



Agenda

Planning Decisions Committee

6.30pm, Tuesday 24 October 2023

Richmond Town Hall

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 Stephen Jolly | Councillor |
| • Cr Herschel Landes | Councillor |
| • Cr Sophie Wade | Councillor |

Council officers

- | | |
|------------------|--------------------------------|
| • Michelle King | Coordinator Statutory Planning |
| • Erryn Megennis | Senior Statutory Planner |
| • Rhys Thomas | Senior Governance Advisor |
| • Mel Nikou | Governance Officer |

4. Declarations of conflict of interest

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

5. Confirmation of Minutes

RECOMMENDATION

That the minutes of the Planning Decisions Committee held on Tuesday 26 September 2023 be confirmed.

6. Committee business reports

Item		Page	Rec. Page
6.1	PLN22/0941 - 93 & 95-97 Sackville Street, Collingwood	5	55

6.1 PLN22/0941 - 93 & 95-97 Sackville Street, Collingwood

Report Summary

Purpose

1. This report provides the Planning Decisions Committee with an assessment of planning permit application PLN22/0941 which is for the construction and use of the land for 7 townhouses and an associated reduction in the car parking requirements of the Yarra Planning Scheme.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Built form, including urban design and laneway abuttal;
 - (b) Off-site amenity impacts; and
 - (c) Car parking.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Policy, strategic support and use;
 - (b) Clause 55 (ResCode), including consideration of DDO15 and the Commercial 1 Zone
 - (c) Car parking, bicycle facilities and waste;
 - (d) Special Building Overlay; and
 - (e) Objector Concerns.

Submissions Received

4. 24 objections were received to the application, these can be summarised as:
 - (a) Inappropriate response to neighbourhood character;
 - (b) The development is too high density for the area;
 - (c) Lack of articulation to southern façade;
 - (d) Impacts to neighbouring buildings during the construction phase of the development (including noise);
 - (e) Impacts on the operations of an existing commercial uses
 - (f) Visual bulk, overshadowing, overlooking and loss of daylight to surrounding properties (both residential and commercial)
 - (g) Lack of on-site parking and impacts to street parking availability;
 - (h) Impacts on the operations of the adjacent live music venue and other nearby businesses on Johnston Street;
 - (i) Lack of consultation with surrounding business owners and residents prior to the application being lodged; and
 - (j) Laneway safety.
5. One letter of support was received to the application.

Conclusion

6. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
- (a) Provision of additional landscaping throughout the development, including along the laneway interface at ground level;
 - (b) Provision of additional street trees on Sackville Street adjacent to the site frontage; and
 - (c) In the event that an amended planning permit PLN14/0441.04 is issued for Nighthawks Bar at Nos. 134-138 Johnston Street, an acoustic report to assess and make recommendations for the management of music and patron noise from the expanded venue is to be provided.

CONTACT OFFICER: Erryn Megennis
TITLE: Statutory Planner
TEL: 0392055485

6.1 PLN22/0941 - 93 & 95-97 Sackville Street, Collingwood

Reference	D23/345384
Author	Erryn Megennis - Statutory Planner
Authoriser	Acting Co-ordinator Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Ward:	Langridge
Proposal:	Construction and use of the land for 7 townhouses and an associated reduction in the car parking requirements of the Yarra Planning Scheme
Existing use:	Warehouse and vacant block
Applicant:	93 Sackville St Collingwood Pty Ltd
Zoning / Overlays:	Commercial 1 Zone Design and Development Overlay – Schedule DDO15-1D Environmental Audit Overlay Special Building Overlay Development Contributions Plan Overlay – Schedule 1
Date of Application:	12 December 2022
Application Number:	PLN22/0941

Planning History

1. No. 93 Sackville Street has the following planning history:
 - (a) Planning permit PLN16/0705 was issued on 26 May 2017 for change of use to a warehouse (for the storage of food and alcohol with online sales and distribution) that would operate Monday to Friday from 8am to 6pm, and Saturday from 8am to 4pm and the sale and consumption of alcohol associated with a food and drink premises (cafe) that would operate Monday to Sunday from 7am to 3pm, including a reduction in the car parking requirement of the Yarra Planning Scheme.
2. No. 95-97 Sackville Street has the following planning history:
 - (a) Planning permit PL09/0066 was issued on 13 January 2010 for the development of land for alterations and additions of the existing building, including part demolition, construction of new office and warehouse floor space fronting Sackville Street, a reduction in the standard rate of car parking and waiving of loading bay requirements, at No. 140A Johnston Street and No. 95-97 Johnston Street.

Background

Planning Scheme Amendments

Amendment C269

3. 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 (PPF), consistent with the structure recently introduced by the State Government.
4. Amendment C269 was on public exhibition between 20 August 2020 and 4 December 2020 and proceeded to a panel hearing in October 2021.

5. The Panel report was released on 18 January 2022. Council resolved on 19 April 2022 that having considered the Panel report, to submit the adopted Amendment to the Minister for Planning for approval.
6. Therefore, this is now a seriously entertained amendment and as such planning applications must be assessed against both the existing MSS (Municipal Strategic Statement) and proposed MPS - Municipal Planning Strategy).
7. The relevant sections to be considered in this report include the following:
 - (a) Clause 11.03-1L (Activity Centres) – The subject site is located within the Johnston Street, Abbotsford / Collingwood (East of Smith Street) Neighbourhood Activity Centre (Precinct 1), which seeks to foster mid-rise residential and commercial development consistent with the relevant overlay;
 - (b) Clause 13.031L (Flood Management) – Policy seeks to manage the risk of flood through the appropriate siting of development and use of flood mitigation measures. This will be assessed as part of the Special Building Overlay later in the report;
 - (c) Clause 13.07-1L (Interfaces and Amenity) – Policy is consistent with the existing Interface Uses Policy at Clause 22.05 of the Scheme and will be considered later in the report;
 - (d) Clause 15.01-1L (Urban Design) and Clause 15.01-2L (Building design) are consistent with the existing Clause 22.10 (Built form and design policy) of the Scheme and will be considered later in the report;
 - (e) Clause 15.02-1L (Environmentally Sustainable Design) – Policy is consistent with existing Clause 22.17 of the Scheme and will be considered later in the report;
 - (f) Clause 16.01-1L (Location of Residential Development) – Policy seeks to direct the majority of new housing in locations within a major or neighbourhood activity centre. The subject site is located within a NAC. The subject site is identified as being within a Moderate Change area;
 - (g) Clause 18.02-4L (Car Parking) – This will be assessed under Clause 52.06 (Car Parking) later in the report; and
 - (h) Clause 19.03-3L (Water Sensitive Urban Design) – This will be assessed under Clause 22.16 (Stormwater Management – Water Sensitive Urban Design) later in the report.

