NO.
SK_0200

SCALE @ A2
1 : 100

PROJECT NO.
014905

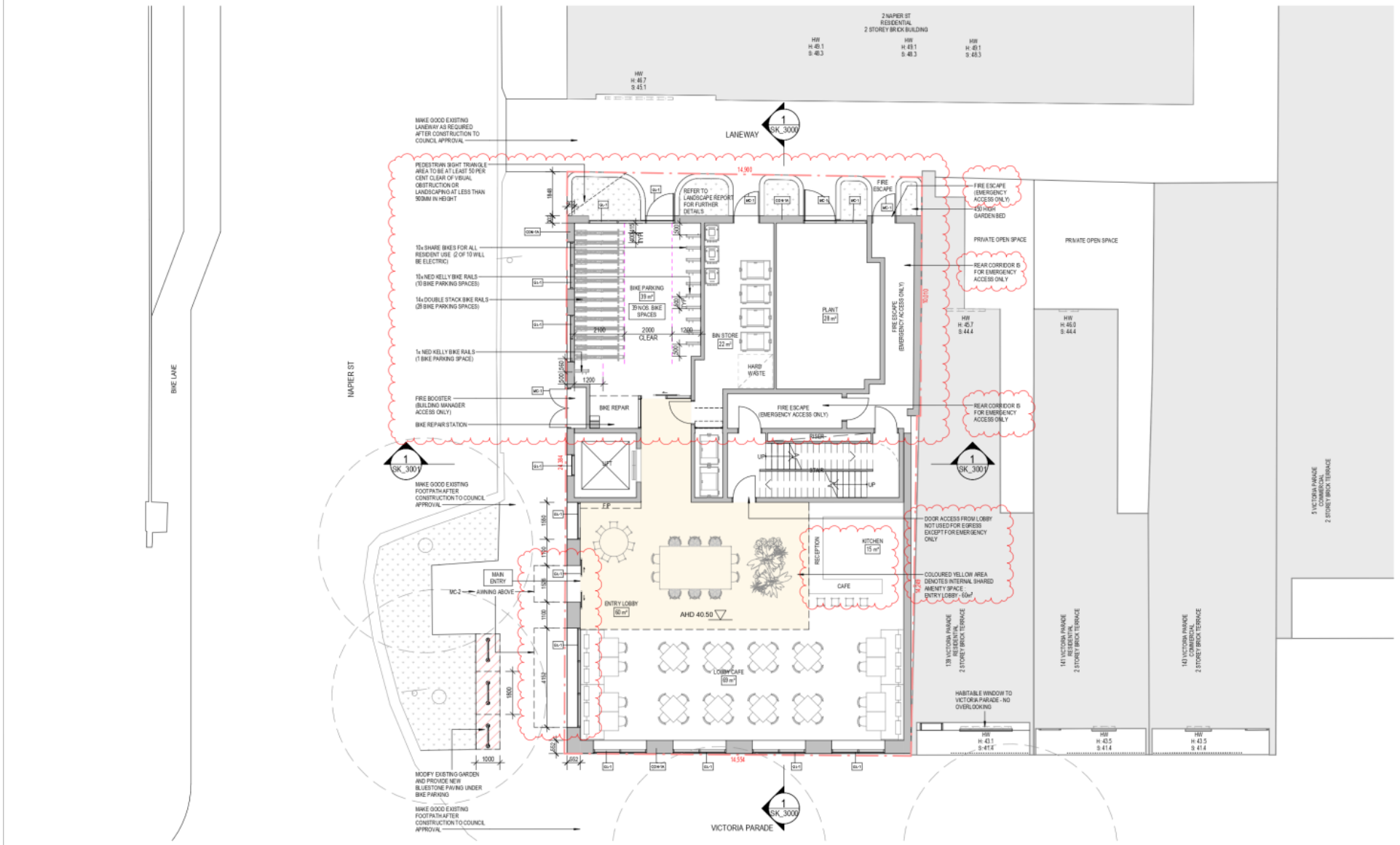
REV NO.
E

Attachment 2 - Previous Decision Plans



CONSULTANT	REFERENCE	NORTH	NOTES	REV	DESCRIPTION	DATE	CLIENT	STATUS	REVIEWED	SCALE @ A2
Hassell LTD ABN 007 711 435 Level2, Pier 8/9,23 Hickson Rd Sydney NSW 2000 Australia T +61 2 9101 2000 F +61 2 9101 2100 sydney@hassellstudio.com Nominated Architects NSW: Tony Gilsl 5350 Glenn Scott 5843 Ross de la Motte 7398			1. Do not scale drawing. Written dimensions govern 2. All dimensions are in millimeters unless noted otherwise 3. All dimensions shall be verified on site before proceeding with the work. Hassell shall be notified in writing of any discrepancies. 4. This drawing must be read in conjunction with all relevant contracts, specifications and drawings This drawing is an uncontrolled copy. Unless noted otherwise © Copyright of this drawing is vested in Hassell Ltd.	C D E F	DESIGN FREEZE TP ISSUE RFI Response RFI Response	11/11/20 04/12/20 27/04/21 27/07/21	ARGO GROUP	FOR INFORMATION	JS	1 : 100
							PROJECT STUDENT ACCOMMODATION 133-137 VICTORIA PARADE	DRAWING TITLE BASEMENT	APPROVED JS	PROJECT NO. 014905
									DRAWING NO. SK_1100	REV NO. F

Attachment 2 - Previous Decision Plans



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Glenn Scott 5844
Ross de la Motte 7398

REFERENCE

NORTH

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REV	DESCRIPTION	DATE
A	FEASIBILTY	07/02/20
B	PRE-DESIGN BRIEFING	01/04/20
C	DESIGN FREEZE	11/11/20
D	TP ISSUE	04/12/20
E	RFI Response	27/04/21
F	RFI Response	27/07/21

CLIENT
ARGO GROUP
Argo

PROJECT
STUDENT ACCOMMODATION
133-137 VICTORIA PARADE

STATUS
FOR INFORMATION

DRAWING TITLE
GA PLANS - GROUND FLOOR

REVIEWED
JS

APPROVED
JS

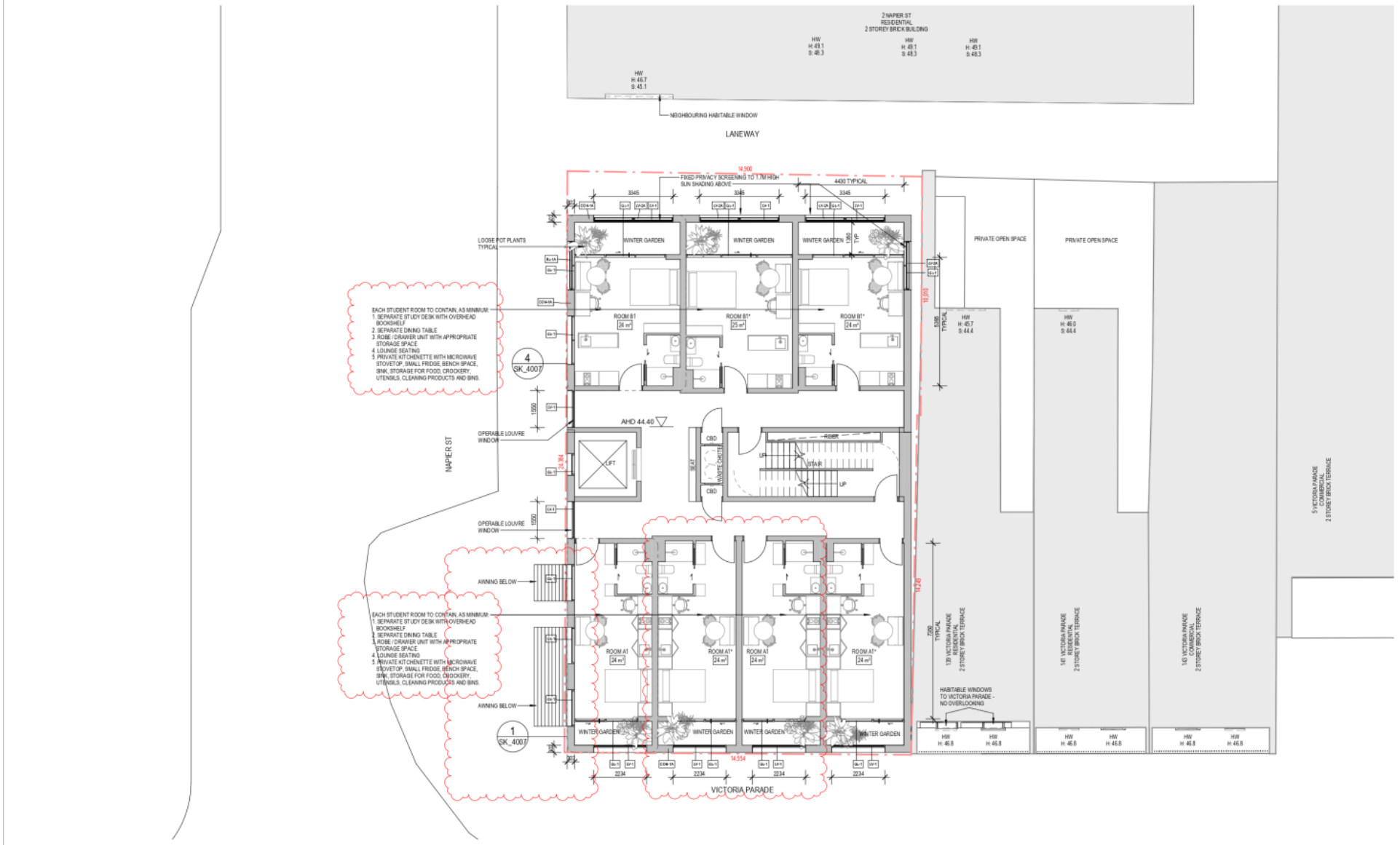
DRAWING NO.
SK_1101

SCALE @ A2
1 : 100

PROJECT NO.
014905

REV NO.
F

Attachment 2 - Previous Decision Plans



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REFERENCE

NORTH

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REV	DESCRIPTION	DATE
C	DESIGN FREEZE	11/11/20
D	TP ISSUE	04/12/20
E	RFI Response	27/04/21
F	RFI Response	27/07/21

CLIENT
ARGO GROUP

PROJECT
STUDENT ACCOMMODATION
133-137 VICTORIA PARADE

STATUS
FOR INFORMATION

DRAWING TITLE
GA PLANS - LEVEL 01

REVIEWED
JS

APPROVED
JS

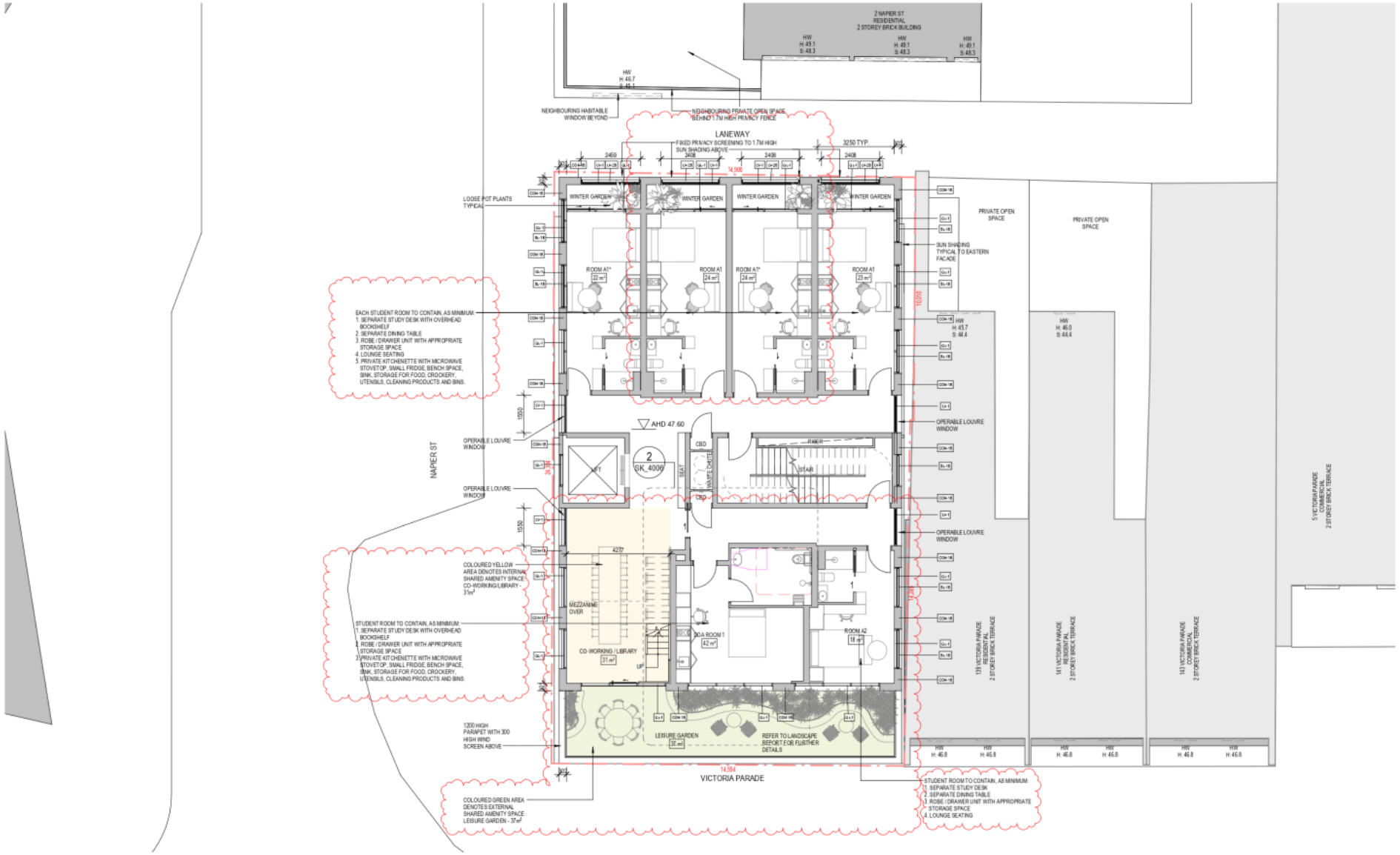
SCALE @ A2
1 : 100

PROJECT NO.
014905

DRAWING NO.
SK_1102

REV NO.
F

Attachment 2 - Previous Decision Plans



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Nominated Architects NSW:
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Glenn Scott 5844
Ross de la Motte 7398

REFERENCE

NORTH

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REV	DESCRIPTION	DATE
A	FEASIBILTY	07/02/20
B	PRE-DESIGN BRIEFING	01/04/20
C	DESIGN FREEZE	11/11/20
D	TP ISSUE	04/12/20
E	RFI Response	27/04/21
F	RFI Response	27/07/21

CLIENT
ARGO GROUP

PROJECT
STUDENT ACCOMMODATION
133-137 VICTORIA PARADE

STATUS
FOR INFORMATION

DRAWING TITLE
GA PLANS - LEVEL 02

REVIEWED
JS

APPROVED
JS

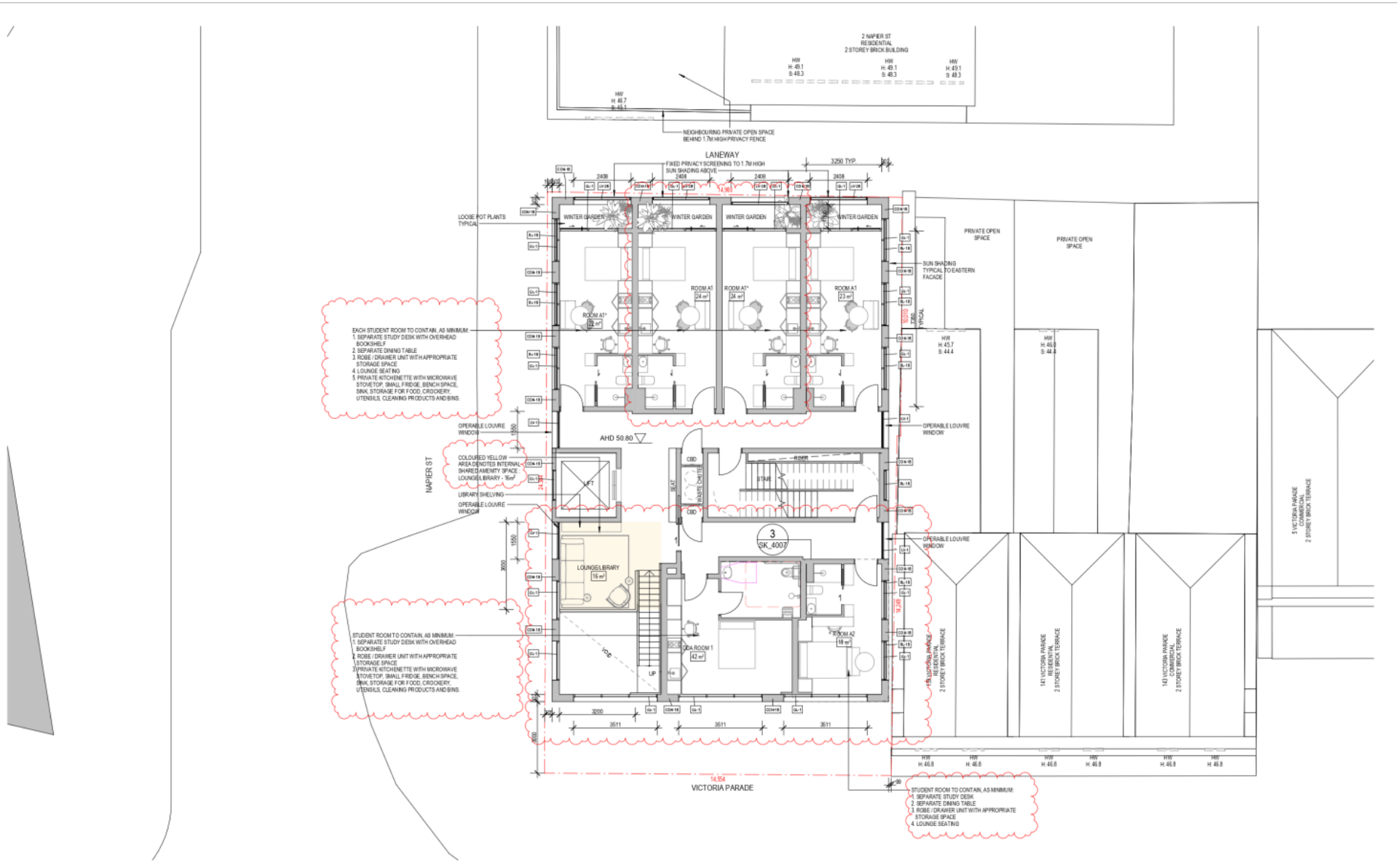
DRAWING NO.
SK_1103

SCALE @ A2
1 : 100

PROJECT NO.
014905

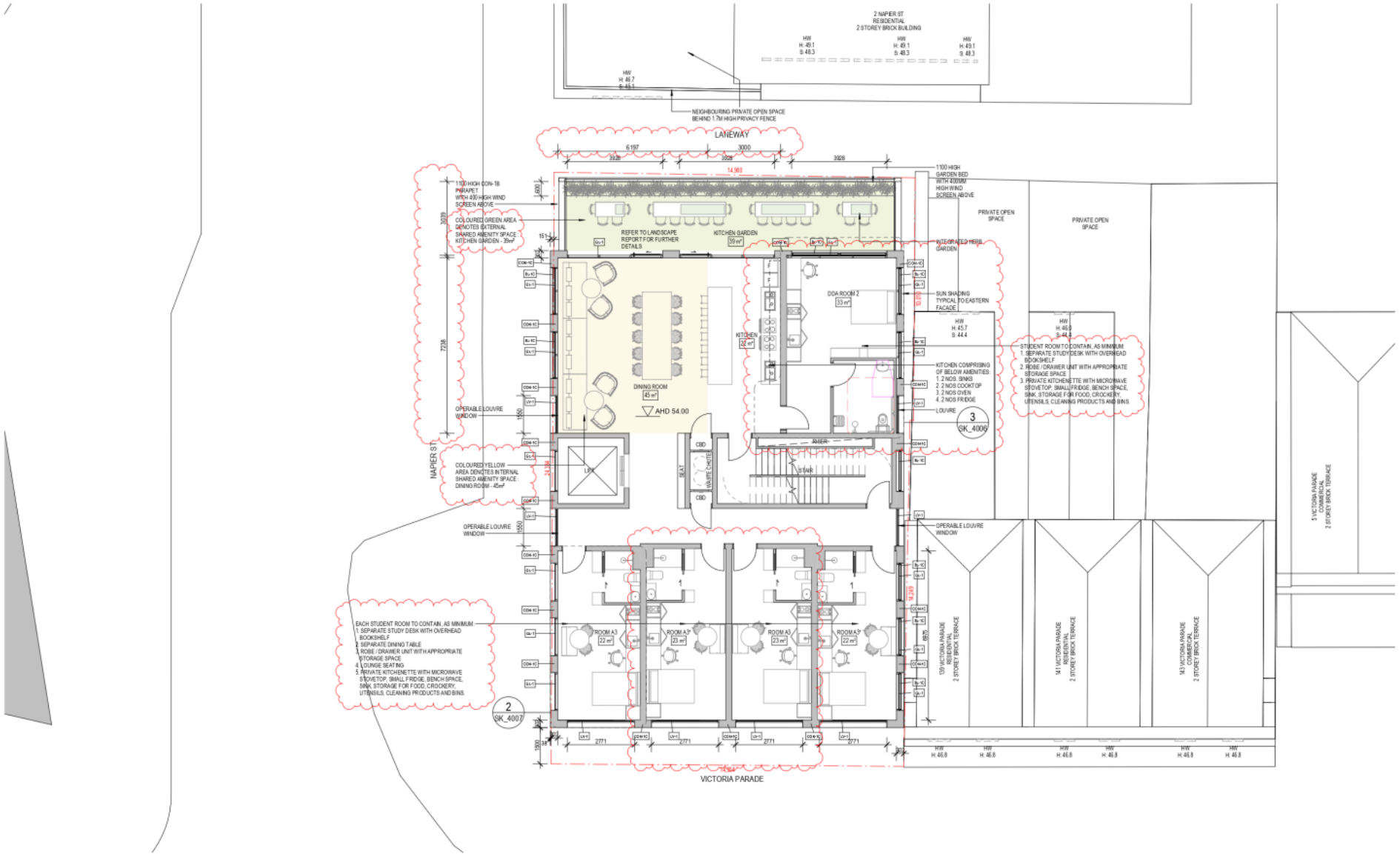
REV NO.
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Attachment 2 - Previous Decision Plans



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Hassell LTD ABN 007 711 435 Level2, Pier 8/9,23 Hickson Rd Sydney NSW 2000 Australia T +61 2 9101 2000 F +61 2 9101 2100 sydney@hassellstudio.com Nominated Architects NSW: Tony Grist 5350 Glenn Snoddy 6944 Ross de la Motte 7398			1. Do not scale drawing. Written dimensions govern 2. All dimensions are in millimeters unless noted otherwise 3. All dimensions shall be verified on site before proceeding with the work. Hassell shall be notified in writing of any discrepancies. 4. This drawing must be read in conjunction with all relevant contracts, specifications and drawings. This drawing is an uncontrolled copy. Unless noted otherwise © Copyright of this drawing is vested in Hassell Ltd.	A B C D E F	FEASIBILTY PRE-DESIGN BRIEFING DESIGN FREEZE TP ISSUE RFI Response RFI Response	07/02/20 01/04/20 11/11/20 04/12/20 27/04/21 27/07/21	ARGO GROUP **PROJECT** STUDENT ACCOMMODATION 133-137 VICTORIA PARADE	FOR INFORMATION **DRAWING TITLE** GA PLANS - LEVEL 03	JS / 1 : 100 **APPROVED** / **PROJECT NO.** JS / 014905 **DRAWING NO.** / **REV NO.** SK_1104 / F

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Glenn Scott 5843
Ross de la Motte 7398

REFERENCE

NORTH

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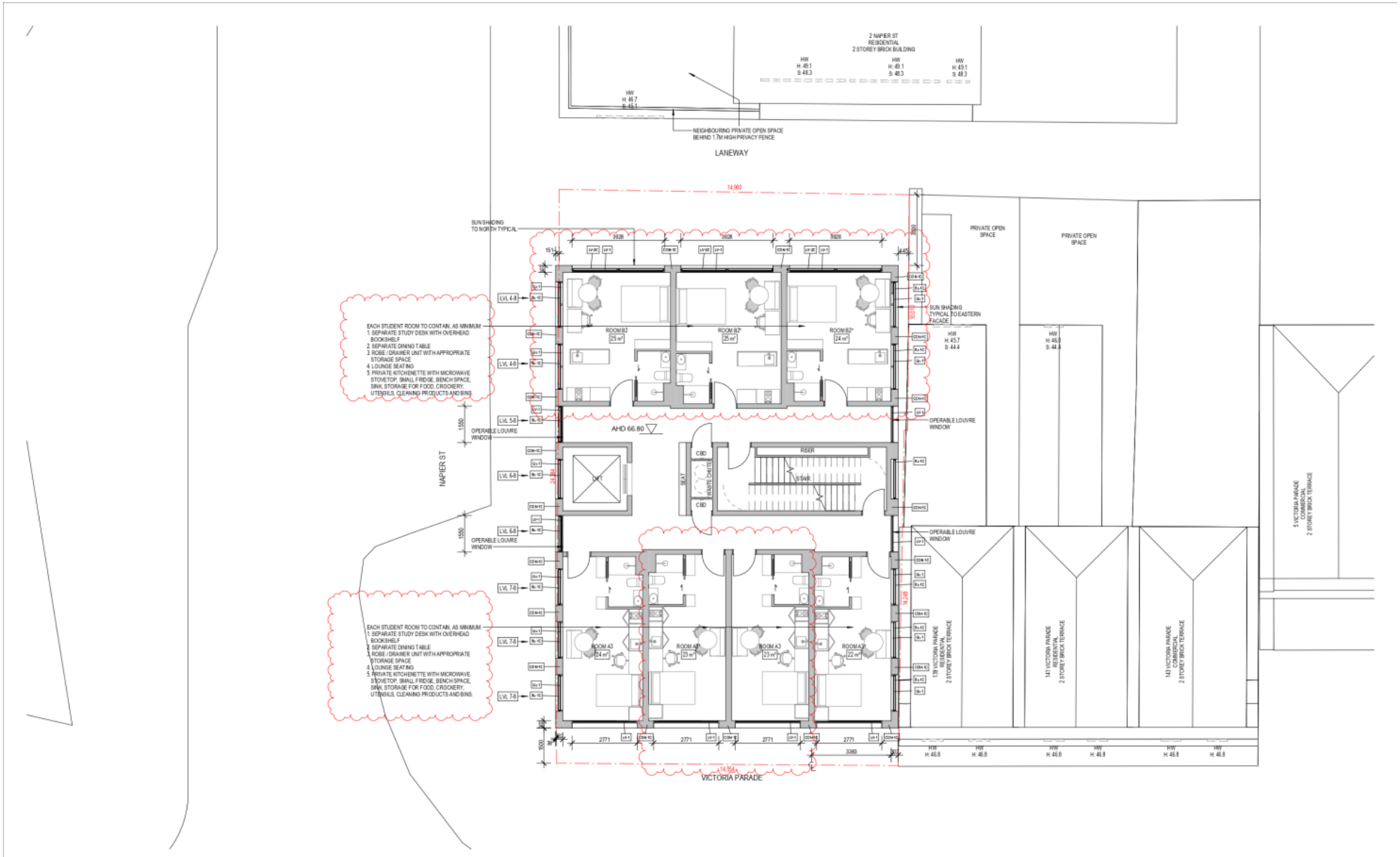
REV	DESCRIPTION	DATE
A	FEASIBILTY	07/02/20
B	PRE-DESIGN BRIEFING	01/04/20
C	DESIGN FREEZE	11/11/20
D	TP ISSUE	04/12/20
E	RFI Response	27/04/21
F	RFI Response	27/07/21

CLIENT
ARGO GROUP
Argo
PROJECT
STUDENT ACCOMMODATION
133-137 VICTORIA PARADE

STATUS
FOR INFORMATION
DRAWING TITLE
GA PLANS - LEVEL 04

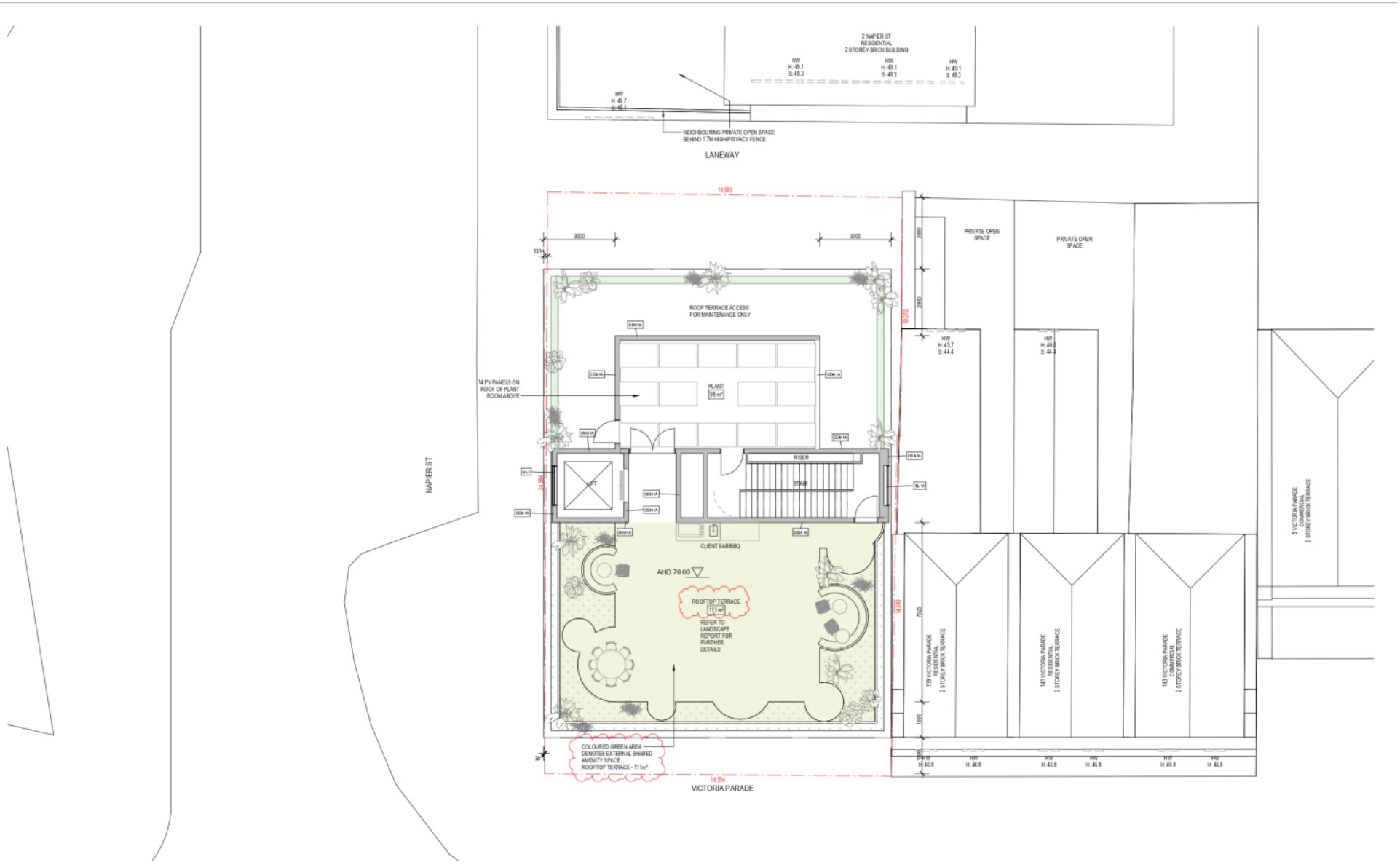
REVIEWED
JS
APPROVED
JS
DRAWING NO.
SK_1105
SCALE @ A2
1 : 100
PROJECT NO.
014905
REV NO.
F

Attachment 2 - Previous Decision Plans



CONSULTANT	REFERENCE	NORTH	NOTES	REV	DESCRIPTION	DATE	CLIENT	STATUS	REVIEWED	SCALE @ A2
Hassell Hassell LTD ABN 007 711 435 Level2, Pier 8/9,23 Hickson Rd Sydney NSW 2000 Australia T +61 2 9101 2000 F +61 2 9101 2100 sydney@hassellstudio.com Nominated Architects NSW: Tony Grist 5350 Glenn Scott 5844 Ross de la Motte 7398			1. Do not scale drawing. Written dimensions govern 2. All dimensions are in millimeters unless noted otherwise 3. All dimensions shall be verified on site before proceeding with the work. Hassell shall be notified in writing of any discrepancies. 4. This drawing must be read in conjunction with all relevant contracts, specifications and drawings. This drawing is an uncontrolled copy. Unless noted otherwise © Copyright of this drawing is vested in Hassell Ltd.	A C D E F	FEASIBILTY DESIGN FREEZE TP ISSUE RFI Response RFI Response	07/02/20 11/11/20 04/12/20 27/04/21 27/07/21	ARGO GROUP PROJECT STUDENT ACCOMMODATION 133-137 VICTORIA PARADE	FOR INFORMATION DRAWING TITLE GA PLANS - LEVEL 05-08 (TYPICAL)	JS APPROVED JS DRAWING NO. SK_1109	1 : 100 PROJECT NO. 014905 REV NO. F

Attachment 2 - Previous Decision Plans



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Nominated Architects NSW:
Tony Grist 5350
Glenn Scott 5844
Ross de la Motte 7398

REFERENCE

NORTH

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REV	DESCRIPTION	DATE
A	FEASIBILTY	07/02/20
C	DESIGN FREEZE	11/11/20
D	TP ISSUE	04/12/20
E	RFI Response	27/04/21
F	RFI Response	27/07/21
G	RFI Response	27/08/21

CLIENT
ARGO GROUP
Argo

PROJECT
STUDENT ACCOMMODATION
133-137 VICTORIA PARADE

STATUS
FOR INFORMATION

DRAWING TITLE
GA PLANS - LEVEL 09 (ROOF)

REVIEWED
JS

APPROVED
JS

SCALE @ A2
1 : 100

PROJECT NO.
014905

DRAWING NO.
SK_1110

REV NO.
G

Attachment 2 - Previous Decision Plans

CON-1A
ROUGH PRECAST CONCRETE (RED)

CON-1B
PRECAST CONCRETE (MID-RED)

CON-1C
SMOOTH PRECAST CONCRETE (PINK)

GL-1
HIGH PERFORMANCE CLEAR GLAZING WINDOWS / DOORS WITH ALUMINIUM FRAMING COLOUR MATCHED TO PRE-CAST CONCRETE FACADE

LV-1
LOUVRED WINDOWS WITH ALUMINIUM FRAMING COLOUR MATCHED TO PRE-CAST CONCRETE FACADE

LV-2A/2B/2C
FIXED METAL LOUVRES / PRIVACY SCREENS COLOUR MATCHED TO PRE-CAST CONCRETE FACADE

BL-1A
EXTERNAL METAL BLINDS (RED)

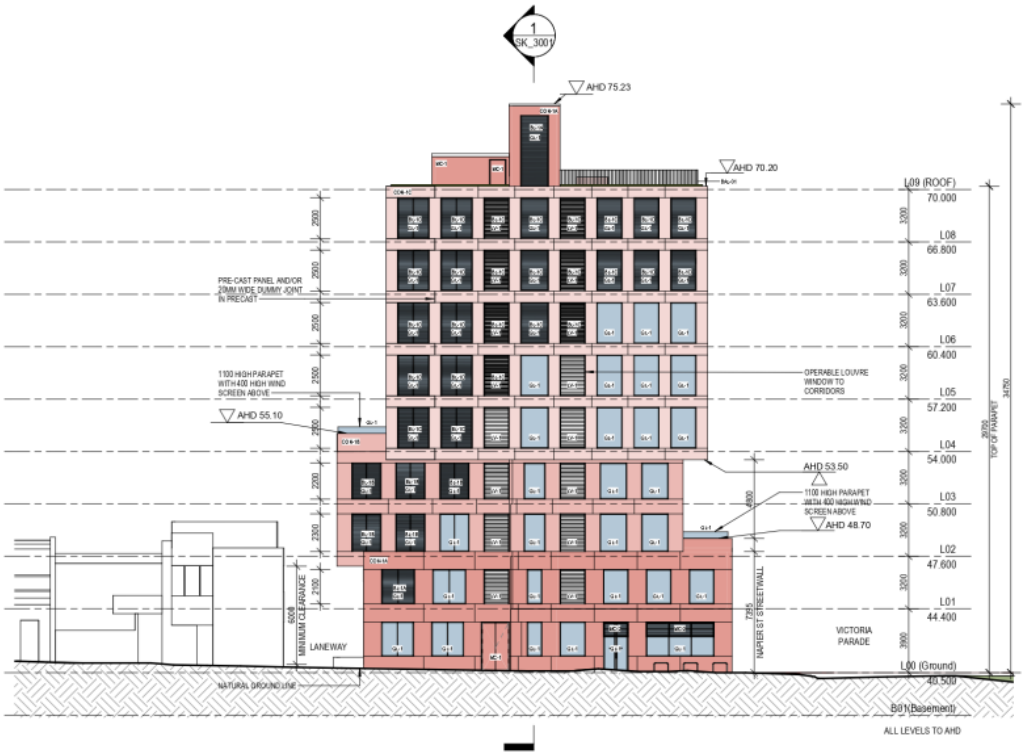
BL-1B
EXTERNAL METAL BLINDS (MID-RED)

BL-1C
EXTERNAL METAL BLINDS (PINK)

MC-1
METAL CLADDING

MC-2
METAL CANOPY

BAL-1
BALUSTRADE



CONSULTANT: Hassell LTD ABN 007 711 435, Level2, Pier 8/9,23 Hickson Rd, Sydney NSW 2000 Australia, T +61 2 9101 2000, F +61 2 9101 2100, sydney@hassellstudio.com, Nominated Architects NSW: Tony Grist 5350, Siehr Scott 5843, Ross de la Motte 7398	REFERENCE	NORTH	NOTES: 1. Do not scale drawing. Written dimensions govern. 2. All dimensions are in millimeters unless noted otherwise. 3. All dimensions shall be verified on site before proceeding with the work. Hassell shall be notified in writing of any discrepancies. 4. This drawing must be read in conjunction with all relevant contracts, specifications and drawings. This drawing is an uncontrolled copy. Unless noted otherwise. © Copyright of this drawing is vested in Hassell Ltd.	REV DESCRIPTION: C DESIGN FREEZE; D TP ISSUE; E RFI Response	DATE: 11/11/20; 04/12/20; 27/04/21	CLIENT: ARGO GROUP	PROJECT: STUDENT ACCOMMODATION; 133-137 VICTORIA PARADE	STATUS: FOR INFORMATION	DRAWING TITLE: WEST ELEVATION	REVIEWED: JS; APPROVED: JS; DRAWING NO.: SK_2000	SCALE @ A2: 1 : 200; PROJECT NO.: 014905; REV NO.: E

Attachment 2 - Previous Decision Plans

CON-1A
ROUGH PRECAST CONCRETE (RED)

CON-1B
PRECAST CONCRETE (MID-RED)

CON-1C
SMOOTH PRECAST CONCRETE (PINK)

GL-1
HIGH PERFORMANCE CLEAR GLAZING WINDOWS / DOORS WITH ALUMINIUM FRAMING COLOUR MATCHED TO PRE-CAST CONCRETE FACADE

LV-1
LOUVRED WINDOWS WITH ALUMINIUM FRAMING COLOUR MATCHED TO PRE-CAST CONCRETE FACADE

LV-2A/2B/2C
FIXED METAL LOUVRES / PRIVACY SCREENS COLOUR MATCHED TO PRE-CAST CONCRETE FACADE

BL-1A
EXTERNAL METAL BLINDS (RED)

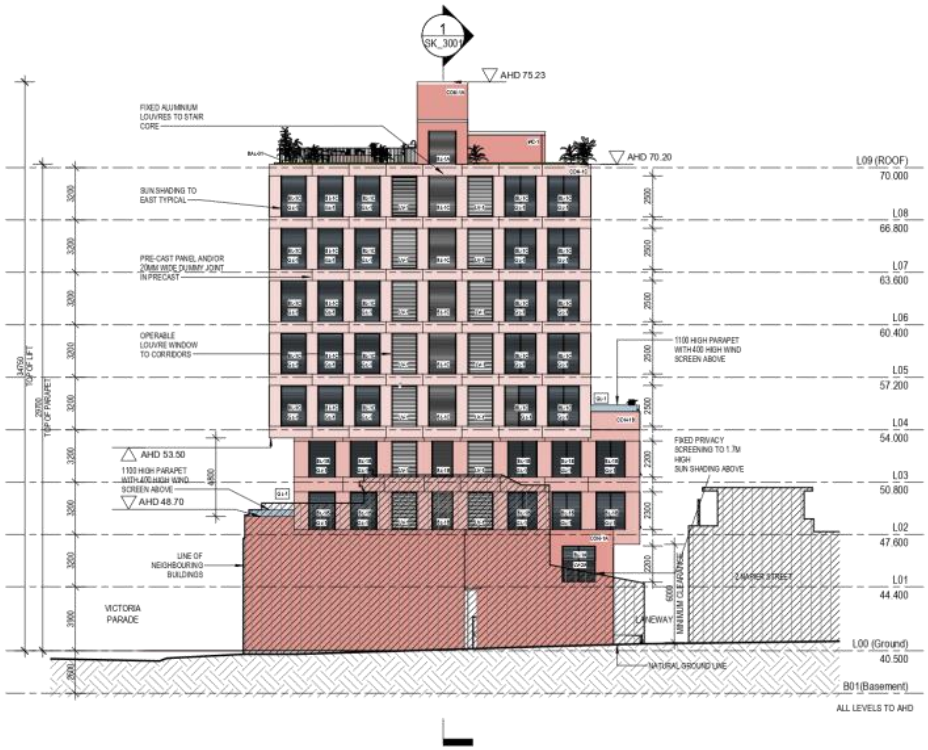
BL-1B
EXTERNAL METAL BLINDS (MID-RED)

BL-1C
EXTERNAL METAL BLINDS (PINK)

MC-1
METAL CLADDING

MC-2
METAL CANOPY

BAL-1
BALUSTRADE



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Nominated Architects NSW:
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REFERENCE

NORTH

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REV	DESCRIPTION	DATE
C	DESIGN FREEZE	11/11/20
D	TP ISSUE	04/12/20
E	RFI Response	27/04/21

CLIENT
ARGO GROUP
Argo

PROJECT
STUDENT ACCOMMODATION
133-137 VICTORIA PARADE

STATUS
FOR INFORMATION

DRAWING TITLE
EAST ELEVATION

REVIEWED	SCALE @ A2
JS	1 : 200
APPROVED	PROJECT NO.
JS	014905
DRAWING NO.	REV NO.
SK_2001	E

Attachment 2 - Previous Decision Plans

CON-1A
ROUGH PRECAST CONCRETE (RED)

CON-1B
PRECAST CONCRETE (MID-RED)

CON-1C
SMOOTH PRECAST CONCRETE (PINK)

GL-1
HIGH PERFORMANCE CLEAR GLAZING WINDOWS / DOORS WITH ALUMINIUM FRAMING COLOUR MATCHED TO PRE-CAST CONCRETE FACADE

LV-1
LOUVRED WINDOWS WITH ALUMINIUM FRAMING COLOUR MATCHED TO PRE-CAST CONCRETE FACADE

LV-2A/2B/2C
FIXED METAL LOUVRES / PRIVACY SCREENS COLOUR MATCHED TO PRE-CAST CONCRETE FACADE

BL-1A
EXTERNAL METAL BLINDS (RED)

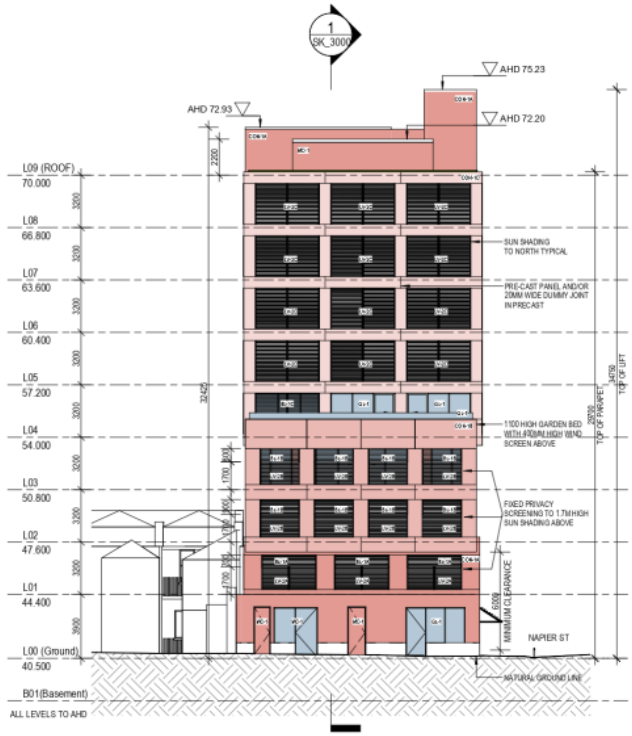
BL-1B
EXTERNAL METAL BLINDS (MID-RED)