Section 57A Amendment

8. On 27 September 2023 the applicant submitted a Section 57A Amendment to formally apply for the use of land for dwellings. The application was not readvertised under the provisions of Section 57B of the Act, as it was granted a discretionary advertising exemption at Council's Development Assessment Panel meeting held on 3 October 2023 on the basis that:
 - (a) The use of the land for dwellings is already assumed in the advertised preamble;
 - (b) Readvertising the application to specifically state "use of the land for dwellings" is not considered necessary or considered to increase material detriment to any persons already notified of the application; and
 - (c) The use of the land for dwellings does not warrant additional properties beyond those already notified, to be notified.

The Proposal

9. The proposal is for the full demolition of existing buildings and vegetation on the site (planning permit not required) the construction of seven townhouses and a reduction in the car parking requirements. Further details of the proposal are as follows

Use

- (a) The application proposes to use the land for seven (7) dwellings, which requires a planning permit under the Commercial 1 Zone;

Demolition (planning permit not required)

- (b) Full demolition of the existing buildings, vegetation and boundary fencing on the subject site (planning permit not required);

Development

General

- (c) The application proposes seven (7) three and four-storey dwellings across two buildings, with three dwellings in one building and four dwellings in the other building. The northern block contains dwellings TH01 – TH03 and the southern block contains dwellings TH04 – TH07;
- (d) A total of 7 car spaces are proposed, each located in an enclosed garage at the ground level of each dwelling. All garages are accessed from a communal driveway which is accessed via the existing, western-abutting laneway;
- (e) Pedestrian access to dwellings TH01 – TH03 is provided via Sackville Street at ground level. Pedestrian access to dwellings TH04 – TH07 is provided via the communal garden located at first floor level. This garden is accessed via a staircase from Sackville Street;

Building height

- (f) The overall building height proposed is 16.62m;
- (g) Dwellings TH01 – TH03 will be three storeys in height, plus a roof terrace. Dwellings TH04 – TH07 will be four storeys in height, plus a roof terrace;
- (h) The Sackville Street, street wall will have a maximum height of 12.69m;
- (i) The development will have a maximum boundary wall height of 16.3m on the eastern boundary, 11.2m on the southern boundary and 16.62 on the western boundary.

Massing

- (j) The development will present to Sackville Street as two, three storey built forms with a 1.8m wide separation between the two forms. A stairwell from the street up to a first floor communal open space level is provided in the separation at the ground level;
- (k) The development will present to the western-abutting laneway also as two building forms, with a 7.2m wide separation;
- (l) The central building separation includes a communal garden which provides pedestrian access to dwellings TH04 – TH07. Each townhouse will also have private open space which adjoins this communal area;
- (m) The development will adopt the following setbacks from Sackville Street:
 - (i) At ground floor the front walls of dwellings TH01 – TH03 will be set back behind a 1.1m high galvanised metal balustrade;
 - (ii) At first floor the front walls will be set back 1.345m from Sackville Street, with balconies to be constructed within this setback;
 - (iii) At second floor the front walls will be set back 0.5m from the boundary;
 - (iv) At third floor the roof terrace will be set back 0.5m from the boundary (measured in *Objective Trapeze*);
- (n) The development will consist of a three-storey high boundary wall on the southern boundary. At the second floor, Dwellings TH05 – TH07 incorporate a recess from the southern boundary varying between 0.825m up to 1.085m with wing walls between each dwelling maintained. At the third floor the development will be set back 2.795m and at the fourth floor will be set back 4.495m from the southern boundary.

Dwelling configurations

- (o) Each of the dwellings in the northern block (TH01 – TH03) will be configured as follows:
 - (i) Pedestrian entrance, garage, studio, laundry and bathroom at ground floor (pedestrian entrance located on Sackville Street frontage);
 - (ii) Open plan kitchen, living and dining room at first floor with north-facing balcony;
 - (iii) Two bedrooms and two bathrooms at second floor; and
 - (iv) Roof terraces on the third floor;
- (p) Each of the dwellings in the southern block (TH04 – TH07) will be configured as follows:
 - (i) Garage, laundry and toilet at ground floor;
 - (ii) Open plan kitchen, living and dining room at first floor, including pedestrian entry (accessed via first floor level communal open space), north-facing terraces;
 - (iii) Two bedrooms, two bathrooms and a study nook at second floor;
 - (iv) Bedroom, ensuite and study nook at third floor; and
 - (v) Roof terraces at fourth floor;

Materials and finishes

- (q) The development proposes a mix of concrete, grey brickwork, galvanised metal cladding, stainless steel, reeded (obscure) as well as clear glass, timber cladding, metal wire and metal mesh, as well as galvanised Klip-Lok roofing;
- (r) Concrete and galvanised metal cladding are the principal materials of the development and are expressed across all floors;
- (s) The light grey brickwork will distinguish the ground floor of the development from upper floors as it presents to Sackville Street;
- (t) Windows will predominantly have clear glazing except where required for privacy, obscure, reeded glazing will be used;
- (u) Metal mesh will be used for roof terrace balustrades;
- (v) The timber cladding will feature on the ground floor entries to Dwellings TH01 – TH03 fronting Sackville Street;
- (w) The garage door from the laneway will be a perforated galvanised metal door

Other matters

- (x) The development includes a total rainwater tank capacity of 14,000 litres, consisting of one, 2000L water tank for each dwelling;
- (y) Front fencing to Sackville Street will have a maximum height of 1.3m above natural ground level (measured in Objective Trapeze) and will be constructed of galvanised metal, with each picket spaced 0.1m apart (measured in Objective Trapeze);
- (z) Vehicle access to the development will be via the laneway on the western side of the site. The garage door will be constructed of galvanised metal with a minimum clearance of 2.85m; and
- (aa) A communal open space area is provided at first floor level and is located centrally between the two blocks of dwellings. The garden provides raised planters to accommodate trees and other shrubs (a landscape plan is yet to be submitted).



Figure 1: Artist's impression image of proposed development from Sackville Street

Existing Conditions

Subject Site

10. The subject site is on the southern side of Sackville Street, between Hoddle Street to the east and Gold Street to the west, in Collingwood. The site has a frontage of 20.651m, depth of between 30.416m and 30.48m and an overall area of 631.29sqm. The site at No. 93 Sackville Street consists of a single storey brick warehouse building. This existing building is primarily constructed along the western boundary, with a 1.6m deep setback at the rear. The rear of the building is constructed for a length of 8.6m along the southern boundary, with a 1.5m deep setback at the south-west corner of the site. The front of the building is partially set back 5.6m from Sackville Street, with the remainder of the building constructed with a hard edge along this front boundary. There are two on-site car spaces accessed via an existing crossover on Sackville Street. No. 95-97 Sackville Street is a vacant block with two outbuildings and trees. A 3m wide laneway abuts the site to the west. A street tree is located in front of the site on the nature strip abutting Sackville Street.

Title Information

11. The titles submitted with the application do not show any covenants or easements. However, there are discrepancies between the title boundary dimensions on the title plans and the dimensions shown on the development plans. The boundary dimensions on the development plans are based on a survey that a licensed surveyor has conducted and signed. The application material has not stated whether the boundary reestablishment process has commenced.
12. Based on the title plans submitted, the northern boundary of the subject site has a combined length of 20.59m, the eastern boundary 29.5m, the southern boundary 20.6m and the western boundary 30.48m. The survey plan and development plans show the length of the northern boundary as 20.65m, western boundary as 30.41m, southern boundary as 20.7m and western boundary as 30.48m. The allotments also do not appear to directly abut one another. To account for this excess hiatus land, a condition will require submission for formal title documents demonstrating the excess portions of land to the north, east and south of the site to be formally consolidated with No. 93 and 95-97 Sackville Street prior to the commencement of works. For further clarity, a condition will require the hiatus land to be highlighted in yellow.



Figure 2: View of subject site from Sackville Street (Planning Officer, August 2023)

Surrounding Land

13. The subject site is located within the Johnston Street Abbotsford / Collingwood (East of Smith Street) Neighbourhood Activity Centre (NAC). Land to the south of the site is commercial in nature, consisting of bars, live music venues, offices and retail premises with some shop-top dwellings. Further north, the land is residentially zoned and consists predominately of dwellings. Further east, the land is a mix of industrial, commercial and residential uses. Further west, Sackville Street is industrial and residential in nature.
14. The built form character of Sackville Street is typically low-rise of one and two storeys. Dwellings, located further to the east along Sackville Street, have small, landscaped front setbacks behind low and open front fences and are constructed of masonry, with pitched, corrugated iron roofs. Private open space is located towards the rear of the site. Non-residential development further east of the subject site displays more contemporary architectural style and materials, including metal and timber cladding as well as glazed façades.
15. Sackville Street is dual carriageway with on-site parking on both the northern and southern sides of the street. Parking is both time-restricted and limited to permit holders only. The subject site is in proximity to a range of public transport services, including bus routes along the Johnston Street and Hoddle Street corridors, Hurstbridge and Mernda Line trains (Victoria Park Station) and trams along the Smith Street corridor.
16. To the north of the site, on the opposite side of Sackville Street, are two blocks of two-storey brick flats with car parking and common property located within front setback and a large, continuous crossover.
17. To the east of the site is No. 99-101 Sackville Street, a single storey brick building occupied by an automotive mechanics. The building is constructed along the entire length of the common boundary. There are no records on-file of a planning permit for this mechanics however, the business is listed on Google as operating between 8am and 5pm, Monday to Friday.
18. To the south of the site are commercial buildings fronting Johnston Street. These buildings are occupied by retail premises as well as a dwelling at No. 140 Johnston Street. No. 136 Johnston Street is a two-storey building occupied by a bar and live music venue (planning permit PLN14/0441). The permit approves a maximum of 84 patrons, with 30 permitted in the external courtyard area at the rear. The venue is licensed during the following hours: 11am to 1am, Sunday to Thursday (internal areas);
 - (a) 11am to 1am, Friday to Saturday (internal areas);
 - (b) 11am to 10pm, Sunday to Wednesday for the rear courtyard (from 10pm to 1am the courtyard may only be used for smoking with no service or consumption of alcohol permitted); and
 - (c) 11am to 1am, Thursday to Saturday for the rear courtyard.
19. Live music is permitted in the upstairs band room Thursday through to Sunday and must cease by 12 midnight.

20. On 27 September 2023 Council issued a Notice of Decision to grant an Amended Permit. The amendments approved include expanding the venue into No. 134 Johnston Street and increasing the overall patron numbers to 180, with 100 permitted in the combined courtyard area. The license hours will remain unchanged and will also apply to No. 134 Johnston Street.
21. No. 140 Johnston Street is a two storey building occupied by a dwelling. The building has established existing use rights as a dwelling as of 31 July 2020, confirmed under planning permit PLN20/0105. The dwelling has private open space at the northern end of the site, abutting the subject site, as well as a north-facing living room window set back 5.74m from the common boundary.
22. To the west of the site is a 3m wide laneway. On the opposite side of this laneway are the rear boundaries of Nos. 8 Gold Street (a two storey building occupied by an office) and No. 10 Gold Street, a single storey dwelling with private open space (POS) at the rear and northern side of the site. No. 8 Gold Street has vehicle access to this laneway. Also to the west is No. 4-6 Gold Street, a six storey building comprised of a food and drinks premises at ground floor and offices on the upper floors. On-site car parking is accessed via the laneway abutting the subject site.