BL-1C
EXTERNAL METAL BLINDS (PINK)

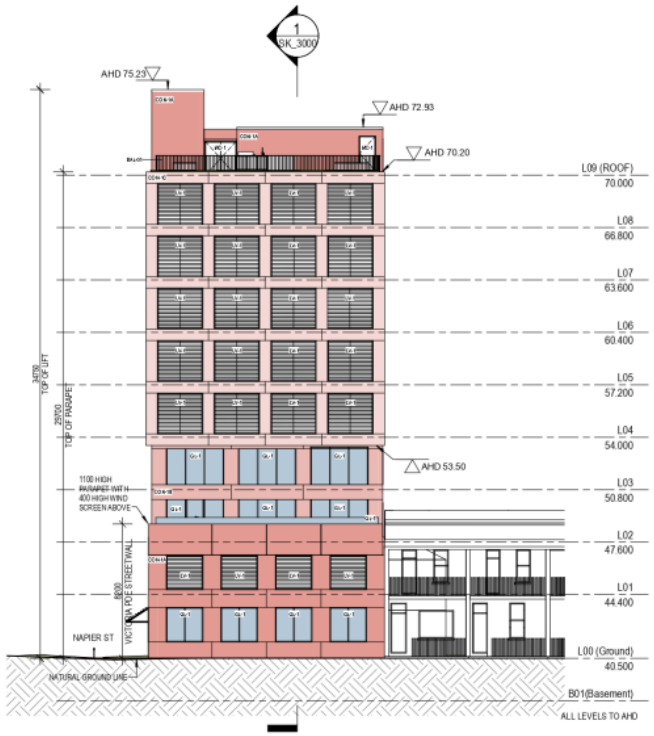
MC-1
METAL CLADDING

MC-2
METAL CANOPY

BAL-1
BALUSTRADE



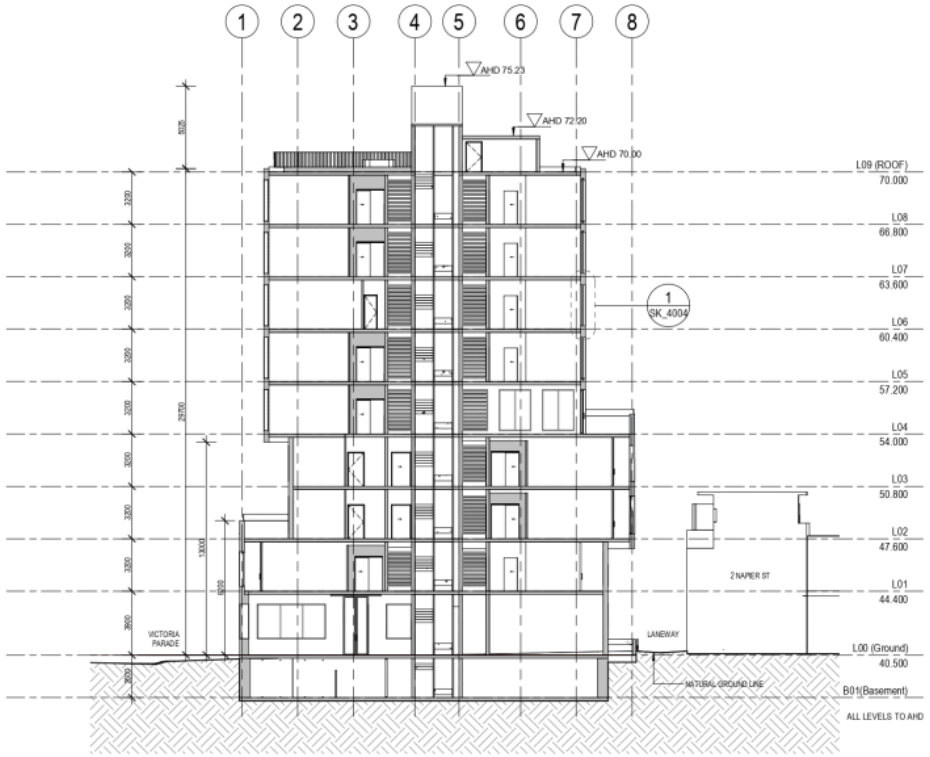
1 ELEVATION - NORTH
1 : 200



2 ELEVATION - SOUTH
1 : 200

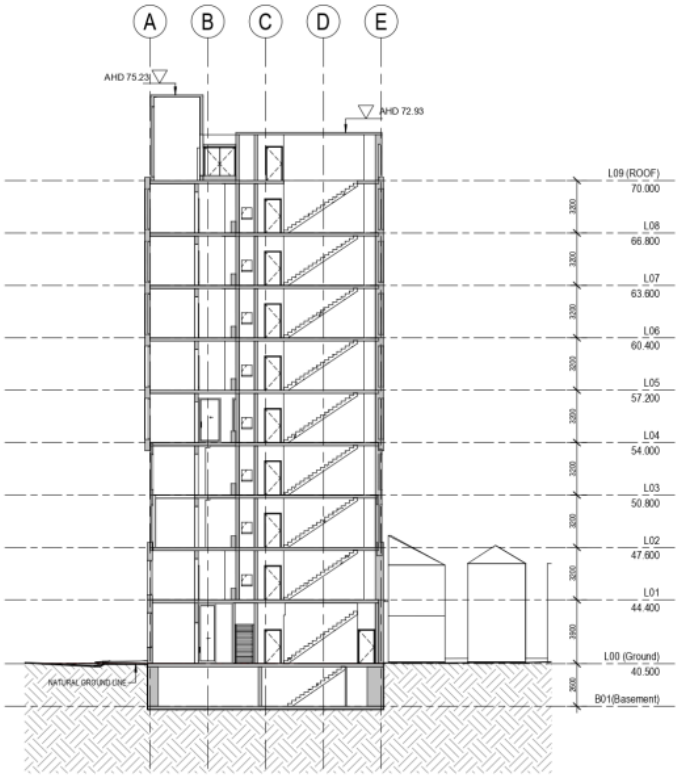
CONSULTANT	REFERENCE	NORTH	NOTES	REV	DESCRIPTION	DATE	CLIENT	STATUS	REVIEWED / SCALE @ A2
Hassell Hassell LTD ABN 007 711 435 Level2, Pier 8/9,23 Hickson Rd Sydney NSW 2000 Australia T +61 2 9101 2000 F +61 2 9101 2100 sydney@hassellstudio.com Nominated Architects NSW: Tony Grist 5350 Siehr Scott 5843 Ross de la Motte 7398			1. Do not scale drawing. Written dimensions govern 2. All dimensions are in millimeters unless noted otherwise 3. All dimensions shall be verified on site before proceeding with the work. Hassell shall be notified in writing of any discrepancies. 4. This drawing must be read in conjunction with all relevant contracts, specifications and drawings. This drawing is an uncontrolled copy. Unless noted otherwise © Copyright of this drawing is vested in Hassell Ltd.	C D E	DESIGN FREEZE TP ISSUE RFI Response	11/11/20 04/12/20 27/04/21	ARGO GROUP PROJECT STUDENT ACCOMMODATION 133-137 VICTORIA PARADE	DRAWING TITLE NORTH + SOUTH ELEVATION	JS / 1 : 200 APPROVED / PROJECT NO. JS / 014905 DRAWING NO. / REV NO. SK_2002 / E

Attachment 2 - Previous Decision Plans



CONSULTANT	REFERENCE	NORTH	NOTES	REV	DESCRIPTION	DATE	CLIENT	STATUS	REVIEWED / SCALE @ A2
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Attachment 2 - Previous Decision Plans



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Nominated Architects NSW:
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Glenn Scott 5842
Ross de la Motte 7398

REFERENCE

NORTH

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REV | DESCRIPTION | DATE
E | RFI Response | 27/04/21

CLIENT
ARGO GROUP

PROJECT
STUDENT ACCOMMODATION
133-137 VICTORIA PARADE

STATUS

DRAWING TITLE
CROSS SECTION

REVIEWED
JS

APPROVED
JS

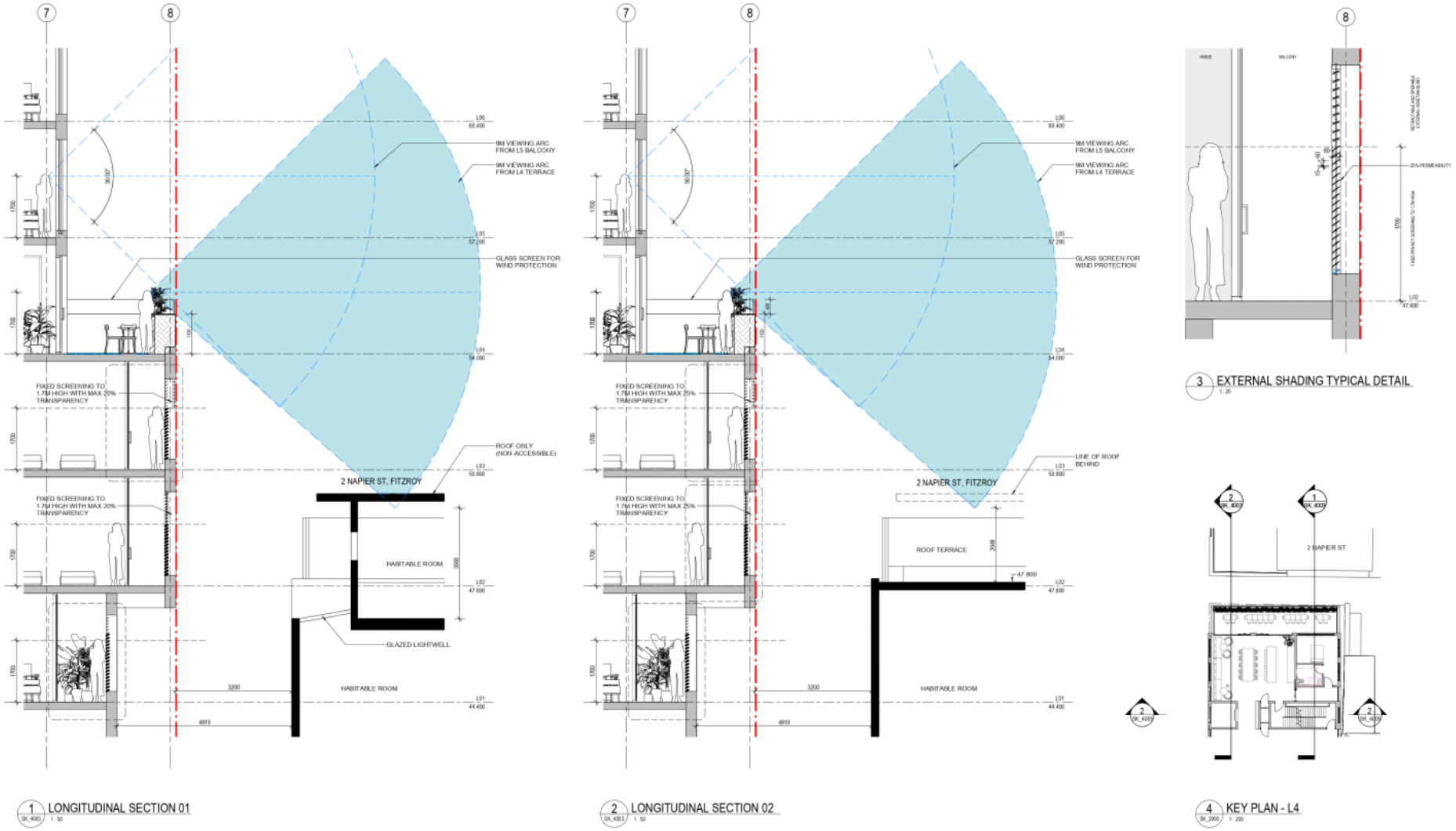
SCALE @ A2
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PROJECT NO.
014905

DRAWING NO.
SK_3001

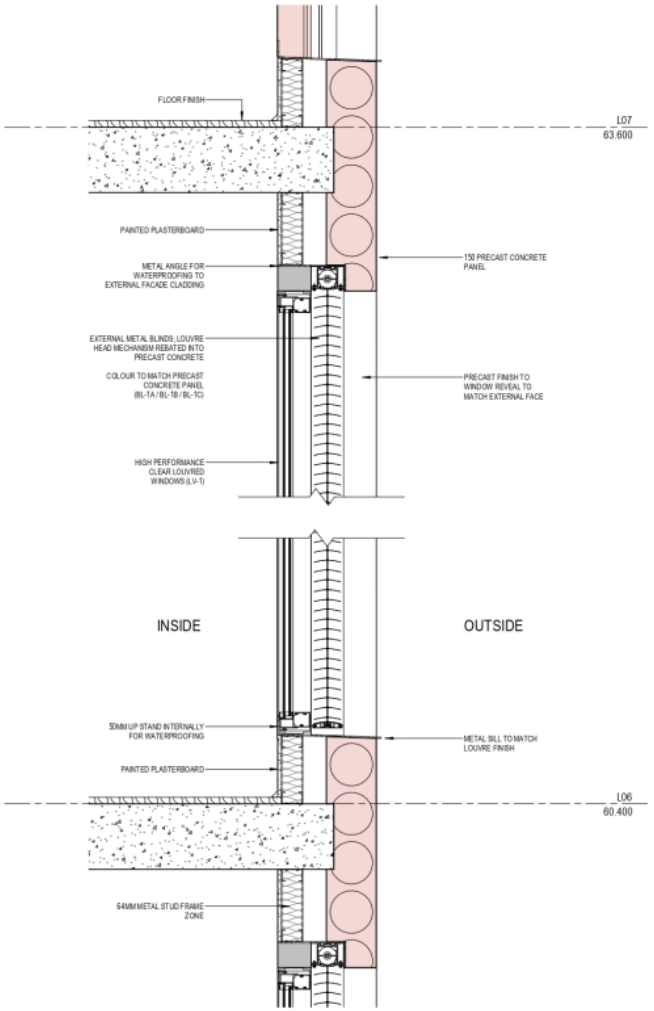
REV NO.
E

Attachment 2 - Previous Decision Plans

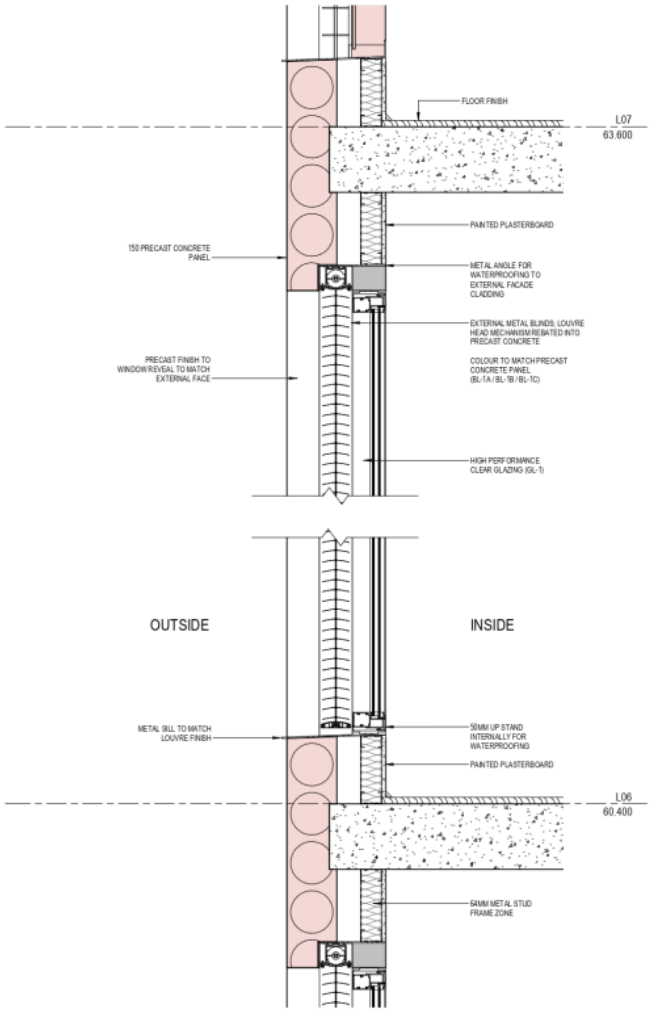


CONSULTANT: Hassell LOT ABN 067 711 435, 61 Little Collins Street, Melbourne Vic 3000 Australia, T +61 3 8102 3000, F +61 3 9654 1422, melbourne@hassellstudio.com, Architect Directors VIC: ABN 53922938716/55, Peter Lee 13798	REFERENCE	NORTH	NOTES: 1. Do not scale drawing. Written dimensions govern. 2. All dimensions are in millimeters unless noted otherwise. 3. All dimensions shall be verified on site before proceeding with the work. Hassell shall be notified in writing of any discrepancies. 4. This drawing must be read in conjunction with all relevant contracts, specifications and drawings. This drawing is an uncontrolled copy. Unless noted otherwise. © Copyright of this drawing is vested in Hassell Ltd.	REV: E — DESCRIPTION: RFI Response — DATE: 27/04/21	CLIENT: ARGO GROUP; PROJECT: STUDENT ACCOMMODATION, 133-137 VICTORIA PARADE	STATUS: DRAWING TITLE: External Screen Visibility Testing	REVIEWED: Checker; APPROVED: Approver; DRAWING NO.: SK_4003	SCALE @ A1: As indicated; PROJECT NO.: 014905; REV NO.: E

Attachment 2 - Previous Decision Plans



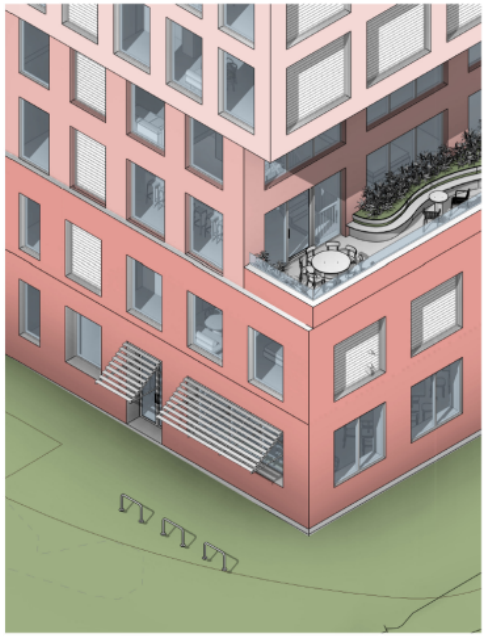
1 SK_3000 Typical Window Reveal - North / South
1 : 10



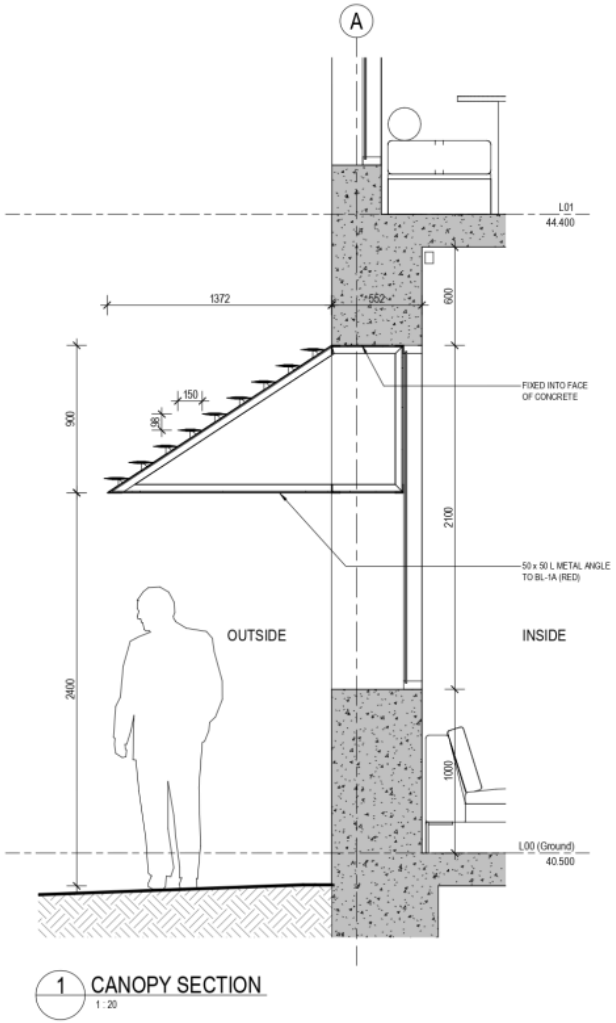
2 Typical Window Reveal - East / West
1 : 10

CONSULTANT: Hassell LTD ABN 007 711 435, Level2, Pier 8/9,23 Hickson Rd, Sydney NSW 2000 Australia, T +61 2 9101 2000, F +61 2 9101 2100, sydney@hassellstudio.com, Nominated Architects NSW: Tony Grist 5350, Glenn Scott 5843, Ross de la Motte 7398	REFERENCE	NORTH	NOTES: 1. Do not scale drawing. Written dimensions govern. 2. All dimensions are in millimeters unless noted otherwise. 3. All dimensions shall be verified on site before proceeding with the work. Hassell shall be notified in writing of any discrepancies. 4. This drawing must be read in conjunction with all relevant contracts, specifications and drawings. This drawing is an uncontrolled copy. Unless noted otherwise. © Copyright of this drawing is vested in Hassell Ltd.	REV: E	DESCRIPTION: RFI Response	DATE: 27/04/21	CLIENT: ARGO GROUP	PROJECT: STUDENT ACCOMMODATION, 133-137 VICTORIA PARADE	STATUS	DRAWING TITLE: TYPICAL WINDOW REVEAL	REVIEWED: Checker	APPROVED: Approver	SCALE @ A2: 1 : 10	PROJECT NO.: 014905	DRAWING NO.: SK_4004	REV NO.: E

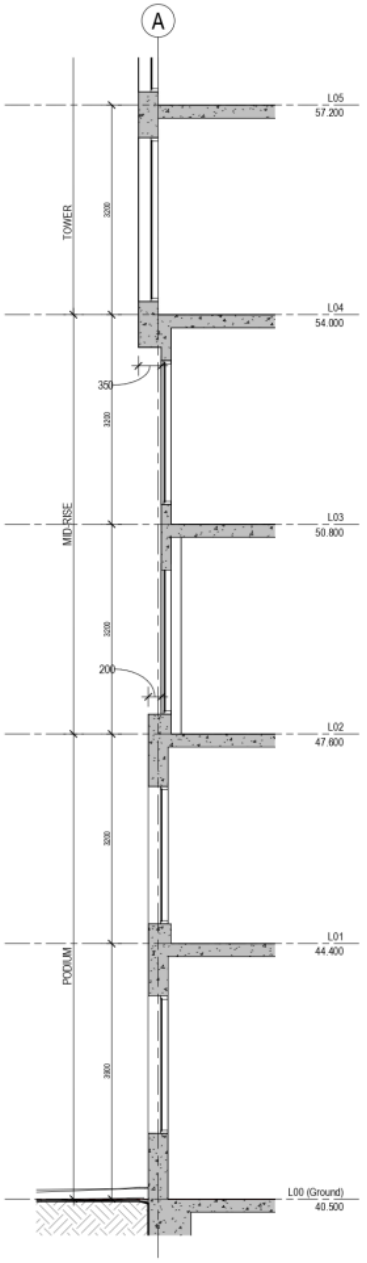
Attachment 2 - Previous Decision Plans



3 CANOPY AXO



1 CANOPY SECTION
1 : 20



2 FACADE SECTION
SK_4003 1 : 50

REFERENCE MAP NORTH

0 2 4 6 8 m

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REV	DESCRIPTION	DATE
E	RFI Response	27/04/21

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CLIENT
ARGO GROUP

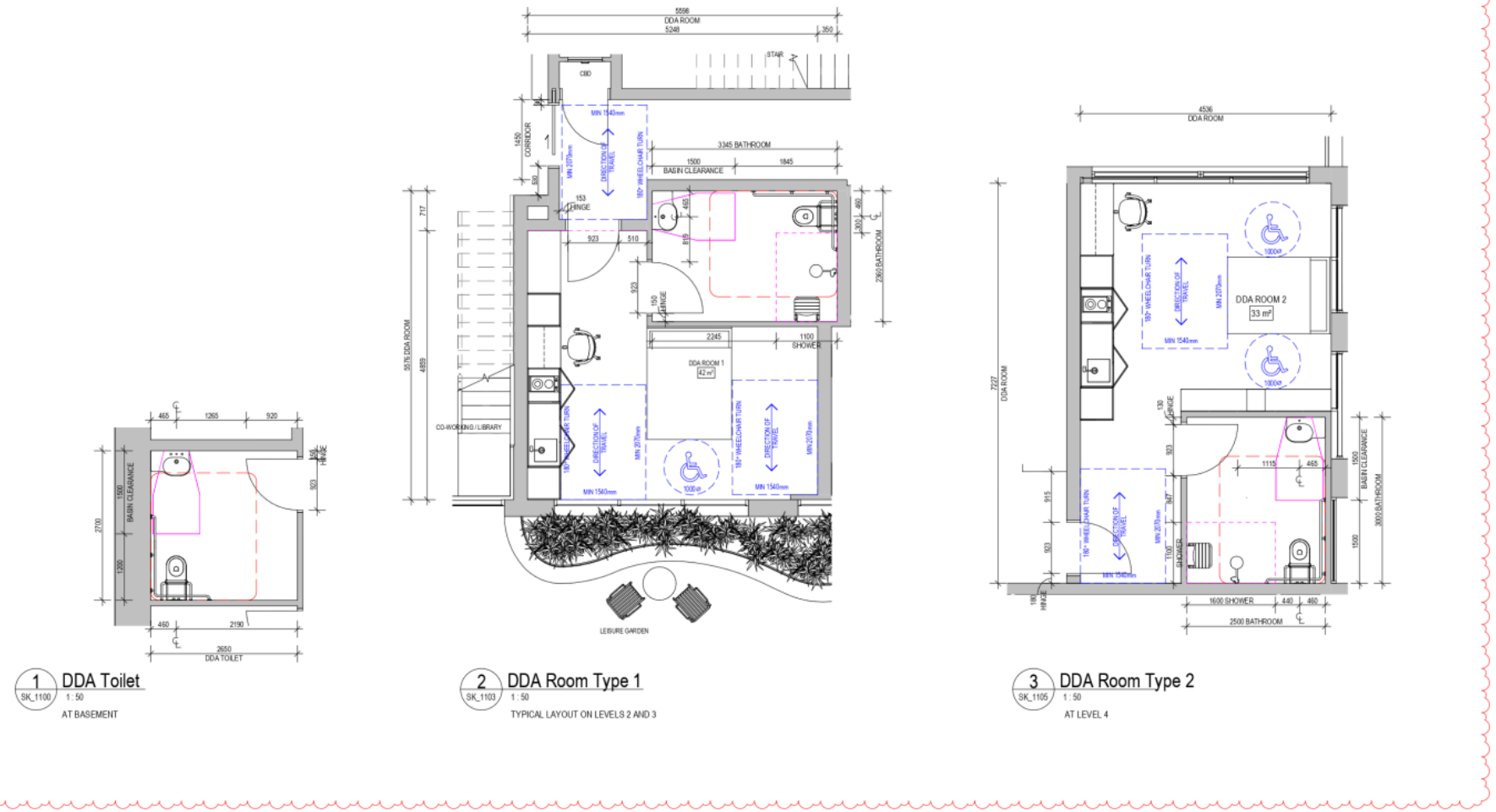
PROJECT
STUDENT ACCOMMODATION
133-137 VICTORIA PARADE

STATUS

DRAWING TITLE
CANOPY SECTION

REVIEWED	SCALE @ A2
Checker	As indicated
APPROVED	PROJECT NO.
Approver	014905
DRAWING NO.	REV NO.
SK_4005	E

Attachment 2 - Previous Decision Plans



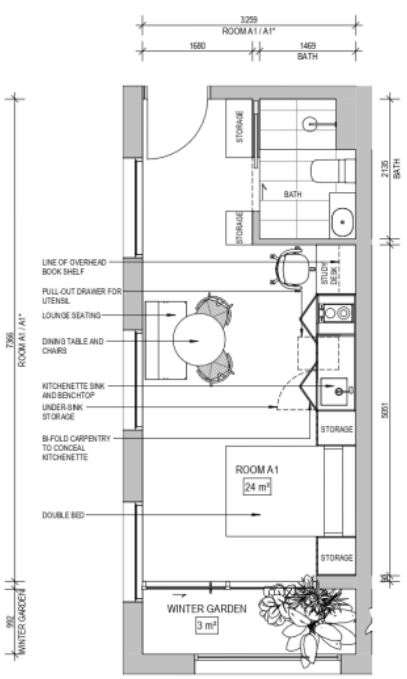
1 SK_1100 DDA Toilet
1 : 50
AT BASEMENT

2 SK_1103 DDA Room Type 1
1 : 50
TYPICAL LAYOUT ON LEVELS 2 AND 3

3 SK_1105 DDA Room Type 2
1 : 50
AT LEVEL 4

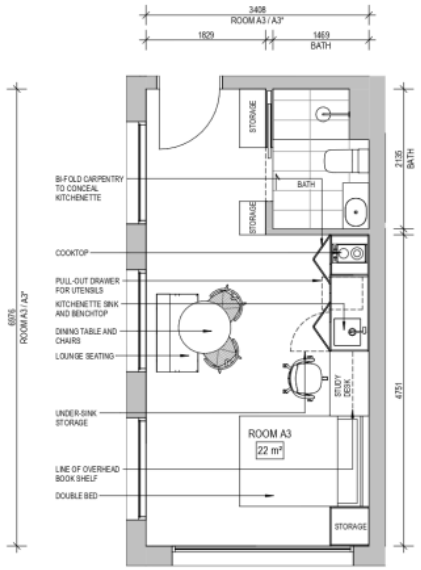
CONSULTANT: Hassell LTD ABN 007 711 435, Level2, Pier 8/9,23 Hickson Rd, Sydney NSW 2000 Australia, T +61 2 9101 2000, F +61 2 9101 2100, sydney@hassellstudio.com, Nominated Architects NSW: Tony Grist 5350, Glenn Scott 5842, Ross de la Motte 7398	REFERENCE	NORTH	NOTES: 1. Do not scale drawing. Written dimensions govern. 2. All dimensions are in millimeters unless noted otherwise. 3. All dimensions shall be verified on site before proceeding with the work. Hassell shall be notified in writing of any discrepancies. 4. This drawing must be read in conjunction with all relevant contracts, specifications and drawings. This drawing is an uncontrolled copy. Unless noted otherwise. © Copyright of this drawing is vested in Hassell Ltd.	REV: F	DESCRIPTION: RFI Response	DATE: 27/07/21	CLIENT: ARGO GROUP	PROJECT: STUDENT ACCOMMODATION, 133-137 VICTORIA PARADE	STATUS	DRAWING TITLE: CLEARANCES FOR ACCESSIBILITY	REVIEWED: Checker	SCALE @ A2: 1 : 50
										APPROVED: Approver	PROJECT NO.: 014905
										DRAWING NO.: SK_4006	REV NO.: F

Attachment 2 - Previous Decision Plans

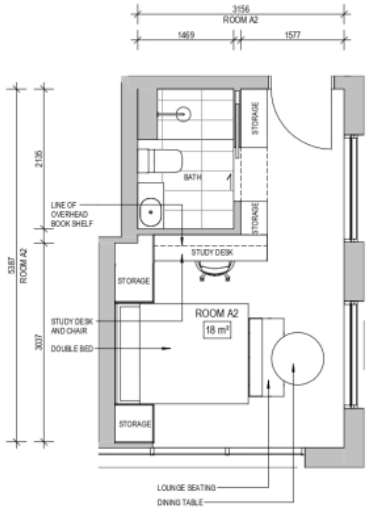


1 ROOM A1
SK_1102 1 : 50

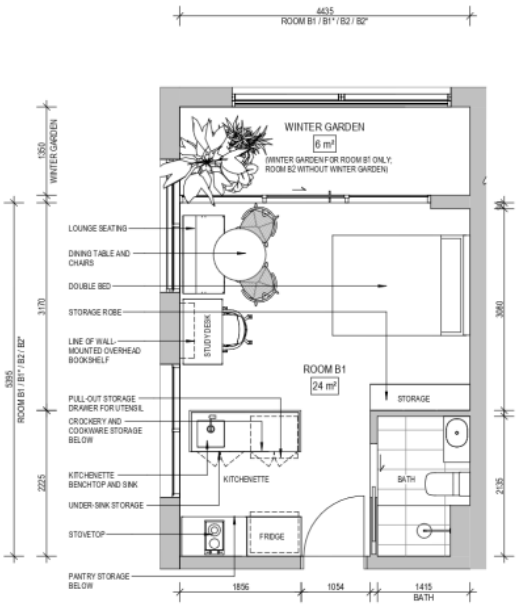
1. INTERIORS DRAWN ARE TYPICAL LAYOUT FOR ROOM A1 AND A1*
2. ROOM A1* DENOTES MIRRORED LAYOUT



2 ROOM A3
SK_1105 1 : 50



3 ROOM A2
SK_1104 1 : 50



4 ROOM B1 & B2
SK_1102 1 : 50

1. LAYOUT DRAWN ABOVE IS FOR ROOM B1 WITH WINTERGARDEN; ROOM B2 IS WITHOUT WINTERGARDENS.
2. INTERIORS DRAWN ARE TYPICAL FOR ROOM B1 AND B2.
3. ROOM B1* AND B2* DENOTES MIRRORED LAYOUT.

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REFERENCE

NORTH

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REV	DESCRIPTION	DATE
F	RFI Response	27/07/21

CLIENT
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PROJECT
STUDENT ACCOMMODATION
133-137 VICTORIA PARADE

STATUS

DRAWING TITLE
ROOM DETAIL PLANS

REVIEWED	SCALE @ A2
Checker	1 : 50
APPROVED	PROJECT NO.
Approver	014905
DRAWING NO.	REV NO.
SK_4007	F

Attachment 2 - Previous Decision Plans



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REFERENCE

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REV	DESCRIPTION	DATE
F	RFI Response	27/07/21
G	RFI Response	27/08/21

CLIENT
ARGO GROUP

PROJECT
STUDENT ACCOMMODATION
133-137 VICTORIA PARADE

STATUS

DRAWING TITLE
SHADOW DIAGRAMS - SEPT 22

REVIEWED
Checker

APPROVED
Approver

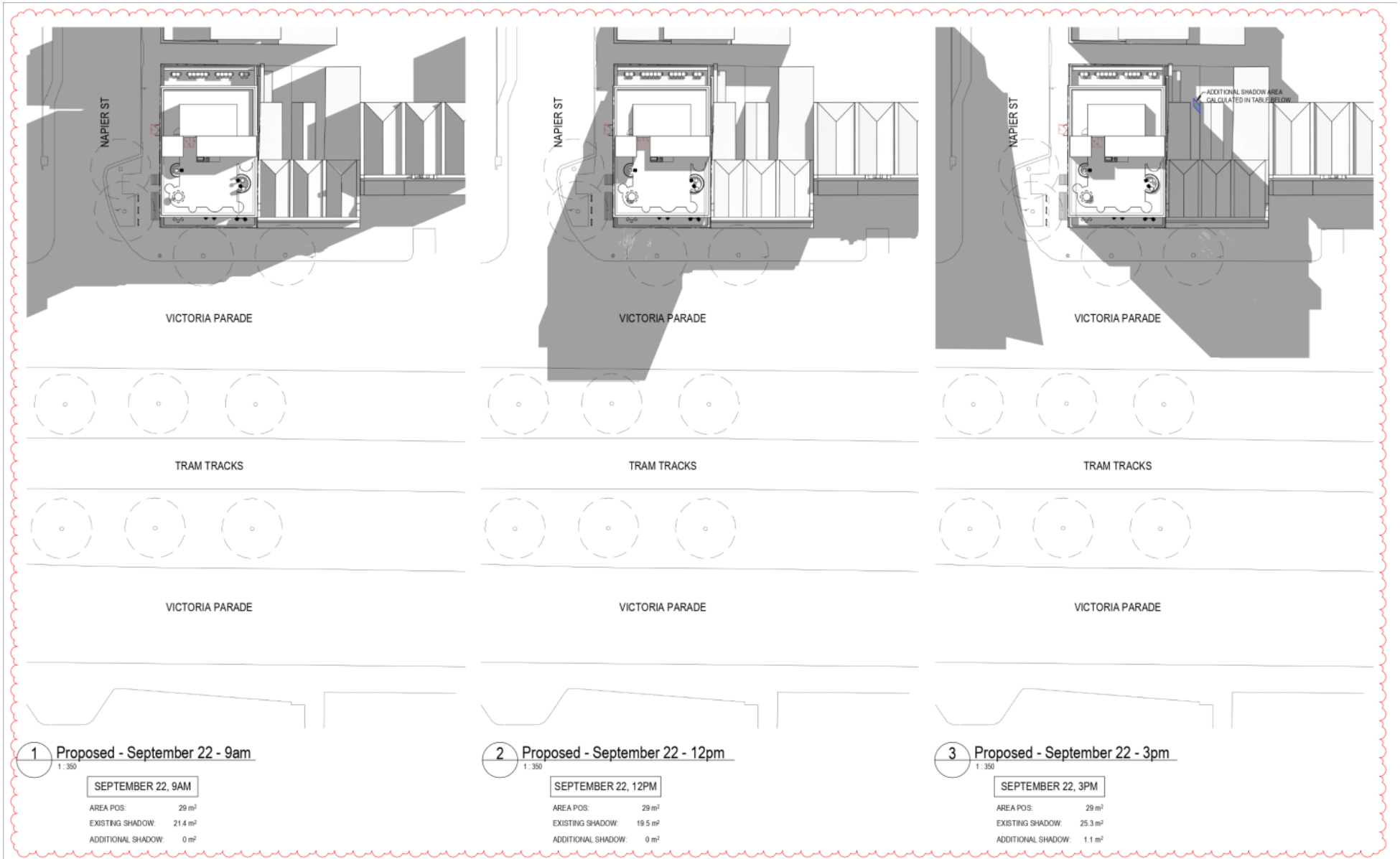
DRAWING NO.
SK_7002

SCALE @ A2
1 : 350

PROJECT NO.
014905

REV NO.
G

Attachment 2 - Previous Decision Plans



Attachment 3 - Consolidated Referral Comments

City of Yarra
Heritage Advice – VCAT Amended Plans

Application No.: PLN20/0931

Address of Property: 133-137 Victoria Parade, Fitzroy

Planner: Laura Condon

Yarra Planning Scheme References: Clauses 43.01, 21.05, 22.02 and DDO 2 and 39

I note that DDO39 has an expiry date of 21 April 2023.

I have provided advice previously on 17 December, 2021, Rev. 19 and 22 December. This advice is intended to be read in conjunction with the previous advice and thus not all the information contained in previous advice is repeated here although it may remain relevant.

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

Level of significance

No. 133-137 Victoria Parade, Fitzroy, the Victoria Parade Hotel site, now shops, constructed 1930 - 1940, are listed as being Not contributory in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*. (*Rev. March. 2020*).

The Statement of Significance for HO 334, South Fitzroy includes *viz.*:

> ***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; City of Yarra Review of Heritage Overlay Areas 2007 HO334 South Fitzroy Heritage Overlay Area Graeme Butler and Associates, 2007: 156 (amended)
> - As a good example of the successful application of the Act for Regulating Buildings and Party Walls, and for Preventing Mischiefs 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. [Emphasis added.]

Context

The site is located on the south-east corner of Napier Street and Victoria Parade.

Leaving aside the DDOs, there is no issue with a tall building in Victoria Parade *per se* as its width and boulevard nature can generally accommodate such a building. Where it would become problematic is when a tall building abuts a double- or single- storey heritage building or where it impacts on the streetscape, typically residential, in a precinct hinterland such as is the case here in relation to Napier Street.

Along Victoria Parade the site abuts a row of three double-storey terraces.

In this context a tall building is a concern insofar as there are visual impacts on Napier Street.

Abutting the site to the north is a pitched lane.

Proposal

Demolition of all existing fabric and construction of a 6 (previously 9) level building above a basement.

Drawing Numbers

Advertised plans: a set of architectural drawings prepared by Point Architects, labelled "P3 Council RFI" and as per Council's website.

Heritage Impact Statement prepared by Trethowan Architecture, dated 11/12/2020.

Assessment of Proposed Works

Demolition

Demolition as proposed is acceptable.

The Trethowan HIS states *viz.*:

> Some nineteenth century elements of the building [i.e. the Victoria Parade Hotel] may survive including the roof structure and the rear single storey wing fronting onto Napier Street. The general form of the nineteenth century building remains. Nevertheless, the current external appearance of the main elevations is consistent with a utilitarian design approach dating from the 1950s. (p. 10)

As advised previously "During demolition, if any 19th century fabric is discovered an archival photographic record in colour should be made and ultimately lodged in the Fitzroy Library. Similarly any significant fabric or artefacts should be retained and lodged with Council. This should be the subject of a permit condition to the satisfaction of the Responsible Authority".

Proposed works

Height

A reduction of three levels is a considerable improvement.

The overall height is now 21.64 metres compared with 29.7 metres previously to the top of the parapet and plus 2.6 metres for the lift overrun and rooftop plant (the latter complies with DDO39) making 24.2 metres overall compared with 34.75 metres previously. While this is an improvement, it exceeds to overall height of 14. 5 metres (4 storeys) specified in DDO39.

The height to the top of the Victoria Parade street wall (podium) is 7.7 metres which is just below the height (8 metres) specified in DDO39. DDO 39 at 2.3 states, *viz.*:

> Infill development should match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser.

The top of the street wall matches the parapet of the abutting terraces in Victoria Parade. (TP500 P1)

In summary, the street wall and rooftop –plant/lift overrun portions comply with DDO39 but the overall height exceeds that specified in DDO39 by 7.14 metres (2 storeys). DDO 39 at 2.5 states, *viz.*:

> Development should not exceed the heights shown on Maps 1 and 2, as applicable.

The adjacent site in Napier Street i.e. the Moviemakers building across (North of) the lane, is effectively three storeys high plus it also has a roof garden and perimeter balustrade. While not a heritage building the proposed height on the subject site will form a more comfortable transition between these two.

The context is a boulevard (Victoria Parade) which has double-storey Victorian dwellings, particularly east of the subject site on the north side and all the way to Gore Street (except for

the petrol station site) and a range of higher buildings (in Victoria Parade), and residential streets running northwards from it which predominantly are comprised of single- and double-storey Victorian dwellings. In my opinion the considerations are different for Victoria Parade and in this case Napier Street.

As advised previously, Schedule 2 to the DDO is concerned with Main Roads and Boulevards. No heights are specified. Insofar as heritage is concerned, included in the Design Objectives are *viz.*:

- To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.
- To limit visual clutter.

This last dot point accords with Cl. 21.04-1:

- Strategy 14.5 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.

Included in the Decision guidelines of DDO2 are, *viz.*:

- The design, height and visual bulk of the development in relation to surrounding land uses and developments.
- The design, height and form of the development in relation to the built form character of the street.

Schedule 39 to the DDO is concerned with Victoria Parade. Insofar as heritage is concerned, included in the Objectives are *viz.*:

> To ensure development to the west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character.
>
> 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. [Emphasis added.]

The proposal does not comply with these Objectives.



TP5-1. P1.

It is self-evident that the proposed building will be a dominant element in the Victoria Parade streetscape and which will draw attention away from the abutting terraces. The dark colour to the top when silhouetted against the sky will exacerbate this.



TP502. P1.

The view above is looking south along Napier Street. It is self-evident that the south end of Napier Street has been changed from a low rise and open (former car park) interface to one of a dense and higher built form as result of the development of the Australian Catholic University site (i.e.the partly constructed St. Teresa of Kolkatta building right in the above montage) and the top of the Mary Glowrey building, the latter in certain views from Napier Street. These buildings have set a precedent for height with regard to Napier Street. Insofar as the subject site is concerned, the existing building(s) are double-storey shops. The proposed building will still be visually intrusive, prominent and dominant, but to a lesser extent, when compared with

the previous proposal, in views southwards along Napier Street depending upon the viewing point.

On the south side of Victoria Parade at the end of Napier Street, there was a multi-level building (former NAB site) which has been replaced by a higher and more prominent building and which has closed the viewshed.

The relevant policy context includes Cl. 21.05, Objectives at Cl. 22.02 and Cl. 22.02-5.7; Cl. 22.02-5.7.2 Specific Requirements, DDO39. The details of these clauses and Schedule were set out in previous advice.

Literal compliance with the heritage policy context and DDO39 would still require a further reduction in height.