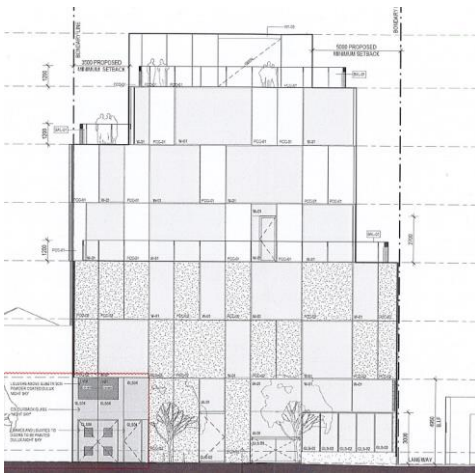


Figure 3: Extract of endorsed plans for PLN13/0763 showing west elevation of No. 4-6 Gold Street



Figure 4: Looking east along Sackville Street (Planning Officer, August 2023)



Figure 5: Buildings further east along Sackville Street (Planning Officer, August 2023)



Figure 6: Nearmap aerial imagery of subject site and surrounds (September 2023)

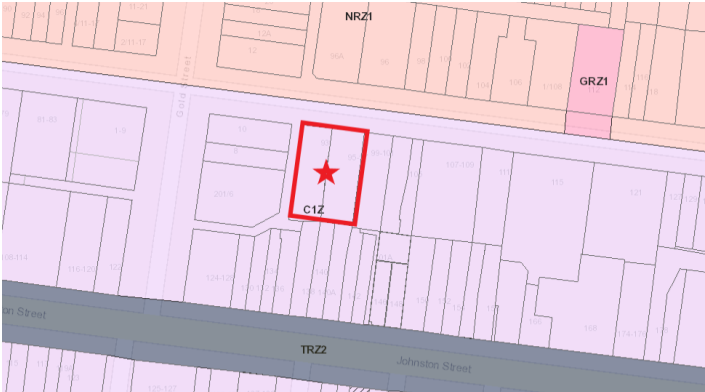


Figure 7: Zoning map of subject site and surrounds (VicPlan, September 2023)

Planning Scheme Provisions

Zoning

23. The subject site is zoned C1Z - Commercial 1 Zone. The following provisions apply:
- (a) Pursuant to Clause 34.01-1, the use of the land for accommodation (including a dwelling) does not require a planning permit provided that any frontage at ground floor level does not exceed 2m (other than a bed and breakfast and caretaker's house). As the proposed frontage exceeds 2m, a planning permit is required for the use of the land for dwellings;
 - (b) Pursuant to Clause 34.01-4, a planning permit is required to construct a building or construct or carry out works; and
 - (c) Pursuant to 34.01-8 (Decision Guidelines), the Responsible Authority must consider, as appropriate, the objectives, standards and decision guidelines of Clause 55 (ResCode).

Overlays

Design and Development Overlay - Schedule DDO15, DDO15-1D

24. The subject site is affected by DDO-15-1D (Johnston Street Activity Centre, Precinct 1D). The following provisions apply:
- (a) Pursuant to Clause 43.02-2, a planning permit is required to construct a building or construct or carry out works;
 - (b) Pursuant to Section 2.3 of DDO15, there are no mandatory maximum building heights for Precinct 1D, but a preferred maximum height of 24m;
 - (c) Pursuant to Section 2.5 of DDO15, there is a preferred maximum street wall height of 11m;
 - (d) Pursuant to Section 2.6 of DDO15, the preferred mid-level setback above the street wall is 6m; and

- (e) Pursuant to Section 2.7 of DDO15, the preferred front and rear, minimum upper level setbacks are 45 degrees above 11m.

Special Building Overlay

25. The subject site is affected by the Special Building Overlay. The following provisions apply:
- (a) Pursuant to Clause 44.05-2, a planning permit is required to construct a building or to construct or carry out works;
 - (b) Pursuant to Clause 44.05-5, an application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act; and
 - (c) Pursuant to Clause 44.05-6, an application must be referred to the relevant floodplain management authority under Section 55 of the Act (Melbourne Water).
26. The subject site is affected by the Environmental Audit Overlay. Pursuant to Clause 45.03-1, *before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:*
- (a) *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or*
 - (b) *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or*
 - (c) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
 - (d) *A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.*
27. According to data from Vic Unearthed, the subject site was historically used as a boot and shoemakers. Further, land to the east at No. 99-101 Sackville Street was historically used as a coal and wood yard. The land is currently used for automotive repairs. The applicant submitted a Preliminary Risk Screen Assessment and Preliminary Site Investigation. Both the PSI and PRSA found there to be no risk of contaminated soil that would adversely impact the proposed development. As such, Council's standard note will be included on any permit to issue and will read as follows:

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

28. In addition, the following condition will be included on any permit issued:

All provisions, recommendations and requirements of the Preliminary Risk Screen Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Development Contributions Plan Overlay

29. The subject site is affected by the Development Contributions Plan Overlay – Schedule 1 (DCPO1). This overlay applies to all land in the City of Yarra and 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. As the proposed works increase the number of dwellings on the site the requirements of the DCPO apply.

Particular Provisions

Clause 52.06 – Car Parking

30. Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land. The following table identifies the car parking requirement under Clause 52.06-5, the provision on site, and the subsequent reduction below the statutory requirement:

Use	Statutory (Scheme) Rate	On-Site requirement	On-Site Provision	Reduction Sought
Dwelling	1 to each 1 and 2 bedroom dwelling 2 to each 3 or more bedroom dwelling	14	7	7
Total		14	7	7

31. Pursuant to Clause 52.06-3 of the Scheme, a permit is required to reduce (including reduce to zero) the number of car spaces required under Clause 52.06-5.
32. As the site is located within the Principal Public Transport Network, the Column B parking rates apply. Visitor car parking is not required.

Clause 52.34 – Bicycle Parking

33. Pursuant to Clause 52.34-1 *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 has been provided on the land.* The required number of bicycle parking spaces are at Table 1 Clause 52.34-5, summarised as follows:

Use	Statutory Requirement	Total required	Total provided	Reduction sought
Dwelling	Residents: In developments of four or more storeys, 1 to each 5 dwellings	1	7	0
	Visitors: In developments of four or more storeys, 1 to each 10 dwellings	1	0	1
Total		2	7	1

Table 1: Summary of bicycle parking requirements

34. Pursuant to Clause 52.34-2, *a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.* A planning permit is therefore required to waive the bicycle parking requirements for visitors, however, the applicants have not applied for a waiver of the visitor bicycle parking requirements. A condition will therefore require provision of 1 visitor bicycle parking space on-site, to the satisfaction of the Responsible Authority.

Clause 53.06 – Live music and entertainment venues

35. Pursuant to Clause 53.06-3, a noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:
- (a) Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020); and
 - (b) Outdoor live music entertainment venue to below 45dB(A), assessed as an L_{eq} over 15 minutes.

36. For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (consistent with EPA Publication 1826).
37. A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.

General Provisions

38. Clause 65 – Decision guidelines
39. Clause 66.03 – Referral of permit applications under other state standard provisions
- (a) An application under the Special Building Overlay (Clause 44.05) must be referred under Section 55 of the Act to Melbourne Water Corporation, who are a determining authority.

Planning Policy Framework (PPF)

40. The following clauses of the PPF are relevant to the proposal:

Clause 11.01-1R (Settlement - Metropolitan Melbourne)

41. Relevant strategies include:

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

Clause 11.02 (Managing Growth) and Clause 11.02-1S (Supply of Urban Land)

42. The objective is:

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

Clause 13.05-1S (Noise Management)

43. The objective is:

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

44. Relevant strategies include:

- (a) *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions; and*
- (b) *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Clause 15.01 (Built Environment and Heritage)

45. This clause outlines the following guidelines;

- (a) *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context;*
- (b) *Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design;*

- (c) *Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment;*
- (d) *Planning should promote excellence in the built environment and create places that:*
 - (i) *Are enjoyable, engaging and comfortable to be in;*
 - (ii) *Accommodate people of all abilities, ages and cultures;*
 - (iii) *Contribute positively to local character and sense of place;*
 - (iv) *Reflect the particular characteristics and cultural identity of the community; and*
 - (v) *Enhance the function, amenity and safety of the public realm.*

Clause 15.01-1S (Urban design)

46. The objective is:

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

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

47. The objective is:

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

Clause 15.01-2S (Building Design)

48. The objective is:

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

49. The strategies of this clause are:

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

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

50. The strategy is:

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

Clause 15.01-5S (Neighbourhood character)

51. The objective is:

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

52. Strategies are:

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

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

53. The objective is:

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

Clause 16.01-1S (Housing Supply)

54. The objective is:

- (a) *To facilitate well-located, integrated and diverse housing that meets community needs.*

55. Relevant strategies include:

- (a) *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas;*
- (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport;*
- (c) *Identify opportunities for increased residential densities to help consolidate urban areas;*
- (d) *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.;*
- (e) *Encourage the development of well-designed housing that:*
 - (i) *Provides a high level of internal and external amenity; and*
 - (ii) *Incorporates universal design and adaptable internal dwelling design.*

Clause 16.01-1R (Housing supply – Metropolitan Melbourne)

56. Relevant strategies include:

- (a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne;*
- (b) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport;*
- (c) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas;*
- (d) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing; and*
- (e) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing.*

Clause 18.02-1S – (Sustainable personal transport)

57. The objective is:

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

58. Relevant strategies are:

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

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

59. Strategies of this policy are:

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

Clause 18.02-2S (Public Transport)

60. The objective is:

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

Clause 18.02-2R (Principal Public Transport Network)

61. A relevant strategy of this clause is to:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-4S (Car Parking)

62. The objective is:

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

63. A relevant strategy is:

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

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

64. The following clauses of the LPPF are relevant to the proposal:

Clause 21.04-1 - Accommodation and housing

65. Relevant objectives are:

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

66. Relevant strategies are:

- (a) *Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;*
- (b) *Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks;*
- (c) *Support residual population increases in established neighbourhoods;*
- (d) *Encourage residential development which allows people to age in their existing homes and communities by supporting a range of housing types;*
- (e) *Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity; and*
- (f) *Apply the Interface Uses policy at clause 22.05.*

Clause 21.04-2 - Activity centres

67. The relevant objective is:

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

68. The relevant strategy is:

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

Clause 21.05-2 – Urban design and Clause 21.05-3 – Built form

69. Relevant objectives include:

- (a) *To reinforce the existing urban framework of Yarra;*
- (b) *To retain Yarra's identity as a low-rise urban form with pockets of higher development;*
- (c) *To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *To create an inner city environment with landscaped beauty;*
- (e) *To ensure that new development contributes positively to Yarra's urban fabric;*
- (f) *To enhance the built form character of Yarra's activity centres; and*
- (g) *To maintain and strengthen the identified character of each type of identified built form within Yarra.*

70. Relevant strategies include:

- (a) *Maintain and strengthen the preferred character of each Built Form Character Type within Yarra;*
- (b) *Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - (i) *Significant upper level setbacks;*
 - (ii) *Architectural design excellence;*
 - (iii) *Best practice environmental sustainability objectives in design and construction;*
 - (iv) *High quality restoration and adaptive re-use of heritage buildings;*
 - (v) *Positive contribution to the enhancement of the public domain;*
 - (vi) *Provision of affordable housing;*
- (c) *Apply the Residential Built Form policy at clause 22.13;*

- (d) *Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07;*
- (e) *Require well resolved landscape plans for all new development;*
- (f) *Encourage opportunities for planting suitable trees and landscape areas in new development;*
- (g) *Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs;*
- (h) *Apply the Built Form and Design policy at clause 22.10;*
- (i) *Require development within Yarra's activity centres to respect and not dominate existing built form;*
- (j) *Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character; and*
- (k) *Require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type.*

Clause 21.07-1 – Environmentally sustainable development

71. The relevant objective is:

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

72. The relevant strategies are:

- (a) *Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation;*
- (b) *Apply the environmental sustainability provisions in the Built Form and Design policy at clause 22.10-3.5; and*
- (c) *Apply the Environmentally Sustainable Development policy at clause 22.17.*

Clause 21.08-5 – Neighbourhoods (Collingwood)

73. Policy recognises both the residential and industrial built form character of Collingwood. The subject site is identified as being within a non-residential area.

Clause 21.12 – Local Areas (Johnston Street Activity entire, east of Smith Street)

74. The subject site is located within Precinct 1 (Johnston Street Central). The following is envisaged for the area:

“The Victorian and Edwardian-era heritage character will remain the prominent feature of the streetscape west of the railway line, with taller built form set back from the street edge to provide separation between the heritage streetscape and newer built form.