However, it is important to consider also the proposed building in the light of the existing context which is now dominated by St. Teresa of Kolkatta building and the top of the Mary Glowrey building and the building on the south side of Victoria Parade (former NAB site) which visually closes the south end of the Napier Street streetscape. This is one aspect of the physical context in which the proposal must be considered insofar as Napier Street is concerned. As now designed and as appreciated, the proposed building will be viewed in comparison with the St. Teresa of Kolkatta building so there will be something of a visual transition rather than an abrupt difference of scale in this interface (looking north) at the south end of Napier Street. The setback of 1.5 metres from Napier Street will also create a slight sense of space between the two and in addition to the space created by Napier Street.

The subject site is a corner site and while Victoria Parade can accommodate greater height than can Napier Street, there will be an abrupt transition in scale and a sheer wall between the proposed building and the abutting double-storey terraces particularly when viewed from the east. The proposed 4.03 metre setback (incorrectly dimensioned as 4.430 metres on TP107 P3) from Level 2 upwards, will lessen, but not eliminate, visual dominance in relation to the terraces.

On balance and in the context of the relevant policies and the existing and emerging (ACU site) physical context, the proposed building is generally acceptable.

Setbacks etc.

I note that 2.3 of DDO39 states, *inter alia,* that a corner splay should be provided. It is doubtful that a corner splay on this site in its context would achieve anything meaningful from a heritage perspective. No corner splay is proposed.

While 2.4 of DDO39 requires a setback from Victoria Parade of 6 metres, as explained previously, in this location a setback of 6 metres to Victoria Parade would not have any additional benefit to heritage beyond what is proposed.

In the physical context the setbacks proposed, while not compliant with DDO39, are acceptable from a performance perspective.

Design/Colours/Materials

I note that the design has been improved by being more regular and with the Napier Street fenestration now being mostly vertically-oriented rectangles which is appropriate.

Attachment 3 - Consolidated Referral Comments

I still have concerns with the red/pink/terracotta palette will be unique in Victoria Parade and Napier Street and a less striking and more neutral and sober colour palette is preferred so that as far as is possible the building blends in rather than standing out in the streetscapes. However, I note the recent brown/gold reflective glazed cladding to the former NAB site at the end of Napier Street. Notwithstanding, I am still in favour of a more neutral and sober colour palette.

The top level should be changed to a lighter colour such as a pale grey so that it is less dominant against the sky.

Recommendation / Comments:

Approved

While not complying with all of the policy context requirements but considering these in the existing physical context, there is sufficient compliance to make the proposal acceptable but subject to a reconsideration of the red/pink/terracotta palette and a lighter colour such as a pale grey to the top level.

During demolition, if any 19th century fabric from the former Victoria Parade Hotel is discovered an archival photographic record in colour should be made and submitted to Council for ultimate lodgement in the Fitzroy Library. Similarly any significant fabric or artefacts should be retained and lodged with Council. Noting that this might require some input, perhaps a site inspection, by Council's Heritage Advisor. This should be the subject of a permit condition to the satisfaction of the Responsible Authority.

Signed:



Robyn Riddett

Director – Anthemion Consultancies
Date: 10 June, 2022.

Attachment 3 - Consolidated Referral Comments

Urban Design Memo

To:	Laura Condon	Date:	10/06/2022
Company:	City of Yarra	From:	Hansen Urban Design Team
Re:	133-137 Victoria Parade, Fitzroy		

Thank you for the opportunity to review the VCAT Amended Plans for the proposed 6 storey mixed use – office development at **133-137 Victoria Parade, Fitzroy**. Our assessment is based on the town planning application plans prepared by Point Architects, dated 09/05/2022 as well as site investigations (undertaken 08/06/2022) and a comprehensive review of relevant Planning Policies.

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

Site & Context

The subject site is a corner site, positioned on the north-east corner of Victoria Parade and Napier Street. The site also benefits from a rear laneway which traverses its northern boundary. The site is generally rectangular is shape and comprises an approximately 14.5m frontage to Victoria Parade, and an approximately 24.3m frontage to Napier Street, with a slight stagger along its eastern boundary and results in a total site area of approximately 358m^2. The site currently contains a 2 storey commercial building ('graded non-contributory), accommodating a florist and a café, the florist used to front onto Victoria Parade, while the café is positioned to the corner and address both Victoria Parade and Napier Street frontages.

The subject site is located along the Victoria Parade 'boulevard' a significant streetscape on approach to the Melbourne CBD. Victoria Parade, presents a grand streetscape character, defined by its broad central median provision comprising mature avenue planting and central tram provision. The built form condition along Victoria Parade is diverse, varying from more institutional uses associated with the hospital/s to heritage terraces. It is also covered by two Planning Schemes, with the southern side being located within the City of Melbourne, while the northern side is within the City of Yarra.



Nearmap extract – 17 April 2022

Attachment 3 - Consolidated Referral Comments

The site has the following interfaces:

- To the immediate **north**, the site abuts an unnamed bluestone laneway (approximately 3.1m wide). Across the laneway is 2-4 Napier Street which comprises a 3 storey brick building, utilised as a dwelling within the Neighbourhood Residential Zone – Schedule 1. The building comprises a garage roller door and blank wall at Ground Level and single habitable room window at First Floor abutting the laneway, with a roof top terrace, positioned to its Napier Street frontage. Further, to the north, Napier Street comprises predominately 1-2 storeys residential development in attached heritage terrace forms.
- To the immediate **east**, the site abuts 139, 141 and 143 Victoria Parade, which comprise a series of attached 2 storey terraces houses, which all front Victoria Parade, within the Commercial 1 Zone. 139 Victoria Parade comprises a 2 storey dwelling with a party wall along the common boundary. 143 Victoria Parade is current utilised for commercial purposes, accommodating a medical consulting clinic.
- To the immediate **south**, is Victoria Parade an approximately 70m arterial road reserve, comprising three lanes of traffic in each direction, plus bus lanes and a broad central median comprising tram routes 12 and 109 and mature avenue planting.
- Across Victoria Parade (within the City of Melbourne) is 200-222 Victoria Parade, a large corner site where the 10 storey 'Victoria Place' development is currently under construction and 224-230 Victoria Parade, which comprises a 10 storey commercial building and 232 Victoria Parade, which comprises an 8 storey commercial building.
- To the immediate **west**, is Napier Street, an approximately 20m wide road reserve. Napier Streets is a one-way (southern bound) local street. Across Napier Street at the corner of Victoria Parade is the Australian Catholic University (ACU) campus. This closest part of ACU is currently undergoing a significant redevelopment, to comprises a 12 storey (Mother Teresa building) contemporary form, in front of the heritage Mary Glowrey building.
- Further to the west, the ACU campus continues, comprising large institutional forms up to the Brunswick Street junction.



Subject site – existing 2 storey building fronting Victoria Pde



North – 2 and 3 storey dwellings at along eastern side of Napier St



East – 2 storey heritage terraces along the northern side of Victoria Pde



South – Victoria Pde streetscape, looking west



South – 10 storey 'Victoria Place' development (under construction)



West – 12 storey ACU 'Mother Teresa' building (under construction)

Attachment 3 - Consolidated Referral Comments

Planning and Design Framework

The site is located within the **Commercial 1 Zone (C1Z)**.
The purpose of the zone is:

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

The site is subject to **Design and Development Overlay – Schedule 2 and 39, (DDO2 and DDO39)**.
DDO2 – Main Roads and Boulevards contains the following design objectives:

- *To recognise the importance of main roads to the image of the City.*
- *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
- *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
- *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.*
- *To encourage high quality contemporary architecture.*
- *To encourage urban design that provides for a high level of community safety and comfort.*
- *To limit visual clutter.*
- *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

DDO39 – Victoria Parade contains the following objectives:

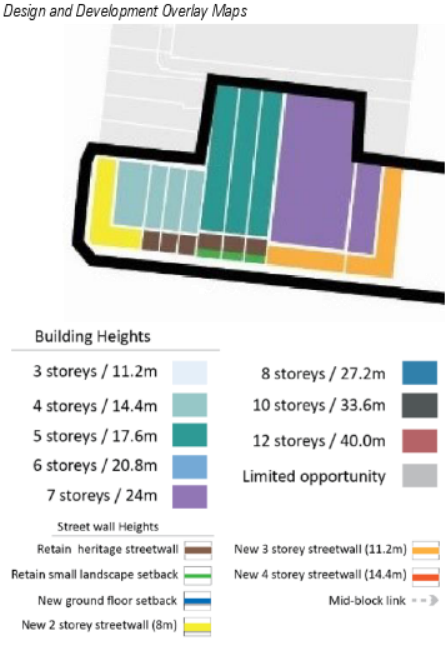
- *To ensure development responds to the varied character and open streetscape of Victoria Parade by supporting:*
  - *a new lower- to mid-rise character (ranging from 3 to 7 storeys) behind a varied heritage street wall west of Wellington Street, excluding the Smith Street junction;*
  - *a new mid-rise character (ranging from 3 to 10 storeys) behind a consistent street wall at the Smith Street junction; and*
  - *a new mid- to higher-rise character (ranging from 3 to 12 storeys) behind a new, consistent street wall east of Wellington Street.*
- *To ensure development to the west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character.*



Zone Map



Design and Development Overlay Maps



Extract Map 1 DDO39

Attachment 3 - Consolidated Referral Comments

- *To ensure new development responds to the grand, tree lined, boulevard character of Victoria Parade.*
- *To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of footpaths on the opposite side of streets, central median of Victoria Parade and public spaces.*
- *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.*

The site is also subject to **Heritage Overlay – Schedule 334 (HO334)** and a **Development Contributions Plan Overlay- Schedule 1 (DCPO1)**. HO334 - South Fitzroy Precinct is a broad heritage precinct that applies to much of the surrounding neighbourhood.



Heritage Overlay Map

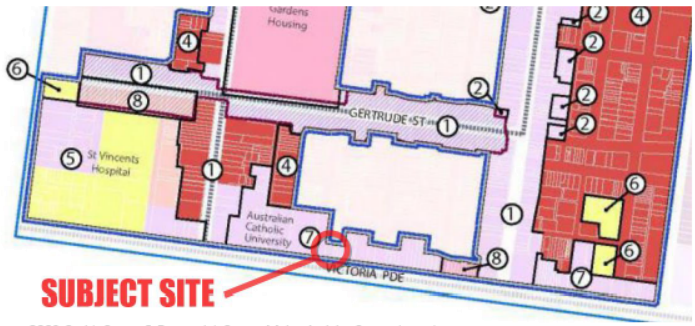
The following Planning Policies are considered relevant to this urban design assessment:

- Clause 15 – Built Environment and Heritage;
  - Clause 15.01-1S – Urban Design;
  - Clause 15.01-1R – Urban design – Metropolitan Melbourne;
  - Clause 15.01-2S – Building design;
- Clause 21.03 – Vision;
- Clause 21.05 – Built Form; and
- Clause 22.10 – Built form and design policy.

Other relevant documents include;

- Victoria Parade Built Form Framework (2020);
- Urban Design Guidelines for Victoria (2017); and
- Victorian Urban Design Charter (2010).

Planning Scheme Amendment C269 is a seriously entertained amendment and identifies the subject site within the broader Smith Street & Brunswick Street Major Activity Centre. Specifically, the site is located within Category 7, being a Commercial 1 and Commercial 2 land fronting a main road that intersects the main street of the retail core, and contiguous with land in another category.



Extract C260 Smith Street & Brunswick Street Major Activity Centre boundary

Attachment 3 - Consolidated Referral Comments

The Proposal

The proposal includes the demolition of all structures on site for the subsequent construction of a 6 storey mixed use building comprising office and a food and drink premises. Specifically, the proposal includes;

- A basement constructed to the south, east and west boundaries and setback a minimum of 2.6m from the north, comprising food & drink premises (87m^2), Bike storage (26 bikes), end of Trip facilities, fire pump room and car pit stacker;
- A Ground Floor constructed to both street frontages, comprising a main entrance from Napier Street into a lobby with a food & drink premises tenancy fronting Victoria Parade. The lift and stair core are positioned centrally, with a car pit stacker access from the laneway;
- A massing arrangement comprising a 2 storey podium and rising form above, setback 4m from Victoria Parade and 1.5m from Napier Street and a slightly recessive top floor;
- An overall height of 21.5m to the top of the parapet, with the lift core rising to 24.1m;
- A street wall height of 7.9m to Victoria Parade;
- Levels 1-5 comprising office space, with a balcony (25m^2) at Level to facing Victoria Parade;
- A blank wall on boundary along the eastern boundary, with a gridded pattern at Levels 3-4; and
- A geometric design language of the proposed building comprises a regular gridded fenestration pattern within precast concrete panel with a texture finish at podium level and smoother texture at upper levels and presented in a red, pink and woodland grey colours. Glazing is predominantly clear.



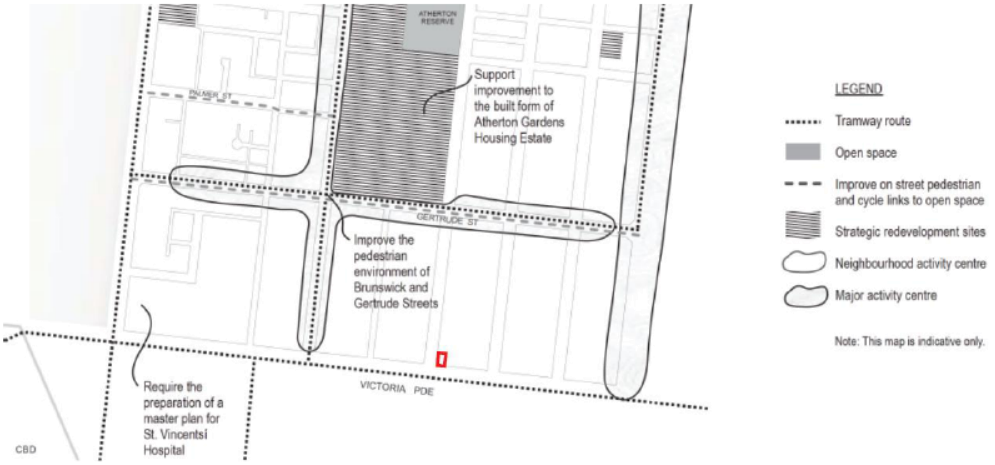
Extract – Architectural package prepared by Point Architects, illustrating proposal within Victoria Parade streetscape

Attachment 3 - Consolidated Referral Comments

Urban Design Assessment

Strategic Context

- The Yarra Planning Scheme seeks to maintain the City's urban character as a 'low-rise urban form with pockets of higher development'. Clause 21.05 – 2 states that low- rise building heights within the municipality predominantly vary between 1-2 storeys, with instances of 3-4 storey buildings. Pockets for higher development are Strategic Redevelopment Sites or within Activity Centres and should generally be no more than 5-6 storeys, unless specific benefits can be achieved. The subject site is not located within an Activity Centre (currently), but C269 seeks to include it with a Major Activity Centre) or a designated Strategic Redevelopment Site. However, the DDOs are the key guiding controls in respect of built form outcomes. Therefore, development should maintain a low-rise form.



Extract of Cl 21.08 Figure 17 show location of subject site in relation to Activity Centre

- The subject site is located within two Design and Development Overlay, being both DDO2 and DDO39. As these DDOs contain the most relevant provisions in relation to built form scale and massing, we will focus our assessment on them and in particular the new DDO39.
- **DDO2** applies to Yarra's main roads and boulevards, and seeks '*to reinforce and enhance the distinctive heritage qualities*' and '*to recognise and reinforce the pattern of development and the character of the street*', '*encourage high quality contemporary architecture*' and '*to maintain…a high level of amenity to adjacent residential uses*'.
- **DDO39** was implemented into the Yarra Planning Scheme in October 2021 on an interim basis, with its provisions due to expire on 21st April 2023. DDO39 was implemented without transitional provisions and therefore is applicable. DDO39, specifically applies to commercial or mixed use zoned properties along the northern side of Victoria Parade – between Napier Street and Hoddle Street. DDO39 seeks:

> '*a new lower-to mid-rise character (ranging from 3 to 10 storeys) behind a varied heritage street wall west of Wellington Street*', and '*to ensure development west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character*' and '*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*'.

- Specifically, in relation to the subject site, DDO39 identifies the following preferred overall heights and street walls. An overall height of 4 storeys (14.4m) rising above a new street wall height of 2 storeys (8m). In contrast the proposal comprises an overall height of 6 storeys (21.5m). This exceeds the discretionary overall height by 2 storeys or 7.1m. Therefore, a detailed assessment against the objectives and other requirements of DDO39 is required.
- An assessment of the applicable DDO39 requirements are as follows:

DDO39 Assessment

- In response to the relevant Objectives, the proposal at 6 storeys falls within the broad (3-10 storey) range of new lower to mid-rise forms sought to the west of Wellington Parade. However, this stated ambition is highly varied as it needs to cover the approximately 560m frontage of diverse properties along the northern side of Victoria Parade, spanning the five urban blocks between Napier Street and Wellington Street. As the subject site is a smaller to moderate sized parcel within this area of Victoria Parade, its anticipated maximum scale is tempered relative to its lot dimensions and in particular its depth – being approximately 24.4m. Given the DDO objectives which seek to respect the heritage street wall profiles and ensure that any new upper level forms are recessive to the heritage elements, spatial separation is required. This is sought by the 6m setback provision above the street wall to Victoria Parade. In addition, the last DDO objective seeks a suitable transition to abutting low scale residential properties to the north primarily to avoid unreasonable visual bulk impacts. This is sought by the 8m and 45 degrees rear building envelope provision.
- As a consequence of these objectives and the spatial provisions imposed to both a site's street frontage and residential interface, that lot depth (as well as heritage fabric) become the key determining factors in formulating an appropriate overall height for this site. Therefore, given the discretionary nature of the preferred 4 storey maximum height and slight increase to 5 storeys may be acceptable. However, the visual impact of upper levels from oblique views along Napier Street (from the north) and Victoria Parade (primarily from the east) will be critical in determining the appropriateness of a future form and its response to its immediate context.



Existing oblique view along Napier Street, towards the site

Street Wall Height and Setback Requirements

  - *Infill development should match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser.*
  - *Development should achieve a continuous street wall with no front setback to a street, unless the site is a heritage building and a front setback already exists.*
  - *The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.*
  - *Development of non-heritage buildings on street corners should provide a corner splay at minimum of 1 x 1 meter along the site's corner boundaries.*
- In response, the proposal in relation to the podium, comprises a 2 storey (7.9m) street wall, which appropriately 'matches' the height and profile of the abutting heritage terrace form at 139 Victoria Parade (although not shown on the plans). However, this street wall profile is lost along the Napier Street frontage as upper levels are not setback the recommended 3m dimension. However, the proposal does provide a 1m x 3.7m setback at Ground Floor level to its street corner and therefore exceeds the minimum 1 x 1m corner splay requirement.

Attachment 3 - Consolidated Referral Comments

Upper Level Setback Requirements

- *Upper levels above the street wall within or immediately adjacent to land subject to the Heritage Overlay should be set back by a minimum of 6m on Victoria Parade and Wellington Street.*
- *Upper levels above the street wall should be set back by 3 metres from the secondary frontage.*
- *Upper levels should:*
  - *be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage streetscape and minimise upper level bulk;*
  - *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.*
- *Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies and balustrades should not protrude into a setback.*

- In relation to upper levels, the proposal comprises a minimum 4m front setback to Victoria Parade at Levels 2-4 and 4.4m at Level 5 and 1.5m secondary setback to Napier Street at Levels 2-4 and 1.9m at Level 5. As a result, the upper levels are not visually recessive and will unreasonably overwhelm the abutting heritage streetscape and present excessive visual bulk, when viewed from within the public realm. As the top level is setback slightly further than the level below, the overall massing arrangement of the rising from will comprise two steps and therefore complies with upper level massing requirement and avoids repetitive steps.



Extract of TP105 Rev P2 F, demonstrating extent of preferred upper level setbacks

Overall Building Height Requirements

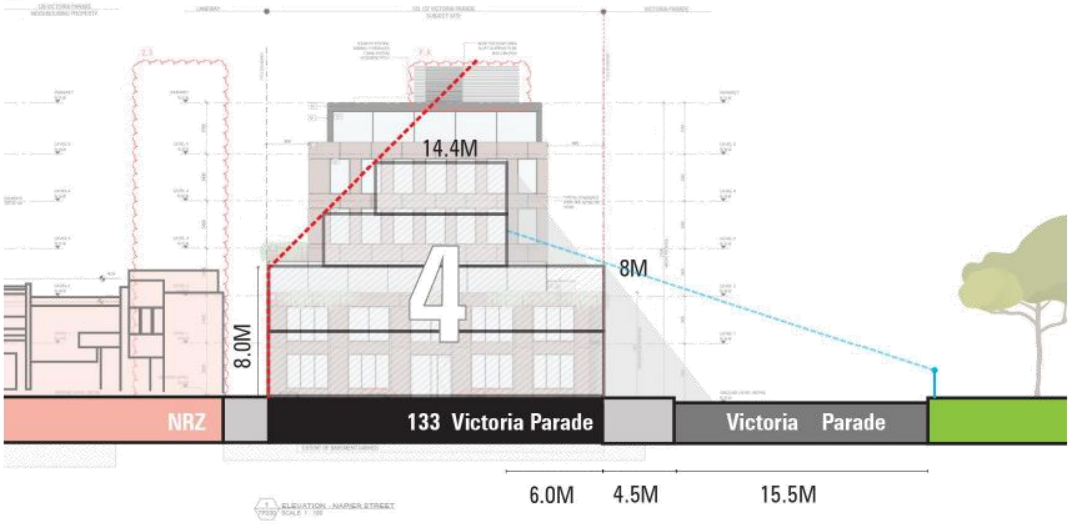
- *Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:*
  - *the equipment/structures 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 proposed building height; and*
  - *the equipment/structures occupy less than 50 per cent of the roof area (solar panels excepted).*

- In relation to overall building height, aside from exceeding the preferred 4 storey height, the proposed lift core rises a maximum of 2.6m above the parapet to AHD 61.90. Therefore, the lift core complies with the 2.6m height requirement. The proposed equipment/structure will also occupy less than 50% of the roof area and will not cast additional shadow on private open space to residential land, the opposite footpath or kerb outstands.

Interface Requirements

- Development on a rear boundary should not exceed 8m in maximum height, when adjoining NRZ land – whether or not separated by a laneway.
- *Upper levels above a rear boundary wall should be set back from the rear boundary and be contained within a 45 degree setback envelope.*
- *Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) to avoid repetitive stepping of individual levels.*
- *Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.*
- *Development should not visually dominate adjoining residential sites, including where separated by a laneway.*

- In relation to interfaces, the proposal rises to AHD 51.40 (on the rear boundary) above natural ground level of approximately AHD 40.5 or to a height of approximately 10.9m, which exceeds the preferred 8m height. Above this, the proposal is setback 3m for Levels 3-4 and increases to 4.3m for Level 5, and does not comprise a setback profile of 1:1 or fall within a 45 degree envelopment. Therefore, the proposal does not comply with the interface requirements and will present unreasonable bulk to abutting secluded private open space that will visually dominate adjoining residential property.



Extract of TP200 Rev P3 West Elevation, with DDO39 preferred overall height and massing arrangement overlaid

Overshadowing

- *Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.*
- *New development should not overshadow:*
  - *the northern edge of the Victoria Parade central median at 12pm on 22 September;*
  - *the footpath on the western side of any street (3m from property boundary, including the street) at 10am and eastern footpaths (3m from property boundary, including the street) at 2pm on 22 September (except Cromwell, Islington, Rockeby and Rupert Streets);*
  - *any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.*



Extract of TP401 Rev P3, showing 22 September 11am proposed shadow extent

- In response, the proposal presents hourly shadow studies between 9am and 3pm at 22 September.
- In relation to the 12pm overshadowing provision, the proposal will not cast a shadow onto the central median of Victoria Parade and therefore, complies with this requirement.
- In relation to the western side of Napier St the proposal will not cast a shadow onto the footpath (or 3m from the property line), and therefore, complies with this requirement.

Common Boundary and Building Separation Requirements

- *Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:*
  - *be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site or exists on the adjacent property; and*
  - *be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window facing the common boundary is proposed on the subject site or exists on the adjacent property (including Commercial 2 Zone).*

- In response, the proposal comprises a blank wall on boundary – to the abutting property to the east. Therefore, no setback is required and the proposal complies with this requirement.

Attachment 3 - Consolidated Referral Comments

Building Layout Requirements

- *Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works.*
- *Ensure shop front widths are not reduced to the extent they become commercially unviable.*
- *Buildings in the Commercial 1 Zone and/or Mixed Use Zone should:*
  - *be designed to accommodate commercial activity at the ground floor level; and*
  - *incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground floor level, where heritage elements are not a constraint.*

- In response, the proposal does not contain information as to how the internal configuration of the build could be adapted or reconfigured in the future. However, we believe this to be a more minor consideration. While the proposed shop front footprint and extent of active frontage to both Victoria Parade and Napier Streets is appropriate and the proposed 4m floor to floor height complies with this requirement.
- We also consider the proposed 3.4m floor to floor height of the upper level offices to be minimum, but given the building's rather small floorplate and provision of glazing (to three sides) we consider that daylight amenity available to these levels acceptable.

Façade Design Requirements

- *Development along Victoria Parade should achieve active frontage design at ground level to create a high-amenity, pedestrian-oriented environment and passive surveillance towards the public realm.*
- *Development façades should:*
  - *relate to the vertical and horizontal proportions of either:*
    - *the historic fine-grain residential and retail shop front character of Victoria Parade to the west of Wellington 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.;*
  - *avoid overly busy façades that rely on a multitude of materials and colours;*
  - *avoid highly reflective glazing in openings of heritage buildings;*
  - *be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;*
  - *avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts and former industrial buildings; and*
  - *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.*
- *Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.*
- *Development should avoid blank walls visible to the public realm, including on side street frontages.*

- *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 response, the proposal comprises an appropriate podium presentation to its street frontages, with clear geometric proportions which reference the historic fenestration pattern of the existing building and comprise a suitable balance of solid to void expression. The façade is a constrained contemporary arrangement of rough precast concrete construction in red with depth provided via inset window reveals and the textured nature of the concrete.
- The proposal contains 4 levels of blank side wall on boundary – in a mid-block location. This wall is broken up into three portions, with Levels 2 and 5 being presented in a dark 'woodland grey' render and Level 3-4 comprising a 'pink' colour on articulated concrete panels which reference and continue the geometric pattern of the glazed facades along this blank sideage. This architectural treatment is considered acceptable.
- In summary, the proposal fails numerous requirements of the interim DDO39. Therefore, we believe the proposal will require an overall height and massing adjustments and refinement in order to appropriately respond to DDO39.



Extract of Artist Impression, demonstrating Victoria Parade presentation

Other matters

The incorporation of a food & drinks premises at basement level (without access to amenity) is questionable. We believe that this basement space would be more suitable for building services or back of houses provision.

Levels 1 and 2 appear to be lacking in the provision of structural columns to support the position of the rising form. We would expect either a transfer slab or columns be positioned beneath the building line (above), to disburse or support its mass.

The proposal contains clear glazing within the northern façade at Level 2 which is positioned approximately 3.4m from the existing roof-top terrace (private open space) within 2-4 Napier Street. Given the nature of this open space and its location within the NRZ1, we believe greater onus is placed on the proposal to more sensitively respond to it. Therefore, to avoid unreasonable overlooking, we would recommend either an increased setback, the removal of proposed glazing or at the very least the incorporation of privacy screens. This is to avoid overlooking within 9m and comply with ResCode Standard B22.



Real estate image of existing roof top terrace at 2-4 Napier Street

Attachment 3 - Consolidated Referral Comments

Conclusion

In summary, we are not supportive of the revised proposal. At 6 storeys it still exceeds the preferred (discretionary) 4 storey scale sought by DDO39 and also fails to meet numerous requirements. Resulting in a prominent rising form that fails to respect the prevailing low-rise scale and heritage context of this section of Victoria Parade (east of Napier Street). While the proposal's Ground Floor arrangement and podium form are broadly acceptable, the lack of meaningful upper level setbacks results in a 'prominent' massing arrangement whereby the rising form will be the dominant element, overwhelming the surrounding heritage context and failing to suitably transition down in scale and mitigate its visual bulk impacts on abutting NRZ properties within Napier Street.

We consider that minor reductions are required to the proposal's overall height, scale and massing in order for the proposal to respond to the DDO39's objectives and design requirements.

We also advise that unreasonable overlooking issues to the abutting roof top terrace (at 2-4 Napier Street) need to be resolved.

We trust the above urban design review will assist in the planning assessment of the proposal. For any queries, please contact the urban design team on 9654 8844.

Yours faithfully,

Hansen Partnership Pty Ltd

Hansen Urban Design Team

10/06/2022

Attachment 3 - Consolidated Referral Comments

Strategic Planning Formal Referral Response

Application Information	
Referral Officer	USERID
Officer	Kate Wall
Council Reference	VCAT000036
Address	133 Victoria Pde, Fitzroy VIC 3065
Proposal	VCAT Appeal against Planning Permit Application PLN20/0931- Amended application for the development of the land for a multi storey building (6 storeys over 1 basement level), full demolition of existing building and a reduction in the car parking requirements of the Yarra Planning Scheme (in association with an office and food and drink premises use- no permit required for uses).
Comments Sought	D22 123563 IRE22 00752

Attachment 3 - Consolidated Referral Comments

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.

Comments and Recommendations

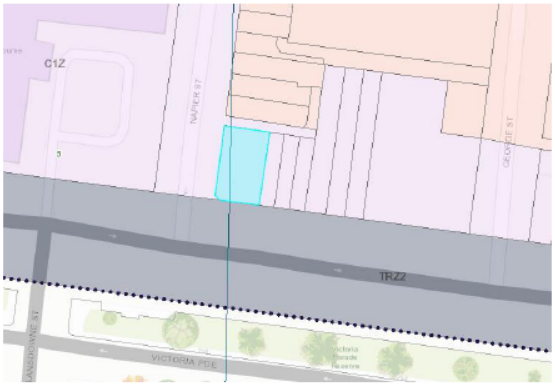
Relevant amendment and status

- Amendment C288yara – Fitzroy & Collingwood Interim Planning Controls Stage 2 – Gazetted 22 October 2021 (with some changes)

Existing and proposed controls

- Commercial 1 Zone
- Heritage Overlay - Heritage Grade: Non-contributory
- Design and Development Overlay Schedule 2 (DDO2)
- Design and Development Overlay Schedule 39 (DDO39)
- Development Contributions Plan Overlay Schedule 1 (DCPO1)

Subject Site Plan



Strategic Planning summary of full comments:

The following feedback is provided:

Note: The comments in this assessment focus compliance with Schedule 39 to the Design and Development Overlay (DDO39). They do not provide commentary on other sections of the planning scheme or fully assess the internal amenity impacts of the application.

The proposed development complies with most of the built form and design requirements of interim **DDO39** Victoria Street. The VCAT Amended Plans make improvements on the building height, street wall, interface requirements, overshadowing and façade design requirements.

The Strategic Planning Unit provided comments on the initial plans included in the Planning Application on 2 September 2021.

It is considered that the proposal does not meet the preferred upper level setback requirements in **DDO39** as the proposed upper level setbacks to Victoria Parade (4m-4.4m) fail to comply with the preferred upper level setback requirement (minimum of 6m) and to Napier Street (1.5m-1.9m) fail to comply with the preferred upper level set back requirement (minimum of 3m). An increase in the upper level setbacks to Victoria Parade and Napier Street would be required to satisfy the requirements of objectives of the **DDO39**.

Additionally, the proposal does not meet the maximum height requirements in **DDO39** as the proposed height exceeds the preferred maximum height requirement by 10.5m. This extrapolates the negative impact that the non-compliance of the upper level setbacks on Victoria Parade and Napier Street has on the visual bulk and building separation of the proposal.

To support this proposed development, it is recommended that the height is reduced and that the setbacks on Victoria Parade and Napier Street be improved to be more in line with the requirements of interim **DDO39**.

Attachment 3 - Consolidated Referral Comments

Building height

- It is considered that the proposed height for the development does not comply with interim **DDO39**.
- The proposed building height exceeds the preferred maximum height limit in the interim **DDO39** by 10.5m.
- The proposed building fails to satisfy the following objective on building height and scale in the interim **DDO39**:

  To ensure development to the west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character.

- It is also inconsistent with the preferred Precinct Character Statement for 'Precinct 1: Victoria Parade West' by the *Victoria Parade Built Form Framework* (Hansen, December 2020), specifically the following:

  There is generally low to moderate change expected to occur across Precinct 1 due to the configuration of narrow allotments, presence of heritage fabric including VHR sites, interface with residential areas to the north as well as the General Residential Zone covering allotments (east of Gore Street) permitting a maximum 3 storeys.

  …Infill development opportunities within the precinct will be recessive, adopting a 'street wall and setback' model to retain the prominence and consistency of the heritage parapet when viewed from within the street corridor.

- The variation of 10.5m in building height of the proposed development is not supported.

Upper level setback

- It is considered that the upper level setbacks for the proposed development do not comply with interim **DDO39**.
- The proposed setbacks to Victoria Parade of 4m-4.4m fail to comply with the preferred minimum upper level setback requirement of 6m.
- The proposed setbacks to Napier Street of 1.5m-1.9m fail to comply with the preferred minimum upper level setback requirement of 3m.
- The proposal does not satisfy the following upper level setback requirement of interim **DDO39**:

  Upper levels should:

  - *be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage streetscape and minimise upper level bulk;*

Street wall height

- It is considered that the proposed development meets the preferred street wall requirements of **DDO39**.
- The proposed Napier Street wall height (7.7m) is a significant improvement from the previous advertised plans of the proposed development which had a street wall height of 29.7

Attachment 3 - Consolidated Referral Comments

Strategic Planning Formal Referral Response

Assessment of compliance with built form requirements:

Built form requirements	DDO39	Proposal	Assessment of proposal
Building height	Preferred 14.4m (excluding lift, plant, and services) *Development should not exceed the heights shown on Maps 1 and 2, as applicable.* *For development greater than 10 storeys, the upper levels should be further set back in order to be visually recessive and achieve limited visibility from the surrounding public realm.* *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:* • *the equipment/structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands etc.; and*	Building Height 24.9m (6 storeys) Lift Overrun / Roof top plant area 27.5m	Building Height (24.9m) **Variation not supported** The proposed new height of 24.9m (6 storeys) is an improvement on the previously advertised plans which proposed a height of 29.7m (9 storeys). However, the proposal does not comply with the preferred height requirement of 14.4m in **interim DDO39**, exceeding it by 10.5m. The proposed development also does not satisfy the following objectives of **interim DDO39**: *To ensure development to the west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character.* Additionally, the proposed building height is inconsistent with the preferred Precinct Character Statement for 'Precinct 1: Victoria

Attachment 3 - Consolidated Referral Comments

Built form requirements	DDO39	Proposal	Assessment of proposal
	• *the equipment/structures are no higher than 2.6 metres above the proposed building height; and* • *the equipment/structures occupy less than 50 per cent of the roof area (solar panels excepted).*		Parade West' by the *Victoria Parade Built Form Framework* (Hansen, December 2020), which states the following at page 32: *There is generally low to moderate change expected to occur across Precinct 1 due to the configuration of narrow allotments, presence of heritage fabric including VHR sites, interface with residential areas to the north as well as the General Residential Zone covering allotments (east of Gore Street) permitting a maximum 3 storeys.* *…Infill development opportunities within the precinct will be recessive, adopting a 'street wall and setback' model to retain the prominence and consistency of the heritage parapet when viewed from within the street corridor.* <u>Lift Overrun / Roof top plant area (27.5m)</u> Complies with interim DDO39 The height of the lift overrun complies with the preferred requirements because the height (27.5m) only exceeds the proposed building height (24.9m) by 2.6m. The height of the lift overrun of the VCAT amended plans is an improvement on the previously advertised plans. The previous proposed development included a lift overrun which exceed the proposed building height by 5.03m.

Attachment 3 - Consolidated Referral Comments

Built form requirements	DDO39	Proposal	Assessment of proposal
Street wall height	Preferred 8m maximum for street walls on Victoria Parade and Napier Street. *Street wall heights should not exceed the heights specified in Map 1s and 2, as applicable and as stated below.* *Infill development should match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser.* *Development should achieve a continuous street wall with no front setback to a street, unless the site is a heritage building and a front setback already exists.* *The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.* *Development of non-heritage buildings on street corners should provide a corner splay at minimum of 1 x 1 meter along the site's corner boundaries.* *Development should retain the visual prominence of:* • *the heritage street wall in the vistas along the street; and* • *heritage fabric of the return façades of heritage buildings on corner sites.*	Victoria Parade 8m Napier Street 7.7m	Victoria Parade **Complies with interim DDO39** The proposed Victoria Parade street wall height (8m) complies with the preferred maximum street wall height of **interim DDO39** (8m). Napier Street **Complies with interim DDO39** The proposed Napier Street wall height (7.7m) complies with the preferred maximum street wall height of **interim DDO39** (8m). The proposed Napier Street wall height (7.7m) is a significant improvement from the previous advertised plans of the proposed development which had a street wall height of 29.7m.
Upper lever setback	Victoria Parade (primary frontage) Preferred 6m upper level setback.	Victoria Parade 4m (levels 3 and above) 4.4m (levels 5 and above)	Victoria Parade **Variation not supported**

Attachment 3 - Consolidated Referral Comments

Built form requirements	DDO39	Proposal	Assessment of proposal
	Napier Street (secondary frontage) Preferred 3m upper level setback *Upper levels should:* • *be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage streetscape and minimise upper level bulk;* • *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.* *Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies and balustrades should not protrude into a setback.*	Napier Street 1.5 (level 3 and above) 1.9m (level 5 and above)	The proposed upper level setbacks to Victoria Parade (4m-4.4m) fail to comply with the preferred upper level setback requirement (minimum of 6m) of **interim DDO39**. Napier Street **Variation not supported** The proposed upper level setbacks to Napier Street (1.5m-1.9m) fail to comply with the preferred upper level set back requirement (minimum of 3m) of **interim DDO39**.
Interface Requirements	The northern interface is NRZ. The applicable built form controls are as follows: Preferred maximum rear boundary wall height of 8m *Upper levels above a rear boundary wall should be set back from the rear boundary and be contained within a 45 degree setback envelope. The envelope's angle is to be measured perpendicular to the*	Rear boundary wall height 10.6m. Upper levels provided with a rear setback of 3m.	**Variation supported** The proposed rear boundary wall height (10.6m) does not comply with the preferred maximum height (8m). This variation is supported as the proposed development is contained within the preferred 45-degree upper level setback requirement and

Attachment 3 - Consolidated Referral Comments

Built form requirements	DDO39	Proposal	Assessment of proposal
	adjoining residential site's boundary, taken from the centre of the boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface. *Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) to avoid repetitive stepping of individual levels.* *Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.* *Development should not visually dominate adjoining residential sites, including where separated by a laneway.*		satisfies the following objective of interim DDO39: *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.* It is an improvement the previous advertised plans which proposed a rear boundary wall height of 14.6m. The previous proposed developed also did comply with the preferred 45 degree upper level setback requirement.
Overshadowing	*Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.* *New development should not overshadow:* • *the northern edge of the Victoria Parade central median at 12pm on 22 September;* • *the footpath on the western side of any street (3m from property boundary, including the street) at 10am and eastern footpaths (3m from property boundary, including the street) at 2pm on 22 September (except Cromwell, Islington, Rockeby and Rupert Streets);*	The development will not overshadow the northern edge of the Victoria Parade central median at 12pm on 22 September. The development will result in overshadowing to the secluded private open space of 139 Victoria Street (the east-adjoining dwelling) at 2pm - 3pm on 22 September.	**Complies with interim DDO39** The objective of Clause 55.04-5 has been as the proposed development will not result in any new equinox overshadowing of secluded private open space within a residential zone. The proposed development will not result in overshadowing of the northern edge of the Victoria Parade central median at 12pm on 22 September. This is an improvement from the previous proposed development which failed to comply with this preferred requirement.

Attachment 3 - Consolidated Referral Comments

Built form requirements	DDO39	Proposal	Assessment of proposal
	• *any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.* *New development should not overshadow properties fronting Cromwell, Islington, Rokeby and Rupert Streets from the first floor upwards between 10am and 2pm on 22 September.*		
Common boundary and Building Separation	*Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:* • *be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site or exists on the adjacent property; and* • *be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window facing the common boundary is proposed on the subject site or exists on the adjacent property (including Commercial 2 Zone).* *Where the common boundary is a laneway, the setback is measured from the centre of the laneway.* *Where development consists of multiple buildings and/or separate upper levels, upper level development should:* • *be set back a minimum of 9m from each other, where a habitable window or balcony is proposed; and*	<u>Setback from eastern boundary</u> All levels are setback 0.45m from eastern boundary. There are no windows on the eastern side of the development.	<u>Setback from eastern boundary</u> **Complies with DDO39** The proposed development complies with the common boundary and building separation requirements of interim DDO39 as there are no windows on the eastern side of the development. This is an improvement from the previous proposed development which failed to comply with this preferred requirement as the proposal featured east-facing habitable windows on all levels and did not meet the setback requirements.

Attachment 3 - Consolidated Referral Comments

Built form requirements	DDO39	Proposal	Assessment of proposal
	• *be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.* *Development on large sites should achieve visual breaks, including mid-block links and pedestrian access, as identified on Map 2.*		
Vehicle and pedestrian access	*Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing.* *Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.* *Residential and commercial pedestrian entrances should be distinguishable from each other.* *The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.* *Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.* *Vehicle access should be achieved from laneways or side streets (in that order of preference).*	<u>Vehicle Access</u> The development provides on-site parking 7 spaces (1 disabled space) in the form of a double car stacker. The primary vehicle entrance is from the rear laneway. <u>Pedestrian Access</u> The development provides a primary pedestrian entrance at Napier Street which provides access to the food and drink premises as well as the office floors. A secondary Pedestrian is from the rear laneway and include access to: • the waste room entry • the services entry • the car stackers • entry to the basement where	**Complies with DDO39** The proposed development complies with the preferred Vehicle and pedestrian access requirements of interim DDO39. Including the following: • The primary pedestrian entrance is from Napier Street and not from the laneway. • Vehicle access to the proposed development is from the rear laneway. • Car parking is located within the proposed development's basement in the form of a car stacker. • Bicycle parking is located within the proposed development's basement and can be accessed from the ground level. • At the intersection of Napier Street and the rear laneway, the proposed development has met the minimum preferred slay requirements to ensure pedestrian safety

Attachment 3 - Consolidated Referral Comments

Built form requirements	DDO39	Proposal	Assessment of proposal
	At the intersection of laneways and footpaths, development to non-heritage buildings should provide a minimum 1 x 1 metre splay to ensure pedestrian safety. *Car parking should be located within a basement or concealed from the public realm.* *Development should not provide additional vehicular access from Victoria Parade.* *Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.* *Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.* *Development with laneway access may require a ground level set back in order to achieve practicable vehicle access. Between ground level and first floor, a headroom clearance of 3.5 meters minimum should be achieved.* *Ensure access to service laneways is maintained in order to facilitate commercial use of the properties fronting Victoria Parade.* *Properties on the inside corner of bends in laneways or at intersections between two laneways should*	there is bike storage for 26 bike parks	

Attachment 3 - Consolidated Referral Comments

Built form requirements	DDO39	Proposal	Assessment of proposal
	provide a minimum 3m x 3m splay to facilitate vehicle access.		
Façade Design Requirements	*Development along Victoria Parade should achieve active frontage design at ground level to create a high-amenity, pedestrian-oriented environment and passive surveillance towards the public realm.* *Development façades should:* • *relate to the vertical and horizontal proportions of either:* - *the historic fine-grain residential and retail shop front character of Victoria Parade to the west of Wellington Street; or* - *the modern commercial character of Victoria Parade to the east of Wellington 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.;* • *avoid overly busy façades that rely on a multitude of materials and colours;* • *maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;* • *avoid highly reflective glazing in openings of heritage buildings;* • *encourage the retention of solid built form behind retained heritage façades and avoid balconies behind existing openings;*	<u>Dominant façade materials are as follows:</u>  • Ground floor and level 1 are in material C1 • Levels 2, 3 & 4 are predominately in material C2 • Level 5 is in materials R1 and G1(glazed window)	The proposed façade design is **largely supported** and has been improved from the previous advertised plans. The main issue with the façade design of the previous advertised plans was the proposed use of external metal roller blinds to windows. This raised a risk of creating a lack of articulation and poor passive surveillance opportunities. The VCAT amended plans do not propose the use of external metal roller blinds, instead propose glazed windows on all levels of the building. The glazed windows do not cover the proposed development's façade which complies with the interim DDO39 façade design requirement of creating *"a suitable ratio of solid and void elements"*. Notably there is a blank side wall on the east side of the proposed development, the boundary wall to the neighbouring property, 139 Victoria Parade. The proposed façade has recessed panels which is designed to create depth and articulation. This complies with the following interim DDO39 façade design requirement: *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*

Attachment 3 - Consolidated Referral Comments

Built form requirements	DDO39	Proposal	Assessment of proposal
	• *be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;* • *avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts and former industrial buildings; and* • *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.* *Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.* *Development should avoid blank walls visible to the public realm, including on side street frontages.* *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.*		*interest to passing pedestrians through colour, texture or finishes.*

Strategic Planner: Kate Wall

Planner Signature: kwall

Attachment 3 - Consolidated Referral Comments

Date:10/06/22

Attachment 3 - Consolidated Referral Comments

ESD Formal Referral Response

Application Information	
Referral Officer	WILLIAME
Officer	Euan Williamson
Council Reference	VCAT000036
Address	133 Victoria Pde, Fitzroy VIC 3065
Proposal	VCAT Appeal against Planning Permit Application PLN20/0931- Amended application for the development of the land for a multi storey building (6 storeys over 1 basement level), full demolition of existing building and a reduction in the car parking requirements of the Yarra Planning Scheme (in association with an office and food and drink premises use- no permit required for uses).
Comments Sought	Click here to view the link to the Statutory Planning Referral memo: D22/123533

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:

- Plans and SMP amended through the tribunal.