Precinct 1 will continue to become a vibrant, mixed-use precinct which comprises medium scale (mid-rise) buildings that contribute positively to the active footpaths of Johnston Street. New buildings will respect the heritage qualities of the precinct and reinforce a consistent street edge through generous building setbacks from the street-wall.

A mix of uses including cafes, bars, retail shops, offices and gallery/studio spaces will provide activity and visual engagement for people on the street.”

Relevant Local Policies

75. The following local policies are relevant to the proposal:

Clause 22.05 – Interface uses policy

76. This policy applies to applications for use or development within Mixed Use, Commercial and Industrial Zones. Relevant objectives include:

- (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes; and*
- (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Clause 22.07 – Development abutting laneways

77. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. Relevant objectives include:

- (a) *To provide an environment which has a feeling of safety for users of the laneway;*
- (b) *To ensure that development along a laneway acknowledges the unique character of the laneway;*
- (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development; and*
- (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.10 – Built form and design policy

78. The policy applies to all new development not included in a heritage overlay. Clause 22.10-3.1 does not apply to residential development. Clauses 22.10-3.6 to 22.10-3.11 do not apply for applications required to be assessed against Clause 54 or Clause 55. Relevant objectives include:

- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character;*
- (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design;*
- (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land;*
- (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and ‘walkability’ of the City’s streets and public spaces;*
- (e) *Create a positive interface between the private domain and public spaces; and*
- (f) *Encourage environmentally sustainable development.*

Clause 22.12 – Public Open Space Contribution

79. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The relevant objectives of this clause are:

- (a) *To implement the Yarra Open Space Strategy;*
- (b) *To identify when and where land contributions for public open space are preferred over cash contributions; and*
- (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*

80. The site is located in an area where land in lieu of cash is the preferred method of contribution (area 3066A) however, it is not practical to provide the preferred area of the land and therefore cash would be required. Should the site be subdivided, a cash contribution would be required.

Clause 22.13 – Residential built form policy

81. This policy applies to residential zones in areas not covered by a Heritage Overlay and refers to the Built Form Character Type as set out in the Built Form Character Maps in Clause 21.08. Clause 21.08 recognises the subject site as being in a non-residential area.

Clause 22.16 – Stormwater management (water sensitive urban design)

82. This policy applies to new buildings. The following objectives are relevant:
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended);*
 - (b) *To promote the use of water sensitive urban design, including stormwater re-use;*
 - (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development;*
 - (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays; and*
 - (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.*

Clause 22.17 – Environmentally sustainable development

83. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this Policy. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. Developments of 2-9 dwellings are required to lodge a Sustainable Design Assessment.

Advertising

84. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by letters sent to surrounding owners and occupiers and by two signs displayed on the site. Council received 24 objections and 1 letter of support. Objectors raised the following grounds:
- (a) Inappropriate response to neighbourhood character;
 - (b) The development is too high density for the area;
 - (c) Lack of articulation to southern façade;
 - (d) Impacts to neighbouring buildings during the construction phase of the development (including noise);
 - (e) Impacts on the operations of an existing commercial uses
 - (f) Visual bulk, overshadowing, overlooking and loss of daylight to surrounding properties (both residential and commercial)
 - (g) Lack of on-site parking and impacts to street parking availability;
 - (h) Impacts on the operations of the adjacent live music venue and other nearby businesses on Johnston Street;

- (i) Lack of consultation with surrounding business owners and residents prior to the application being lodged; and
- (j) Laneway safety.

85. Following lodgement of the Section 57A Amendment, the application was not advertised under the provisions of Section 57B of the Act as the application was granted a discretionary advertising exemption at Council's Development Assessment Panel meeting on 3 October 2023 on the basis that:

- (a) The use of the land for dwellings is already assumed in the advertised preamble;
- (b) Readvertising the application to specifically state "use of the land for dwellings" is not considered necessary or considered to increase material detriment to any persons already notified of the application; and
- (c) The use of the land for dwellings does not warrant additional properties beyond those already notified, to be notified.

Referrals

External Referrals

86. The application was referred to the following external authority:

- (a) Melbourne Water:
 - (i) The application was referred to Melbourne Water who conditionally supported the application. Melbourne Water conditions will be discussed further, later in the report.

87. Referral responses/comments have been included as attachments to this report.

Internal Referrals

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

- (a) Urban Design;
- (b) Strategic Transport;
- (c) ESD;
- (d) Waste Management;
- (e) Open Space Services;
- (f) Development Engineering; and
- (g) Acoustic (external consultant);

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

OFFICER ASSESSMENT

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

- (a) Policy, strategic support and use;
- (b) Clause 55 (ResCode), including consideration of DDO15 and the Commercial 1 Zone
- (c) Car parking, bicycle facilities and waste;
- (d) Special Building Overlay; and
- (e) Objector Concerns.

Policy and Strategic Support

91. The proposed development achieves the various objectives outlined in the Scheme and is in accordance with the relevant State and local planning policies applicable to the redevelopment of sites such as this. The proposed development benefits from strong strategic and policy support.
92. The subject site is located within the Johnston Street Neighbourhood Activity Centre (Johnston Street NAC), which provides a range of retailing, community and hospitality offerings with good public transport links. The site is therefore well serviced by public transport, local infrastructure and commercial uses.
93. *The subject site is located within the Commercial 1 Zone, a key purpose of which is to provide for residential uses at densities complementary to the role and scale of the commercial centre.* The proposed development will add seven new dwellings in an area that has good access to services and public transport, thereby achieving one of the key intentions of this zone.
94. Furthermore, State and local policies encourage the concentration of development in and around activity centres, with more intense development on sites well connected to public transport and other services, thereby ensuring the efficient use of existing infrastructure. The site's proximity to public transport as well as provision of on-site bicycle parking for residents will encourage the use of alternative modes of transport to and from the site and reduces the reliance on motor vehicles, as encouraged by Clauses 18.02 (Transport), 21.03 (Vision), 21.06-3 (The road system and parking) and 21.07 (Environmental sustainability).
95. Further, Clause 21.12 (Local Areas) envisages the following for the Johnston Street NAC:

“...The area will accommodate a diverse and growing population, well connected by sustainable forms of transport, with activity focussed around Victoria Park Station.”
96. More specifically to Precinct 1, it will:

“...continue to become a vibrant, mixed-use precinct which comprises medium scale (mid-rise) buildings that contribute positively to the active footpaths of Johnston Street...”
97. The proposed development will therefore provide increased housing stock at a mid-rise scale consistent with the vision of the Johnston Street NAC.
98. Notwithstanding the above, policy support for more intensive development needs to be balanced with built form guidance at Clauses 21.05-1, 21.05-2, 22.10 and 22.13 of the Scheme. These policies call for development that responds to the surrounding context with regard to urban character and amenity. Strategic support also needs to be tempered with consideration of amenity impacts to nearby sensitive uses. However, it is noted that policy at Clause 22.05 (Interface Uses Policy) acknowledges that residences which abut business areas or are located within business areas should not have unrealistic expectations of the level of amenity which can be achieved. This has been tested in various VCAT decisions, including in *Ryan v Port Phillip City Council [2006] VCAT 923* (23 May 2006) in relation to residents living within activity centres:

[20] In my view, the consideration of whether a particular proposal would have unreasonable impacts on residential amenity must take into account the context of the area. It must be remembered that the residential properties in proximity to the site are not located within a quiet street in the residential hinterland; rather, they are either within the activity centre itself or, alternatively, they front onto a relatively busy road at the interface between the residential and business zoning.

99. Therefore, existing dwellings within commercially-zoned land cannot expect to receive the same level of amenity as dwellings within residentially-zoned land, given their location and broader land use and strategic direction for these areas.
100. There is also strategic policy support for the use of the subject land for dwellings. State policy at Clause 16.01-S (Housing Supply) seeks to increase the proportion of housing in designated locations in urban areas and encourage higher density development on sites that are well located in relation to jobs, services and public transport. This is further supported in local policy at Clause 21.04 (Land Use) which seeks to accommodate forecast increases in population and support residential population increases in established neighbourhoods. Clause 21.12 (Local Areas – Johnston Street) also recognises that *higher density residential uses are starting to emerge within the Commercial 1 Zone and this trend is expected to continue*. The subject site is therefore an appropriate location for accommodating the proposed seven-townhouse development.
101. Clause 2.11 (Commercial floor space requirement) of the DDO15 encourages buildings to be designed to accommodate commercial activity at the lowest two levels. The proposed development does not incorporate commercial activity at its lowest levels. This is acceptable considering the C1Z also contemplates residential uses and that the design of the ground floor frontage to Sackville Street provides clearly defined and well-designed dwelling entries which will provide for a sense of address as well as active frontage to the street. This will be discussed in detail in the following section of the report.
102. As will be discussed in detail within this report, it is considered that the proposal achieves a good balance of State and local policy in relation to high quality developments and protection of off-site amenity.

[Clause 55 \(ResCode\)](#)

103. Clause 55 comprises 48 design objectives and standards to guide the assessment of new residential development. The provisions of Clause 55.07 do not apply, as this proposal is not for an apartment development.
104. This assessment will also consider, where relevant, Clauses 22.05 (Interface Uses Policy), 22.07 (Development Abutting Laneways), 22.10 (Built form and design policy), 22.16 (Stormwater Management – Water Sensitive Urban Design) and 22.17 (Environmentally Sustainable Development) as well as the relevant objectives of the Design and Development Overlay – Schedule 15(1D) and the Commercial 1 Zone.
105. Given the site's location within a built-up, inner city residential area, strict application of the Standards is not always appropriate. Whether the proposal meets the objective is the relevant test. The following objectives are not relevant to this application:
- (a) Clause 55.02-3 (Dwelling diversity) – The development is for less than 10 dwellings; and
 - (b) Clause 55.04-4 (North-facing windows) – There are no north-facing habitable room windows of an existing dwelling within 3m of the subject site.

Clause 55.02-1 (Neighbourhood character) and Clause 55.06-1 (Design Detail)

106. Neighbourhood character considerations are informed by the policy provisions of Clause 22.10 (Built form and design policy) and Clause 22.13 (Residential built form policy). Clause 21.08 of the Scheme identifies the subject site as being within a “non-residential area” and as such, there is no residential character guidance at Clause 22.13 of the Scheme.
107. As discussed, the surrounding area is a mix of commercial and residential uses and there is no distinct built form character. The Design and Development Overlay (Schedule 15) provides more local guidance on the preferred built form character for this area of the Johnston Street NAC and the relevant design objectives are considered throughout this report. The proposal will appropriately respond to these built form and design objectives.

108. Clause 22.07 (Development abutting laneways) also provides guidance on neighbourhood character. Policy seeks to ensure that development along a laneway acknowledges the unique character of the laneway. The western-abutting laneway is 3.1m wide and provides vehicle access to properties addressed to both Johnston Street and Gold Street. Building heights along the laneway vary in height with No. 6 Gold Street presenting a three storey street wall to the laneway with a height of 11.75 metres. Materials include brick, concrete and metal roller doors. The multi-storey office on the western side of the laneway also incorporates glazing.



Figure 7: Planning officer photograph of laneway looking south (August 2023)



Figure 8: Planning officer photograph of laneway looking north (August 2023)

109. The proposed development will present as three and four storeys to the laneway, with heights of 12.4 metres and 16.62 metres. The ground floor western façade will be constructed of light grey brickwork which is considered a modern interpretation on the more traditional red brickwork observed along the laneway. Recesses within the brickwork along this ground floor façade will articulate and break up the mass of the wall. As will be discussed later in the report, a condition will require provision of landscaping in these recesses to further soften the appearance of the brick wall.
110. The 7.2m wide building break between the northern-located dwellings and southern-located dwellings from first floor and above will assist in breaking up the mass of the building and reduce bulk along the laneway. This building break will accommodate a communal garden where trees and other landscaping is proposed. Additional design detail on upper levels includes floor to ceiling glazing on the second and third storeys which will provide night-time illumination and passive observation of the laneway.
111. Consistent with the pattern of residential development in the surrounding area, the primary pedestrian access to dwellings will be via Sackville Street, with the laneway primarily providing vehicle access to the ground floor garages. As will be discussed later in the report, vehicles will be capable of entering and exiting the communal driveway from the laneway without compromising laneway safety. The proposed vehicle access is not considered to result in a substantial transformation in the existing use of the laneway, given it already serves as vehicle access to buildings fronting Johnston Street and Gold Street.
112. Overall, the proposed development is considered to respond positively to the laneway character.