In assessing this application, the following documents were reviewed:

- SMP prepared by Lucid dated 25th March
- Architectural drawings by Point Architects dated 9th May

Comments

The standard of the submitted ESD largely meets Council's Environmentally Sustainable Design (ESD) standards.

Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met:

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

(1) Applicant ESD Commitments:
- The proposal achieves a 50% BESS report score.
- Individual commercial tenants will be provided with separate minimum authority metering and all the major common services (e.g. DHW, HVAC, Lifts etc.) will be sub metered separately.
- A Building Users Guide will be prepared for the occupants and operators of the building.
- Good daylight and ventilation to office areas, except food & drink premises, particularly the basement level.
- Improvement in required NCC2019 insulation levels to the building fabric elements roof, walls, ceilings, floor, glazing system etc.
- A 7kW Solar PV system will be provided for the building.
- Water efficient fixtures and taps.
- The development will not utilise water-based heat rejection systems, with all HVAC being air-cooled.
- The building is designed to include some landscaping to podium.

(2) Application ESD Deficiencies:
There are no major ESD deficiencies associated with the proposed development.

(3) Outstanding Information:
- Confirm ventilation strategy for all of the food and drink premises including the basement level and ensure that AS:1668 fresh air delivery rates are exceeded by at least 50%.

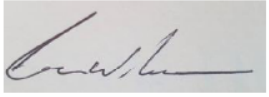
Attachment 3 - Consolidated Referral Comments

- Confirm VOC and formaldehyde limits for all internal sealants and paints, adhesives, and engineered timber products
- Provide a Section J Report which details these improvements against a reference case to support claims of reductions in energy consumption and peak demand.
- Include details within Section J Report to support claims of GHG emission reduction. • Include HVAC details within Section J Report.
- Include details within Section J Report to support claims of GHG emission reduction. • Include HVAC details within Section J Report.
- Clarify that post-development stormwater flows will not exceed pre-development levels.
- Confirm that timber will be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).
- Confirm PVC specifications for pipes, cabling, flooring.
- Confirm provision of a site-specific construction Waste Management Plan with a target recycling rate of 80% of construction and demolition waste.
- Clearly articulate location of specific bins within the waste room floor plans.
- Provide a statement as to how the development responds to urban heat impacts, and mitigates these through for example; increased vegetation, passive irrigation and light coloured/high-SRI external finishes and materials.
- Confirm all energy and water management systems will be commissioned in accordance with the manufacturer's specifications
- Confirm head contractor will be ISO 14001 accredited.
- Confirm that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.

(4) ESD Improvement Opportunities:

- Consider a renewable energy electricity contract to supply the building. As no gas connection is proposed, there is an opportunity to run the building with zero carbon emissions.
- Consider a suite of products and materials that are recycled, or contain post-consumer content (such as insulation, bricks, and timber).
- Consider a suite of products and materials that are recycled, or contain post-consumer content (such as insulation, bricks, and timber).
- Consider (strongly recommended) strategies to reduce the environmental impacts of concrete (via Portland cement reduction for recycled aggregate or slag) and steel (via procurement and reductions where possible).
- Consider a small pallet of materials and construction techniques that can assist in disassembly.
- Consider using the Green Factor tool to benchmark the green infrastructure approach.
- Consider more climbing vegetation from podium or ground floor to lowers levels to mitigate urban heat.

ESD Officer: WILLIAME

Signature: 

Date: 14th June, 2022

Attachment 3 - Consolidated Referral Comments

Urban Design
Formal Referral Response

Application Information	
Referral Officer	Laura Condon
Officer	Christian Lundh
Council Reference	VCAT000036
Address	133 Victoria Pde, Fitzroy VIC 3065
Proposal	VCAT Appeal against Planning Permit Application PLN20/0931- Amended application for the development of the land for a multi storey building (6 storeys over 1 basement level), full demolition of existing building and a reduction in the car parking requirements of the Yarra Planning Scheme (in association with an office and food and drink premises use- no permit required for uses).
Comments Sought	D22/123620 - IREF22/00755 - Internal Referral Formal Request

Comment Summary

In summary the following items need to be addressed accordingly:

- Include two no. visitor bike hoops on the Napier Street footpath as per previous Urban Design advice from 2021.
- Provide details of proposed surface pavement / infill around the subject site interface to existing footpaths and laneway.
- Any surface grading and drainage that may be required must be accommodated for within the subject site boundary.
- Confirmation of lighting along the laneway interface and building entrance threshold.

Public Realm Interface

- Levels in the car park entry are shown to be set down from existing levels along the laneway. Any drainage or localised grading required to mitigate potential overland flow into car park / car stacker from the laneway must be accommodated for within the subject site boundary.
- All entrance thresholds must demonstrate that a seamless, universally accessible, and appropriate interface with the adjacent existing footpaths and laneway are achieved.
    - Any potential handrails, tactiles and landings must be fully accommodated for within the subject site boundary.
- Clearly show and annotate all existing streetscape fixtures to be retained on all relevant plans.
- Confirmation of lighting along the building interface to the laneway and at building entrances, to ensure a secure and equitable public realm interface is achieved.
- Confirmation of ground surface materials, refer section below.
- Inclusion of visitor bike parking, refer section below.

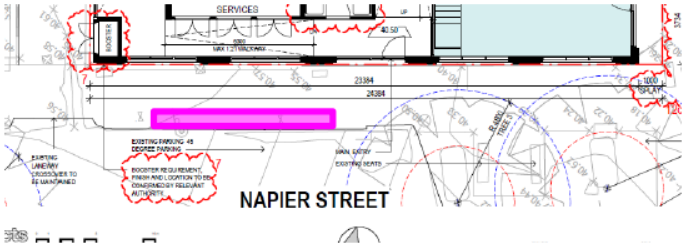
Attachment 3 - Consolidated Referral Comments

Materials

- Details of proposed grounds surface materials within the subject site such as at the building entrance thresholds.

Street Furniture

- 2 no. bike hoops are to be integrated along the northern section of the footpath on Napier Street, indicative location shown on the plan below in pink, noting final locations pending including but not limited to street signage, power poles, services and on street carpark access.



  - Hoops type to be in accordance with Council Standards and installed as per Council details.
  - Also refer comments from Council Strategic Transport team.
- Note all existing streetscape fixtures such as post box must be retained in its current locations, unless relocation is approved by the responsible authority.

Streetscape and Capital Works

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

Urban Designer: Christian Lundh

Date: 8 June 2022

Attachment 3 - Consolidated Referral Comments

Development Engineering Formal Referral Response

Application Information	
Referral Officer	Laura Condon
Officer	Artemis Bacani
Address	133-137 Victoria Pde, Fitzroy
Application No.	VCAT000036
Proposal	VCAT Appeal against Planning Permit Application PLN20/0931- Amended application for the development of the land for a multi storey building (6 storeys over 1 basement level), full demolition of existing building and a reduction in the car parking requirements of the Yarra Planning Scheme (in association with an office and food and drink premises use- no permit required for uses).
Comments Sought	• Is the car parking reduction acceptable? • Is the new car stacker acceptable? • Anything else of concern for you? • Your previous comments in the attached officer refusal report

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

Comments and Recommendations

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
Point Architects	TP100 *Proposed Basement 1 Floor Plan* TP101 *Proposed Ground Level Floor Plan*	P3 P3	9 May 2022 9 May 2022
Traffix Group	*Traffic Engineering* Assessment	02C	4 May 2022

Attachment 3 - Consolidated Referral Comments

CAR PARKING PROVISION

Proposed Development

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

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	1,044 m²	3.0 spaces per 100 m² of net floor area	31	7
Food & drink premises	221 m²	3.5 spaces per 100 m² of leasable floor area	7	0
		Total	**38 Spaces**	**7 Spaces**

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

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

Car Parking Demand Assessment

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

Parking Demand Consideration	Details
Parking Demand for the Office Use	The office use would be supplied with an on-site car parking provision of 7 spaces, which equates to a rate of 0.67 spaces per 100 square metres of floor area. Office developments throughout the municipality have been approved by Council with reduced rates. A few examples include: <table><tr><th>Development Site</th><th>Approved Office Parking Rate</th></tr><tr><td colspan="2">Cremorne</td></tr><tr><td>60-88 Cremorne Street PLN17/0626 issued 21 June 2018</td><td>0.85 spaces per 100 m² (233 on-site spaces; 27,305 m²)</td></tr><tr><td>9-11 Cremorne Street PLN16/0171 (Amended) issued 13 June 2017</td><td>0.85 spaces per 100 m² (20 on-site spaces; 2,329 m²)</td></tr><tr><td colspan="2">Collingwood</td></tr><tr><td>2-16 Northumberland Street PLN16/1150 issued 14 June 2017</td><td>0.89 spaces per 100 m² (135 on-site spaces; 15,300 m²)</td></tr></table> Although considerably lower than some of the rates listed above, the proposed office parking rate of 0.67 spaces per 100 square metres of floor area is considered appropriate as the site has very good access to public transport and seeks to encourage more sustainable forms of transport.
Parking Demand for the Food & Drink Use	A staff parking demand of 1 space per 100 square metres of floor area for the food and drink use could be adopted. Using this rate would equate to 2 spaces. This reflects the precinct approach for

Attachment 3 - Consolidated Referral Comments

<table>
<tr><th>Parking Demand Consideration</th><th>Details</th></tr>
<tr><td></td><td>similar food and drink use and acknowledges that a proportion of customers for this use will be drawn from the office and employees and residents from surrounding businesses and residences.

In recent times, Council has approved similar type food and drink venues with no on-site parking, as shown in the table below:

<table>
<tr><th>Development Site</th><th>Approved Parking Rate</th></tr>
<tr><td>236-238 Smith Street, Collingwood
PLN16/0056 issued 16 August 2016</td><td>No on-site car parking
(140 patrons)</td></tr>
<tr><td>391 Victoria Street, Abbotsford
PLN14/1078 issued 27 March 2015</td><td>No on-site car parking
(46 patrons)</td></tr>
</table>

Customers and staff to the venue would be fully aware of the parking demands in the Fitzroy area and choose to commute to and from the venue by more sustainable transportation modes, such as catching public transport, riding a bicycle, or walking.</td></tr>
<tr><td>Availability of Public Transport in the Locality of the Land</td><td>The following public transport services can be accessed to and from the site by foot:

▪ Victoria Parade trams – 40 metre walk
▪ Victoria Parade buses – 60 metre walk
▪ Gertrude Street/Brunswick Street trams – 250 metre walk
▪ Nicholson Street trams – 560 metre walk
▪ Parliament railway station – 590 metre walk
▪ Hoddle Street/Punt Road buses – 1,080 metre walk
▪ North Richmond railway station – 1,170 metre walk</td></tr>
<tr><td>Multi-purpose Trips within the Area</td><td>Customers and visitors to the development could combine their visit by engaging in other activities of business whilst in the area.</td></tr>
<tr><td>Convenience of Pedestrian and Cyclist Access</td><td>The site is very well positioned in terms of pedestrian access to public transport nodes and other nearby businesses. The site has good access to the on-road bicycle network.</td></tr>
</table>

Attachment 3 - Consolidated Referral Comments

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

Consideration	Details
Availability of Car Parking	The on-street parking in this part of Fitzroy is generally high during business hours. The area surrounding the subject site is blanketed in time-based parking restrictions which ensure that parking turns over frequently. Visitors and customers to the site during business hours should be able to find an on-street car space near the site. In Fitzroy, the recent introduction of parking sensors in a number of streets, such as Smith Street and Gertrude Street, would further discourage persons attempting to park all-day. The parking sensors also ensure that parking frequently turns over for short-stay parking users (visitor, client parking etc.).
Relevant Local Policy or Incorporated Document	The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

Adequacy of Car Parking

From a traffic engineering perspective, the reduction of car parking associated with the office and the food and drink uses is considered appropriate in the context of the site and the surrounding area.

Staff that have not been allocated a car space would make other travel arrangements to commute to and from the site, such as take public transport or ride a bicycle or walk. The operation of the development should not adversely impact on the existing on-street parking conditions in the area.

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

TRAFFIC IMPACT

Trip Generation

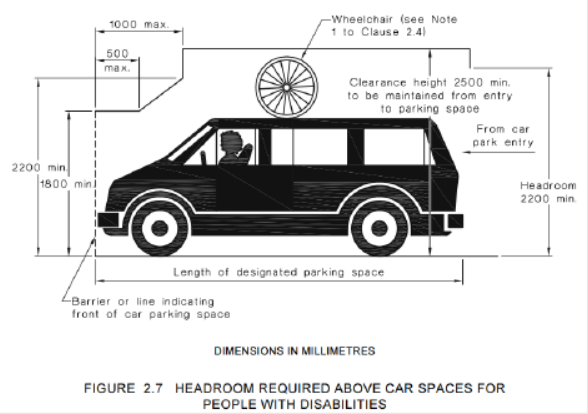
The trip generation for the site adopted by Traffix Group is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	AM Peak Hour	PM Peak Hour
Office (7 Spaces)	0.5 trips per space	18	4 trips	4 trips

It is agreed the volume of traffic generated by the office is low and would not have an adverse impact to the traffic conditions in the laneway and the surrounding streets.

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Width of Laneway	The laneway has a carriageway width of between 2.64 metres and 2.8 metres.
Width of Garage Door	The width of the garage door is not dimensioned on the drawings.
Visibility	Visibility splays are not required as there are no footpaths within the laneway.
Headroom Clearance	The height of the headroom clearance under the garage door is not dimensioned on the drawings.
Vehicle Turning Movements	The swept path diagrams for the B85 design vehicle template demonstrates adequate entry and exit movements into and out of the individual car stacker platforms from the laneway.
Mechanical Car Parking	
Car Stacker Device	The car parking for the development would be accommodated within the Klaus Multibase 2072i car stacker system. The car stacker model is available with a platform length of 5.2 metres and a useable platform width of 2.3 metres which can accommodate a B85 design vehicle. The car stacker model is available with a double platform width of 4.8 metres to accommodate an accessible space and shared area. The applicant is to confirm the dedicated accessible space and shared area will have a minimum headroom clearance of 2.5 metres as required in *Figure 2.7* of *AS/NZS 2890.6:2009*, as shown in the diagram below.  DIMENSIONS IN MILLIMETRES FIGURE 2.7 HEADROOM REQUIRED ABOVE CAR SPACES FOR PEOPLE WITH DISABILITIES
Floor to Ceiling Height	The internal car park has a floor to ceiling height of 3.8 metres, which can accommodate the lower and upper levels of the proposed car stacker device.

Attachment 3 - Consolidated Referral Comments

Item	Assessment
Vehicle Clearance Height	The stacker device can provide at least 25 per cent of platforms with a vehicle clearance height of 1.80 metres to satisfy *Design standard 4 – Mechanical parking*.
Gradients	
Ramp Grade for First 5.0 metres inside Property	A maximum ramp grade of 1 in 10 is provided for the first 3 metres inside the property to satisfy *Design standard 3 – Gradients*.
Other Items	
Vehicle Access Ground Clearance Assessment	A ground clearance assessment is to be provided by the applicant to confirm that a B99 design vehicle can enter and exit the property without scraping (Please see under '*Engineering Advice for Design Items to be Addressed by the Applicant*' section).
Waste Collection Vehicles	The swept path diagrams for a 6.34 metre long Waste Wise Mini shows the entry and exit movements into and out of the rear laneway off Napier Street are satisfactory.

Engineering Advice for Design Items to be Addressed by the Applicant

Item	Details
Width of Garage Door	The applicant is to dimension on the drawings the width of the garage door.
Visibility	It is recommended for the applicant to consider the installation of convex mirrors at the entrance to the car park to improve visibility of on-coming vehicles in the laneway.
Headroom Clearance	The applicant is to dimension on the drawings the height of the headroom clearance under the garage door.
Car Stacker Device	The applicant is to confirm either with notation or dimension on the drawings that the dedicated accessible space and shared area will have a minimum headroom clearance of 2.5 metres as required in *Figure 2.7* of *AS/NZS 2890.6:2009*.
Vehicle Access Ground Clearance Assessment	The applicant is to submit a 1 in 20 scale cross-sectional diagram with the following spot levels: - the level of the north and south edge of the laneway; - the centreline/invert level of the laneway; - the 40 millimetre lip/bullnose along the northern edge of the internal concrete slab; and - the finished floor level 2.0 metres inside the internal concrete slab. These levels are to be shown on a 1 in 20 scale cross-sectional drawing with dimensions and are to be taken along the centre of each car stacker platform. Providing the cross-sectional diagram early in the design phase can also determine whether further modification works are required, such as lowering the finished floor level inside the property or making any adjustments to Council's footpaths or road infrastructure.

Attachment 3 - Consolidated Referral Comments

Item	Details
Utility Service Doors	The applicant is to ensure that utility service doors that open out onto a *Public Highway* can swing at 180-degrees and be latched onto the building when in service.
Bicycle Considerations	The bicycle requirements for this development, including the proposed bike hoops in the Napier Street kerb extension, are to be referred to Council's Strategic Transport unit for assessment.
Corner Splay	The applicant is to clearly depict the corner splay on the drawings which is located on the south-west corner of the site. Regardless of whether the splay is in private ownership, it is deemed to be part of a *Public Highway* by virtue of its previous and existing use by the public (i.e. – pedestrians). The splay must remain and be shown on the drawings in asphalt (consistent with the surrounding footpaths) and must not be reduced in size. The applicant must depict the splay on the *Proposed Ground Level Floor Plan* (TP101). The splay can be occupied above ground level (i.e. first floor and upwards).

INFRASTRUCTURE ITEMS AND CONSTRUCTION ACTIVITIES

Item	Details
General	
Impact on Council Road Assets	The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site. It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for employees, visitors and other users of the site.
Footpath along Napier Street and Victoria Parade Frontages	
Footpath Reconstruction	The footpath along the property's Napier Street and Victoria Parade frontages are to be reconstructed. In undertaking these works, the existing kerbs are to be retained (fixed control points). The new footpaths must have a cross-fall (the slope between the kerb and the property line) of no steeper than 1 in 33 or unless otherwise specified by Council. In providing the new footpaths, the finished floor levels at the development's pedestrian entries must be readjusted to match the new footpath levels.

Attachment 3 - Consolidated Referral Comments

ENGINEERING CONDITIONS

Civil Works

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

- The kerb and channel along the property's Napier Street and Victoria Parade frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpath along the property's Napier Street and Victoria Parade frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 33 (for asphalt) or unless otherwise specified by Council

Road Asset Protection

- Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

Construction Management Plan

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

Impact of Assets on Proposed Development

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

Discharge of Water from Development

- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
- Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
- The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

Attachment 3 - Consolidated Referral Comments

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

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

Engineer: Artemis Bacani

Signature: 

Date: 30 May 2022

Attachment 3 - Consolidated Referral Comments

Strategic Transport Formal Referral Response

Application Information	
Referral Officer	MALLISP
Officer	PlnUSERID
Council Reference	VCAT000036
Address	133 Victoria Pde, Fitzroy VIC 3065
Proposal	VCAT Appeal against Planning Permit Application PLN20/0931- Amended application for the development of the land for a multi storey building (6 storeys over 1 basement level), full demolition of existing building and a reduction in the car parking requirements of the Yarra Planning Scheme (in association with an office and food and drink premises use- no permit required for uses).
Comments Sought	This is the link to the Statutory Planning Referral memo: D22/123606 - IREF22/00754 - Internal Referral Formal Request

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	1,044 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	3 employee spaces	26
		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	1 visitor spaces.	
Retail premises (other than specified in this table)	221 sqm	1 employee space to each 300 sqm of leasable floor area	1 employee spaces	?
		1visitor space to each 500 sqm of leasable floor area	0 visitor spaces.	
Bicycle Parking Spaces Total			**4 resident / employee spaces**	**26 resident / employee spaces**
			1 visitor spaces	**? visitor spaces**
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**0 showers / change rooms**	**4 showers / change rooms**

The development provides a total of 21 additional spaces above the requirements of the Scheme.

Adequacy of visitor spaces

It is unclear how many spaces are noted as visitor bicycle parking spaces.

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

1

- Details are required of how visitor bicycle parking will be accessed if located within the secure employee bicycle parking facility specified in the plans.
- All visitor spaces are hanging spaces. Pursuant to clause 52.34-3 all visitor spaces must be provided at a bicycle rail.
- The location of the visitor bicycle parking spaces on Napier Street shall be parallel with Napier Street, located in a manner that complies with the requirements of AS 2890.3, with particular note of Clause 2.2.3 and Figure 2.3. Alternatively, an on-street bicycle parking corral could be provided in one of the on-street car parking spaces (will need consultation with Parking Management).

Adequacy of employee spaces

Number of spaces

Whilst the proposal includes a surplus of employee spaces above the requirements of the planning scheme, it is noted:

- A reduction of car parking spaces is sought.
- The subject site is located in an inner-urban area with already high cycling-to-work demand, immediately adjacent to a highly-used cycling corridor, and trends indicate demand will continue to increase; and both local and state planning policies include objectives to promote sustainable transport modes, including cycling.
- It would be acceptable if a further reduction in car parking spaces was sought to provide additional bicycle parking spaces.

Design and location of employee spaces and facilities

The following comments are provided on employee spaces:

- Employee bicycle parking is provided at Basement 1.
- Dimensions of the access lift and main entry are required in order to ascertain compliance with AS2890.3. Dimensions of the door into the bicycle storage facility are also required to ascertain compliance with AS2890.3.

Electric vehicles

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV).

Whilst it is acceptable no electric car charging points are installed during construction, to allow for easy future provision for electric vehicle charging, all car parking areas should be electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose.

At least one electric bicycle charging point should also be provided in the employee bicycle parking area to allow for current and future demand.

Green Travel Plan

Given the development has a total non-residential floor area of more than 1,000sqm, pursuant to Clause 22.17-4 a Green Travel Plan (GTP) must be provided. It should include, but not be limited to, the following information:

(a) a description of the location in the context of alternative modes of transport;
(b) employee and/or resident welcome packs (e.g. provision of Myki/transport ticketing);
(c) the provision of real time passenger information displays for nearby stops within each lobby [only appropriate at certain thresholds];
(d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
(e) a designated 'manager' or 'champion' responsible for coordination and implementation;
(f) details of bicycle parking and bicycle routes;
(g) details of GTP funding and management responsibilities;
(h) the types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces);
(i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
(j) security arrangements to access the employee bicycle storage spaces; and
(k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
(l) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.

(m) provisions for the Green Travel Plan to be updated not less than every 5 years.

Yarra's key bicycle corridors

The site is located adjacent to a key bicycle corridor. Napier Street is designated as a C1 Strategic Cycling Corridor and is also located on a Popup Bike Lanes route.

City Works

Relevant to this business unit and this application, the following capital works are approved / proposed within the area of the subject site (as relevant to the planning application):

There are approved plans for a changed layout to Napier Street at this location as part of the planning permit for 155 & 155B Victoria Parade (PLN17/0991).

The relevant page from the traffic report may be found at: D22/137571.

Recommendations

The following should be shown on the plans before endorsement:

1. Dimensions of the access lift and doors on the proposed route to the bicycle parking area noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority.
2. All visitor bicycle parking facilities to be ground level (horizontal) spaces.
3. On-street bicycle parking to be provided in the manner described above.

1

Attachment 3 - Consolidated Referral Comments

4. At least one electric bicycle charging point should also be provided in the employee bicycle parking area to allow for current and future demand.
5. Breakdown of employee vs visitor bicycle parking provision and the location of each clearly marked on the plans, to the satisfaction of the Responsible Authority.

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

Principal Strategic Transport Planner (Strategic Transport Unit): MALLISP

Signature: 

Date: 08/06/2022

1

Attachment 3 - Consolidated Referral Comments

Open Space Services
Formal Referral Response

Application Information	
Referral Officer	USERID
Officer	PlnUSERID
Council Reference	VCAT000036
Address	133 Victoria Pde, Fitzroy VIC 3065
Proposal	VCAT Appeal against Planning Permit Application PLN20/0931- Amended application for the development of the land for a multi storey building (6 storeys over 1 basement level), full demolition of existing building and a reduction in the car parking requirements of the Yarra Planning Scheme (in association with an office and food and drink premises use- no permit required for uses).
Comments Sought	This is the link to the Statutory Planning Referral memo: **PLN20/0931**

Attachment 3 - Consolidated Referral Comments

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:

Is the submitted arborist report acceptable and will allow for the adequate protection of the existing street trees ?
Any other requirements you would seek?

Comments and Recommendations

The **Tree Maintenance: Tree Protection Management Plan** (**TMP**) by TAG Consulting Arbor has been assessed.

I made the following observations of the Management plan,

- Tree 1,2,3 and 4 are all Council St trees and require Tree protection as per AS4970: 2009 which is stated in the plan.
- Root protection, Project arborist to oversee any Non-Destructive Digging as stated in the plan.

Please amend following details in TMP

- The report mentions – "pruning work **may** require approval by determining authority" when talking about the Scaffolding installation on page 12. **Any pruning to any of the Council trees must be approved by a City of Yarra Arborist and works carried out by a Council approved contractor.**
- Trees species of 2,3 and 4 are described as being, Styraciflua (Liquid Amber), this is incorrect. Trees 2 and 3 are Quercus palustris (Pin Oak), Tree 4 is Ulmus procera (English Elm).

City Works

Relevant to this business unit and this application, please be aware that the following capital works are approved / proposed within the area of the subject site (as relevant to the planning application):

https://eservices.yarracity.vic.gov.au/WebApps/eProperty/P1/eTrack/eTrackApplicationDetails.aspx?r=P1.WEBGUEST&f=%24P1.ETR.APPDET.VIW&ApplicationId=PLN20%2f0931

Open Space Services: USERID

Signature: Rob Hill

Date: 30/05/2022

Attachment 3 - Consolidated Referral Comments

Civil Works
Formal Referral Response

Application Information	
Referral Officer	Laura Condon
Officer	Atha Athanasi
Council Reference	VCAT000036
Address	133 Victoria Pde, Fitzroy VIC 3065
Proposal	VCAT Appeal against Planning Permit Application PLN20/0931- Amended application for the development of the land for a multi storey building (6 storeys over 1 basement level), full demolition of existing building and a reduction in the car parking requirements of the Yarra Planning Scheme (in association with an office and food and drink premises use- no permit required for uses).
Comments Sought	Statutory Planning Referral memo: D22/123637

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

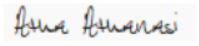
Comments

The waste management plan for 133-137 Victoria Parade, Fitzroy authored by Leigh Design and dated 06/05/2022 is not satisfactory from a City Works Branch's perspective. Issues to be rectified include, but may not be limited to the following:

1. The size of the bin storage area has not been provided in the WMP; this must be provided in M^2 so we can assess if enough space is allocated to form an effective waste system.
2. The VCAT amended architectural plans appear to show a smaller bin room despite waste generation estimates being higher than in previously submitted plans. This is not a good outcome and has resulted in a third collection per stream added to a location where it is proposed collection trucks reverse into the adjacent laneway to perform collection services.

Attachment 3 - Consolidated Referral Comments

Officer: Atha Athanasi

Signature: 

Date:07/06/2022

Attachment 3 - Consolidated Referral Comments

Vipac Engineers and Scientists Ltd
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w. www.vipac.com.au | A.B.N. 33 005 453 627 | A.C.N. 005 453 627

City of Yarra

8 June 2022

Ref: 30N-21-0456-ADM-35518-0

168 Richmond Victoria, 3121, Australia

Dear Condon, Laura,

133-137Victoria Parade, Fitzroy - Peer Review

The peer review of wind report of MEL Consultants "*Environmental Wind Assessment of the 133 Victoria Parade, Fitzroy*" (Report 181-20-DE-EWA-08), dated March 2022, is based on Vipac's experience as a wind engineering consultancy. Vipac Engineers and Scientists has also been requested to review the updated drawing supplied in May 2022 by Point Architects. The findings and comments are as follows:

i) The MEL Consultants Environmental Wind Assessment has been prepared based on drawings dated 24 March 2022 and consultancy experience. We have no issues with the analysis approach or the description of the wind environment. MEL Consultants have clearly described the process for a desktop assessment, and this is consistent with the approach that Vipac would take.

   a. Vipac notes that MEL Consultants design review was conducted on a previous scheme which has a height a 24.04m. The amended scheme (9th May 2022) has a shorter height of 21.59m. This height reduction is generally expected to be beneficial to the local wind environment.

ii) The report analysed the wind effects on the streetscapes along Victoria Street, Napier Street and Service lane. It concluded that the pedestrian pathways are generally expected to meet the recommended walking comfort criterion for all wind directions. In the updated drawings the height of development has been reduced by 2.4m, which would be expected to result in an overall improved wind environment compared to the original design. As such, the wind conditions along adjacent streets and laneway, would be expected to satisfy the walking criterion or similar to exiting wind conditions.

iii) The MEL Consultants report also finds that the main entrance in Napier Street would be expected to be within the standing comfort criterion. Vipac have also reviewed the updated plan and generally agrees with this conclusion.

iv) The report finds that Level 2 and 3 balconies have been designed with 1.1 m high balustrades and it would be recommended that east and west balustrades are increased to 1.5 m to fulfil standing criterion. Vipac agrees with this.

   a. We also expect that the reduction of the development height (reported in the updated May 2022 scheme), would be beneficial to the local wind environment. As such, it is expected that the wind conditions would not exceed the recommended standing criterion in these areas. As such, Vipac agrees with this assessment.

v) The report finds that the wind conditions would satisfy the pedestrian safety criterion. Vipac agrees with this assessment.

Vipac has reviewed the updated drawings (9th May 2022) and determined that the updated design has not changed in a way that would significantly or adversely affect the adjacent wind environment. Based on our assessment, the following conclusions are drawn for the updated design:

- Wind conditions would satisfy the safety criterion;
- Wind conditions at adjacent ground level walkways along Victrola Parade and Napier Street are expected to be within the recommended walking comfort criterion;

Attachment 3 - Consolidated Referral Comments

- Wind conditions at the main entrance in Napier street are expected to be within the recommended standing comfort criterion;
- With the recommended 1.5m high balustrades at the east and west, the wind conditions on the Level 2 private balcony are expected to be within the recommended standing comfort criterion;
- As a general statement, educating occupants about wind conditions at open terrace areas during high-wind events and tying down the lightweight furniture in these areas are highly recommended.

Therefore; Vipac can concluded that the proposed development mostly compliant with Condition 21 of the draft planning conditions. The development does not fulfil Clause 21c, as no record of wind tunnel testing is presented.

Yours sincerely,

Vipac Engineers & Scientists Ltd

Farzin Ghanadi
Consulting Engineer, Wind

Eric Yuen
Wind Team Leader

Attachment 4 - Previous Officer Report

Planning Application

DAP

CITY OF YARRA

Attachment 4 - Previous Officer Report

Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra. We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra. We pay our respects to Elders from all nations and to their Elders past, present and future.

Attachment 4 - Previous Officer Report

Application Information			
Council Reference	PLN20/0931		
Application Received	18/12/2020	Recent Amendment	N/A
Officer	Laura Condon		
Delegate	Amy Hodgen		
Address	133-137 Victoria Pde, Fitzroy VIC 3065		
Proposal	Use and development of the land for a 9 storey residential building (student accommodation), full demolition of existing building and a car parking reduction for a food and drinks premises (no permit required for food and drinks use).		
Ward	Langridge		
Zone	Commercial 1 Zone		
Overlay	Heritage Overlay - Heritage Grade: Non-contributory Design and Development Overlay Schedule 2 (DDO2) Design and Development Overlay Schedule 39 (DDO39) Development Contributions Plan Overlay Schedule 1 (DCPO1)		
Current Land Use	Shop and food and drinks premises		
Aboriginal Cultural Heritage Significance		N/A	
Land Contamination		Medium potential	
Planning Scheme Amendments	Amendment C238 - Development Contributions Plan Overlay Schedule 1. Amendment C269 – Scheme update		
Submissions - Support	0	Submissions - Objections	43
Statutory Days	62 when Failure Appeal was lodged		

Attachment 4 - Previous Officer Report

Application Information	
Officers Recommendation	Position of Refusal

Attachment 4 - Previous Officer Report

Planning Scheme Amendments

Amendment C238

Amendment C238 was introduced into the Yarra Planning Scheme on 1 February 2021. It inserts Clause 45.06 (Development Contributions Plan Overlay) Schedule 1 into the Scheme. The Overlay applies to all land in the City of Yarra (note: there are some exempted sites including schools, DHHS properties and public hospitals) and it applies to all new development where there is an increase in the number of dwellings and/or an increase in retail, commercial and industrial floor space. It requires a monetary contribution from the developer.

Amendment C269

Amendment C269 proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Planning Strategy and Local Policies within the Planning Policy Framework (PFF), consistent with the structure recently introduced by the State Government.

The amendment was on public exhibition between 20 August 2020 and 4 December 2020. Amendment C269 was adopted by Council on 3 August 2021 and proceeded to a panel hearing in October 2021. The Panel report was released on 18 January 2022.

Of note, the Panel found Amendment C269 to be 'well founded and strategically justified'. In summary, the Panel said[1]:

> *The Panel considers the Amendment is broadly consistent with the Planning and Environment Act 1987, and Plan Melbourne, is supported by and implements the relevant sections of the Planning Policy Framework and has generally been prepared in accordance with relevant Ministerial Directions and Practice Notes. The Amendment is consistent with the principles of net community benefit as it will provide streamlined and updated policy into the Planning Scheme, and will address many issues of concern and interest to the community.*
>
> *The Amendment has adequately taken into consideration the impacts of COVID-19, accepting that the impacts of the pandemic are still being understood and future adjustments may be required.*
>
> *The Panel concludes the Amendment is well founded and strategically justified, and should proceed subject to addressing the more specific issues raised in submissions as discussed in this Report.*

In relation to this planning application, the following clauses are of most relevance:

- 13.07 – 1L – Interfaces and Amenity
- 15.01 – 2L – Building Design
- 15.03 – 1L – Heritage
- 16.01-2L - Location of residential development
- 17.01 – 1L - Employment

These clauses are largely reflected in current planning policy and will not be contradictory to the proposed re-write of Clauses 21 and 22 by the Amendment.

---

[1] Amendment C269yara, Panel Report, page I (Executive Summary).

Attachment 4 - Previous Officer Report

Clause 16.01-2L 'Location of residential development' provides Strategic Housing Framework plans/maps that apply housing growth strategies through the allocation of areas/sites into '*minimal, incremental, moderate or high change areas*' categories. The subject site is located in a moderate change area (as shown on the Strategic Housing Framework Plan: Figure 1). Relevant strategies include:

- *Support medium density residential and mixed use development in the form of apartment buildings that respond to heritage significance and streetscape character.*
- *Encourage lot consolidation where appropriate to facilitate increased densities and efficient use of land.*

Submissions were made to the Panel in relation to the subject site, seeking to redesignate the proposed 'moderate change' area to a 'high change' area, to facilitate a higher density development. The following extract from the panel report at Figure 2 outlines the panel response to the submissions put forward.

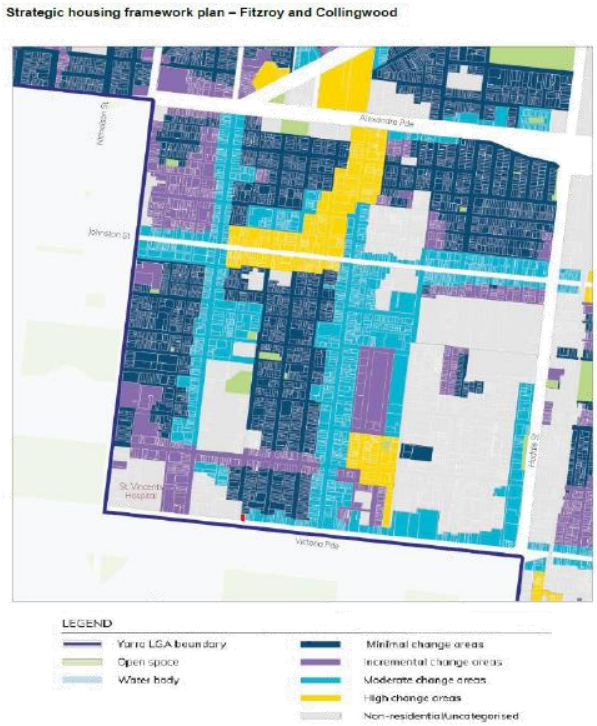
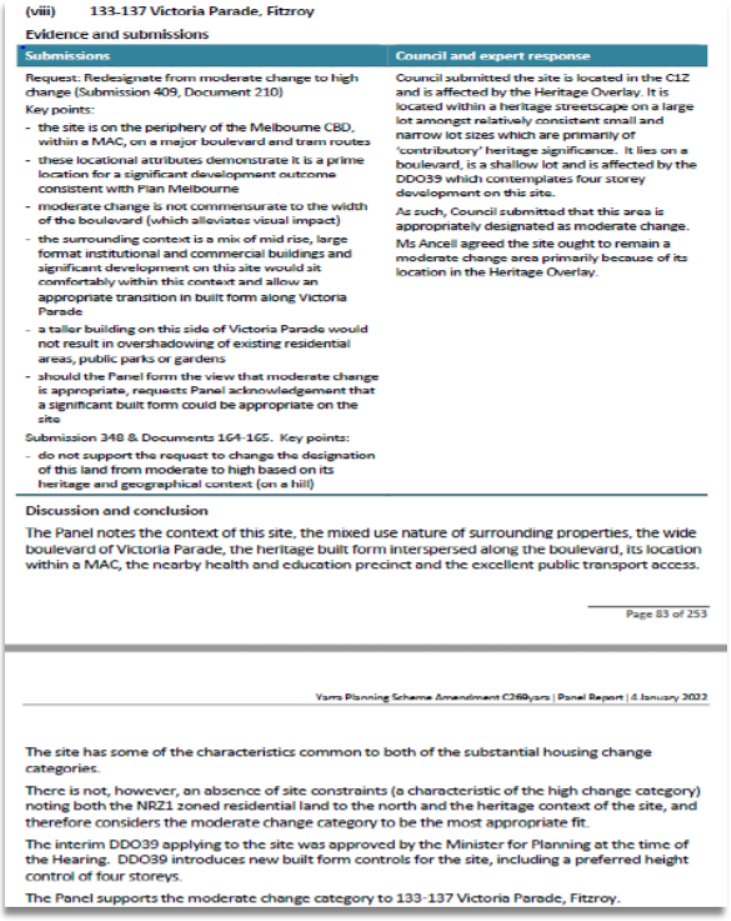


Figure 1: Strategic Housing Framework Plan- Collingwood Fitzroy (subject site highlighted in red)

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(viii) 133-137 Victoria Parade, Fitzroy

Evidence and submissions

Submissions	Council and expert response
Request: Redesignate from moderate change to high change (Submission 409, Document 210) Key points: - the site is on the periphery of the Melbourne CBD, within a MAC, on a major boulevard and tram routes - these locational attributes demonstrate it is a prime location for a significant development outcome consistent with Plan Melbourne - moderate change is not commensurate to the width of the boulevard (which alleviates visual impact) - the surrounding context is a mix of mid rise, large format institutional and commercial buildings and significant development on this site would sit comfortably within this context and allow an appropriate transition in built form along Victoria Parade - a taller building on this side of Victoria Parade would not result in overshadowing of existing residential areas, public parks or gardens - should the Panel form the view that moderate change is appropriate, requests Panel acknowledgement that a significant built form could be appropriate on the site Submission 348 & Documents 164-165. Key points: - do not support the request to change the designation of this land from moderate to high based on its heritage and geographical context (on a hill)	Council submitted the site is located in the C1Z and is affected by the Heritage Overlay. It is located within a heritage streetscape on a large lot amongst relatively consistent small and narrow lot sizes which are primarily of 'contributory' heritage significance. It lies on a boulevard, is a shallow lot and is affected by the DDO39 which contemplates four storey development on this site. As such, Council submitted that this area is appropriately designated as moderate change. Ms Ancell agreed the site ought to remain a moderate change area primarily because of its location in the Heritage Overlay.

Discussion and conclusion

The Panel notes the context of this site, the mixed use nature of surrounding properties, the wide boulevard of Victoria Parade, the heritage built form interspersed along the boulevard, its location within a MAC, the nearby health and education precinct and the excellent public transport access.

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The site has some of the characteristics common to both of the substantial housing change categories.

There is not, however, an absence of site constraints (a characteristic of the high change category) noting both the NRZ1 zoned residential land to the north and the heritage context of the site, and therefore considers the moderate change category to be the most appropriate fit.

The interim DDO39 applying to the site was approved by the Minister for Planning at the time of the Hearing. DDO39 introduces new built form controls for the site, including a preferred height control of four storeys.

The Panel supports the moderate change category to 133-137 Victoria Parade, Fitzroy.

Figure 2: Extract from panel report

Council officers are currently reviewing the Panel report and proposed to brief Councillors on the recommendations and process options in March 2022.

Aboriginal Cultural Heritage Significance

The site is not within an area of Cultural Heritage sensitivity.

Background

The following are matters of process that are relevant to this application:

Land Contamination

Victoria Unearthed does not list any previous site uses of concern (confectioners, grocers and hotel). However, the applicant's submitted Heritage Report refers to the previous use of the site as a cleaners in the 1960's. Council's records do not contain any references to a past use of the site as a dry cleaners. As this use is listed as having high potential for contamination pursuant to Table 2 of Practice Note 30 (Potentially Contaminated Land) a

Preliminary Site Investigation/ a desktop assessment of the likely site contamination is required. This needs to be prepared by a suitably qualified environmental consultant (not necessarily an EPA appointed auditor) and should include:

- Desktop investigation.
- Site inspection.
- May included limited field investigations and sampling conducted to the standard established in Schedule B2 of National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM), and To make recommendations on likelihood of contamination and whether further assessment is necessary i.e. Preliminary Risk Screen Assessment (PRSA) or an Environmental Audit Statement (Audit).

The applicant was made aware of this requirement early in the application process but requested it instead be dealt with by way of permit conditions. If Council were to support this application, a condition would address the above requirements, including a condition requiring the provision of a PRSA or audit if required.

VCAT Proceedings

On 11 November 2021, Council was informed that the applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT).

The closing date for objectors and referral authorities to lodge a Statement of Grounds with VCAT was 14 December 2021. Eleven (11) Statements of Grounds have been received.

A compulsory conference is scheduled on 10 February 2022.

If consent cannot be reached between the parties, the matter will proceed to a full hearing over five days, commencing 02 May 2022.

Planning History

The site has the following planning history:

- Planning permit 990680 issued 14 September 1999 for *part demolition, alterations and additions and waiver of the car parking requirements for an additional 30 seats associated with a food and drink premises* at 133 Victoria Parade.
- Planning permit 000918 issued 04 January 2002 for *use of the premises for the purpose of a café (Juice bar), buildings and works and a waiver of car parking* at 135 Victoria Parade.
- Planning application 92/194 was lodged 19 February 1997 for a floodlit panel sign. A letter issued from Council on the 17 March 1997 stating the proposed sign was prohibited pursuant to the requirements of the Yarra Planning Scheme.
- Planning application 991684 was lodged 21 November 1999 for a floodlit major promotional sky sign. The application was refused by Council on 19 June 2000. The applicant appealed this decision to the Victorian Civil and Administrative Tribunal (VCAT) who upheld Council's refusal of application on the 30th November 2000.
- Planning permit 000570 issued 19 July 2000 *to erect a front awning* at 137 Victoria Parade.
- Planning permit 000919 issued 13 March 2001 for *the use of the premises as two cafes (one at ground floor associated with florist and one at first floor), buildings and works and a waiver of car parking* at 137 Victoria Parade, Fitzroy.

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Existing Conditions

Subject Site

The site is located on the north-east corner of the intersection of Napier Street and Victoria Parade in Fitzroy. The site has a northern abuttal to a rear laneway of 14.9m, a western boundary of 24,4m, an eastern abuttal to Napier Street of 24.3m and a southern abuttal to Victoria Parade of 14.5m, yielding an overall site area of 358sqm.

Brunswick Street is located 200m west of the site and Smith Street 275m to the east. Both Brunswick Street and Smith Street include tram services. Further tram services run along Victoria Parade to the immediate site frontage.



Figure 3: Surrounds with subject site highlighted in yellow (Source Near maps)



Figure 4: Subject site (Source Google maps)

The subject site is occupied by a two storey building that reduces to single storey to the rear of the site and occupies 100% of the site. The building is occupied by a florist and a café with frontages to Victoria Parade and Napier Street. Two very large street trees are located in a kerb outstand on the Napier Street frontage, with another smaller mature tree along the Victoria Parade frontage.

The building is graded 'non- contributory' to the South Fitzroy heritage precinct. Council's Heritage advisor indicates the original building dates from the Victorian era with the applicant's heritage impact statement indicating the building appears to have been originally constructed approx. 1860's as a medical practice with accommodation above.

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The building has been extensively altered from its original appearance with the applicant's heritage report outlining this is thought to have occurred in the 1950's.



Figure 5: Historic image of Subject site (Source applicant material)

Title

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

Surrounding Land



Figure 6: Surrounds with subject site highlighted in yellow (Source Near maps)

Victoria Parade is one of the principal boulevards in the City of Yarra and measures approximately 55m in width. The north and southern side of the boulevard accommodates multi lane carriageways divided by wide landscaped median strip accommodating mature trees. Two tram lines run through the centre of this median strip.

The southern side of Victorian Parade is located within the City of Melbourne and has a higher concentration of large building ranging from approx. 10 to 11 storeys, reflecting the large lot sides found on this side of the street. The south side of Victoria Parade also has a strong character of lower scale buildings of two to three storeys on smaller lots, generally where heritage buildings have been retained.

The northern side of the Victoria Parade is located within the City of Yarra. It too has a character of taller buildings on larger lots with lower buildings on smaller lots where heritage buildings have been retained. This character of two storey buildings is particularly defined to the east of the subject site to Wellington Street.

The following massing diagram provided by the applicant demonstrates this typology. It is noted the applicant's submission outlines the tall building shown in light blue to the east of the subject site is a potential future application at 159 Victoria Parade. At the time of writing this report, this application has not yet been lodged with Council. This massing diagram also does not show the recently approved 13 storey building at 207-209 Victoria Parade & 1-3 Smith Street (see figure 8).

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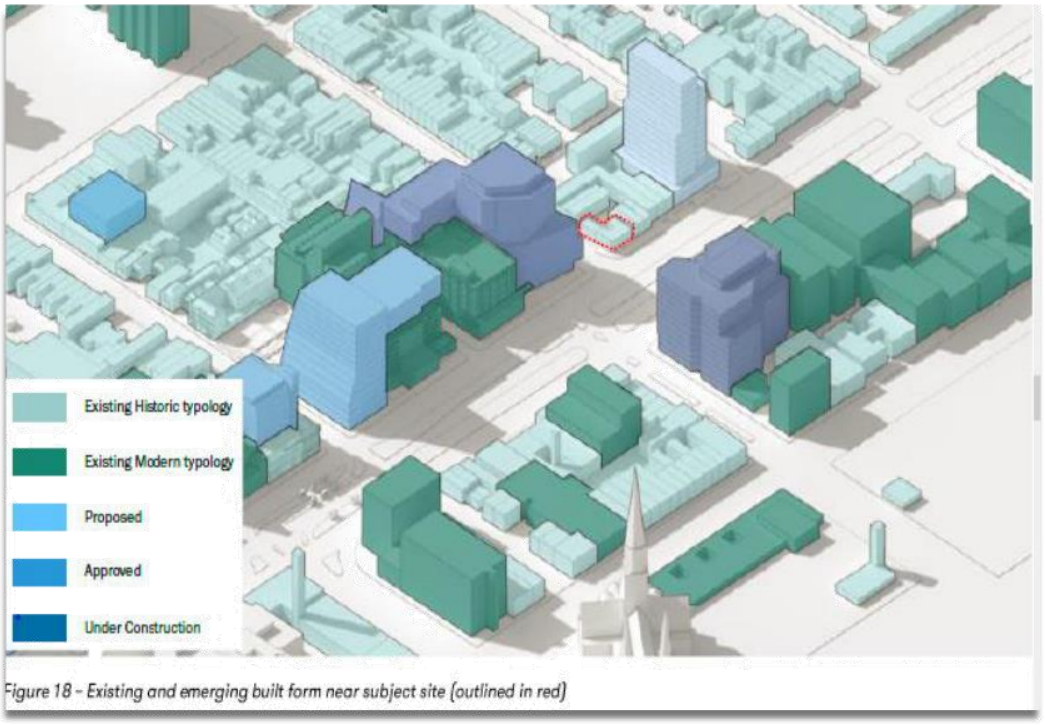


Figure 7: Applicants massing diagrams



Figure 8: Recently approved 13 storey building at 207-209 Victoria Parade & 1-3 Smith Street.

The following images detail other recent approvals in the immediate area.





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Figure 9: Part 12 storey and part 3 storey building approved on the north-west corner of Brunswick Street and Victoria Parade (planning permit PLN16/0926- 93-99 Victoria Parade). First image view for Victoria Parade and second image view from Brunswick Street. Not under construction (permit still valid).



Figure 10: Applicant image, approved development at 81- 89 Victoria Parade on the north-east corner with Brunswick Street and Victoria Parade, not under construction. Approved development at 115 Victoria Parade (Australian Catholic University) immediately opposite the subject site on far side of Napier Street and 200 Victoria Parade immediately opposite the subject site on far side of Victoria Parade (both under construction).

On the north-west corner of Napier Street and Victoria Parade (opposite the subject site) is the Australian Catholic University site where the corner portion of the site is currently being redeveloped with a 13 storey building (St Teresa of Kolkatta) for educational purposes (see figure 10). The building has an angled configuration to Napier Street with a five storey street wall constructed to the southern end of the Napier Street frontage (one level partially submerged) then splaying into the site on the north side of the Napier frontage. Floor 5 and 6 are setback 3.5m from the level below, with floor 7 and set back a minimum of 17m from Napier Street and floor 9-12 set back a minimum of 15.3m. The retained Mary Glowery Building has a six storey presentation to Victoria Parade and a 4.5 storey street wall to Napier Street (partially submerged level).

On the opposite site of Victoria Parade are three existing large office buildings to a maximum of 9 storeys and 200 Victoria Parade (see figure 10) currently under construction to a maximum of 11 storeys. The following existing conditions photo montages and massing diagrams of approved developments provided by the applicant illustrate the existing and emerging built form context on both the north and south side of Victoria Parade within the vicinity of the subject site.

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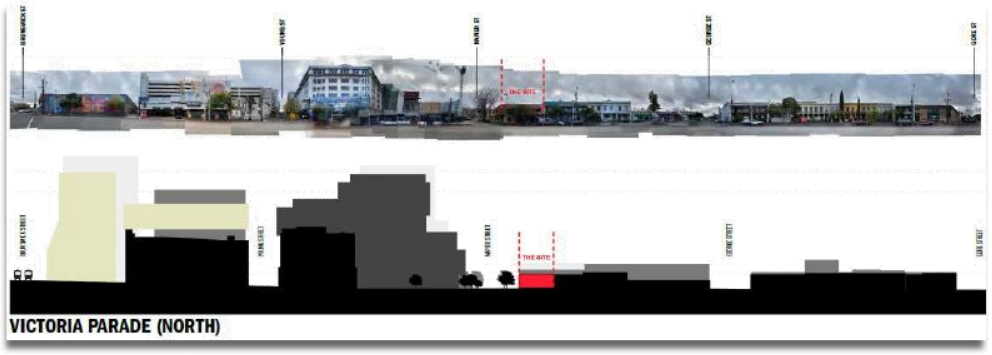


Figure 11: Applicant photo montage image showing part of the existing north side of Victoria Parade (noting the ACU development is now more progressed) and a massing diagram showing the approved ACU, 93-99 Victoria Parade and 81-89 Victoria Parade developments.

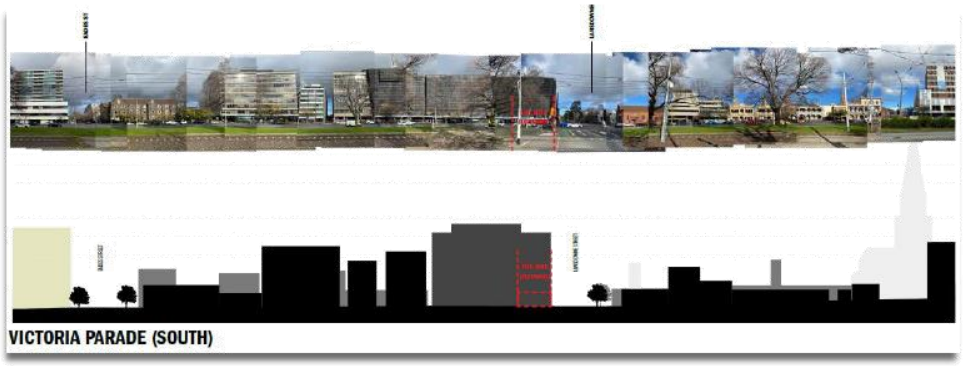


Figure 12: Applicant photo montage image showing part of the existing south side of Victoria Parade (noting the 200 Victoria Parade development is now more progressed) and a massing diagram showing the approved 200 Victoria Parade development.

To north of the site is a residential area located in a Neighbourhood Residential Zone-Schedule 1(NRZ1). Buildings along Napier Street are predominantly 1 – 3 storeys as illustrated in the following photo montage provided by the applicant.

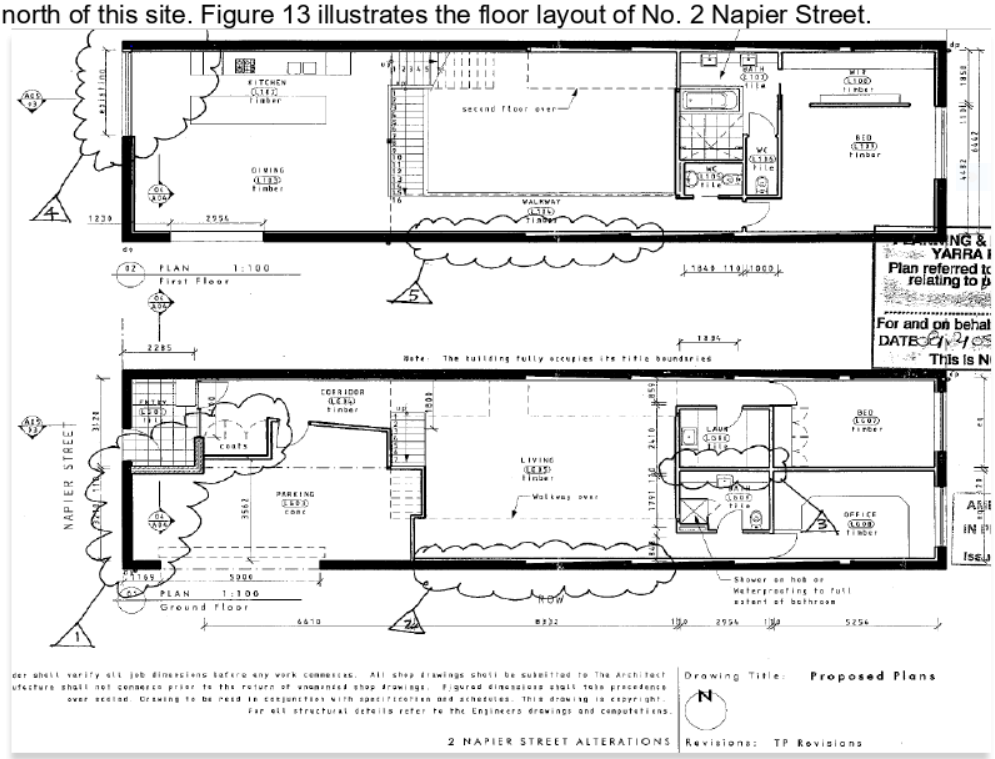


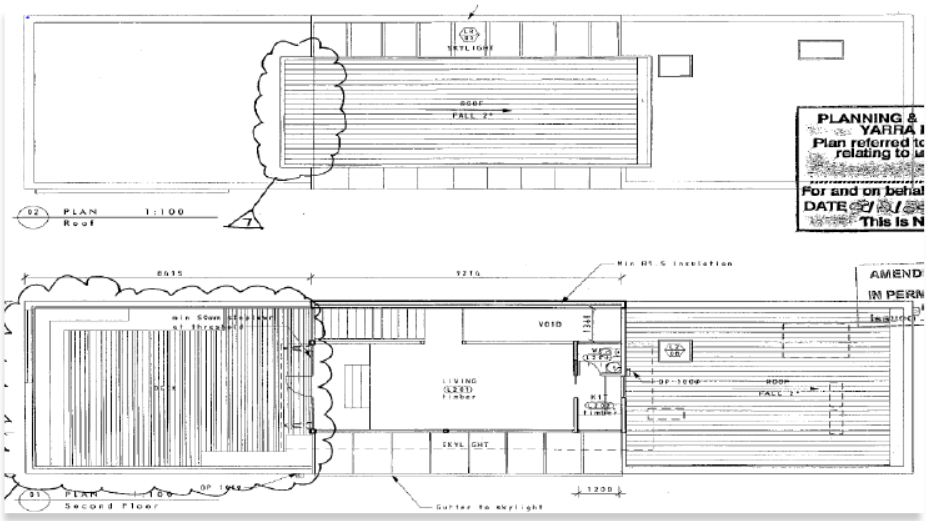
Figure 12: Applicant photo montage image showing part of the east side of Napier Street.

To the immediate north of the site is No. 2 Napier Street which is a three storey dwelling that occupies the full extent of its site boundaries, with a two storey dwelling located to the

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north of this site. Figure 13 illustrates the floor layout of No. 2 Napier Street.





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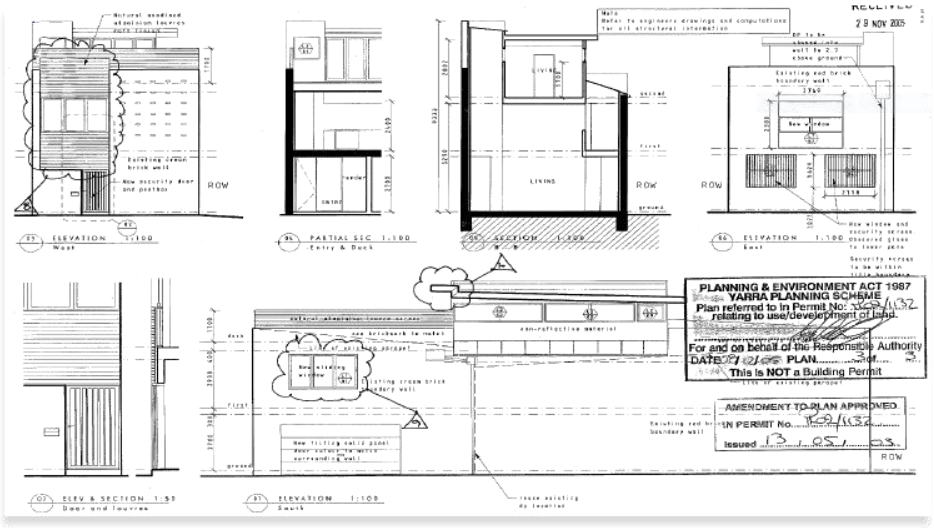


Figure 13: Council records showing internal layout of 2 Napier Street



Figure 14: 2 Napier Street



Figure 15: Rear of dwellings to the east with subject site highlighted in yellow (source Near maps)

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Figure 16: Frontage of dwellings to the east with subject site highlighted in yellow (source Near maps)

Adjoining the site to the east is a double storey Victorian era dwelling (139 Victoria Parade- see figure 17 for internal floor layout) that is one of a terrace containing three matching dwellings. This dwelling has private open space located to the rear. Based on recent online sales and leasing real estate information, 139 and 141 Victoria Parade are currently used as dwellings with 143 Victoria Parade used as a medical suite. These buildings are built to the Napier Street frontage and are all graded 'contributory' to the Fitzroy South Heritage Overlay Precinct.

Further east is another terrace of three double storey Victorian dwellings that are used for both residential and commercial purposes, known as Alexandra Terrace. These buildings are setback from the Victoria Parade frontage and accommodate a garden and car parking within these setbacks. These dwellings are individually significant to the Fitzroy South heritage overlay. To the east of these dwellings is a recently vacated petrol station.

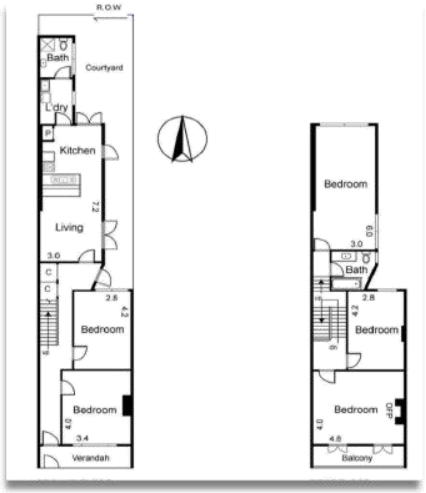


Figure 17: 139 Victoria Parade (Source Real Estate.com)

- The following public transport services can be accessed on foot: Victoria Parade tram services – 40 metre walk
- Victoria Parade bus services – 60 metre walk

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- Gertrude Street-Brunswick Street tram services – 250 metre walk
- Brunswick Street tram services – 330 metre walk
- Nicholson Street tram services – 560 metre walk
- Parliament railway station – 590 metre walk
- Hoddle Street/Punt Road bus services – 1,080 metre walk
- North Richmond railway station – 1,170 metre walk

The Proposal

The application is for use and development of the land for a 9 storey residential building (student accommodation), full demolition of the existing building and a car parking reduction for a food and drink premises (no permit required for food and drink use).



Figure 18: Applicant render images of the proposal

Further details of the proposal are as follows:

Use

The building is proposed to be used as student accommodation. All the levels above ground floor will be used as lodging rooms with communal areas also provided. A permit is required for this use. The ground floor will provide an entry lobby/cafe and services areas

for the student accommodation use. A permit is not required for the food and drink premises (café) component within the lobby area.

Car Parking and Bicycle provisions

- No on-site car parking is proposed.
- 11 Ned Kelly bicycle racks and 14 double stack racks are provided in a dedicated bicycle storage area at ground floor. A total of 39 bicycles spaces are proposed in the bike store. 10 electric bikes are also proposed for the use of students. A further 3 visitor bicycle hoops are proposed in the Napier Street outstand (6 spaces total).

Development

- The existing building is proposed to be demolished in full.
- A nine storey building is proposed over a basement level with a roof top terrace and will generally be built to all site boundaries.

Basement

- The basement will be built to all site boundaries apart from to the north boundary where it is set back 1.6m and a minor setback on the east side to accommodate the kink in the western boundary.
- The north side of the basement will accommodate a plant room including a rainwater storage tank.
- The central portion of the basement will accommodate stair and lift access along with a DDA compliant bathroom.
- The southern portion of the basement will accommodate a student laundry room (with two washing machines and two dryers).
- A further plant room is located in the south-east corner of the basement.
- The remainder of the basement accommodates a storage cage room for the use of students. A total of 52 cages are proposed with 49 of these being 1.15 cubic metres and the remainder being 2.4 cubic metres.

Ground floor

- The ground floor is built to all site boundaries except to the rear boundary where a 1.64m setback is proposed (north-west corner). Landscaping beds are proposed within the setback area extending to the rear laneway edge, along with paved areas servicing four doorways.
- These four doors service a 39sqm bike store, a 22sqm bin store, a 28sqm plant room and a fire escape corridor. The bike store contains 39 bicycle spaces and a bike repair station.
- The central portion of the ground floor contains the lift and stair with associated lobby.
- The southern portion of the site includes a lobby entry for the student accommodation with a café area. This shared lobby area includes a kitchen servicing the café and a shared service desk for the café and student accommodation reception.
- One door accessing the student accommodation lobby/café is proposed from the Napier Street frontage.

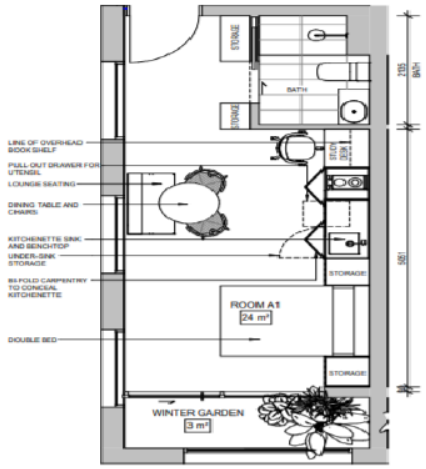
Student accommodation Room Types

- The remaining levels accommodate 52 student rooms with 6 different room types proposed, namely:
    - 3 x B1 room type each with winter gardens and internal floor area of 24sqm or 25sqm.

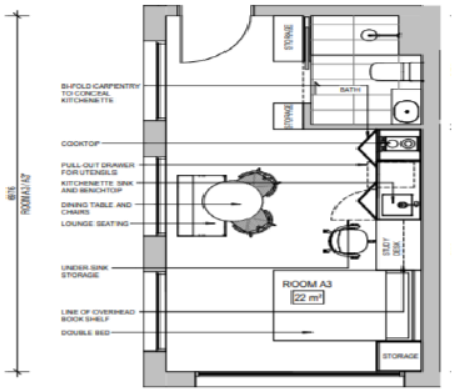
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- 9 x A1 room type each with winter gardens and internal floor area ranging from 22sqm to 24sqm.
- 3 x DDA compliant room type each with a DDA compliant bathroom and internal floor area of 33sqm or 44sqm.
- 2 X A2 room type with an internal floor area of 18sqm.
- 12 X B2 room type with an internal floor area of 24sqm or 25sqm.
- 23 X A3 room types with internal floor area ranging from 22sqm to 24sqm.

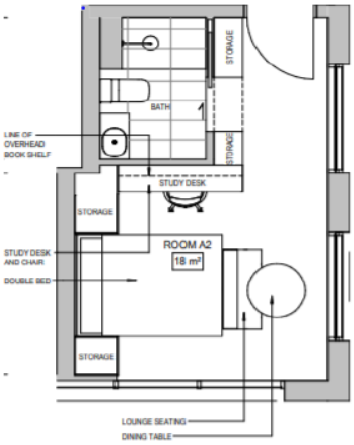
- The following images show the layout of each room type and the facilities the rooms are provided with.



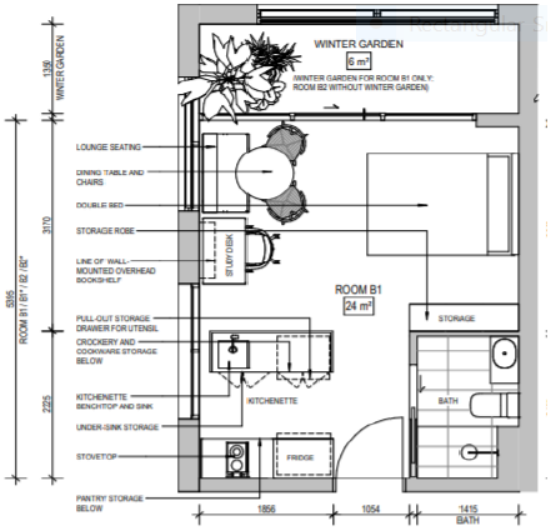
1 ROOM A1
SK_1102 1 : 50



2 ROOM A3
SK_1105 1 : 50



3 ROOM A2
SK_1104 1 : 50



4 ROOM B1 & B2
SK_1102 1 : 50

1. LAYOUT DRAWN ABOVE IS FOR ROOM B1 WITH WINTERGARDEN; ROOM B2 IS WITHOUT WINTERGARDENS.

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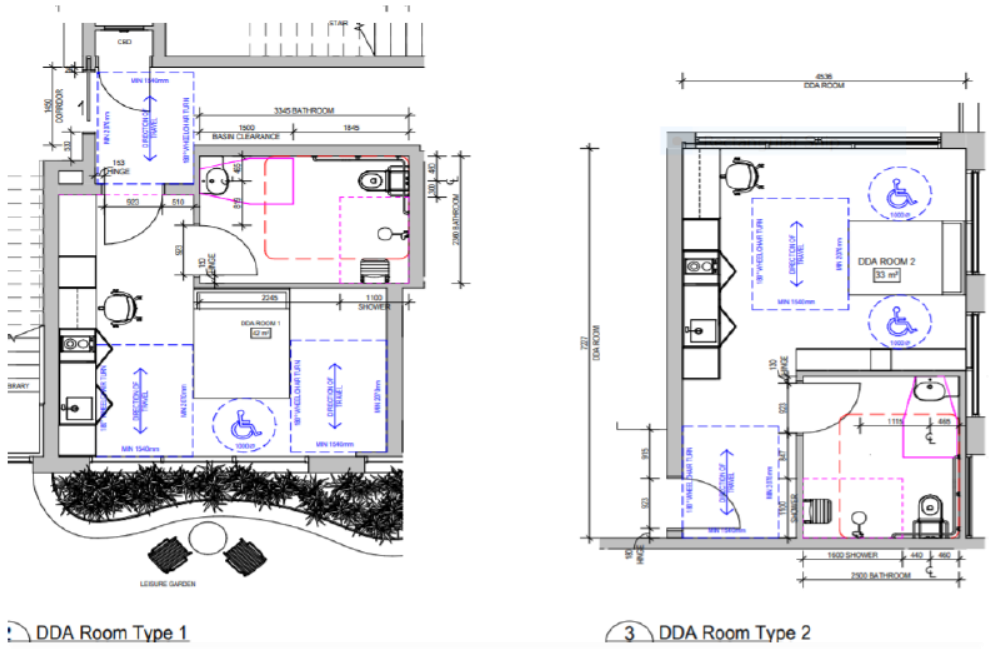


Figure 19: Room types and facilites provided in rooms.

Communal areas

- At level 2, a 31sqm co-working library space is proposed and accesses a 37sqm communal garden/terrace to the Victoria Parade frontage.
- At level 3, a 13sqm communal lounge is proposed.
- At level 4, a 45sqm communal kitchen/ dining room is proposed which accesses onto a 39sqm garden/terrace.
- A 111sqm roof garden/terrace is proposed to the Victoria Street frontage with the rear part of the building accommodating roof plant room. An access path for maintenance purposes is located around the plant room with this path edged by a planter to the roof edge. Solar panels are proposed atop the plant room.

Height and setbacks

Overall heights

- The façade walls have a maximum height of 29.7m to the top of the parapets.
- The lift core has a maximum height of 34.75m.
- The plant room has a maximum height of 32.42m.

Victoria Parade

- The building has a proposed street wall height of 8.2m to Victoria Parade and is then set back 3m at level 2 and 3 to accommodate the level 2 terrace to Victoria Parade. Above this level the Victoria Parade street wall is set back 1.5m.

Rear lane

- Ground and level 1 are setback 1.6m to the rear boundary. Level 2 and 3 are built to the rear boundary to a maximum height of 14.05m. The underside of the cantilever to level two allows for a 6m height clearance to the laneway/natural ground. The remainder of the upper levels are setback are setback 3m to the rear boundary.

Napier Street

- The building is constructed to its full height to the Napier Street boundary apart from level 2 and 3 where setbacks for 200mm to 300mm are proposed.

East elevation

- The east elevation is generally constructed to the boundary for its full height except on the northern end where a setback of up to 400mm is proposed to accommodate the irregular shape of the eastern boundary.

Façade design

- The façade and external design is intended to be a "flexible grid" comprising an extruded concrete fames surrounding the glazing with external horizontal blinds applied to most windows.
- The extruded frame will be a pre-cast concrete with a rough texture and a deep rust colour at ground and first level. Level 2 and 3 will be the same material but with a less rough texture and a mid-rust colour. The remining upper levels will be light terracotta/pink smooth pre-cast concrete.
- The external metal venetian style blinds applied to the windows will match the colour of their surrounding pre-cast concrete walls. These blinds are to be applied to most windows apart from at ground floor, some windows to the Napier Street elevation and level 2 and 3 to Victoria Parade.

ESD Features

- The proposal achieves a 50% BESS report score.
- Individual commercial tenants will be provided with separate minimum authority metering and all the major common services (e.g. DHW, Heating, Cooling and air conditioning (HVAC), Lifts etc.) will be sub metered separately.
- A Building Users Guide will be prepared for the occupants and operators of the building.
- Preliminary daylight modelling indicates that 91.4% of all bedrooms achieve BESS IEQ 1.2 daylight requirements, 80.8% of Living Areas.
- Improvement in required NCC2019 insulation levels to the building fabric elements roof, walls, ceilings, floor, glazing system etc.
- A 5kW Solar PV system will be provided for the building.
- Water efficient fixtures and taps.
- The development will not utilise water-based heat rejection systems, with all HVAC being air-cooled.
- The site is designed to include Green roofs and kitchen/communal gardens.

Yarra Planning Scheme Provisions

Zoning

The subject site is zoned Commercial 1 Zone (C1Z). The following provisions apply:

Pursuant to Clause 34.01-1 of the Scheme, a food and drink premises is a Section 1 use and therefore a planning permit is not required for this use.

Pursuant to Clause 34.01-1 of the Scheme, accommodation (including a residential building- student accommodation) is a Section 1 (permit not required) use with the condition that any frontage at ground floor level must not exceed 2 metres in width. As the proposed Student Accommodation use at ground level exceeds 2 metres and occupies the entire Napier Street and Victoria Parade frontages, a planning permit is required for the use. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required for buildings and works.

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Overlays

The subject site is affected by Heritage Overlay - Schedule 334 (HO334 South Fitzroy Heritage Precinct).

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

'City of Yarra Database of Heritage Significant Areas, July 2020' (as saved in incorporated documents on the DELWP website Incorporated Documents (planning.vic.gov.au) identifies the site as being not contributory heritage grading.

The subject site is affected by two Design and Development Overlays – Schedule 2 (Main Roads and Boulevards) and Schedule 39 (Victoria Parade). The following provisions apply:

Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. The buildings and works must be constructed in accordance with the requirements of the schedule.

DDO2 contains the following general design objectives;

- *To recognise the importance of main roads to the image of the City.*
- *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
- *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
- *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design. To encourage high quality contemporary architecture.*
- *To encourage urban design that provides for a high level of community safety and comfort.*
- *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

The DDO39 is an interim control which was gazetted on the 22 October 2021 (after the application was lodged) and is set to expire on 21 April 2023. There are no transitionary provisions built into DDO39, as such the requirements of this overlay apply to the current application. Permanent controls are proposed to be introduced through the full amendment process, with the formal public exhibition process anticipated to occur in the second half of this year.

DDO39 contains the following general design objectives;

- *To ensure development responds to the varied character and open streetscape of Victoria Parade by supporting:*
  - *a new lower- to mid-rise character (ranging from 3 to 7 storeys) behind a varied heritage street wall west of Wellington Street, excluding the Smith Street junction.*
- *To ensure development to the west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character.*
- *To ensure new development responds to the grand, tree lined, boulevard character of Victoria Parade.*
- *To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of*

footpaths on the opposite side of streets, central median of Victoria Parade and public spaces.

- *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.*

Under Schedule 39, the site is located within Map1 – Street Wall Heights and Building Heights (west of Wellington) which indicates a preferred 4 storey or 14.4m maximum building height and a new maximum 2 storey or 8m street wall height to both Napier Street and Victoria Parade. 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:

- *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 proposed building height; and*
- *the equipment/structures occupy less than 50 per cent of the roof area (solar panels excepted).*

DDO39 contains the following general design objectives (as principally relevant to the subject site);

- *Infill development should match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser.*
- *The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.*
- *Development of non-heritage buildings on street corners should provide a corner splay at minimum of 1 x 1 meter along the site's corner boundaries.*
- *Upper levels above the street wall within or immediately adjacent to land subject to the Heritage Overlay should be set back by a minimum of 6m on Victoria Parade and Wellington Street.*
- *Upper levels above the street wall should be set back by 3 metres from the secondary frontage.*
- *Development on a rear boundary should not exceed the maximum heights in Table 1.*

Table 1: Rear boundary wall heights

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m - Whether or not separated by a laneway

- *Upper levels above a rear boundary wall should be set back from the rear boundary and be contained within a 45 degree setback envelope. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary, taken from the centre of the boundary.*
- *Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps(including the setback above the boundary wall below as one step) to avoid repetitive stepping of individual levels.*

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- *Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.*
- *Development should not visually dominate adjoining residential sites, including where separated by a laneway.*
- *Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.*
- *New development should not overshadow:*
  - *the northern edge of the Victoria Parade central median at 12pm on 22 September;*
  - *the footpath on the western side of any street (3m from property boundary, including the street) at 10am and eastern footpaths (3m from property boundary, including the street) at 2pm on 22 September (except Cromwell, Islington, Rockeby and Rupert Streets);*
  - *any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.*
- *Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:*
  - *be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site or exists on the adjacent property;*
  - *and be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window facing the common boundary is proposed on the subject site or exists on the adjacent property (including Commercial 2 Zone).*
- *Where the common boundary is a laneway, the setback is measured from the centre of the laneway.*

The subject site is affected by the Development Plan Contributions Overlay (DPCO) – Schedule 1.

Pursuant to Clause 45.06-1 a permit granted in the DCPO must;

- *Be consistent with the provisions of the relevant development contributions plan.*
- *Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.*

As the proposed development results in an increase in floor area, it is not exempt from a development contribution. Had Council been supportive of the application, a condition would have been included in the recommendation to require the development contributions to be met prior to commencement of the development, as follows:

> *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 or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.*

Relevant Particular Provisions

Clause 52.06 – Car Parking

Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land. Where a use is not specified in the table, an adequate number of car spaces must be provided to the satisfaction of the responsible authority. A residential building (student accommodation) does not have a specified rate and as such car spaces must be provided to the satisfaction of the responsible authority.

Given the location of the site in the Principal Public Transport Network Area, the Column B rates apply. The table below identifies the car parking requirement under Clause 52.06-5, the provision on site, and the subsequent reduction below the statutory requirement:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Student Accommodation	52-bedrooms	Rate Not Specified	To the satisfaction of the Responsible Authority	0
Food and drink	83 m^2	3.5 spaces per 100 m^2 of leasable floor area	2	0
		Total	**2 Spaces plus Spaces for the Student Accommodation**	**0**

Pursuant to Clause 52.06-3, a planning permit is required to reduce the number of car spaces required under Clause 52.06-5. A reduction of 2 car spaces in the car parking requirement in *Clause 52.06* is sought by the applicant.

Clause 52.34 - Bicycle facilities

Pursuant to Clause 52.34-1 of the Scheme, a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage are provided on the land.

The following table identifies the bicycle facility requirements under Clause 52.34-3 of the Scheme, the provision of bicycle facilities on site, and the subsequent reduction below the statutory requirement that is being sought:

Proposed Use	Quantity/ Size	Statutory Bicycle facility Rate	No. of Spaces Required	No. of Spaces Allocated
Residential building (student accommodation)	52 lodging rooms	In developments of four or more storeys, 1 resident space to each 10 lodging rooms	5 resident spaces	
		In developments of four or more storeys, 1 visitor space to each 10 lodging rooms	5 visitor spaces	
Retail premises	83 sqm	1 employee space to each 300 sqm of leasable floor area	0 employee spaces	
		1visitor space to each 500 sqm of leasable floor area	0 visitor spaces	

Bicycle Parking Spaces Total	**5 employee / resident spaces**	**39 resident / employee spaces**
	5 visitor spaces	**0 visitor spaces**

Clause 52.34-2 of the Scheme states that a permit may be granted to reduce or waive this requirement. It is noted that 6 visitor spaces are proposed on the Napier Street outstand. However, as they are located outside title boundary, they cannot technically be counted as the provision of visitor spaces on-site for the use. As such, a formal reduction of 5 visitor spaces is required.

General Provisions

Clause 65 – Decision guidelines

Planning Policy Framework (PPF)

Relevant clauses are as follows:

- Clause 11.02-1S – Supply of Urban land
- Clause 13 – Environmental Risks and Amenity
- Clause 15.01-1S – Urban Design
- Clause 15.01-1R – Urban Design – Metropolitan Melbourne
- Clause 15.01-2S – Building Design
- Clause 15.01-5S – Neighbourhood Character
- Clause 15.02-1S – Energy and Resource Efficiency
- Clause 15.03-1S – Heritage Conservation
- Clause 15.02 – Sustainable development
- Clause 15.03 – Heritage
- Clause 16.01 – Residential development
- Clause 17.01-1S – Diversified Economy
- Clause 17.02-1S – Business
- Clause 18.01-1S – Land Use and Transport Planning
- Clause 18.02-1S – Sustainable Personal Transport
- Clause 18.02-1R – Sustainable Personal Transport – Metropolitan Melbourne
- Clause 18.02-2S – Public Transport
- Clause 18.02-2R – Principal Public Transport Network

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

Relevant clauses are as follows:

- Clause 21.03 – Vision
- Clause 21.04-1 - Accommodation and housing
- Clause 21.04-3 – Industry, office and commercial
- Clause 21.05-1 – Heritage
- Clause 21.05-2 – Urban design
- Clause 21.05-3 - Built form character
- Clause 21.05-4 – Public environment
- Clause 21.06 – Transport
- Clause 21.07-1 – Environmentally sustainable development
- Clause 21.08-7- Fitzroy

Local Policies

- Clause 22.02 – Development guidelines for sites subject to the heritage overlay
- Clause 22.05 – Interface uses policy
- Clause 22.07 – Development abutting laneways
- Clause 22.16 – Stormwater management (water sensitive urban design)
- Clause 22.17 – Environmentally sustainable development

Advertising

The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 544 letters sent to surrounding owners and occupiers and by 2 signs displayed on site.

Council received 43 objections. Objectors raised the following grounds (summarised as follows):

- Height, massing and setbacks out of context/dominating in the residential interface and heritage context.
- External appearance/materials do not achieve a high-quality design standard & loss of street activation.
- Student lodging rooms are too small/oversupply of student accommodation in area.
- Lack of on-site car parking/increased demand for on street parking spaces.
- Car parking survey in the submitted Traffic Report was carried out during the Covid Pandemic period
- Negative wind effects.
- Disruption/disturbance during construction period.
- Damage to existing street trees adjacent to subject site.
- Overshadowing, loss of daylight, overlooking, block views, reduction in property values and noise disturbance to nearby residential properties.
- Concern with ESD performance.
- Overshadowing to streetscapes.
- Lack of a detailed operations management plan.
- Concern that dwellings rather than student accommodation are proposed.

Referrals

Internal Referrals

The application was referred to the following internal departments and their recommendations are contained below:

Heritage Advisor

Assessment of Proposed Works

- *Demolition*

Demolition as proposed is acceptable.

The Trethowan HIS states viz.:

> *Some nineteenth century elements of the building [i.e. the Victoria Parade Hotel] may survive including the roof structure and the rear single storey wing fronting onto Napier Street. The general form of the nineteenth century building remains.*

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Nevertheless, the current external appearance of the main elevations is consistent with a utilitarian design approach dating from the 1950s.

During demolition, if any 19th century fabric is discovered an archival photographic record in colour should be made and ultimately lodged in the Fitzroy Library. Similarly any significant fabric or artefacts should be retained and lodged with Council. This should be the subject of a permit condition to the satisfaction of the Responsible Authority.

Height
The overall height is 29.7 metres to the top of the parapet and 34.75 metres to the top of the lift overrun. The height to the top of the Victoria Parade street wall (podium) is 8.2 metres which is just below the height of the parapet of the abutting terraces in Victoria Parade. (SK-2002, Rev. E). This is appropriate and acceptable in the physical context however it exceeds the street wall height specified in DDO39 by 200 mm. However, DDO 39 at 2.3 states, viz.:

- *Infill development should match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser.*

In the context it accords with the DDO in this regard.

The context is a boulevard (Victoria Parade) which has double-storey Victorian dwellings, particularly east of the subject site and all the way to Gore Street (except for the petrol station), and a range of higher buildings and residential streets running northwards from it which predominantly are comprised of single- and double-storey Victorian dwellings. In my opinion the considerations are different for Victoria Parade and in this case Napier Street.

Schedule 2 to the DDO is concerned with Main Roads and Boulevards. No heights are specified. Insofar as heritage is concerned, included in the Design Objectives are viz.:

- *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
- *To limit visual clutter.*

This last dot point accords with Cl. 21.04-1:

- *Strategy 14.5 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*

Included in the Decision guidelines of DDO2 are, viz.:

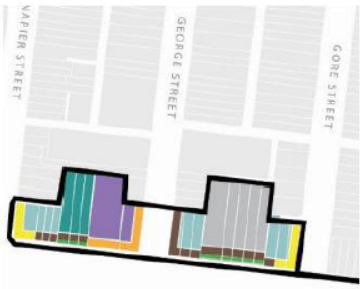
- *The design, height and visual bulk of the development in relation to surrounding land uses and developments.*
- *The design, height and form of the development in relation to the built form character of the street.*

Schedule 39 to the DDO is concerned with Victoria Parade. Insofar as heritage is concerned, included in the Objectives are viz.:

- *To ensure development to the west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character.*
- *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.*

The subject site is shown on Map 1, viz.:

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The street wall (yellow) should not exceed 2 storeys (8 metres) and any built form behind (light green) is not to exceed 3 storeys or 14.4 metres. The Interface Requirements (2.6) in a NRZ (i.e. Napier Street) state that the 'Maximum Rear boundary wall height should be 8m - Whether or not separated by a laneway" and that

- *Development should not visually dominate adjoining residential sites, including where separated by a laneway.*

While not abundantly clearly dimensioned on SK2002, the street wall, including the balustrade to the lane, appears to be approximately 7.5 metres and if this is the case it complies.

Included in the Decision guidelines are, viz.:

- *whether development retains the prominence of the heritage street wall (west of Wellington Street) in the vistas along Victoria Parade;*
- *whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings;*

The existing and proposed street walls are not heritage street walls.

The other relevant policy context includes viz.:

Cl. 21.05-1
Objective 14 To protect and enhance Yarra's heritage places.
Strategy 14.3 Protect the heritage skyline of heritage precincts.

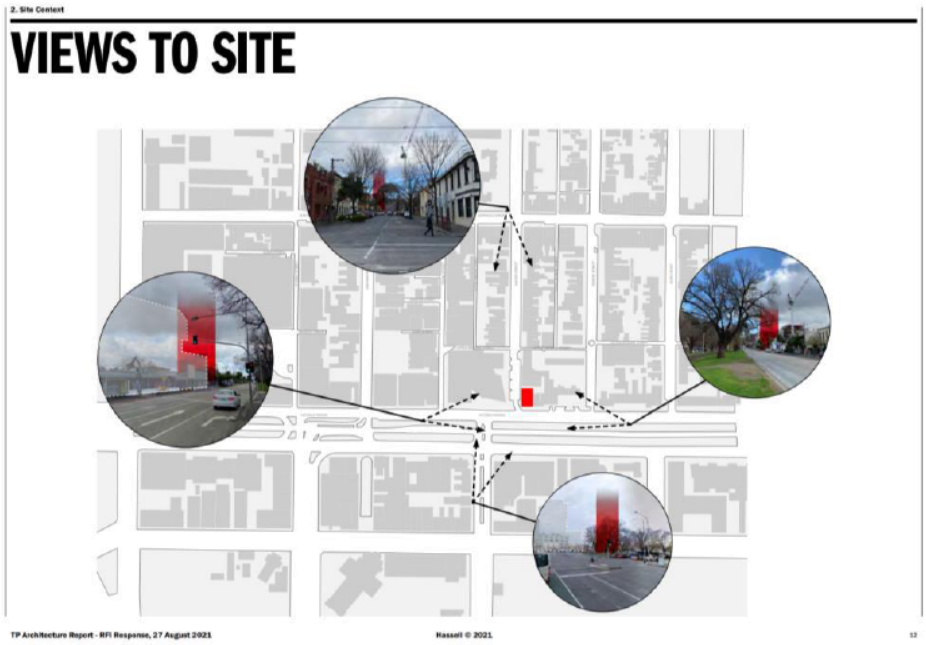
Cl. 22.02
Objectives
To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.
To retain significant view lines to, and vistas of, heritage places.
To preserve the scale and pattern of streetscapes in heritage places.

22.02-5.7 New Development, Alterations or Additions
General
Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, …, materials and heritage character of the surrounding historic streetscape.*
- *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- *Be visually recessive and not dominate the heritage place.*

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- *Consider the architectural integrity and context of the heritage place or contributory element.*



The view circled above is from the corner of Gertrude Street looking south. Even at this distance of a whole block, the proposed building will be visually prominent and dominant and as a result will be unacceptably visually intrusive.

- *22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)*
- *Corner Sites and Sites with Dual Frontages*
  - *Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.*

To comply with the Objectives and Strategies at Cl. 21.04-1, 22.02, DDO 2 and 39 would require a reduction in height. The impact of height and visual bulk on Napier Street is evident already by the partly constructed St. Teresa of Kolkatta building, which is visually intrusive, and also the top of the Mary Glowrey building, the latter in certain views from Napier Street. The proposed building will also be visually intrusive, prominent and dominant in views southwards along Napier Street.

While Victoria Parade can accommodate greater height than can Napier Street, there will be an abrupt transition in scale and a sheer wall, particularly when viewed from the east, between the proposed building and the abutting double-storey terraces. So as to comply with the above policies and so as to reduce visual disruption and intrusion by the height and sheer wall, 3 levels should be deleted.

Setbacks
The existing building has zero setbacks.

2.3 of DDO39 states, inter alia, viz.:

- *Development of non-heritage buildings on street corners should provide a corner splay at minimum of 1 x 1 meter [sic. i.e. metre] along the site's corner boundaries.*
- *Development should retain the visual prominence of:*
  - *the heritage street wall in the vistas along the street; and*
  - *heritage fabric of the return façades of heritage buildings on corner sites*

No corner splay has been provided.

2.4 of DDO39 states, inter alia, viz.:

- *Upper levels above the street wall within or immediately adjacent to land subject to the Heritage Overlay should be set back by a minimum of 6m on Victoria Parade and Wellington Street.*
- *Upper levels above the street wall for all other sites should be set back by a minimum of 6m from the primary frontage.*
- *Upper levels above the street wall should be set back by 3 metres from the secondary frontage.*
- *Upper levels should:*
  - *be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage streetscape and minimise upper level bulk;*
  - *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;*

Given the boulevard nature of Victoria Parade, the varied setbacks in the immediately vicinity of the subject site, (zero to say 4 metres on sites abutting to the east), and the varied setbacks of the Victoria Parade and Napier Street elevations of the St Teresa of Kolkata building, and the mixed nature of the Victoria Parade streetscape between Napier and Brunswick Streets and the existing zero setbacks of the building on the subject site, in this location a setback of 6 metres to Victoria Parade would not have any benefit to heritage. For similar reasons, and while noting that some of the buildings in Napier Street to the north have small front garden setbacks and also noting that the properties between Victoria Parade and Little Victoria Street have either a zero setback (two properties to the north immediately adjacent to the subject site) or a high boundary wall or an approximately 1 metre setback, a 3 metres setback to Napier Street in this location would have no benefit to heritage considerations and would change a streetscape element (setback depth) which while not Victorian, has existed for approximately 70 or so years.

The upper levels will not be visually recessive from any direction and will "detract from the character of the streetscape[s] when viewed directly or obliquely along the street".

In the context of Victoria Parade and the immediate part of Napier Street, the setbacks proposed will not achieve visual recessiveness and will allow the building to detract from the character of both streetscapes.

There will be recessed setback (2.15 metres) to the lane at the Ground level and Level 01 (Wintergardens) on the North side. The setbacks of the Levels above i.e. Levels 02 and 03 and the balustrade at Level 04 (Shared amenity space and kitchen garden) will project to the Title boundary and will appear ungainly. Corresponding on the South side will be a recessed setback from Victoria Parade at Levels 02 and 03 will appear ungainly particularly when viewed from Napier Street. In any event when viewed from any direction

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these setbacks will introduce a degree of discord into the design and are unacceptable. The Victorian buildings which form the nature of this part of the heritage place are essentially all vertically-oriented rectangular blocks where they are double-storey and small cubes where they are single-storey. None of them have projections or rebates – the recessed verandahs are masked by the cast iron or stonework which effectively forms this part of their façades. A zero setback at Ground level and above the podium is preferred (i.e. in the same plane), or at least a continuous setback which is increased further at the upper levels without creating a stepped effect i.e. one step only.

Design/Colours/Materials
I note that the façade and external design is intended to be a "flexible grid". Some examples of the "Fitzroy Terrace House Typology" (not all examples are from Napier Street), is included at p. 37 of the 133 Victoria Parade, Fitzroy Architecture Site Analysis and Renders. It is evident from the illustrations that the pattern of fenestration in Napier Street, and indeed in Fitzroy generally, is vertically-oriented rectangular windows, mostly in pairs at the upper level, although at the south end of Napier Street there are 2 dwellings with 3 windows at the upper level and 2 at the lower level, either in pairs or singles, sometimes with sidelights, at the Ground floor level of the Victorian terraces. In addition the proportion of solid, i.e. masonry façade, to void i.e. window opening, is more solid and less void. What is proposed here is the opposite i.e. more void than solid which introduces a skeletal effect which is in distinct contrast to the Victorian dwelling façade arrangement and indeed building envelope which is one predominantly of solidity rather than openness.

The proposed window openings will be of varying shapes and sizes i.e. those on the South and East elevations are squarish, with two vertical rows being rectangular, whereas those on the North and South elevations are distinctly horizontal rectangles or are distinctly square other than at Levels 2 and 3 of the South elevation. A more uniform grid of vertically-oriented rectangular windows and with more solid and less void should be applied to all elevations.

The red/pink palette will be unique in Victoria Parade, other than for the Greek Orthodox church on the south side, and will likely form a strong contrast with the predominantly white St Teresa of Kolkatta building on the opposite corner of Napier Street. A less striking and more neutral and sober colour palette is preferred so that as far as is possible any new building blends in rather than standing out in the streetscapes.

The Reckli panels and textures are acceptable.

The external blinds and louvres are an issue as they cover over the voids of the fenestration and experience in Yarra shows that similar blinds, louvres and screens remain closed rather than open for most of the time presenting a solid visual presentation to the streetscape which is not punctuated by voids as per the Victorian dwellings. Some other solar shading treatment should be provided such as shallow window shrouds on the North, East and West elevations, shallow awning canopies on the same elevations and which are contained within the title boundary or thermal glazing.

The lift overrun will present a visual intrusion in the Napier Street streetscape. Given that in reality, because of pedestrian activity on the northern footpath of Victoria Parade which limits upwards views, horizontal views from trams and limited views from the carriageway due to heavy vehicular traffic, the lift overrun is less likely to be noticed and would be less visually intrusive if it were located along Victoria Parade or otherwise more centrally in the building.

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Landscape to the Lane
I note that there is to be some landscaping along the lane abutting the north elevation. Lanes in Yarra are historically and typically not landscaped (they provided access for the collectors of night soil from the closets which backs onto the lanes) and given that the plants will be mostly in shadow from Level 02 – 04 above, I have concerns that the planters will not survive and become neglected and unsightly. They should be deleted.

Recommendation / Comments:
Not approved
Collectively the various policies set out above seek to ensure that development respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character and development responds to sensitive interfaces by ensuring the overall scale and form through a suitable transition to low scale residential areas. Development should respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration … materials and heritage character of the surrounding historic streetscape and new built form should be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.

They also seek to ensure that new built form does not visually dominate adjoining residential sites, that the heritage skyline of heritage precincts is protected, that the scale and pattern of streetscapes in heritage places is preserved and that significant view lines to, and vistas of, heritage places are retained. It is self-evident that the proposed building does not meet these objectives, strategies and policies.

During demolition, if any 19th century fabric from the former Victoria Parade Hotel is discovered an archival photographic record in colour should be made and submitted to Council for ultimate lodgement in the Fitzroy Library. Similarly any significant fabric or artefacts should be retained and lodged with Council. Noting that this might require some input, perhaps a site inspection, by Council's Heritage Advisor. This should be the subject of a permit condition to the satisfaction of the Responsible Authority.

So as to comply with the above policies and so as to reduce visual disruption by the height and sheer wall 3 levels should be deleted.

A zero setback at Ground level and above the podium is preferred (in the same plane), or at least a continuous setback which is increased further at the upper levels without creating a stepped effect i.e. one step only. No rebates or projections should be at the lower levels.

A more uniform grid of vertically-oriented rectangular windows and with more solid and less void should be applied to all elevations.

A less striking and more neutral and sober colour palette is preferred so that as far as is possible any new building blends in rather than standing out in the streetscapes.

Urban design (External Consultant – Hansen Partnership)

Urban Design Assessment

Strategic Context

The Yarra Planning Scheme seeks to maintain the City's urban character as a 'low-rise urban form with pockets of higher development'. Clause 21.05 – 2 states that low- rise building heights within the municipality predominantly vary between 1-2 storeys, with

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instances of 3-4 storey buildings. Pockets for higher development are Strategic Redevelopment Sites or within Activity Centres and should generally be no more than 5-6 storeys, unless specific benefits can be achieved. The subject site is not located within an Activity Centre or a designated Strategic Redevelopment Site. Therefore, development should maintain a low-rise form.

The subject site is located within two Design and Development Overlay, being both DDO2 and DDO39. As these DDOs contain the most relevant provisions in relation to built form scale and massing, we will focus our assessment on them and in particular the new DDO39.

DDO2 applies to Yarra's main roads and boulevards, and seeks 'to reinforce and enhance the distinctive heritage qualities' and 'to recognise and reinforce the pattern of development and the character of the street', 'encourage high quality contemporary architecture' and 'to maintain…a high level of amenity to adjacent residential uses'.

DDO39 was implemented into the Yarra Planning Scheme recently (subsequent to the application) in October 2021 on an interim basis, with its provisions due to expire on 21st April 2023. DDO39 was implemented without transitional provisions and therefore is applicable. DDO39, specifically applies to commercial or mixed use zoned properties along the northern side of Victoria Parade – between Napier Street and Hoddle Street. DDO39 seeks 'a new lower-to mid-rise character (ranging from 3 to 10 storeys) behind a varied heritage street wall west of Wellington Street', and 'to ensure development west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character' and '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'.

Specifically, in relation to the subject site, DDO39 identifies the following preferred overall heights and street walls. An overall height of 4 storeys (14.4m) rising above a new street wall height of 2 storeys (8m). In contrast the proposal comprises an overall height of 9 storeys (29.7m). This significantly exceeds (more than doubles) the discretionary overall height by 5 storeys or 15.3m. Therefore, a detailed assessment against the objectives and other requirements of DDO39 is required.

An assessment of the applicable DDO39 requirements are as follows:

DDO39 Assessment

In response to the relevant Objectives, the proposal at 9 storeys falls within the broad (3-10 storey) range of new lower to mid-rise forms sought to the west of Wellington Parade. However, this stated ambition is highly varied as it needs to cover the approximately 560m frontage of diverse properties along the northern side of Victoria Parade, spanning the five urban blocks between Napier Street and Wellington Street. As the subject site a smaller to moderate sized parcel within this area of Victoria Parade, its anticipated maximum scale is tempered relative to its lot dimensions and in particular its depth – being approximately 24.4m. Given the DDO objectives which seek to respect the heritage street wall profiles and ensure that any new upper level forms are recessive to the heritage elements, spatial separation is required. This is sought by the 6m setback provision above the street wall to Victoria Parade. In addition, the last DDO objective seeks a suitable transition to abutting low scale residential properties to the north primarily to avoid unreasonable visual bulk impacts. This is sought by the 8m and 45 degrees rear building envelope provision.

As a consequence of these objectives and the spatial provisions imposed to both a site's street frontage and residential interface, that lot depth (as well as heritage fabric) become the key determining factors in formulating an appropriate overall height for this site. Therefore, given the discretionary nature of the preferred 4 storey maximum height and slight increase to 5 storeys may be acceptable. However, the visual impact of upper levels

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from oblique views along Napier Street (from the north) and Victoria Parade (primarily from the east) will be critical in determining the appropriateness of a future form and its response to its immediate context.

Street Wall Height and Setback Requirements

- *Infill development should match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser.*
- *Development should achieve a continuous street wall with no front setback to a street, unless the site is a heritage building and a front setback already exists.*
- *The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.*
- *Development of non-heritage buildings on street corners should provide a corner splay at minimum of 1 x 1 meter along the site's corner boundaries.*

In response, the proposal in relation to the podium, comprises a 2 storey (8m) street wall, which appropriately 'matches' the height and profile of the abutting heritage terrace form at 139 Victoria Parade. However, this street wall profile is lost along the Napier Street frontage as upper levels are not setback the recommended 3m dimension. Also, the proposal does not provide the 1m x 1m corner splay as both sought by the DDO and currently present on this street corner.

Upper Level Setback Requirements

- *Upper levels above the street wall within or immediately adjacent to land subject to the Heritage Overlay should be set back by a minimum of 6m on Victoria Parade and Wellington Street.*
- *Upper levels above the street wall should be set back by 3 metres from the secondary frontage.*
- *Upper levels should:*
  - *be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage streetscape and minimise upper level bulk;*
  - *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.*
- *Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies and balustrades should not protrude into a setback.*

In relation to upper levels, the proposal comprises a 3m front setback to Victoria Parade at Levels 2 and 3 and 1.5m at Levels 4-8 and 0m secondary setback to Napier Street at Levels 2 and 3 and a 151mm projection at Levels 4-8. As a result the upper levels are not visually recessive and unreasonably overwhelm the abutting heritage streetscape and present excessive visual bulk, when viewed from within the public realm. The proposal's lift core is positioned immediately abutting the site's Napier Street frontage and therefore encroaches within the preferred 3m secondary street upper level setback.

Overall Building Height Requirements

- *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:*

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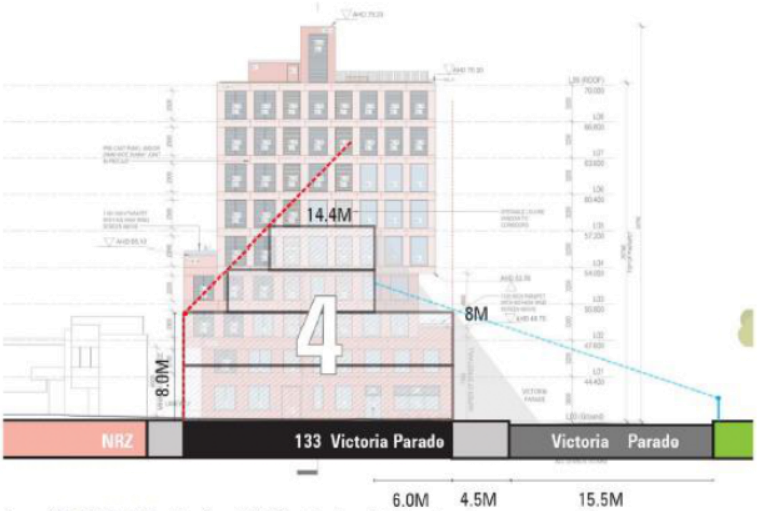
- *the equipment/structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands etc.; and*
- *the equipment/structures are no higher than 2.6 metres above the proposed building height; and*
- *the equipment/structures occupy less than 50 per cent of the roof area (solar panels excepted).*

In relation to overall building height, aside from significantly exceeding the preferred 4 storey height, the proposed lift core rises to AHD 75.23, above the parapet to AHD 70.20. Therefore, the lift core is 5.03m higher than the proposed building height, notably exceeding the 2.6m height requirement.

Interface Requirements

- *Development on a rear boundary should not exceed 8m in maximum height, when adjoining NRZ land – whether or not separated by a laneway.*
- *Upper levels above a rear boundary wall should be set back from the rear boundary and be contained within a 45 degree setback envelope.*
- *Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) to avoid repetitive stepping of individual levels.*
- *Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.*
- *Development should not visually dominate adjoining residential sites, including where separated by a laneway.*

In relation to interfaces, the proposal rises to AHD 55.10 (on the rear boundary) above natural ground level of approximately AHD 40.5 or to a height of approximately 14.6m, which significantly exceeds the preferred 8m height. Above this, the proposal is setback 3m for the remainder of the form (Levels 4-8), and does not comprise a setback profile of 1:1 or fall within a 45 degree envelopment. Therefore, the proposal does not conform with the interface requirements and will present unreasonable bulk to abutting secluded private open space that will visually dominate adjoining residential property.



Extract of SK_2000 Rev E West Elevation, with DD039 preferred overall height and massing arrangement overlaid

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Overshadowing

- *Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.*
- *New development should not overshadow:*
  - *the northern edge of the Victoria Parade central median at 12pm on 22 September;*
  - *the footpath on the western side of any street (3m from property boundary, including the street) at 10am and eastern footpaths (3m from property boundary, including the street) at 2pm on 22 September (except Cromwell, Islington, Rockeby and Rupert Streets);*
  - *any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.*

In response, the proposal presents shadow studies at 9am, 12pm and 3pm at 22 September only. It does not contain studies at the applicable times of 10am or 2pm to enable a fulsome assessment against the DDO39 requirements. We would recommend that the applicant provide hourly shadow studies at 22 September between 9am and 3pm.

In relation to the 12pm overshadowing provision, we note that the proposal will cast a shadow slightly into the central median of Victoria Parade and therefore, breaches this requirement.

Common Boundary and Building Separation Requirements

- *Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:*
  - *be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site or exists on the adjacent property; and*
  - *be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window facing the common boundary is proposed on the subject site or exists on the adjacent property (including Commercial 2 Zone).*

In response, the proposal comprises habitable room windows at Levels 2-8 orientated towards the common (eastern) boundary above the existing 2 storey terrace at 139 Victoria Parade. These windows are to be clear glazed with external metal blinds. Therefore, the proposal does not comply with these requirements.

Either these east facing habitable room windows need to be removed or a 4.5m side setback will be required for all affected Levels from the common boundary.

Building Layout Requirements

- *Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works.*
- *Ensure shop front widths are not reduced to the extent they become commercially unviable.*
- *Buildings in the Commercial 1 Zone and/or Mixed Use Zone should:*
  - *be designed to accommodate commercial activity at the ground floor level; and*
  - *incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground floor level, where heritage elements are not a constraint.*

In response, the proposal does not contain information as to how the internal configuration of the build could be adapted or reconfigured in the future. However, we believe this to be

a more minor consideration. While the proposed shop front footprint and extent of active frontage to both Victoria Parade and Napier Streets is appropriate and the proposed 3.9m floor to floor height is marginally less than the 4m provision.

We also consider the proposed position of the lift core, abutting the Napier Street frontage to be a poor configuration, as the lift overrun will be a prominent projection above the building's parapet. We would suggest that the lift be repositioned to a more central position within the floorplate.

Façade Design Requirements

- *Development along Victoria Parade should achieve active frontage design at ground level to create a high-amenity, pedestrian-oriented environment and passive surveillance towards the public realm.*
- *Development façades should:*
  - *relate to the vertical and horizontal proportions of either:*
    - *the historic fine-grain residential and retail shop front character of Victoria Parade to the west of Wellington 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.;*
  - *avoid overly busy façades that rely on a multitude of materials and colours;*
  - *avoid highly reflective glazing in openings of heritage buildings;*
  - *be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;*
  - *avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts and former industrial buildings; and*
  - *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.*
- *Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.*
- *Development should avoid blank walls visible to the public realm, including on side street frontages.*
- *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*

In response, the proposal comprises an appropriate podium presentation, with clear geometric proportions which reference the historic fenestration pattern of the existing building and comprise a suitable balance of solid to void expression. The façade is a constrained contemporary arrangement of rough precast concrete construction in red with depth provided via inset window reveals and the textured nature of the concrete.

However, due primarily to its massing the presentation and profile of the rising form comprises windows on the common (eastern) boundary, above the abutting heritage terrace. While these windows do architecturally 'treat' this eastern elevation and provide visual interest when viewed from the public realm - to avoid an otherwise expansive blank wall, we are concerned about the sheer extent of this eastern profile (when viewed above the abutting 2 storey heritage terraces) and are not convinced that the proposed external metal louvres are an appropriate treatment.

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In summary, the proposal fails numerous requirements of DDO39. While, it is acknowledged that this new control came into effect post the application being lodged, it is now a valid design control within the Yarra Planning Scheme and will be a key consideration at a potential future VCAT Hearing. Therefore, we believe the proposal will require considerable adjustment and refinement in order to respond to DDO39.

Other matters

The proposed geometric 'stacked' massing arrangement and dominant projecting nature of rising form is a key design concern, given the site's position within the Victoria Parade and Napier Street streetscapes. While the site's corner condition and relationship to nearby existing and emerging taller forms is acknowledged. However, when considered in concert with the relevant Planning Provision is becomes evident that many of the forms sought as precedents are not applicable and generally reflect the larger land sizes of their respective parcels as well as their institution nature. Therefore, the site can not be considered as an extension to these institution uses, but rather an abutting condition, where are more sensitive massing transition is required to the site's more immediate and finer grain abuttals and heritage context.

The proposal incorporates retractable external venetian blinds to enable occupants to control and tailor their units access to daylight and sunlight. There will also enable dynamic fabric presentation, due to the subtle animation facilitated as occupants using the blinds in response to external conditions. While, we broadly support the employment of such blinds (particularly to balconies) it is unclear in this instance (applied externally to fixed glazing) how they will be maintained and cleaned.

The proposed design, extent and height (minimum height above the footpath) of the canopy associated with the proposal entry is queried. Ideally, an awning should capture rainfall and direct it into stormwater, providing weather protection to pedestrians at the building's entrance. The proposal's awning comprises a louvred arrangement on an angled frame with a minimum clearance of 2.4m. This dimension is considered insufficient and should be increased to either align with the top of the ground floor glazing or internal ceiling height. Therefore, consider a rethink to the canopy design is necessary and should incorporate an expanded and continuous coverage above the public realm to more effectively shade and shelter pedestrians from the elements.

Conclusion

In summary, we are not supportive of the proposal. At 9 storeys it significantly exceeds the preferred 4 storey scale sought by DDO39 and also fails to meet numerous requirements of the same DDO. Resulting in a prominent rising form that fails to respect the prevailing low-rise scale and heritage context of this section of Victoria Parade. While the proposal's Ground Floor arrangement and podium form are broadly acceptable, the lack of meaningful upper level setbacks results in a 'top heavy' massing arrangement whereby the rising form is the dominant element, overwhelming the surrounding heritage context and failing to suitably transition down in scale and mitigate its visual bulk impacts on abutting NRZ properties within Napier Street.

We consider that significant reductions are required to the proposal's overall height, scale and massing in order for the proposal to respond to the DDO39's objectives and design requirements. We also raise concerns in relation to more minor matters relating to the proposed entrance canopy to Napier Street and the external metal louvres (blinds) in front of glazing.

ESD

The standard of the ESD does not meet Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and

deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

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

(1) Applicant ESD Commitments:

- *The proposal achieves a 50% BESS report score (SMP, p. 21).*
- *Individual commercial tenants will be provided with separate minimum authority metering and all the major common services (e.g. DHW, HVAC, Lifts etc.) will be sub metered separately (SMP, p. 9).*
- *A Building Users Guide will be prepared for the occupants and operators of the building (SMP, p. 9).*
- *Preliminary daylight modelling indicates that 91.4% of all bedrooms achieve BESS IEQ 1.2 daylight requirements, 80.8% of Living Areas (SMP, p. 10).*
- *At least 60% studio apartments will have access to effective natural ventilation (SMP, p. 10).*
- *Improvement in required NCC2019 insulation levels to the building fabric elements roof, walls, ceilings, floor, glazing system etc. (SMP, p. 11).*
- *A 5kW Solar PV system will be provided for the building (SMP, p. 12).*
- *Water efficient fixtures and taps (SMP, p. 14).*
- *The development will not utilise water-based heat rejection systems, with all HVAC being air-cooled (SMP, p. 14).*
- *The site is designed to include Green roofs and kitchen/communal gardens (SMP, p. 16).*

(2) Application ESD Deficiencies:

- *Unsatisfactory. Revise building design (i.e. fabric/glazing) to improve performance of building to reduce peak cooling load.*
- *The location of windows on the boundary wall is unacceptable from a fire rating and equitable development approach, and thus raises concerns in terms of daylight access for the east facing rooms. Remove windows on boundary as per Council's request, and provide amended daylight modelling to support – with room numbers aligned between plans and modelling (i.e. remove room types from plans).*

(3) Outstanding Information:

- *While operable windows indicated, full provision is not evident. Amend plans/elevations to indicate location and design of windows.*
- *Confirm provision of high-quality views from living areas.*
- *Confirm VOC and formaldehyde limits for all internal sealants and paints, adhesives, and engineered timber products.*
- *Provide a Section J Report which details these improvements against a reference case to support claims of reductions in energy consumption and peak demand.*
- *Provide the preliminary NatHERS assessment/s to support, and summary of assessed units.*
- *Include details within Section J Report to support claims of GHG emission reduction.*
- *Include HVAC details within Section J Report.*

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- *Amend rooftop plan to indicate solar PV size (i.e. 5kW).*
- *Confirm rainwater will be captured and reused for toilet flushing.*
- *Clarify granularity of water metering and monitoring strategy.*
- *Provide a STORM report, or MUSIC modelling and stormwater report to confirm stormwater management strategy.*
- *Clarify that post-development stormwater flows will not exceed pre-development levels.*
- *Confirm within MUSIC/STORM the area of rooftop, terraces and/or permeable areas in stormwater strategy.*
- *Confirm within MUSIC/STORM the rainwater tank size, maximising catchment area for occupant and amending basement plans if needed.*
- *Confirm whether any stormwater treatment devices are proposed in the stormwater strategy.*
- *Confirm that timber will be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).*
- *Confirm PVC specifications for pipes, cabling, flooring.*
- *Confirm total number of spaces for residents and visitors, and amend BESS report to match.*
- *Confirm whether a bathroom and shower is to be provided for the ground floor tenancy for employees to use.*
- *Confirm inclusion of car-share details in Building Users Guide to enable residents to access services.*
- *Confirm provision of a site-specific construction Waste Management Plan with a target recycling rate of 80% of construction and demolition waste.*
- *Amend WMP to clearly articulate location of specific bins within the waste room.*
- *Provide a statement as to how the development responds to urban heat impacts, and mitigates these through for example; increased vegetation, passive irrigation and light coloured/high-SRI external finishes and materials.*
- *Confirm all energy and water management systems will be commissioned in accordance with the manufacturer's specifications*
- *Confirm head contractor will be ISO 14001 accredited.*
- *Confirm that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.*

(4) ESD Improvement Opportunities

- *Consider using a heat pump, and going all-electric. Gas provision locks in path dependency use of a fossil fuel. Strongly recommend removing gas connection.*
- *Consider a suite of products and materials that are recycled, or contain post-consumer content (such as insulation, bricks, and timber).*
- *Consider (strongly recommended) strategies to reduce the environmental impacts of concrete (via Portland cement reduction for recycled aggregate or slag) and steel (via procurement and reductions where possible).*
- *Consider a small pallet of materials and construction techniques that can assist in disassembly.*
- *Consider using the Green Factor tool to benchmark the green infrastructure approach.*
- *Consider more climbing vegetation from ground floor to lowers levels to mitigate urban heat.*

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Council planning officers sought further clarification in relation to what should be conditioned from the 'Outstanding information/Deficiencies' lists and 'ESD improvements opportunities' list outlined above. Clarification was also sought in relation to the NatHers/ energy and Daylight modelling concerns raised in the comments. The following supplementary advice was provided:

I have reviewed the draft conditions and supporting information for the VCAT report, and I have prepared some brief advice to help clarifiy previous ESD advice given and assist the decision making process.

- *I can confirm that items list under 3) Outstanding Information should be conditioned on permit, except for the second item Confirm provision of high-quality views from living areas. Due to the subjective nature of what a 'high quality view' entails it is difficult to quantify and demonstrate in an SMP. This is not suitable for conditioning on permit.*
- *The items listed 2) "Improvement Opportunities" in the ESD advice were suggestions to improve the ESD performance but they are not critical items that justify permit conditions.*
- *Although an average 7 Star NatHERS is the current average in the Melbourne metropolitan market, we currently lack the policy foundation to require this. We do, however, have the policy backing of BADS to condition maximum cooling loads which will address the thermal efficiency shortcomings of the façade and building design. I therefore recommend that the condition e) regarding NatHERS be modified to read*
    - *Provide the preliminary NatHERS assessments to demonstrate cooling loads for all dwellings are below 30 MJ/m^2/year*
- *An average 7 Star NatHERS standard should be a recommendation as an improvement opportunity only, and not specifically conditioned on permit.*
- *As noted glazing to the eastern façade will be modified as detailed in condition 1. It is important that daylight and ventilation standards are not compromised as a result. Preliminary daylight modelling indicates that 91.4% of all bedrooms achieve BESS IEQ 1.2 daylight requirements, 80.8% of Living Areas. Draft condition part b) requiring that BESS daylight standards should ensure daylight standards are satisfactory, so I recommend slight clarification of the wording to read:*
    - *The daylight modelling updated as a result of condition 1 requirements to demonstrate BESS daylight requirements to bedrooms and living areas will be met*

Acoustic (Council's External Consultant- SLR Consultants)

Background Information (Sections 1 and 2 the acoustic report)

The acoustically significant aspects of the proposal are identified as:

- *9 level mixed use building comprising:*
    - *Ground floor lobby/café/reception*
    - *Student accommodation on levels 1 to 8*
- *The nearest noise sensitive receiver is identified in later sections of the report as the two story dwelling at 2 Napier Street, north of the subject development.*
- *Potential noise impacts to the subject development are identified as:*
    - *Road traffic noise from Victoria Parade*
- *Potential noise impacts from the development are identified in subsequent sections of the report as voice noise from the Level 4 outdoor area, and mechanical plant.*

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- *SLR Comments: The proposal, site context and noise sensitive receivers have generally been identified.*

Noise impacts to the subject development (road traffic noise) (Sections 5.1 and 5.2 of the report)

- *Road traffic noise is proposed to be assessed to the upper end of the relevant AS/NZS2107 ranges. Given that the rooms in this development are bedsits, the relevant criteria is 40 dB LAeq,1h at night, and 45 dB LAeq,1hr during the day period.*
- *AL argue that the development is not subject to Clause 58 of the planning scheme, and the Standard D16 internal design levels that potentially apply, on the grounds that it is student housing. They also state that the average number of vehicles carried by Victoria Parade is 39,000, and below the 40,000 vehicle trigger level for Standard D16.*

SLR Comments:

- *Council have confirmed that they intend applying Clause 58 to the subject development. As such, the Standard D16 criteria potentially applies. The fact that the traffic numbers provided by VicRoads is slightly short of the 40,000 vehicle trigger level is not, in our opinion, a good reason for applying less onerous criteria to the project. It is also of consideration that Yarra Council normally recommend the Standard D16 criteria are applied to all projects affected by road traffic noise, not just those that are formally subject to Standard D16.*

2.2 Quantification of road noise impacts (Sections 4 and Appendix 1 of the acoustic report)

- *Attended and unattended road traffic noise measurements were conducted between 5-11 November 2020. The critical results were 68 dB LAeq,15h (daytime average), 63 dBA LAeq,9h (night average) and 68 dB LAeq,1h (night level between 6 am and 7 am).*

SLR Comments: Noise from road traffic has been appropriately quantified.

2.3 Assessment (Section 6 and Appendix 2 of the acoustic report)

- *Advice is provided in this section of the report for achieving the identified noise levels indoors, with windows closed. The advice assumes rooms will be furnished. Rooms exposed to road traffic noise from Victoria Parade are typically required to have double glazing comprising 10.76 mm to 12.76 mm thick laminated glass, 12 mm airgap, 6 mm glass.*

SLR Comment: Our indicative calculations suggest that the provided advice is reasonable for meeting the traffic noise criteria nominated in the report. Given that the highest hourly noise level during the night period (which we understand is proposed to be designed to achieve LAeq,40dB) is equal to the daytime average noise level of 68 LAeq, dB, it is also likely that the Standard D16 criteria will be met by the proposed glazing.

3 Environmental Noise Limits (Sections 4.1.2 and 5.3.2 of the report)

- *SEPP N-1 limits have been determined for the assessment of project mechanical plant and equipment. The limits take into consideration the SEPP N-1 Zoning Levels and background noise levels measured on a previous project, approximately 300 m east of the subject site. The identified limits are based on background noise levels classified as 'neutral' during the evening and night periods, and are equal to 59 dBA (day), 55 dBA (evening) and 50 dBA (night).*

SLR Comments: Subsequent to the report being issued, SEPP N-1 was replaced with Part I of the new 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues', Publication 1826 (the Noise Protocol). The EPA have confirmed to SLR that the Noise Protocol will be applied retrospectively.

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The setting of noise limits and assessment methodologies in the Noise Protocol are the same as those in SEPP N-1 in most instances, and limits will change for this project.

AL do not specify the receiver for which the zoning levels have been calculated, and our calculations of the zoning levels for 2 Napier Street are 3 to 4 dB lower than those presented in the report (our levels being 58 dBA day, 52 dBA evening and 47 dBA night). The higher levels presented in the report may be due to calculations being conducted for a receiver closer to Victoria Parade. However, given that 2 Napier Street is the potentially most impacted receiver, we would argue that zoning levels should be calculated for this location.

The use of background noise data obtained for an alternative, similar site, is acceptable in principle, however we would prefer to see further detail of the data used, including the date of measurement and graphical results. SLR has access to this data (it was provided in the context of another review). The data appears to be affected by mechanical plant noise, particularly during the day period. Given this, we suggest that the zoning levels be used for the noise limits. This would result in lower night background noise limits than those presented in the report if our calculated zoning levels were used.

4 Noise from the subject site -Mechanical plant (Section 8 of the report)

It is proposed to address noise from mechanical plant and equipment during the detailed design phase of the project, when equipment selections are undertaken.

SLR Comment: It is reasonable to undertake the assessment of noise from mechanical plant during the detailed design phase.

.2 Ground floor lobby / café (Section 9 of the report)

AL provide advice for managing noise from the ground floor common / commercial areas including:

- *Construction to BCA requirements*
- *SEPP N-1 and SEPP N-2 noise criteria to be met (e.g. for music and plant noise)*
- *Administrative measures for managing waste noise.*

SLR Comments: SEPP N-1 and SEPP N-2 no longer apply to noise from the use, however the updated legislation will result in the same noise limits in most instances.

The provided advice is generally adequate for addressing noise from the ground floor, however there is potential for physical impacts to the floor and walls (knocks, movement of furniture) to affect occupants of the apartment above if this noise is not explicitly addressed. We recommend that AL provide advice on this issue.

.3 Level 4 kitchen garden (Section 7 of the report)

- *The Level 7 kitchen garden is adjacent to 2 Napier Street, and AL have provided an assessment of voice noise impact from the use to that location. Voice noise has been assessed to SEPP N-1 evening limits (the area is not proposed to be used at night). The assessment assumes:*
  - *A maximum of 20 people in the outdoor area*
  - *Voice sound power levels of 77 LA10, dB per person, 10 people talking at any time*
  - *A solid 1.5 m high barrier along the north and east sides of the deck*
  - *No access to the deck at night.*
  - *With the above constraints in place, voice noise is predicted to be below 50 dBA at 2 Napier Street.*

SLR Comments: Assessment of voice noise to SEPP N-1 (currently Part I of the Noise Protocol), is appropriate.

The provided assessment is also reasonable and the results of our indicative calculations are in general accordance with AL's. We recommend that the external doors of the

communal area be closed after 10 pm, to further control noise to residential receiver locations.

- *Summary*

SLR has undertaken a review of the revised acoustic report prepared to address noise to and from the development proposed for 133-137 Victoria Parade, Fitzroy. We recommend that the following matters be addressed:

- *Road traffic noise be assessed to both*
  - *40 dBA Leq,16h in habitable rooms and 35 dBA Leq,8h, in bedrooms and*
  - *Loudest hour of road traffic noise not to exceed 45 dBA Leq,1h in habitable rooms from 7 am to 10 pm, and 40 dBA Leq,1h in bedrooms from 10 pm to 7 am.*
- *The Noise Protocol zoning levels be calculated for 2 Napier Street. Our calculations suggest that the levels for this address are lower than those presented in the report.*
- *The zoning levels be used as noise limits given background levels used are from a different location and may include other localised noise sources.*
- *Advice is provided for managing noise from impacts to walls and floors of the café to the dwellings above.*
- *A maximum of 20 patrons use the kitchen garden area at any one time (as assumed in the report).*
- *The doors from the Level 4 communal area to the kitchen garden are kept closed at night.*

Strategic Planning Unit (comments on proposal compliance with Interim DDO39)

Summary of Strategic Planning comments

The proposed development is an unacceptable response to the built form and design requirements of the DDO39 and is not supported. Key issues include:

- *The proposed building height (29.7m) exceeds the requirement of the DDO39 (preferred maximum 14.4m) and would result in an oppressive development that fails to transition down in scale to the lower heritage buildings to east and north, contrary to the objectives of the DDO39. The proposed height also fails to satisfy the criteria for exceeding the preferred height, further demonstrating the poor response to the DDO39.*
- *The lift overrun (34.73m) does not comply with the preferred building height of the DDO39 (14.4m) and has been positioned to be flush with the western boundary and will therefore be highly visible from the public realm.*
- *The street wall height along Napier Street (29.7m) fails to comply with the DDO39 (8m) and will overwhelm the pedestrian environment at this interface.*
- *Upper level setbacks to Victoria Parade (1.5m) and Napier Street (0m) fail to comply with the requirements of the DDO39 (6m and 3m respectively) and result in an oppressive built form with excessive visual bulk.*
- *The development results in equinox shadowing of the northern edge of the Victoria Parade central median strip at 12pm (which fails to comply with a requirement of the DDO39) and likely results in 10am equinox shadowing of the western Napier Street footpath.*
- *The proposed residential interface (14m boundary wall with upper levels set back 3m) does not comply with the rear interface requirements of the DDO39 (preferred maximum 8m rear boundary wall height with a preferred requirement for upper levels to be set back at a 45 degree angle). This will result in excessive visual bulk impacts to*

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nearby dwellings and a lack of transition to the low-scale buildings to the north.

Assessment of compliance with built form requirements

Built form requirements	DDO39	Proposal	Assessment of proposal
Building height	Preferred 14.4m (excluding lift, plant and services) *Development should not exceed the heights shown on Maps 1 and 2, as applicable.* *For development greater than 10 storeys, the upper levels should be further set back in order to be visually recessive and achieve limited visibility from the surrounding public realm.* *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:* • *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 proposed building height; and* • *the equipment/structures occupy less than 50 per cent of the roof area (solar panels excepted).*	Building Height 29.7m (9 storeys) Lift Overrun 34.73m. Roof Level Services / Stairwell 32.43m	Building Height (29.7m) **Variation not supported.** The proposal does not comply with the preferred height requirement of 14.4m in **DDO39**, exceeding it by 15.3m with a proposed height of 29.7m. This is a substantial departure from the preferred maximum building height, the proposed height more than double than that of the preferred height. The proposed building height also fails to satisfy the following objectives of the **DDO39** (emphasis in bold): *To ensure development responds to the varied character and open streetscape of Victoria Parade by supporting:* • ***a new lower- to mid-rise character (ranging from 3 to 7 storeys)** behind a varied heritage street wall west of Wellington Street, excluding the Smith Street junction;* *To ensure new development responds to the grand, tree lined, boulevard character of Victoria Parade.* *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.* The proposed building height is also inconsistent with the preferred precinct character statement for the precinct labelled 'Precinct 1: Victoria Parade West' by the *Victoria Parade Built Form Framework* (Hansen, December 2020), which at page 32 offers the following: *There is generally low to moderate change expected to occur across Precinct 1 due to the configuration of narrow allotments, presence of heritage fabric including VHR sites, interface with residential areas to the north as well as the General Residential Zone covering allotments (east of Gore Street) permitting a maximum 3 storeys.*
			... Infill development opportunities within the precinct will be recessive, adopting a 'street wall and setback' model to retain the prominence and consistency of the heritage parapet when viewed from within the street corridor. Lift Overrun (34.73m) **Variation not supported** The height of the lift overrun does not comply with the preferred requirements because the height (34.73m) exceeds the proposed building height (29.7m) by more than 2.6m (5.03m). Furthermore, the design response has located the lift overrun to be flush with the western boundary which would exacerbate views of the lift overrun from the public realm. For these reasons, the variation is not supported. Roof Level Services / Stairwell (32.43m) **Variation not supported** The height of the services is 32.43m, which does not comply with the preferred requirements, because it is more than 2.6m taller (2.73m taller) than the proposed building height (29.7m). Furthermore, the stairwell has been located at the western boundary, exacerbating views of the stairwell from the public realm.

Street wall height	Preferred 8m maximum for street walls on Victoria Parade and Napier Street.
	
	Street wall heights should not exceed the heights specified in Map 1s and 2, as applicable and as stated below.
	
	Infill development should match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser.
	
	Development should achieve a continuous street wall with no front setback to a street, unless the site:
	• *is a heritage building and a front setback already exists;*
	• *adjoins the:*
	  ○ *the west side of Rokeby Street; or*
	  ○ *the east side of Rupert Street; or*
	  ○ *the east side of Cromwell Street.*
		Victoria Parade
		8.2m
		
		Napier Street
		29.7m
			Victoria Parade
			Variation supported
			The proposed street wall height (8.2m) seeks a 0.2m variation to the preferred maximum street wall height of the interim **DDO39** (8m). This variation is considered negligible and achieves the intent of the street wall height control.
			
			The interim **DDO39** also has a preferred requirement that the easternmost section of the street wall (i.e. the easternmost 6m frontage) have a street wall height that matches the parapet height of the east-adjoining heritage building. The proposed street wall, however, is lower in height than the heritage building and thus considered to be satisfactory in this regard.
			
			Napier Street
			Variation not supported.
			The development does not provide a podium base / recessed upper levels typology to Napier Street. Instead, a sheer, nine-

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Built form requirements	DDO39	Proposal	Assessment of proposal
	in which case a front setback without cantilevering of upper level form should be provided. *The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.* *Development of non-heritage buildings on street corners should provide a corner splay at minimum of 1 x 1 meter along the site's corner boundaries.* *Development should retain the visual prominence of:* • *the heritage street wall in the vistas along the street; and* • *heritage fabric of the return façades of heritage buildings on corner sites.*		storey street wall is proposed. Thus, the Napier St street wall height (29.7m) exceeds the preferred street wall height (8m) by 21.7m. This departure from the preferred requirements is excessive and would result in a domineering built form, failing to meet the following objectives of the **DDO39**: *To ensure development responds to the varied character and open streetscape of Victoria Parade by supporting:* • *a new lower- to mid-rise character (ranging from 3 to 7 storeys) behind a varied heritage street wall west of Wellington Street, excluding the Victoria Parade junction;* *To ensure development to the west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character.*
Upper level Setbacks	Victoria Parade Preferred 6m upper level setback. Napier Street Preferred 3m upper level setback. *Upper levels should:* • *be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage streetscape and minimise upper level bulk;* • *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.* *Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies and balustrades should not protrude into a setback.*	Victoria Parade 3m (levels 2 and 3) 1.5m (levels 4 and above) Napier Street 0m upper level setback.	Victoria Parade **Variation not supported.** The proposed upper level setbacks to Victoria Parade (1.5m – 3m) fail to comply with the preferred upper level setback requirement (minimum of 6m) of the **DDO39**. The proposed upper levels setbacks to Victoria Street would generate a substantial degree of visual bulk when viewed from the public realm and would impose on the intact, two-storey scale of the heritage buildings to the east of the subject site. The proposed upper level setbacks to Victoria Parade would also result in a significant degree of bulk when viewed from the public realm. In contrast, the *Victoria Parade Built Form Framework* (Hansen, December 2020) calls for new development to provide a sense of openness for the public realm at page 21: *Victoria Parade (70-75m) is distinctively characterised by its broad profile with a wide central median planting to incorporating avenue tree planting and a tram corridor in the central median. Therefore, as a starting point, the preferred overall building height of new forms along these open streets*
Built form requirements	**DDO39**	**Proposal**	**Assessment of proposal**
	For heritage buildings, upper level setbacks behind the street wall in excess of the minimum upper level setback should be provided where: • *it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape;* • *it would maintain the perception of the three-dimensional form and depth of the building; and* • *a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.*		*will seek to balance the opportunity presented by the generous road proportion with retaining the sense of openness and relative consistency in the street edge conditions.* Napier Street **Variation not supported.** The proposed development fails to provide upper level setbacks to Napier Street, instead proposes a sheer, nine-storey street wall. This will result in the upper levels being overly dominant in the pedestrian's field of vision and will fail to reinforce the traditional street wall scale. This fails to satisfy the following objective from the **DDO39** (emphasis in bold): *To ensure development to the west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through **recessive upper levels and façade composition**, and articulation that complements the heritage character.*
Interface Requirements	The northern interface is NRZ. The applicable built for controls are as follows: Preferred maximum rear boundary wall height of 8m *Upper levels above a rear boundary wall should be set back from the rear boundary and be contained within a 45-degree setback envelope. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary, taken from the centre of the boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.* *Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) to avoid repetitive stepping of individual levels.* *Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.* *Development should not visually dominate adjoining residential sites, including where separated by a laneway.*	Rear boundary wall height 14.6m Upper levels provided with a rear setback of 3m.	**Variation not supported** The proposed rear boundary wall height (14.6m) is a substantial variation to the preferred maximum height (8m) and results in a poor transition towards the 1 and 2 storey dwellings to the north. The development fails to meet the preferred 45-degree upper level setback requirement and instead, all upper levels are provided with a rear setback of only 3m. This is a poor response to the DDO39 requirements. Overall, the proposal's response to the residential interface is excessively robust and would generate unreasonable amenity impacts to dwellings and an abrupt transition to this lower-scale area. This fails to satisfy the following objective of the interim **DDO39**: *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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Built form requirements	DDO39	Proposal	Assessment of proposal
Overshadowing	*Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.* *New development should not overshadow:* • *the northern edge of the Victoria Parade central median at 12pm on 22 September;* • *the footpath on the western side of any street (3m from property boundary, including the street) at 10am and eastern footpaths (3m from property boundary, including the street) at 2pm on 22 September (except Cromwell, Islington, Rookeby and Rupert Streets);* • *any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.* *New development should not overshadow properties fronting Cromwell, Islington, Rokeby and Rupert Streets from the first floor upwards between 10am and 2pm on 22 September.*	The development will result in some equinox shadowing to the secluded private open space of the east-adjoining dwelling at 3pm (and possible 2pm).. The development will result in equinox shadowing to the northern edge of the Victoria Parade central median strip. It is likely that the development will result in equinox overshadowing of the eastern footpath / kerb outstand of Victoria Parade between at 10am, however 10am shadow diagrams have not been provided as part of the application material.	**Variation not supported.** The objective of Clause 55.04-5 has been met given that the development will not result in any new equinox overshadowing of secluded private open space within a residential zone. The development overshadows the northern edge of the central median strip of Victoria Parade at 10am and therefore fails to comply with this preferred requirement. Furthermore, the prominence of the median strip in the urban hierarchy is articulated at page 8 of the *Victoria Parade Built Form Review* (Hansen, December 2020) which states: *Victoria Parade is a diverse precinct from a built form perspective. However, the grand boulevard presentation of the streetscape comprising a broad central median and established street trees create a strong, unifying public realm condition.* It is likely that the development will result in 10am equinox overshadowing of the western footpath of Napier Street, however 10am shadow diagrams have not been provided. Any overshadowing at 10am would be discouraged by the interim DDO39. 10am shadow diagrams are required for further assessment.
Common boundary and Building Separation	*Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:* • *be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site or exists on the adjacent property; and* • *be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window facing the common boundary is proposed on the subject site or exists on the adjacent property (including Commercial 2 Zone).* *Where the common boundary is a laneway, the setback is measured from the centre of the laneway.* *Where development consists of multiple buildings and/or separate upper levels, upper level development should:*	Setback from eastern boundary All levels feature east-facing habitable windows which are set back between 0m – 0.45m from the eastern boundary.	Setback from eastern boundary **Variation not supported** The east-facing windows across all levels of the development provide an unacceptable equitable development response that not only fail to comply with the requirements of the DDO39 but also fail to respond to well-established equitable development planning principles. In addition, the lack of meaningful upper level setbacks from the eastern boundary results in excessive bulk and a lack of building separation between the subject site and the land to the east, which has the same height control as the subject site (preferred height of 14.4m).
Built form requirements	**DDO39**	**Proposal**	**Assessment of proposal**
	• *be set back a minimum of 9m from each other, where a habitable window or balcony is proposed; and* • *be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.* *Development on large sites should achieve visual breaks, including mid-block links and pedestrian access, as identified on Map 2.*		
Vehicle and pedestrian access	*Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing.* *Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.* *Residential and commercial pedestrian entrances should be distinguishable from each other.* *The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.* *Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.* *Vehicle access should be achieved from laneways or side streets (in that order of preference).* *At the intersection of laneways and footpaths, development to non-heritage buildings should provide a minimum 1 x 1 metre splay to ensure pedestrian safety.* *Car parking should be located within a basement or concealed from the public realm.* *Development should not provide additional vehicular access from Victoria Parade.* *Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.*	Vehicle Access The development does not propose on-site car parking or any vehicle access to the site. Pedestrian Access The development provides a primary pedestrian entry from Napier Street which provides access to the ground floor food and drinks premises as well as the student accommodation. Secondary pedestrian entries are from the rear laneway and include: • bicycle parking entry; • waste room entry • plant room entry • fire escape entry	**Complies.** Development generally complies with these controls. More specifically: • Principal residential entry from Napier Street (and not from a laneway) • Secondary / service entries are from the rear laneway; however, these have been provided with spacious pedestrian refuges within title boundaries. • Circulation areas will receive daylight and natural ventilation from operable windows • Resident bicycle parking is conveniently accessed at ground floor via the rear laneway. • At the intersection of Napier Street and the rear laneway, the development has provided in-excess of the minimum splay requirements to ensure pedestrian safety. Detailed assessment of vehicle access and bicycle parking will need to be undertaken by the respective teams within Council.

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Built form requirements	DDO39	Proposal	Assessment of proposal
	Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs. *Development with laneway access may require a ground level set back in order to achieve practicable vehicle access. Between ground level and first floor, a headroom clearance of 3.5 meters minimum should be achieved.* *Ensure access to service laneways is maintained in order to facilitate commercial use of the properties fronting Victoria Parade.* *Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.*		
Façade Design Requirements	*Development along Victoria Parade should achieve active frontage design at ground level to create a high-amenity, pedestrian-oriented environment and passive surveillance towards the public realm.* *Development façades should:* • *relate to the vertical and horizontal proportions of either:* - *the historic fine-grain residential and retail shop front character of Victoria Parade to the west of Wellington St; or* - *the modern commercial character of Victoria Parade to the east of Wellington 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.;* • *avoid overly busy façades that rely on a multitude of materials and colours;* • *maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;* • *avoid highly reflective glazing in openings of heritage buildings;*	<u>Dominant façade materials are as follows:</u>  ...with ground floor and level 1 in material 1A, levels 2 and 3 in material 1B and level 4 – 8 in material 1C. Additional materials include external metal blinds to windows. Fenestration is in square or vertical-rectangular formats across the development.	The proposed façade design is largely supported and well resolved. Notably: • proposed rough precast concrete create texture and visual interest at lower levels which also juxtapose against the smoother and lighter precast concrete of the upper levels. • overall material palette and façade design features a simple, restrained aesthetic and avoids elaborate façade detailing; • fenestration to Victoria Parade and Napier Street reflects the surrounding heritage precinct; • active frontages achieved across Victoria Parade frontage, Napier Street frontage and northern laneway through glazing and pedestrian entrances. The main façade design issue appears to be the use of external metal roller blinds to windows which has a risk of creating a lack of articulation and poor passive surveillance opportunities. This aspect of the design is contrary to the objectives of the interim DDO39 and should be revised. Separate urban design and heritage advice should be sought to supplement this façade design advice.

Built form requirements	DDO39	Proposal	Assessment of proposal
	• *encourage the retention of solid built form behind retained heritage façades and avoid balconies behind existing openings;* • *be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;* • *avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts and former industrial buildings; and* • *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.* *Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.* *Development should avoid blank walls visible to the public realm, including on side street frontages.* *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.*		

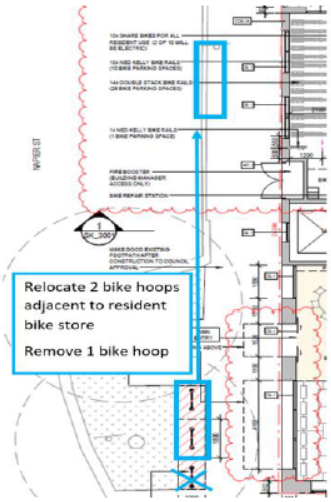
Strategic Transport Unit

<u>Adequacy of visitor spaces</u>

The following comments are provided in relation to provision of visitor bicycle spaces:

- *6 visitor spaces are proposed, which exceeds the planning scheme requirement of 5 visitor spaces.*
- *Visitor spaces are provided at the Napier Street footpath. It is recommended that 1 hoop is removed, and 2 hoops are relocated further north to the kerb adjacent to the internal bicycle parking area (as shown below).*
- *Visitor bicycle spaces must be installed in accordance with Council's Urban Design bicycle hoop standard detail.*

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Adequacy of resident spaces

Number of spaces

39 resident spaces are proposed, which exceeds the total recommendation of 5 resident spaces.

Design and location of employee spaces and facilities

The following comments are provided in relation to the location and design of employee bike parking:

- *39 resident spaces are provided within a secure facility at the ground level with direct access via an entrance at the laneway or via the lobby entrance at Napier Street.*
- *28 bicycle spaces are provided as double-tier racks, which satisfied the AS2890.3 requirement for at least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces.*
- *Notations are shown on the plans and demonstrate indicating the dimensions of bicycle storage spaces and relevant access ways to demonstrate compliance with Australian Standard AS2890.3.*

Recommendations

The following should be shown on the plans before endorsement:

- *4 visitor bicycle spaces relocated to the Napier Street footpath, adjacent to the internal bike parking area. All visitor spaces should be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.*

Wind Engineer (External Consultant Vipac)

This peer review of MEL Consultants "Environmental Wind Assessment of the 133 Victoria Parade, Fitzroy" (Report 181-20-DE-EWA-06), dated August 2021, is based on Vipac's experience as a wind engineering consultancy. No wind tunnel test was carried out

to support this review. Vipac has reviewed the assessment and the drawings provided (see attachments). Our comments are as follows:

- *The MEL Consultants Environmental Wind Assessment has been prepared based on consultancy experience and no wind tunnel testing has been carried out to support their assessment. We have no issue with this method for a desktop study as this is a common approach to provide architects, developers and responsible authorities advice on the wind impact of the proposed design.*

- *We have no issues with the analysis approach, wind environment and exposure estimate. MEL Consultants has clearly identified the process for the desktop assessment and this is consistent with the approach that Vipac would take to prepare a desktop wind effect statement.*

- *MEL Consultants have used the assessment criteria for Victoria from Better Apartment Design Standard (BADS). Vipac has no issues with this.*

- *The report analysed wind effects on the streetscapes along Victoria Parade and Napier Streets as well as the north side service lane. It is concluded that the winds would be deflected into both streets due to flow downwash by south and west faces of the development and wind conditions are generally expected to increase in the intersection of the two Streets compared to existing conditions; however, they are expected to meet the recommended walking comfort criterion. Vipac agrees with these assessments.*

- *The report also assessed the wind conditions in front of the main entrance and showed that the standing criterion is satisfied there.*

  The report assessed the wind environment at the Level 2 and 4 private terraces and concluded that the terraces would be expected to have wind conditions within the walking criterion. Vipac agrees with these assessments.

- *The report analysed the wind effects on the roof terrace, south side of Level 9. The assessment found that the proposed design can satisfy the walking criterion and also standing criterion in areas where enclosed by 1.2m high screens.*

    - *However, given the exposed nature of the site from Victoria Parade, we suspect high southwesterly winds to directly impact the amenity of this terrace. MEL Consultants should provide further comments or provide data as to whether these areas will meet the appropriate comfort criterion on this. Vipac typically would recommend 1.5m high balustrades for these kinds of areas to improve the wind protection in all directions.*

In conclusion, the MEL Consultants Desktop Environment Assessment used the proper analysis methodology, analysed the wind effects on the pedestrian level surrounding the proposed development, at the Level 2 and 4 terraces, and found that the proposed design would be expected to have an acceptable wind environment. Vipac agreed the assessments and conclusions. However further clarification should be made on the height of the designed screen on Level 9 (roof terrace), to show whether this wind mitigation will meet the appropriate comfort criterion. Vipac suggests that wind tunnel testing can be undertaken to confirm predictions in the report, and to determine if any further wind mitigation strategies are required.

Vipac also agreed that "users be educated on the wind impacts on elevated terraces and that any objects to be left permanently on the terrace would be tethered/fixed securely to

the terrace and fixing/tethers inspected regularly for damage/corrosion. Any loose items should not be left on the terrace when unattended".

Open Space

I have reviewed the landscape plan for the above named development, particularly the landscape plan provided by Hassell dated 27 August 2021. Overall I am supportive of the concept and the level of information provided in the package.

If a planning permit is issued for the development, we request the following information be provided:

- *a planting schedule which shows the type, location, quantity, height at maturity and botanical names of all proposed plants. Ensure none of the plants appear on the DELWP advisory list of environmental weeds;*
- *provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);*
- *provide details of the proposed method for irrigation and drainage;*
- *detail the maintenance (duration, regime) and irrigation as well as an understanding of where the Body Corporation will be maintaining the landscape proposal and where it will be managed by owners or residents;*
- *If vertical landscape elements are proposed, safety considerations for appropriately qualified landscape contractors to maintain these features should be included in the plans including stays or other appropriate infrastructure on the roof level;*
- *show the materiality of the proposed spaces;*
- *provide a specification of works to be undertaken prior to planting; and*
- *detail plant/planting maintenance schedules and requirements.*

Traffic Engineering

CAR PARKING PROVSION

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
Student Accommodation	52-bedrooms	Rate Not Specified	To the satisfaction of the Responsible Authority	0
Food and drink	83 m^2	3.5 spaces per 100 m^2 of leasable floor area	2	0
		Total	**2 Spaces plus Spaces for the Student Accommodation**	**0**

Car Parking Demand Assessment

To reduce the number of parking spaces required for the proposed development, the Car Parking Demand Assessment must assess the following:

- *Parking Demand Associated with the Student Accommodation:*
  There is no parking rate for student accommodation specified in Clause 52.06-5 of the Yarra Planning Scheme. The parking is to be provided to the satisfaction of the responsible Authority.

Attachment 4 - Previous Officer Report

For parking generation of this type of use, guidance is drawn from the Brisbane City Plan 2014, Schedule 6 Planning Scheme Policies. The Brisbane City Plan 2014 specifies a parking rate of 1 space per 5 bedrooms plus 1 space for staff for a boarding-house type rooming accommodation. In this instance, the student accommodation would contain 52 bedrooms and would generate 10 spaces, including 10 spaces for staff.

Throughout the municipality, similar developments have been approved with no or reduced parking rates, as shown in the following table:

Development Site	Approved Office Parking Rate
151-153 Brunswick Street, Fitzroy PLN19/0357 issued 17 February 2020	0 on-site spaces; 83.5 m^2

The actual parking demand for the student accommodation would be off-set by the lack of available long-stay on-street parking, the proximity to public transport services and access to on-street car share pods.

- *Parking Demand for Food & Drink Use*
  A staff parking demand of 1 space per 100 square metres of floor area for the food and drink use could be adopted. Using this rate would equate to 1 space. This reflects the precinct approach for similar food and drink use and acknowledges that a proportion of customers for this use will be drawn from the student accommodation and employees and residents from surrounding businesses and residences.

- *Availability of Public Transport in the Locality of the Land. The following public transport services can be accessed on foot:*

  - *Victoria Parade tram services – 40 metre walk*
  - *Victoria Parade bus services – 60 metre walk*
  - *Gertrude Street-Brunswick Street tram services – 250 metre walk*
  - *Brunswick Street tram services – 330 metre walk*
  - *Nicholson Street tram services – 560 metre walk*
  - *Parliament railway station – 590 metre walk*
  - *Hoddle Street/Punt Road bus services – 1,080 metre walk*
  - *North Richmond railway station – 1,170 metre walk*

- *Multi-Purpose Trips to the Area.*
  Visitors to the site might combine their trip to the student accommodation by visiting other venues, cafés or restaurants whilst in the area.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking in the Area.*

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Due to the COVID-19 restrictions, car parking occupancy surveys cannot be undertaken at this time as it would not provide an accurate representation of the 'normal' car parking demands in the surrounding area.

The on-street parking in this part of Fitzroy is generally high during business hours. The area surrounding the subject site is blanketed in time-based parking restrictions which ensure that parking turns over frequently. Visitors and customers to the site during business hours should be able to find an on-street car space near the site.

In Fitzroy, the recent introduction of parking sensors in a number of streets, such as Smith Street and Gertrude Street, would further discourage persons attempting to park all-day. The parking sensors also ensure that parking frequently turns over for short-stay parking users (visitor, client parking etc.).

- *Access to or Provision of Alternative Transport Modes.*
  The site has very good access to public transport and connectivity to the Principal Bicycle Network. Carshare pods are available within walking distance of the site and provide an alternative transportation mode for staff. A Flexicar car share pod is located in Gertrude Street, approximately 540 metres north-west of the site.

- *Relevant Local Policy or Incorporated Document.*
  The proposed development is considered to be in line with the objectives contained in Council's Strategic Transport Statement. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

Adequacy of Car Parking
From a traffic engineering perspective, the full waiver of car parking spaces associated with the student accommodation and the food and drink use is considered appropriate in the context of the site and the surrounding area.

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

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Other Items	
Waste Collection Vehicles	The swept path diagrams for a 6.4 metre long Waste Wise Mini shows the entry and exit movements into and out of the rear laneway off Napier Street are satisfactory.

Engineering Advice for Design Items to be Addressed by the Applicant

Item	Details
Awnings – Napier Street	To satisfy the Building Regulations 2018 – Reg 104, the applicant must ensure that the awning:

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	- *Doesn't project horizontally beyond the street alignment by more than 2.4 metres;* - *the clearance height above the footpath is a minimum of 2.4 metres* *The setback of the awning measured from the front of kerb to the front edge of the awning must also be dimensioned on the drawings to ensure that any delivery vehicle/truck that is parked adjacent to the awning does not collide into the awning.*
Utility Service Doors	*The applicant is to ensure that utility service doors that open out onto a Public Highway can swing at 180-degrees and be latched onto the building when in service.*
Bicycle Considerations	*The bicycle requirements for this development and proposed bike hoops in the Napier Street kerb extension are to be referred to Council's Strategic Transport unit for assessment.*

INFRASTRUCTURE ITEMS AND CONSTRUCTION ACTIVITIES

Item	Details
General	
Impact on Council Road Assets	*The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.* *It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for employees, visitors and other users of the site.*
Footpath along Napier Street and Victoria Parade Frontages	
Footpath Reconstruction	*The footpath along the property's Napier Street and Victoria Parade frontages are to be reconstructed. In undertaking these works, the existing kerbs are to be retained (fixed control points). The new footpaths must have a cross-fall (the slope between the kerb and the property line) of no steeper than 1 in 33 or unless otherwise specified by Council. In providing the new footpaths, the finished floor levels at the*

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	development's pedestrian entries must be readjusted to match the new footpath levels.

ENGINEERING CONDITIONS
Civil Works

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

- *The kerb and channel along the property's Napier Street and Victoria Parade frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.*
- *The footpath along the property's Napier Street and Victoria Parade frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 33 (for asphalt) or unless otherwise specified by Council*

Road Asset Protection

- *Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.*

Construction Management Plan

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

Impact of Assets on Proposed Development

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

Discharge of Water from Development

- *Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.*
- *Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.*

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- *No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.*
- *Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.*

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

Arborist

I have reviewed the following documents:

- *Tree Protection Management Plan City of Yarra, TAG Consulting Arbor – 27/08/2021*

Despite the arborist incorrectly identifying trees 2-4, there are sufficient street tree protection measures within the report.

Council's Urban Design Unit (Streetscape and public realm comments)

Comments Summary

This proposal is supported in principle, subject to the improvements outlined below, including the following:

- *Updated landscape ground plan showing the complete site context and all existing streetscape fixtures and features.*
- *Relocation of the proposed footpath visitor bike hoops.*

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

Additional Information Required

The following details are required on the drawings:

- *Show full extent of the site context / streetscape interfaces to the minimum up to back of kerb, noting the Victoria Pde interface is not shown.*
- *Footpath dimensions.*
- *The exact location of the existing streetscape fixtures and furniture.*
- *On-street parking bays.*
- *Drainage including any side entry pits.*

Additional details required on the drawings are set out in the relevant sections below.

Comments

Ground Floor Interface

- *Victoria Parade ground floor interface is supported with the proposed ground floor lobby café windows facing the street.*
- *Napier Street ground floor interface is supported with the proposed main entrance and multiple windows facing the street.*
- *The laneway interface is supported in principle with the proposed planters providing green relief and visual interest. The following modifications and clarifications are requested;*
    - *Planter edge treatment noting planter height only, confirm height of edges. Will edges allow for person to sit? Concern that this area may become an attractive space for smokers, being undercover; how will potential cigarette butts and rubbish be managed?*
    - *Confirm if any anti skate measures will be integrated along edges as indicated in the image in the landscape report.*

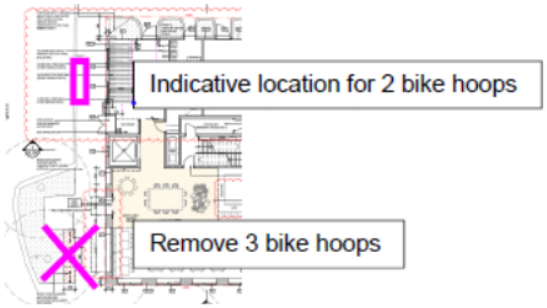
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- *The proposed ferns are supported, requested that positioning of the ferns is considered to ensure sight lines are not obstructed along the setback, noting that sight triangle is referred to by the corner to Napier Street.*
- *Confirmation if there will be any security lighting in this area.*

Street Furniture & Fixtures

- *The proposed 3 no. bike hoops are not supported in its current configuration and must be removed.*
  - *The existing garden bed in the kerb outstand to remain in its current configuration.*
  - *2 no. bike hoops are to be integrated along the northern section of the footpath on Napier Street as indicated on the plan below.*
  - *Hoops type to be in accordance with Council Standards and installed as per Council details.*
  - *Also refer comments from Council Strategic Transport team.*
- *All existing streetscape fixtures such as post box must be retained in its current locations, unless relocation is approved by the responsible authority.*

Figure 1: Visitor bike hoops relocation.



Pedestrian and Vehicular Entrances

- *Levels to be provided around the subject site, including footpath levels to demonstrate that seamless and compliant levels transitions are achieved to all entrances.*
  - *Noting that if handrails and tactile are required then these must be accommodated for within the subject site boundary.*

Pavements

- *Reference to Councils standard details and engineering standards are to be noted on plans where applicable for all required drainage, kerb/channels and footpaths/road surface upgrades and replacements.*

City Works Branch (Waste Services)

The waste management plan for 133- 137 Victoria Parade, Fitzroy authored by Leigh Design and dated 27/8/21 is satisfactory from a City Works Branch's perspective. Issues to be rectified include, but may not be limited to the following:

- *Please include the size of the bin storage area as per the advertised architectural plans and the Swept path diagram which has been approved by Council traffic engineers in the WMP. All information and diagrams pertaining to the sites waste system must be included in this document.*

External Referrals

The application was not required to be referred to any external authorities under the provisions of the Scheme.

Assessment

The considerations for this application are as follows:

- Strategic Context and Use
- Heritage, Urban design and Built Form
- Internal Amenity and Off Site Amenity Impacts
- Noise
- Sustainable design
- Car parking, bicycle parking and traffic
- Tree protection
- Waste Management
- Infrastructure and Services
- Objector concerns
- Other matters

Strategic Context and Use

The proposal satisfies the various land use and development objectives within the PPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment. The proposal has strong strategic planning policy support at both State and Local levels. The subject site is within the C1Z. The key purpose of the C1Z is:

- *To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

The food and drink tenancy will provide an active interface along Napier Street and Victoria Parade. The development provides for improved accommodation supply within an area that is well serviced, and the overall development will help to support the long term viability of Victoria Parade, particularly with the provision of student accommodation on the upper levels generating custom for the retail, dining, community, health and business services in the area.

Clause 17.01-1S of the PPF encourages *growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.* Clause 21.04-3 of the LPPF aims to *increase the number and diversity of local employment opportunities*. The food and drink premises and student accommodation will provide an employment source for the community and is in accordance with the PPF and LPPF. It is also inline policy in that it will service some of the accommodation needs generated by the education precinct to the immediate west of the site at the Australian Catholic University campus. The proposed use thus compliments and further fosters the existing education focus of this part of the precinct.

In addition to this, Clause 11 states that planning is to *facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility,*

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social, community and commercial infrastructure and services. The site has immediate access to Victoria Parade tram services, is within close proximity to tram services along Brunswick Street and Smith Street and is within reasonable walking distance to Parliament Railway Station (590m away) and West Richmond Railway Station (1,100m away). The site is also with walking distance of the CBD (590m) and so has immediate access to all the services on offer in the CBD.

The proposed mixed-use development benefits from the established settlement pattern and the existing transport, utility, social and commercial infrastructure and services available in the area, in accordance with the PPF.

As student accommodation is a permit required use, consideration must be given to the impact of the proposed use, particularly on nearby residential amenity.

The Commercial 1 Zone provides guidance for assessing use applications at clause 34.01-2 (*Use of land*) as follows

- *A use must not detrimentally affect the amenity of the neighbourhood, including through the:*
  - *Transport of materials, goods or commodities to or from the land.*
  - *Appearance of any building, works or materials.*
  - *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

Clause 22.05-1 (*Interfaces use Policy)* includes the same policy considerations as those outlined for C1Z (above), apart from considerations relating to rubbish storage and the management of construction noise. Were Council supportive of the application, a condition would have required the submission of a Construction Management Plan to adequately manage construction activities.

The submitted Waste Management plan has been generally supported by Council's Contract's Services Unit (subject to condition), which demonstrates that waste will be appropriately managed. Further waste is to be stored inside the building in a dedicated room, which ensures rubbish smells are contained on-site and views to unsightly rubbish bins from neighbouring properties is prevented. Waste will be discussed in more detail later in this assessment.

Policy considerations relating to the transport of goods, materials and commodities to the land would relate to both the food and drink premises and the student accommodation components of the use. No on-site loading area is proposed. However, with the proposed food and drink premises being small in size (69sqm), the loading and unloading demands would not be great. Deliveries to smaller cafes are typically carried out in small vans with deliveries only taking a few minutes to be completed, allowing these activities be accommodated in existing public on-street parking. Indeed, the site currently is occupied by a food and drink premises and florist that are not provided with an on-site loading areas. As such, the proposal will not be a significant departure from existing conditions in this regard.

Turning to loading activities associated with students moving into and out of the building. With the units being fully furnished, the items that students will bring on-site will be generally limited to clothes and hand held electronic items such as personal computers. This type of loading can occur in existing on-street public car parking spaces. Further, with leases being long term in nature, generally extending for the university calendar year, each unit would only generate demand for loading a maximum of twice per year when a student moves in and leaves at the end of the year. This limited nature of student loading activates is not thought to place unreasonable strain on existing on-street car parking and so is considered acceptable.

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The C1Z and clause 22.05 use guidelines also require consideration of the appearance of buildings and works. Of most relevance would be the visual bulk of the proposed building. This will be discussed in detail in the following '*Off-site Amenity'* assessment. The CIZ and clause 22.05 require consideration of noise emissions from the site. Noise to be considered in detail in the following '*Noise'* assessment. Remaining emissions including artificial light, vibration, smell, fumes, smoke, vapour etc are subject to EPA requirements which ensure unreasonable impacts would not be experienced by nearby residential properties to the rear. In terms of the daily operation of the student accommodation building, the applicant has submitted a comprehensive Management Plan that covers the following topics.

- *Permanent display of the Management Plan in a common area.*
- *Provision for at-call contact details of a suitably responsible contact person for response 24 hours a day and seven days a week, to be displayed so they are clearly visible to any person entering the site.*
- *Provision of information on community and education services, including health, counselling and cultural services.*
- *Provision of information on local public transport and to encourage walking (eg. information on facilities within walking distance, local public transport timetables, outlets for purchase of Myki tickets, car share services etc).*
- *House rules regarding occupancy and behaviour of students and visitors.*
- *Resolution process for disputes between students and complaints from persons not residing on the site.*
- *Areas where washed clothes may be dried. Details of rubbish bin storage and waste collection.*
- *Employment of a suitably qualified manager or lead tenant who is accommodated on-site.*
- *Details of which unit is to be set aside for the resident manager and how this unit is to be managed.*
- *The nature of the management of the complex and the contact details of the manager/lead tenant.*
- *Critical Incident Management and Emergency & Evacuation Procedures.*
- *Management procedures over holiday periods.*
- *Information for students on how to use the building effectively, efficiently and responsibly.*

This plan is well considered and will allow for the building to be appropriately managed and minimise disruption to nearby residential properties. It includes a complaints procedure whereby all complaints are dealt with and resolved by the general manager (with appropriate police involvement where necessary). It includes procedures to monitor the safety and wellbeing of students, including providing access to counselling services and reporting procedures when students intend to be absent from the building for more than 48 hours.

Of particular relevance to managing off-site amenity impacts, the Management Plan details all outdoor areas will close at 10pm to reduce disruption to nearby residential properties. While not applicable to this application (particularly as alcohol is not proposed to sold on the site) this 10pm closing time for outdoor areas in a C1Z is in line with Council's Local Policy at clause 22.09 "Licences premises" policy and so is considered acceptable. Further the consumption of alcohol or holding of events/parties is not permitted in communal areas unless permitted in writing by the operator, which is considered to adequately limit the frequency of these events. Guests are also required to vacate the building by 10pm unless overnight guests are approved in writing by the operator.

These procedures are considered to ensure the operation of the student accommodation use will not unreasonably impact nearby residential uses. Should Council have supported the application, a condition of permit would have required the submitted Management Plan be endorsed to form part of the permit.

Overall, redevelopment of the site has strategic planning policy support. However, policy support for more intensive development on this site must be balanced with other planning considerations, including the local built form context (including streetscape, urban design and heritage values), the proposed architectural response, equitable development opportunities, public realm, pedestrian spaces, light and shade requirements, including on-site amenity and ESD considerations, off-site amenity considerations and car space and bicycle space provision. These topics will be discussed in turn later in this assessment.

Heritage, Urban design and Built Form

In considering the design of the proposed development, the most relevant Scheme policy is at Clause 15 (*Built Environment and Heritage*), Clause 21.05 (*Built Form*), Clause 22.02 (*Development Guidelines for Sites subject to the Heritage Overlay)* and Clause 43.02 (*Design and Development Overlay Schedule 39*) of the Yarra Planning Scheme. All of these provisions and guidelines support a development outcome that responds to the existing or preferred urban character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationships to nearby buildings.

Built form context

The existing character of the surrounding area is somewhat varied, with the majority of built form along Victoria Parade being double storey in height (and mainly dwellings) to the east of the site and with a significant emerging character of taller development on the large medical and educational institutional sites to the west of the site along Victoria Parade. To the immediate east of the site are three double storey 'contributory' heritage graded dwellings and adjoining these dwellings to the east are 3 'individually significant' graded double storey dwellings. Abutting this 2 storey residential context, the proposed development at nine storeys is considered to appear as an incongruous element.

The previous Surrounding Land section provides a detailed list of other large scale developments existing, approved and under construction along the north and south side of Victoria Parade. When compared to these developments along the north of Victoria Parade (to the west of the site), particularly in the context of the Australian Catholic University (ACU) building on the opposite side of Napier Street, the proposed development could be said to be complementary to this emerging pattern of development.

However as will be discussed in greater detail in the following Heritage, Urban Design and DDO39 assessments, it is considered the tall building heights achieved to the west of the subject site cannot be reasonably anticipated at the subject site and support is not recommended for the proposed 9 storey building.

This is because the subject site is located on a section of Victoria Parade that is dominated by a 2 storey dwellings to the east which is a very different context to the tall institutional buildings found to the west of Napier Street. Further to this, the subject site is significantly smaller than the institutional land parcels found to the west. These institutional sites have sufficient land area to accommodate generous setbacks to the upper levels and separation between buildings to allow for highly articulated building forms that effectively ameliorate height in response to their heritage contexts.

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As will be discussed in detail in the following assessment, it is considered the subject site does not have sufficient land area to accommodate similar reasonable setbacks to ameliorate height and building mass and as such, support is not recommended for the proposed 9 storey building height. Height and setbacks will be discussed in further detail later in this assessment.

Demolition

Council's Heritage Advisor is supportive of the full demolition of the existing building. As outlined in the heritage comments and in the *Subject Site* assessment, the building has been substantially altered from its original appearance and so retains no heritage features of significance. This is reflected by the "non-contributary" grading of the building. As such the proposed demolition is supported.

However, Council's Heritage Advisor requested the following:

During demolition, if any 19th century fabric is discovered an archival photographic record in colour should be made and ultimately lodged in the Fitzroy Library. Similarly any significant fabric or artefacts should be retained and lodged with Council.

Should Council have supported this application, this could have been addressed by way of condition.

Precinct specific Design and Development Overlay Schedule 2 (Main Roads and Boulevards) DDO2 requirements.
The subject site is located within the Design and Development Overlay Schedule 2 (Main Roads and Boulevards). The following relevant design objectives are specified:

- *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
- *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
- *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design. To encourage high quality contemporary architecture.*
- *To encourage urban design that provides for a high level of community safety and comfort.*
- *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

The proposal is considered to be acceptable in terms of the heritage objectives with the previous *Demolition* assessment demonstrating the proposed demolition of the existing buildings is acceptable given it has been heavily altered from its original appearance. The building also satisfies the objective that seeks a high level of community safety as it allows for ample passive surveillance to the public realm including providing active frontages at ground level to Napier Street and Victoria Parade.

The proposal retains a reasonable level of sun light amenity to the residential property located on the opposite side of the rear lane, as it will not be affected by additional shadow as a result of the proposal. The proposal is however considered to generate unreasonable visual bulk to this property, which will be is discussed in greater detail later in this assessment.

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The proposal also generally reinforces and enhances some of the distinctive heritage qualities of Victoria Parade through the adoption of an 8m street wall height and some of the window proportions (the proposed rectangular windows) being reflective of existing heritage window patterns. However as will be discussed in greater detail in the following assessment, the proposal is not considered to be respectful of the existing pattern of development to the east of the site with the proposed 9 storey height considered to be out of context with the 2 storey dominant character to the east.

Precinct specific Design and Development Overlay Schedule 39 (Victoria Parade) DDO39 and Heritage.

DDO39 and Heritage policy at clauses 15, 22.02 and 43.01 provide the principal policy framework to assess the proposed development. Clause DDO39 provides most direction, principally outlining preferred overall and street wall heights, setbacks, amongst a number of other built form controls which seek to direct appropriate built form outcomes within this heritage streetscape. It is acknowledged that the DDO39 was gazetted into the Yarra Planning Scheme on the 22nd October 2021, after the planning application was lodged. Regardless of this, the interim control does not contain transitional provisions and so the application must be assessed against this policy.

The advice of an External Urban Design Advisor (Hansen Urban Design) was sought. Their advice in relation to height and setbacks focused particularly on DDO39 given it provides specific direction on height and setbacks which seek to ensure an appropriate design response to the existing neighbourhood character and heritage context. On this basis, the following assessment will also focus on DDO39 to frame urban design and heritage considerations.

In order to provide a framework the following built form assessment it is appropriate to first summarise the relevant preferred built form requirements of DDO39 and the relevant Decision Guidelines that inform this assessment. The following Decision Guidelines are of relevance to this assessment:

- *whether development retains the prominence of the heritage street wall (west of Wellington Street) in the vistas along Victoria Parade;*
- *whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street;*
- *whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials;*

Policy requirements relevant to the subject site are as follows:

- A preferred 4 storey or 14.4m overall height.
- Preferred street wall to Victoria Parade to match the height of the abutting heritage parapet or a maximum of 8m, with preferred 6m setback to levels above,
- Preferred street wall height to Napier Street of 8m with preferred 3m setback to the levels above,
- The rear boundary wall on the NRZ interface should not exceed a height of 8m with levels above contained within a 45 degree setback envelope.
- Service equipment, plant rooms and balustrades/unenclosed pergolas for communal areas can exceed the preferred maximum height by no more than 2.6m, must occupy less than 50% of the roof area (solar panels excepted) and must not cause additional offsite overshadowing,

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- Should provide a 1x1 meter splay on corner boundary to the intersection of laneways and footpaths.
- Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.
- New development should not overshadow:
  - the northern edge of the Victoria Parade central median at 12pm on 22 September;
  - the footpath/kerb outstand on the western side of any street at 10am.
- Habitable windows to be setback a minimum of 4.5m to the east boundary.
- Development façades should relate to the vertical and horizontal proportions of the historic fine-grain residential and retail shop front character of Victoria Parade to the west of Wellington Street and create a suitable ratio of solid and void elements,
- Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.
- The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.
- Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Overview of proposed Height and setbacks

As noted earlier, DDO39 indicates a preferred 4 storey or 14.4m maximum building height and a preferred new maximum 2 storey or 8m street wall height to both Napier Street and Victoria Parade. The proposal, while compliant with the street wall height to Victoria Parade (albeit marginally higher by 0.2m which is an acceptable variation), the 9 storey street wall height to Napier Street does not comply and the building height vastly exceeds the preferred 4 storey or 14.4m maximum, with 9 storeys proposed to a maximum of 29.7m. The DDO also indicates a preferred 3m setback to Napier Street and a 6m setback to Victoria Parade above the 2 storey street wall. In non-compliance, a 0.2-0.3m setback is proposed to level 2 and 3 to Napier Street with the remaining upper levels built to the boundary. In further non-compliance with the preferred 6m setback, level 2-3 to Victoria Parade is proposed to be setback 3m with the remaining levels above setback only 1.5m.

Height

In assessing the appropriateness of the proposed scale of the development, it is acknowledged that recent approval at 207- 209 Victoria Parade and 1-3 Smith Street (see figure 8) allowed for a 13 storey building with average 3m setbacks to Smith Street and Napier Street. Council refused the application primarily based on the height being out of context in the heritage area and off-site amenity impacts. The Tribunal overturned Council's decision with the order issuing 10 June 2021 (VCAT Citation- *Kingcorp Australia Pty Ltd ATF Pellicano Children Family Trust v Yarra CC [2021] VCAT 606).* The decision outlined the height and setbacks were considered acceptable in this context.

However, it is important to acknowledge that this decision was issued prior to the gazettal of DDO39 and its requirements were not considered by the Tribunal. DDO39 contemplates a maximum 8 storey maximum height for 207- 209 Victoria Parade and 1-3 Smith Street, which reflects this site is much larger than the subject site and so can contemplate additional height than the 4 storeys recommended for the subject site under the DDO39. It is considered that had DDO39 policy been in place or been considered by the Tribunal, it may have resulted in a different outcome for this site. For this reason, this decision is not considered to offer justification for the proposed 9 storeys at the subject site.

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Council's External Urban Design Advice supports the preferred 4 storey height limit outlined by DDO39 and states a marginal increase to 5 storeys could be contemplated. The advice outlines the heritage context and the small depth of the site at 24.4m limit the ability to accommodate tall buildings. The advice also notes that the preferred 6m and 3m setbacks to the frontage and side street respectively, combined with further preferred setbacks to the residential interface to the rear and the east boundary, significantly reduces the area available to accommodate the upper level development (as illustrated by figure 20) and this further compounds their view a maximum 4 to 5 storey height capacity is appropriate for this site.

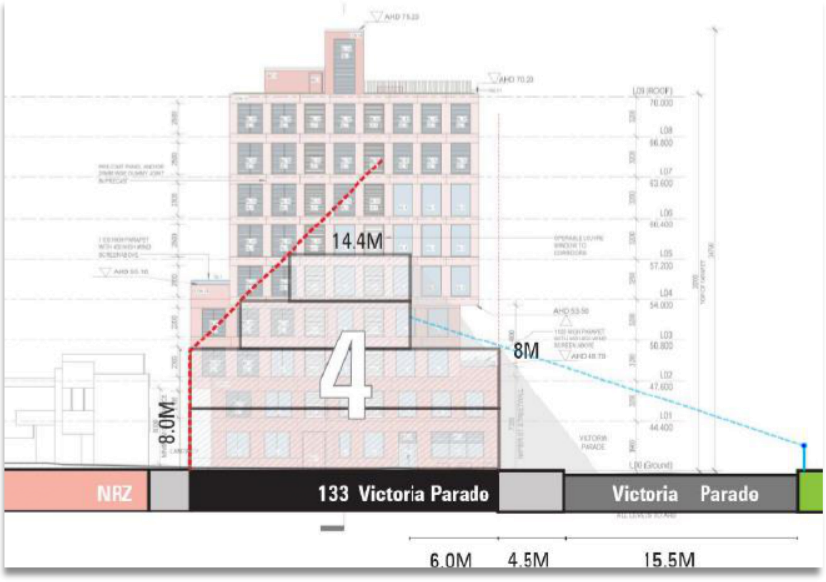


Figure 20: extent of built form permitted by DDO39 (source Urban design advice)

The Heritage Advisor instead recommends a reduction in height of the building to 6 levels, and the removal of all side, rear and front setbacks being the preferred outcome (or with one setback in a single plane above the street walls as an alternative suggestion). This advice is as follows (in summary):

The upper levels will not be visually recessive from any direction and will "detract from the character of the streetscape[s] when viewed directly or obliquely along the street"…. While Victoria Parade can accommodate greater height than can Napier Street, there will be an abrupt transition in scale and a sheer wall, particularly when viewed from the east, between the proposed building and the abutting double-storey terraces. So as to comply with the above policies and so as to reduce visual disruption and intrusion by the height and sheer wall, 3 levels should be deleted…

Given the boulevard nature of Victoria Parade, the varied setbacks in the immediately vicinity of the subject site, (zero to say 4 metres on sites abutting to the east), and the varied setbacks of the Victoria Parade and Napier Street elevations of the St Teresa of Kolkata building, and the mixed nature of the Victoria Parade streetscape between Napier and Brunswick Streets and the existing zero setbacks of the building on the subject site, in this location a setback of 6 metres to Victoria Parade would not have any benefit to heritage. For similar reasons, …a 3 metres setback to Napier Street in this location would have no benefit to heritage considerations and would change a streetscape element (setback depth) which while not Victorian, has existed for approximately 70 or so years.

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There will be recessed setback (2.15 metres) to the lane at the Ground level and Level 01 (Wintergardens) on the North side. The setbacks of the Levels above i.e. Levels 02 and 03 and the balustrade at Level 04 (Shared amenity space and kitchen garden) will project to the Title boundary and will appear ungainly. Corresponding on the South side will be a recessed setback from Victoria Parade at Levels 02 and 03 will appear ungainly particularly when viewed from Napier Street.

In any event when viewed from any direction these setbacks will introduce a degree of discord into the design and are unacceptable. The Victorian buildings which form the nature of this part of the heritage place are essentially all vertically-oriented rectangular blocks where they are double-storey and small cubes where they are single-storey. None of them have projections or rebates – the recessed verandahs are masked by the cast iron or stonework which effectively forms this part of their façades. A zero setback at Ground level and above the podium is preferred (i.e. in the same plane), or at least a continuous setback which is increased further at the upper levels without creating a stepped effect i.e. one step only.

Based on this heritage contextual analysis, it is agreed that greater height to a maximum of six storeys and reduced setbacks beyond those suggested by the DDO39 can be reasonably contemplated at the site. Firstly, it is noted that the DDO39 Map 1 applies the 4 storey height limit to single dwellings, with the subject site being the only triple width lot with a 4 storey height limit applied to it. Given its larger lot size, it is reasonable to anticipate that some additional height can be contemplated at the subject site. Further, it is a common Urban Design supposition that some additional height can be achieved on corner lots, where the breadth offered by the two frontages allows for some additional height to be considered.



Figure 21: DDO39 Map 1 applies the 4 storey height limit to single dwellings, with the subject site being the only triple width lot with a 4 storey height limit applied to it (subject site highlighted with a red dot).

Of further significance when considering height, is the context offered by the ACU building currently under construction adjacent to the subject site. It was outlined earlier in this assessment that the kind of height achieved at the ACU site (ie 13 storeys) cannot be reasonably anticipated to be achieved on the subject site given it is so much smaller than the ACU site. This previous proposition is retained and it remains considered that 9 storeys is excessive on this site. However, the six storeys recommended by the heritage advisor is considered to strike a well-considered balance between the preferred 4 storey height limit suggested by the DDO39 and a heritage based contextual analysis that acknowledges the presence of the 13 storey building under construction across the street at the ACU site.

The suggested 6 storey maximum for the subject site is considered appropriate as the ACU site has an existing heritage building (Kolcutta) of 4.5 storeys to Napier Street, that would be comparable in height to a six storey building at the subject site (with the heritage

floor to ceiling height being great than those proposed at the subject site). The Napier Street wall to the new ACU building is sheer to a 22m height on the Napier/ Victoria Parade intersection and splays/ is setback 3m on its northern end. Given the sheer nature of this wall and that a reduction in height of the building at the subject site to 6 storeys would reduce the street wall to approx 20m (2m lower than the street wall the ACU site), the proposed 6 storey height suggested by the Heritage advisor is considered to sit comfortably within this context (see figure 22). The height relationship with the dwellings to the east will be discussed in further detail later in this assessment.

Upper level setbacks to Napier Street and Victoria Parade

Achieving upper level setbacks is one of the principal policy focuses of DDO39 as outlined in the Decision Guidelines is as follows:

- *whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street;*

It is clear from the DDO39 Decision Guidelines and preferred setback requirements policies, that upper level setbacks above the podium are an integral element to the DDO39 objectives. The policy strongly seeks to establish a strong emphasis on upper level setbacks to the east of Napier Street where low built form and heritage buildings dominate.

However, Council's Heritage Advisor is of the view that a zero upper level setbacks is the preferred option, or one setback (without creating a stepped effect) would be acceptable as an alternative option, as follows:

the mixed nature of the Victoria Parade streetscape between Napier and Brunswick Streets and the existing zero setbacks of the building on the subject site, in this location a setback of 6 metres to Victoria Parade would not have any benefit to heritage. For similar reasons, …a 3 metres setback to Napier Street in this location would have no benefit to heritage considerations and would change a streetscape element (setback depth) which while not Victorian, has existed for approximately 70 or so years.

…. A zero setback at Ground level and above the podium is preferred (i.e. in the same plane), or at least a continuous setback which is increased further at the upper levels without creating a stepped effect i.e. one step only.

Given this Heritage contextual analysis, one must consider whether requiring the full preferred 3m upper level setback to Napier Street and 6m setback to Victoria Parade suggested by DDO39 is reasonable in this context (particularly given the sheer appearance of the 5 storey/22m high ACU wall opposite). The External Urban Design advice was also not supportive of the protruding/stacked building form to Victoria Parade, indicating level 4-8 protruding over level 2 and 3 to the Victoria Parade frontage in particular exacerbates bulk and recommended to 6m setback suggested by the DDO as preferred. The External Urban Design advice was also not supportive of the 0.2-0.3m setback to the level 2 and 3 to Napier Street with the levels above to the boundary. Their recommendation was to impose the 3m setback suggested by DDO39 (along with a reduction in height to 4 or maximum 5 storeys).

While acknowledging that the Heritage Advisor has suggested zero setbacks to Napier Street and Victoria Parade would be acceptable, given the strong DDO39 policy emphasis on achieving upper level setbacks and the view supporting setbacks offered by the External Urban Design Advice, zero upper level setbacks are not considered appropriate. However, based on the above Heritage Advice a reduction in the 3m and 6m upper level setbacks suggested DDO39 and without a stepping effect in these setbacks, can also be reasonably contemplated.

However, it is also important to note that the building stepping is currently contributing toward the building articulation and that a uniform setback may require other changes to

the design to ensure it continues to contribute positively to the streetscape in accordance with DDO2 and DDO39. For these reasons, it is not possible to address the issue of setbacks to Napier Street and Victoria Parade by way of conditions and this issue forms a ground of refusal.

Setbacks to the rear boundary

The DDO39 outlines a preferred 8m rear boundary wall on interfaces with a Neighbourhood Residential Zone and 11.2m max height in all other zones and with upper levels setbacks set back to a 45 degree envelope. The proposed rear boundary wall measure approximately 13.7- 14m in height with a NRZ1 opposite. The Urban Design Advice and Strategic Planning Unit outline a preference for this requirement to be met.

However, officers believe some variation to this requirement could be contemplated , given the residential interface does not have any ground floor open space opposite. Had ground floor open space been located opposite, it would be appropriate to require a maximum 8m wall height to limit visual bulk to an acceptable level.

However, in this instance the 3 storey dwelling opposite is a converted commercial building that occupies 100% of the site and with its open space located on the second floor. Given its elevated position, and that the open space is enclosed by approx. 1.7m high wooden screens, it is considered the open space would not experience unreasonable visual bulk from a boundary wall in excess of 8m in height with the levels above setback within the 45 degree setback envelope.

However the currently proposed wall at a maximum of 14m, is 6m higher than the maximum suggested by the DDO and it is considered it would generate unreasonable visual bulk to the open space opposite. Reductions in this wall height could potentially be achieved through a reduction in the floor to ceiling heights and the deletion of the level 4 terrace to the rear of the site. However, it is not clear if this could be achieved without a detrimental impact on the internal amenity and layout of the building. As this issue is not able to be reasonably addressed by conditions given the unknown impacts of requiring these changes to the rear interface, it is recommended that application be refused.

Eastern setback and equitable development

In relation to shared boundary setbacks, DDO39 requires where habitable windows are proposed on the shared boundary a 4.5m setback be employed. A large number of windows are proposed on the east boundary. These windows are not supported as any amenity to these windows relies on next door remaining undeveloped. They have not provided any protection/setbacks for amenity on their own site and it creates an unreasonable expectation that the adjoining site to the east site remains undeveloped. The lack of equitable development opportunities to the adjoining site to the east as a result of the proposed eastern boundary windows will also form a ground of refusal.

Deleting these windows may have a significant impact on the average internal light levels in building and may result in non-compliance with relevant BESS standards. The following ESD assessment also details that Council's ESD officer has raised concern with the impact of the deletion of these windows on the internal amenity of the building. This will also form a ground of refusal.

Remaining DDO39 requirements

DDO39 allows for some exceedances to the preferred height for plant rooms, lift overruns, stair accesses and associated similar structures by a maximum of 2.6m provided these structures occupy less than 50% of the roof area. The plant room at 2.2m in height satisfies this requirement. But the lift overrun at 5.2m and stair access at 2.72m do not satisfy this requirement. The combined area of the terrace, stair and lift access and plant room is 30% in compliance with the maximum 50% of the roof area permissible. A revised

deign should address the lift overrun height issue. The plant room at a maximum of 2.72m does not significantly exceed the 2.6m preferred height and so is considered acceptable.

It is also required that plant equipment or services do not cause additional shadowing to footpaths. With the lift core located in a prominent position on the Napier Street boundary, it will cause additional shadowing to the footpath opposite. A further DDO39 requirement requests the central median strip of Victoria Parade is not overshadowed at 12pm on 22 September or any opposite kerb outstands and footpath on the opposite side a Napier Street between10am and 2pm at 22 September. The shadow plans show these requirements are also not met. While the shadow plans do not provide a 10am analysis, it is clear that the footpath and outstand on the opposite side of Napier Street would be shadowed at 10am.

The previously discussed conditions requiring reduction in the building height is likely to resolve the shadowing issues (with a condition having the ability to require this is demonstrated with shadow plans). A revised proposal should also consider relocating the lift overrun to a more central position to prevent unnecessary public realm overshadowing. Council heritage advice has also requested it be relocated from its current prominent position.

The DDO also seeks a 1x1 metre splay on the Napier Street and Victoria Parade intersection. Had the application been supported, a condition could have required this.

Proposed architectural design

DDO39 provides the following guidance in relation to architectural design, with similar sentiments expressed in decision guidelines and policies contained in clauses 43.02 and 22.02:

> *(a) Development façades should: relate to the vertical and horizontal proportions of either:*
>
> *(i) the historic fine-grain residential and retail shop front character of Victoria Parade to the west of Wellington Street;*
>
> *(ii) or the modern commercial character of Victoria Parade to the east of Wellington Street;*
>
> *(b) create a suitable ratio of solid and void elements;*
>
> *(c) create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.;*
>
> *(d) avoid overly busy façades that rely on a multitude of materials and colours;*

Council's External Urban Design Advisor was supportive of the concrete extruded frame, including its materials, colours and solid to void ratio stating:

- *The proposal comprises an appropriate podium presentation, with clear geometric proportions which reference the historic fenestration pattern of the existing building and comprise a suitable balance of solid to void expression. The façade is a constrained contemporary arrangement of rough precast concrete construction in red with depth provided via inset window reveals and the textured nature of the concrete.*

The External Heritage Advice is less supportive of the concrete extruded frame, as follows:

- *the proportion of solid, i.e. masonry façade, to void i.e. window opening, is more solid and less void. What is proposed here is the opposite i.e. more void than solid*

which introduces a skeletal effect which is in distinct contrast to the Victorian dwelling façade arrangement and indeed building envelope which is one predominantly of solidity rather than openness.

- *The proposed window openings will be of varying shapes and sizes i.e. those on the South and East elevations are squarish, with two vertical rows being rectangular, whereas those on the North and South elevations are distinctly horizontal rectangles or are distinctly square other than at Levels 2 and 3 of the South elevation. A more uniform grid of vertically-oriented rectangular windows and with more solid and less void should be applied to all elevations.*

- *The red/pink palette will be unique in Victoria Parade, other than for the Greek Orthodox church on the south side, and will likely form a strong contrast with the predominantly white St Teresa of Kolkatta building on the opposite corner of Napier Street. A less striking and more neutral and sober colour palette is preferred so that as far as is possible any new building blends in rather than standing out in the streetscapes.*

- *The Reckli panels and textures are acceptable.*

It is not agreed that the proposal will have a skeletal appearance or unreasonable void to solid ratio. The extruded frame has a minimum width around the entire perimeter windows of 0.7m at its narrowest point on the upper levels and with the width of the frame significantly increasing to a max of 1.1m as one progresses to the lower floors (see figure 23). The depth of a large portion of the window reveals is 18cm. The combination of these items is considered to allow the building have a robust masonry presence that is respectful of the masonry buildings found in the streetscape and so is considered acceptable.

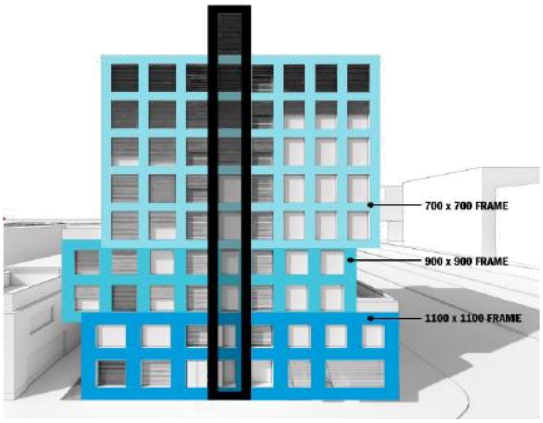


Figure 22: Applicant image of framing widths,

The heritage advisor also encourages the removal of the more squarish windows forms to be replaced with the proposed taller more rectilinear window forms, to better reflect the proportions of traditional Victorian windows in the streetscape. However, an examination of the Victorian windows to the east shows a high concentration of more square windows at ground floor along with square openings to balcony forms. In this context the proposed square window forms will not appear an incongruous element and support is recommended for them. Further the juxtaposition of rectilinear and square window forms as currently proposed adds visual interest and improved architectural appearance to the building, a positive quality would be lost if all windows were replaced with only rectilinear forms.

Attachment 4 - Previous Officer Report



Figure 23: Applicant images showing square and rectangular window forms at both the proposed building and existing dwelling adjoining to the east and square balcony forms in the immediate area.

In relation to the appearance of the building, Council's Heritage Advisor raised concerns with the pink colour palate of the extruded frames. However, a detailed examination of the material shades shows the proposed pink oxides will be added to the precast concrete which is a grey colour, which alters the colours to rich terracotta hues of pink. These are considered to sit comfortably within the streetscape that has a high proportion of redbrick and is considered acceptable for this reason.



Figure 24: Applicant images showing materials

Attachment 4 - Previous Officer Report

External blinds

External blinds are applied to a large portion of the windows on all elevations. The External Urban design advice was supportive of them stating they *enable dynamic fabric presentation, due to the subtle animation facilitated as occupants using the blinds in response to external conditions. While, we broadly employment of such blinds (particularly to balconies) it is unclear in this instance (applied externally to fixed glazing) how they will be maintained and cleaned.*

Had the application been supported, a condition could have required appropriate operable windows be provided to address this concern. Council's External Heritage Advice however was not supportive of the blinds as follow:

The external blinds and louvres are an issue as they cover over the voids of the fenestration and experience in Yarra shows that similar blinds, louvres and screens remain closed rather than open for most of the time presenting a solid visual presentation to the streetscape which is not punctuated by voids as per the Victorian dwellings.

It is agreed that the extent of blinds as currently proposed is excessive and would have a very poor outcome if they were all to be closed, particularly on the highly visible east and Victoria Parade elevation. However, as Council does not support the windows on the eastern boundary, their associated blinds would also be removed, resolving this concern on the side of the building.

Had the application been supported, a further condition would require the deletion of the blinds on the southern façade, as this façade will be predominantly shaded by the building at the subject site would not receive direct sunlight. Subject to the conditions outlined above, support is recommended for the remaining sunblinds as they will only occupy a small proportion of the building and are warranted to mitigate harsh sun effects on these elevations.

Streetscape interface/Active frontages/ Public Realm

DDO39 encourages the streetscape interface to provide for active street frontages that improve the pedestrian environment and 4m floor to ceiling heights for commercial frontages. With large glazed window units and ground floor, approx. 3.7m shop floor to ceiling heights and an entrance from Napier Street, the proposal is generally compliant in this regard.

Council's External Urban Design Advisor requested the open form of the entrance canopy be replaced with a solid form for improved weather protection and the minimum height clearance increased from the proposed 2.4m. A revised design could consider a solid canopy form to provide better weather protection for students and visitors to the building.

Council's engineering unit also commented on the clearances aspect of the awning as follows:

To satisfy the Building Regulations 2018 – Reg 104, the applicant must ensure that the awning:

- *Doesn't project horizontally beyond the street alignment by more than 2.4 metres;*
- *the clearance height above the footpath is a minimum of 2.4 metres*

The setback of the awning measured from the front of kerb to the front edge of the awning must also be dimensioned on the drawings to ensure that any delivery vehicle/truck that is parked adjacent to the awning does not collide into the awning.

The plans show the awning meets the projection and height clearance requirements. It is not necessary to note the setback of the awning from the footpath edge as they are

located adjacent to an outstand and so cannot be struck by vehicles. As such the canopies are considered acceptable.

Council's Urban Design Unit also provided further comments on public realm works. They were not supportive of the 3 bicycle hoops on the existing kerb outstand as this would require alteration to the outstand which is more complex than installing the hoops in the footpath. They instead requested 2 bicycle hoops be installed to the north of the outstand which could be addressed by way of condition had the application been supported.

They also requested the plans be updated to show the full footpath and kerb to Victoria Parade, footpath dimensions, exact location of existing streetscape fixtures and furniture including side entry pits and car parking bays and detail of levels to all entrances and footpaths demonstrating a seamless with any handrails and surface tactiles to be accommodated within title boundaries, and notating the any footpath / road / kerb and channel and drainage upgrades and installation of bicycle hoops will be to Council's Satisfaction. Conditions could have addressed these items had the application been supported.

Site Coverage

The level of site coverage proposed is 100 percent. However, as the existing level of site coverage in the surrounding (and immediate) area is similar (including the subject site at 100% coverage), it is acceptable. Commercial buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident along Victoria Parade.

Landscape architecture

While landscaping is not a typical feature of commercial developments in the area, the proposal does include a degree of visible landscaping in the form of planters on terraces and ground level panting to the rear laneway. The application was referred to Council's Open Space Unit, who supported the proposed landscaping, subject to further detail being provided on maintenance and irrigation schedules, plant species not to include any weed species, further detail on roof planters and terrace materials. Conditions could address these items had the application been supported.

The Heritage Advisor requested the landscaping to laneway be deleted as it may not be maintained property and become unsightly and landscaping is not typically found in laneways. However, the addition of the landscaping will significantly improve the appearance of the under-croft area and so is supported subject to appropriate management. Had the application been supported, a condition could have required a landscape management plan to ensure the landscaping is appropriately maintained. Further, Council's Open Space and Urban Design Unit are broadly supportive of this landscaping.

Council's Urban Design Unit did however request further detail on the planters edging to ensure they are appropriately designed to prevent skate boarders using them and smokers using them as seating. A condition could address this. The also requested planting adjacent to Napier street footpath is appropriate to retain sightlines to pedestrians. Conditions could address these items, had the application been supported.

Internal Amenity and Offsite Amenity Impacts

Relevant Council policy for these assessments include Clause 22.05 (*Interface Uses policy*) and Clause 22.17 (*Environmentally Sustainable Design*) which will be discussed where relevant. It is noted that Clause 58 (*Apartment Developments*) is not applicable to the current application. However, it will be use as a guide when assessing Internally Amenity and Off-Site Amenity Impacts, where relevant to the current application. Clause

58 comprises design objectives and standards to guide the assessment of new residential development. The following objectives are relevant to this application:

- Infrastructure objectives and Site Services Objectives(Considered in the following *Infrastructure and Services* assessment*).*
- Energy Efficiency objectives and Integrated water and stormwater management objectives (Discussed in following *Sustainable Design* assessment).
- Communal Open Space objective and Solar access to communal outdoor open space.
- Safety objective.
- Building Setbacks objectives (Discussed in the following *Off Site Residential Amenity impacts* assessments).
- Internal view objectives.
- Noise impacts objectives (Discussed in the following *Noise* assessment).
- Wind impacts objectives (Discussed in the following *Wind* Assessment).
- Accessibility objectives.
- Building entry and circulation objectives (Discussed in the following Circulation Spaces assessment).
- Private open space objective.
- Storage objective.
- Common property objectives.
- Waste and Recycling objectives (Discussed in the following *Waste Management* assessment).
- Functional layout objective.
- Room depth objective.
- Windows objective.
- Natural ventilation objectives.

Internal amenity

Overall in relation to internal amenity and as detailed earlier in this assessment, the deletion of the windows to the east wall may have a significant impact on the average daylight levels within the building. Further the requirements that the rear boundary wall be reduced in the height also will have unknown impacts on the internal floor to ceiling heights of the lower levels. The deletion of three levels and the requirements of the increased setback to Napier Street and Victoria Parade also will have unknown impacts on the internal floor layout including the loss of communal areas and unknown changes to the internal floor layout of the student units. Given the unknown impacts on internal amenity, Council considered it is not possible to address these issues by way of permit conditions and therefore is recommending the application be refused.

However, had Council been in a position to support the application based on the current plans, it is considered that while clause 58 is not strictly appliable, it should be used as a guide to assess internal amenity. Relevant policy objectives are outlined above and discussed briefly in further detail below.

Communal Open Space objective and Solar access to communal outdoor open space.

These standards required the following:

- *If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres,*

- *At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June*

A total of 187sqm of communal open space is proposed. However as this is not significantly lower than the 220sqm minimum required, and that dwellings are not proposed, this variation is not significant and so is considered acceptable. Further, based on an officer assessment, the roof terrace and west-facing rear terrace would receive a minimum of two hours sunlight on June 21 in compliance with the standard. The open space areas are also easily accessible for the use of the students in compliance with the objectives of these standards.

Safety objective.

As relevant, standard D9 requires *Entrances to dwellings should not be obscured or isolated from the street and internal accessways*. The student accommodation entrance is ideally located on the Napier Street side of the building and is not obscured from view or in an isolated position.

Building Setbacks objectives

The following *Off Site Residential Amenity impacts* assessments discusses this standard in relation to impacts on nearby dwellings. This standard also requires consideration of how setbacks allow adequate daylight to new dwellings and provide reasonable outlook. The proposal as currently proposed allows for reasonable outlook and daylight access from the north, south and west side. As discussed, a condition will require the deletion of windows to the east walls which has unknown impacts in overall daylight access for the development, this will be discussed in the following Sustainable Design Assessment and this issue forms a ground of refusal.

Internal view objectives.

Standard D15 requires *'windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development'.* The position of windows and balconies prevents unreasonable overlooking to the levels below. However, it is not clear if wall heights between the winter gardens have sufficient height to prevent overlooking. A condition could require this detail.

Accessibility objectives.

Standard D17 requires the following:

Attachment 4 - Previous Officer Report

Standard D17

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.

Table D7 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: ▪ A slide door, or ▪ A door that opens outwards, or ▪ A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: ▪ A slide door, or ▪ A door that opens outwards, or ▪ A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: ▪ A minimum area of 1.2 metres by 1.2 metres. ▪ Located in front of the shower and the toilet. ▪ Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: ▪ A minimum width of 1 metre. ▪ The full length of the bathroom and a minimum length of 2.7 metres. ▪ Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Only the DDA compliant units comply with this standard in relation to circulation areas for the bathrooms and clear path widths. However, given the nature of the proposed use for student accommodation and not dwellings, this non-compliance is considered reasonable, particularly as 3 DDA compliant units area proposed.

Private open space objective.

Standard D19 requires a studio or 1 bedroom dwelling be provided with 8 sqm of open space with a minimum dimension of 1.8m. With only 19 of the units being provided with open space and with these winter gardens being a minimum of 3sqm, the proposal does not comply with this standard. However, given that student accommodation is proposed and not dwellings and the transitory nature of this use, the quality of the open space would not need to be as high as permanently occupied dwellings. The proposed open space is also considered acceptable, as three large communal terraces/gardens are proposed which will compensate for the lack of compliant private open space provided for each unit.

Storage objective.

Standard D20 requires a studio or 1 bedroom dwelling be provided with a total of 8 cubic metres for each dwelling with 5 cubic of this to be internal to each unit. The plans show a minimum 1.5 cubic of external storage in the basement for each unit but does not specify

the internal storage areas. With wardrobes and storage shelves proposed in all the units, it is anticipated the proposal would likely meet this standard.

Functional layout objective.

Standard 25 requires Studio living rooms should be a minimum width of 3.3m and area of 10sqm and bedrooms and minimum width of 3m X 3.4m and area of 10.2sqm. Proposed room sizes are as follows (not including bathrooms or winter gardens):

- 3 x B1 room type with average internal floor area of 19.5sqm.
- 9 x A1 room type with average internal floor area of 19.5sqm.
- 3 x DDA compliant room type with average internal floor area of 19sqm.
- 2 X A2 room type with an internal floor area of 14sqm (bedroom only- no living area proposed).
- 12 X B2 room type with average internal floor area of 19.5sqm.
- 23 X A3 room types with average internal floor area of 19.5sqm.

The student open plan bedroom and living areas are not compliant with this standard, particularly as most have kitchen areas also included within the living areas. However as discussed earlier, given that student accommodation is proposed and the transitory nature of this use, the student rooms sizes would not need to be as large as permanently occupied dwellings. The proposed high quality communal areas including the kitchen / lounge and 2 X co-working library/lounge areas are also thought to adequately compensate for the small internal dimensions of the student rooms and provide for other areas for occupants to spend time in other than their rooms.

Room depth objective and Windows objectives.

Standard 25 requires single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. Only the A3 type and DDA compliant rooms comply with this standard with other rooms exceeding the requirement by 1 to 2m in length (with floor to ceiling height of 2.2m to 2.5m proposed). This non-compliance, combined with daylight issues discussed in the following Sustainable Design assessment as a result of the deletion of the east-facing windows, results in the concern with the daylight quality inside the student units. A revised design should address this issue.

Standard D27 requires habitable rooms have an external window. All habitable rooms have access to an external window in compliance with this standard.

Natural ventilation objectives.

Standard D28 requires 40% of dwelling have the ability to be cross ventilated. The plans do not clearly delineate where windows are operable. This outcome could be achieved on the apartments adjacent to the east and west boundary that also have front and rear orientations. However, the requirement discussed earlier to remove all windows to the east elevation would negate this outcome. However regardless of this, a condition could require operable habitable windows to the west, north and south elevations. Where units cannot be cross ventilated, this is considered acceptable given the single room floor plates for the student units habitable areas reduces the need for high levels of cross ventilation that would be required for dwelling/apartments with multiple rooms.

Attachment 4 - Previous Officer Report

Circulation Spaces

The main pedestrian entrance from Napier Street provides access to the lift core and stair well, with clearly defined entrances also provided to the food and drink premises. The entrance and lift lobby area are provided with adequate sightlines from the street so people can see both in and out when entering or leaving. The circulation spaces are adequately dimensioned to afford a sufficient level of amenity to future building occupants.

Wind effects

Clause 58.04-4 (*Wind Impacts objectives*) encourages new residential development not to generate unreasonable impacts. The submitted Wind report by MEL Consultants was peer reviewed by Council's External Wind consultant (Vipac). In summary, the applicants Desktop Environment Assessment analysed the wind effects on the pedestrian level/footpaths surrounding the proposed development and at the Level 2 and 4 terraces, and found that the proposed design would be expected to have an acceptable wind environment. Vipac agreed these assessments and conclusions. Vipac also agreed with the applicants wind engineers recommendation that users be educated on the wind impacts on elevated terraces and that any objects to be left permanently on the terrace be fixed securely to the terrace.

However, Vipac requested further clarification on the height of the designed screen on Level 9 (roof terrace), to show whether this wind mitigation will meet the appropriate comfort criterion. Vipac suggested that wind tunnel testing can be undertaken to confirm predictions in the report, and to determine if any further wind mitigation strategies are necessary. Had Council supported the application, these items could have been addresses by way of conditions.

Off site Residential amenity

The DDO39 "Design objectives" encourages development to minimise amenity impacts on 'residential areas'. Significantly the policy does not require consideration of impacts on dwellings within the activity centre, reflecting that commercial activity and associated higher density built form outcomes take precedence over the residential amenity of existing dwellings within the C1Z. Similarly, the C1Z Decision Guidelines at 34.01-8 directs consideration of impact of development on residential properties in residential zones 'adjoining' the C1Z and does not require this same consideration be given to existing dwellings within the C1Z. Council's local policy at clause 22.05 (Interface Uses policy) does, however, direct consideration of amenity impacts to dwellings located within the commercial area. Clause 58 *Building setback objective* requests development *'To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area'.*

As outlined in detail in the previous Surrounding Land section, there is an existing dwelling located at first floor of the building to the east. This site (No. 139 Victoria Parade) has a double storey on-boundary wall as demonstrated in figure 17 with no habitable room windows facing the subject site and the open space being on the east site of the dwelling. The current proposal with a 9 storey sheer wall on the boundary would present unreasonable bulk to this property. Reducing the building height, as discussed previously would also assist to reduce the visual bulk of the building to a more acceptable degree as viewed from the adjacent property. As discussed earlier, the windows proposed on the boundary would present and unreasonable equitable development constraint on this property and well as unreasonable overlooking opportunities, which would also from a ground a refusal.

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In relation to the dwelling on the opposite side of the lane (2 Napier Street) in the NRZ1, as discussed in detail earlier in this assessment, the current proposed design with a 13.7m-14m high rear boundary wall and a 9 storey overall height would present unacceptable interface to this dwelling and this would form a ground of refusal.

The proposal does not overshadow private open space of 2 Napier Street and the only additional overshadowing to 139 Victoria Parade is in the late afternoon (with the shadow diagrams showing approx. 2sqm of additional shade at 3pm) as so is considered acceptable in this regard.

Consideration must also be given to the impact of the proposal on daylight to existing habitable room windows. With no windows at 139 Victoria Parade facing the subject site, daylight to this dwelling's windows will not be unreasonably affected. On the south wall of the dwelling opposite (2 Napier Street) are two windows servicing a first floor kitchen/dining room (on boundary) and second floor living area (setback 1.65m). Both of these rooms are also serviced by west facing windows and skylights. In relation to Daylight access to existing windows, clause 22.05-4.2 (*Interface Uses policy*) outlines the following:

The location, length and height of any wall built to a boundary not adversely impact on the amenity of any adjoining residential properties in terms of unreasonable overshadowing of private open space, visual bulk or loss of day light to habitable room windows.

With a 13.7m to 14m high proposed opposite these windows, the separation offered by the laneway is not considered sufficient to adequately protect daylight access to these windows. With the laneway measuring only 3m in width and the wall being 4.5 times the height of the 3m laneway width, the separation offered by the laneway is not considered sufficient to allow adequate daylight penetration to the windows opposite. This negative impact on daylight to these windows will form a ground of refusal.

Of further concern is overlooking from the rear wall to the roof top private open space and habitable room windows of this property. The plans are not clear in this regard. The elevations show fixed show screens to all habitable room windows and private terraces but do not note their level of transparency. While, the Section detail is provided but does not show screens attached to the windows above level 5. A condition could require the plans are updated to address this.

Objectors have raised concerns with the impact of the 4 floor terrace and roof terrace on the amenity of nearby dwellings. However as the subject site is located in a Commercial 1 zone and that the management plans states these areas will cease operation at 10pm, and the acoustic report states a maximum of 20 patrons on the level 4 rear terrace it is considered these area will not have an unreasonable impact on the amenity of the dwelling located opposite (as discussed in detail in the earlier *Student Accommodation Use* assessment). Further as discussed later, these aspects of the proposal have been assessed and supported by Council's Acoustic Advisor.

In accordance with cluse 58.06-03 (*Waste and recycling objectives*) waste storage areas are located inside the building and so will not be a nuisance to nearby residential properties. Roof plant equipment is also located at sufficient distance from residential properties to ensure reasonable amenity is maintained. Regardless of this, if a permit were to issue, a condition could require that the plant and the food and drink premises achieve compliance with relevant EPA requirements to ensure adjacent residential amenity is not unreasonably compromised.

Noise

Clause 58.04-3 (*Noise impacts objectives*) has the following objectives:

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.

Council's External Consultants (SLR) reviewed the applicant's acoustic report, which identified the dominant source of noise at the subject site to be noise generated by mechanical plant and road traffic from Victoria Parade and noise impacts from the proposed development to the nearest sensitive receiver (the dwelling at 2 Napier Street) to be voice noise from the Level 4 outdoor area, and mechanical plant.

SLR were generally satisfied with the recommendation made in the applicant's acoustic report, including the level 4 kitchen terrace be closed at 10 pm to protect the dwelling opposite at 2 Napier Street. SLR did however outline a number of concerns and requested the report be updated to address these matters by the following recommendations:

- To ensure the bedrooms are adequately protected from Road noise it is recommended they are assessed against Standard D16 of Couse 58 requirements, which is a higher assessment standard than that used in the applicants acoustic report. To satisfy this requirement road traffic noise be assessed to both
    - 40 dBA Leq,16h in habitable rooms and 35 dBA Leq,8h, in bedrooms and
    - Loudest hour of road traffic noise not to exceed 45 dBA Leq,1h in habitable rooms from 7 am to 10 pm, and 40 dBA Leq,1h in bedrooms from 10 pm to 7 am.

- The Noise Protocol zoning levels be calculated for 2 Napier Street. As SLR calculations suggest that the levels for this address are lower than those presented in the report and using Noise Protocol zoning levels would address this matter. It is also requested the report is updated to allow the zoning levels be used as noise limits given background levels used are from a different location and may include other localised noise sources.
- Advice to be provided for managing noise from impacts to walls and floors of the café to the dwellings above.
- The report updated to specify a maximum of 20 patrons use the kitchen garden area at any one time (as assumed in the report).
- The doors from the Level 4 communal area to the kitchen garden are kept closed at night.

If the application was supported, conditions could have addressed these items.

Sustainable design

Policy at clauses 58.03-1 (*Energy efficiency objectives*), clause 58.03-1 (*Integrated Stormwater objectives*),15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management. Council's ESD officer has reviewed the submitted SMP and outlined the following application ESD commitments and application ESD Deficiencies/Outstanding information.

ESD Commitments:

Height
The proposal achieves a 50% BESS report score.

- Individual commercial tenants will be provided with separate minimum authority metering and all the major common services (e.g. DHW, HVAC, Lifts etc.) will be sub metered separately.

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- A Building Users Guide will be prepared for the occupants and operators of the building.
- Preliminary daylight modelling indicates that 91.4% of all bedrooms achieve BESS IEQ 1.2 daylight requirements, 80.8% of Living Areas.
- At least 60% studio apartments will have access to effective natural ventilation.
- Improvement in required NCC2019 insulation levels to the building fabric elements roof, walls, ceilings, floor, glazing system etc.
- A 5kW Solar PV system will be provided for the building.
- Water efficient fixtures and taps.
- The development will not utilise water-based heat rejection systems, with all HVAC being air-cooled.
- The site is designed to include Green roofs and kitchen/communal gardens.

ESD Deficiencies:

- Unsatisfactory. Revise building design (i.e. fabric/glazing) to improve performance of building to reduce peak cooling load.
- The location of windows on the boundary wall is unacceptable from a fire rating and equitable development approach, and thus raises concerns in terms of daylight access for the east facing rooms. Remove windows on boundary as per Council's request, and provide amended daylight modelling to support – with room numbers aligned between plans and modelling (i.e. remove room types from plans).

Outstanding Information:

- While operable windows indicated, full provision is not evident. Amend plans/elevations to indicate location and design of windows.
- Confirm provision of high-quality views from living areas.
- Confirm VOC and formaldehyde limits for all internal sealants and paints, adhesives, and engineered timber products.
- Provide a Section J Report which details these improvements against a reference case to support claims of reductions in energy consumption and peak demand.
- Provide the preliminary NatHERS assessment/s to support, and summary of assessed units.
- Include details within Section J Report to support claims of GHG emission reduction.
- Include HVAC details within Section J Report.
- Amend rooftop plan to indicate solar PV size (i.e. 5kW).
- Confirm rainwater will be captured and reused for toilet flushing.
- Clarify granularity/detail of water metering and monitoring strategy.
- Provide a STORM report, or MUSIC modelling and stormwater report to confirm stormwater management strategy.
- Clarify that post-development stormwater flows will not exceed pre-development levels.
- Confirm within MUSIC/STORM the area of rooftop, terraces and/or permeable areas in stormwater strategy.
- Confirm within MUSIC/STORM the rainwater tank size, maximising catchment area for occupant and amending basement plans if needed.
- Confirm whether any stormwater treatment devices are proposed in the stormwater strategy.

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- Confirm that timber will be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).
- Confirm PVC specifications for pipes, cabling, flooring.
- Confirm total number of bicycle spaces for residents and visitors, and amend BESS report to match.
- Confirm whether a bathroom and shower is to be provided for the ground floor tenancy for employees to use.
- Confirm inclusion of car-share details in Building Users Guide to enable residents to access services.
- Confirm provision of a site-specific construction Waste Management Plan with a target recycling rate of 80% of construction and demolition waste.
- Amend WMP to clearly articulate location of specific bins within the waste room.
- Provide a statement as to how the development responds to urban heat impacts, and mitigates these through for example; increased vegetation, passive irrigation and light coloured/high-SRI external finishes and materials.
- Confirm all energy and water management systems will be commissioned in accordance with the manufacturer's specifications
- Confirm head contractor will be ISO 14001 accredited.
- Confirm that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.

(4) ESD Improvement Opportunities

- Consider using a heat pump, and going all-electric. Gas provision locks in path dependency use of a fossil fuel. Strongly recommend removing gas connection.
- Consider a suite of products and materials that are recycled, or contain post-consumer content (such as insulation, bricks, and timber).
- Consider (strongly recommended) strategies to reduce the environmental impacts of concrete (via Portland cement reduction for recycled aggregate or slag) and steel (via procurement and reductions where possible).
- Consider a small pallet of materials and construction techniques that can assist in disassembly.
- Consider using the Green Factor tool to benchmark the green infrastructure approach.
- Consider more climbing vegetation from ground floor to lowers levels to mitigate urban heat.

Planning officers sought the further advice of Council's ESD Officer in relation to the significant components of the listed "Outstanding item/Deficiencies' and 'Improvements opportunities' that would warrant permit conditions. Council's ESD officers indicated the 'Outstanding item/Deficiencies' were important to be addressed to achieve an acceptable outcome, except for the second item 'Confirm provision of high-quality views from living areas'. The ESD officer outlined that due to the subjective nature of what a 'high quality view' entails it is difficult to quantify and demonstrate in an SMP. The ESD officer indicated the "Improvement opportunities" were suggestions to improve the ESD performance but not critical items that warrant permit conditions.

The list of outstanding items demonstrate that the proposal achieves a poor ESD performance. The items of concern relate to insufficient detail provided of Storm Water management strategies including no detail of water monitoring strategies or treatments to remove pollutants, no confirmation the basement water tank will be connected to toilets, no detail of storm water capture areas and the omission of a STORM report or MUSIC

modelling. Concerns remain in relation to the performance of building fabric and glazing to reduce peak cooling load. Council's ESD officer outlined a building of this typology should provide a preliminary NatHers assessment to demonstrate no cooling load above 30 MJ/m2/year for each unit to reduce peak cooling load.

Another significant concern relates to the impact of the requirement to potentially remove all windows on the east boundary (discussed earlier) which is likely to have significant impacts on the ability of development to satisfy BESS IEQ 1.2 daylight requirements. The combination of these items results in the proposal achieving a very poor ESD performance and so non-compliance with ESD requirements will form a ground of refusal of the application.

Less significant items that could have been addressed by conditions including more clearly detailing the position of operable windows and solar panels, confirm VOC and formaldehyde limits for all internal sealants etc and PVC specifications, provision of Section J Reporting, car-share details to be included in the Building Users Guide, energy and water management systems will be commissioned in accordance with the manufacturer's specifications and confirm head contractor will be ISO 14001 accredited.

Car parking, bicycle parking and traffic

Traffic and car parking reduction

In relation to traffic considerations, this area has strong strategic justification to support car parking reductions. The site is ideally located to take advantage of multiple modes of existing public transport infrastructure within the immediate vicinity. Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council's policy objectives relating to sustainable transport. Forcing developments to provide additional parking is contrary to achieving the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme.

The reduced rate of on-site car parking will mean a reduced impact on traffic within the surrounding street network, which is considered a positive outcome in an area that is already experiencing significant traffic and parking congestion. Further, Council's traffic engineers are supportive of the proposed reduction.

Objectors have raised concerns that staff and visitors may increase pressure on existing on-street car parking. However, the development would not be eligible for on-street staff or visitor parking permits, which would minimise the impact the development will have on existing on-street car spaces. A permit note would have detail this had the application been supported. To facilitate further analysis of this issue, the applicant has provided information on available on-street car parking spaces.

Findings of on-street parking survey

As part of the applicant's Traffic Engineering Report, Traffix Group conducted an inventory and spot survey of the car parking within an approx. 200m radius of the subject site at 10.30am on the 28th July 2020, with 68 car spaces available in this area. The report acknowledges that the survey was taken during stage 3 Covid Restrictions which was likely to skew the on-street parking demand. Objectors also raised this as a concern. However regardless of this, the occupancy rate was 82%, demonstrating a very limited on street capacity, which is considered similar outside of covid restrictions. It is clear from this analysis that on-street car parking is not a viable option for students. Particularly that on-street spaces are largely restricted to quarter hour, 1 or 2 hour spaces and so do not offer practical long term parking options for students residing at the building.

Availability of public transport

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The following tables and images provided in the applicant's traffic report detail the significant number of car share and public transport options within the immediate vicinity of the site.



Figure 14: Public transport map

Figure 25: Public transport map for immediate area

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Service	Between	Via
Victoria Parade – located approximately 20m walking distance south-west of the site		
Tram Route 12	Victoria Gardens & St Kilda	Melbourne CBD
Tram Route 109	Box Hill & Port Melbourne	Collins Street & Kew
Victoria Parade – located approximately 50m walking distance west of the site		
Bus Route 302	City & Box Hill Station	Belmore Road & Eastern Freeway
Bus Route 303	City & Ringwood	Park Road
Bus Route 304	City & Doncaster SC	Belmore Road & Eastern Freeway
Bus Route 305	City & The Pines SC	Eastern Freeway
Bus Route 309	City & Donvale	Reynolds Road
Bus Route 318	City & Deep Creek	Kew East
Bus Route 905 (Smartbus)	City & The Pines SC	Eastern Freeway & Templestowe
Bus Route 906 (Smartbus)	City & Warrandyte	The Pines SC
Bus Route 907 (Smartbus)	City & Mitcham	Doncaster Road
Bus Route 908 (Smartbus)	City & The Pines SC	Eastern Freeway
Bus Route 350	City & La Trobe University	Eastern Freeway
Bus Route 684	Eildon & Melbourne	Lilydale Station
Gertrude Street – located approximately 250m walking distance north of the site		
Tram Route 86	Bundoora RMIT & Waterfront City Docklands	Northcote & Preston
Brunswick Street – located approximately 250m walking distance west of the site		
Tram Route 11	West Preston & Victoria Harbour Docklands	Collins Street & Fitzroy North
Tram Route 30	St Vincents Plaza & Docklands	La Trobe Street
Victoria Parade – located approximately 400m walking distance east of the site		
Bus Route 961 (Nightbus)	City & Doncaster	Collingwood & Templestowe
Victoria Parade – located approximately 450m walking distance west of the site		
Bus Route 402	Footscray Station & East Melbourne	North Melbourne
Nicholson Street – located approximately 700m walking distance south-west of the site		
Tram Route 96	East Brunswick & St Kilda Beach	Melbourne CBD & Middle Park
Tram Route 35 (City Circle)	City Circle (Free Tourist Tram)	Melbourne CBD
Parliament Railway Station – located approximately 900m walking distance south-west of the site		
Multiple Train Services throughout all of metropolitan Melbourne		

Figure 26: Public transport routes for immediate area

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Figure 27: Car share locations in immediate area

The proximity to such a large number of other transport options to private car ownership is considered to justify the lack of proposed on site car parking. Students are unlikely to go to significant expense to purchase and insure a car etc when living in such a central location with a plethora of public transport options immediately available and within walking distance of the CBD, Smith and Brunswick, Street, Victoria Street and of multiple education institutes.

The Traffix report surveyed student accommodation in the East Malvern area that offered students the option of on-site car spaces for lease. Of 418 units, 91 had spaces available for lease and with only 25 of these spaces being ultimately leased by students, demonstrating a car parking demand rate of 0.06 car spaces per student room. This demonstrates a very low demand for student parking. Further to this, it is reasonable to assume that the rate would be even lower at the subject site which is located on the doorstep of the CBD and has much greater access to multiple public transport options than Malvern East. For all of these reasons, it is considered acceptable that no on-site car parking is provided. Further Council's Traffic Engineers have objected to this aspect of the proposal.

Bicycle parking

The application was referred to Council's Strategic Transport Unit who indicated the provision of bicycle spaces significantly exceed Best Practice Standards and so was acceptable with 39 spaces provided and 5 required. As discussed in detail earlier and in line Urban Design comments, the Strategic Transport Unit also requested 1 of the 3 bicycle hoops to the Napier Street footpath be removed to reduce clutter/obstacles on the footpath and remove bicycle infrastructure from the kerb outstand (and hoops to be installed to Council's standards). As Council's Strategic Transport Unit have supported the provision and layout of on-site bicycle spaces, the proposal is considered acceptable in this regard.

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Tree protection

Council's Arborist has reviewed the submitted Tree Management Plan in relation to the street trees adjacent to the subject site and indicated it is acceptable and suitable for endorsement.

Waste management

The basement waste storage room is to be serviced by private collection with waste management vehicles accessing the basement for collection. Council's Traffic Engineers are satisfied that truck ingress and egress to and from the building can be achieved. Council's City Works Unit reviewed the submitted waste management plan and indicated it was satisfactory subject to the size of the bin storage area as per the advertised architectural plans and the Swept path diagram which has been approved by Council traffic engineers be included in the WMP. A condition could address this had the application been supported. A further condition will require that waste management operations are carried out in accordance with the procedures outlined in the submitted Waste Management Plan.

Infrastructure and Services

Clause 58.02-4 *Infrastructure objectives* requires consideration that new buildings do not damage nor over burden existing infrastructure capacity. Council's engineers have not objected to the application in this regard and highlighted specific infrastructure and construction requirements that should be addressed. These include items such as;

- Reconstructing the footpath pavement in asphalt with a crossfall no greater than 1 in 33, with the existing kerbs and channel to be replaced in their current position (fixed control points);
- Requirements that the finished floor level of the development match the new footpath levels,
- The submission of a Construction Management Plan,
- Discharge of water from the development,
- Replacement of drainage pits and repairs other Council infrastructure if required;
- Relocation of Council's assets and other authorities assets (such as light poles) to be carried out with approval form the relevant authorities;
- Areas provided within the property lines for any new pits and meters etc,
- The applicant is to ensure that utility service doors that open out onto a Public Highway can swing at 180-degrees and be latched onto the building when in service, and,
- Approval for the removal, adjustment or relocation of parking restriction signs and parking spaces.

These additional requirements could be facilitated via standard permit conditions or notes if Council Officers had been supportive of the application.

Objector Concerns

Many of the objector issues have been discussed within the body of the report. Outstanding objector issues raised are as follows and these will be discussed below:

- Concern that dwellings rather than student accommodation are proposed.

  The submitted Hassel Architecture Report refers to the accommodation being for students, key workers and young adults economically shut out of the first home buyer markets. This raised concern that dwellings rather than student accommodation are proposed. The applicant has confirmed that reference to 'key workers and young adults economically shut out of the first home buyer markets' was included accidentally and

only student accommodation is proposed. Further an application for dwellings would not have been endorsed if the application was supported and conditions would have been included on any permit issued enforcing the use for students only.

- Oversupply of student accommodation in area.

This issue of over supply cannot be assessed as part of the planning application, with no provision in the Yarra Planning Scheme relating to this issue.

- Impact on property values.

This issue cannot be assessed as part of the planning application, with no provision in the Yarra Planning Scheme relating to this issue.

Conclusion

Based on the above report, the proposal is considered to substantially not comply with the relevant planning policy and therefore should be refused.

Recommendation

Council advises the Victorian Civil and Administrative Tribunal (VCAT) that had it been in a position to make a decision, it would have issued a Notice of Refusal for application PLN20/0931 for use and development of the land for a 9 storey residential building (student accommodation), full demolition of existing building and a car parking reduction for a food and drinks premises (no permit required for food and drinks use), at 133-137 Victoria Parade, Fitzroy on the following grounds:

1. The height, inadequate setbacks and massing of the proposed development is contrary to Schedule 39 of the Design and Development Overlay and does not respond to the site context and would be visually overwhelming, also resulting in excessive overshadowing of the public realm.
2. The height and massing of the proposed development would adversely impact the significance of the heritage precinct
3. The proposal would result in unreasonable amenity impacts to surrounding residential properties including visual bulk, loss of daylight to existing windows and overlooking.
4. The boundary windows to the east elevation rely on borrowed amenity and do not allow for equitable development outcomes with the adjoining property to the east.
5. The proposal does not provide an adequate level of energy efficiency and sustainable design.

Declaration of conflict of interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

- No conflict declared by Planner: Laura Condon
- No conflict declared by Delegate: Amy Hodgen

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Planner: **Laura Condon** Signature:
Date: 09/02/2022
Delegate: **Amy Hodgen** Signature:
Date: 09/02/2022