113. With regard to design detail, design guidelines at Clause 22.10-3.4 encourage visual interest in buildings through the use of materials and finishes as well as incorporating vertical and horizontal elements.
114. The development is contemporary in design adopting materials such as galvanised metal cladding, light grey brickwork, timber cladding, reeded glass, concrete and metal mesh. The materials and finishes are supported and fit within the broad range of contemporary development in the area with Council's Urban Design Unit concluding that the architecture and materiality of the proposal is of high-quality and complimentary of the street rhythm.
115. The front façade comprises a plinth form constructed predominantly of light grey brickwork with "gridded" expression to the upper levels. The overall form of the street wall is articulated with a combination of glazing, balustrades and mixed materiality to add visual interest and break up the mass of the building.
116. The southern elevation will be constructed on the southern boundary to a height of between two and three storeys, with the third storey boundary wall limited to the south-west corner of the site. The remainder of the third storey, as well as levels above, will be set back off the boundary. The southern walls will be constructed of galvanised metal cladding. New development with blank facades visible from the public realm are recognised as being a typical feature of the emerging built form character along Johnston Street. The absence of openings and other design features which can be observed on the remainder of the development's facades is to facilitate equitable development of adjoining sites to the south on Johnston Street, where policy envisages building heights of up to 24m. It is expected that this façade will eventually be obscured by future development along Johnston Street.
117. Blank facades are also observed at No. 6 Gold Street, No. 344 Johnston Street and No. 370-372 Johnston Street. These facades are constructed of concrete panels and include expressed joints as well as variations in colour to provide some degree of articulation and visual interest. The materials schedule shows that the galvanised metal cladding will have vertical and horizontal-expressed joints. This design detail will provide an acceptable level of façade articulation to the first two and three storeys of the development and is supported. To ensure this design detail is incorporated, a condition will require the proposed south elevation to show provision of expressed joints to this façade.



Figure 9: Applicant's photo showing No. 6 Gold Street and sheer wall (extracted from Urban Context Report)



Figure 10: Sample of galvanised metal cladding extracted from decision plans

118. Council's Urban Design Unit were generally supportive of the proposed design and design detail, opining that the development is well-balanced and of a high architectural standard. Whilst the Unit recommended modifications to the laneway interface, this will be discussed later in the report with regard to landscaping.
119. In summary, the proposed design and detailing will offer a high level of architectural interest to the street and will integrate well with the existing and emerging character of new development.

Clause 55.02-2 (Residential policy)

120. The construction of seven dwellings on this site will contribute to the provision of housing within Yarra. The proposed development meets the relevant PPF and LPPF objectives with regard to providing increased housing diversity and housing choice, meeting forecast increases in resident and household numbers, providing higher density housing within proximity to public transport and commercial services and taking advantage of the existing local infrastructure associated with the residential and commercial neighbourhood. The strategic merits of the application have been discussed in greater detail under the Strategic and Policy Support section of this report. The objective has been met.

Clause 55.02-4 (Infrastructure)

121. The proposal is located within an established urban area where access to existing utility services and infrastructure can be readily extended to accommodate additional dwellings on site. It is considered that the provision of seven dwellings on the subject land would not overload existing infrastructure services. The objectives have been met.

Clause 55.02-5 (Integration with the street), Clause 55.03-7 (Safety) and Clause 55.05-2 (Dwelling entry)

122. These objectives, including those of Clause 22.10 and DDO15, call for new development to integrate with the existing street network, with good pedestrian links, visible entry points and provision of passive surveillance opportunities to provide a sense of safety for occupants and an activated public realm. In addition, Clause 2.10 (Street frontage requirements) of the DDO15 encourage new development to (as is relevant):
- (a) *Be built to the front property boundary on sites without a heritage building along Johnston Street and Sackville Street;*
 - (b) *Address the primary street frontage and, where heritage elements are not a constraint, incorporate design elements that contribute to the provision of a continuous, visible and active frontage at ground level;*
 - (c) *Provide for passive surveillance;*
 - (d) *Provide an active or visually interesting interface with the public realm, including areas of public open space and public transport stops; and*

- (e) *Locate service entries/access doors away from the primary street frontage, or where not possible, be sensitively designed to integrate into the facade of the building.*

123. In accordance with policy, the proposed development will be oriented to front Sackville Street. Dwelling entries to dwellings TH01 – TH03 will be clearly visible from Sackville Street and defined by hardwood timber doors. A sense of address is also provided through the low and open style front fencing and small, landscaped front setback. The building break and staircase are visible from Sackville Street and clearly define the pedestrian entry to the rear townhouses. Within the communal garden, the dwelling entries of Dwellings TH04 – TH07 will be clearly visible behind 1.5m high timber picket front fences and small, landscaped front gardens. To provide safety for the occupants of these rear townhouses, a condition will require the provision of external lighting within the communal garden so that dwelling entries are visible during night time periods. Glazing across the front façade as well as balconies on the first floor will promote passive observation of Sackville Street.
124. Although the development provides a 1m setback to Sackville Street at ground level, the building framing will provide a street wall typology to reinforce the emerging and envisioned character of the area. The proposed 1m setback at ground floor will therefore not erode this future vision.
125. Melbourne Water requires that dwellings be constructed with finished floor levels set no lower than 20.0m to Australian Height Datum (AHD) and garages to 19.60m to AHD, which is 300mm above the applicable flood level of 19.70m to AHD or on the flood level in the case of the garages. This would require an increase of 450mm to the ground floor finished floor levels of the habitable spaces from what is currently proposed and has implications for the development's integration with the street and potential amenity impacts (e.g. increase to building heights and changes to the grades of car parking spaces, activation with Sackville Street). A condition will therefore require that the finished ground floor finished floor level be raised to 20m to AHD, with no increase in height to the overall building form or on boundary walls and that car parking grades remain satisfactory to the Responsible Authority and that the ground floor interface to Sackville Street remains of high, architectural quality, also to the satisfaction of the Responsible Authority.
126. To further improve the interface with the public realm, Council's Urban Design Unit have recommended the incorporation of cut-outs in the western façade at ground floor to accommodate a creeping plant and consequently prevent graffiti along this wall. This recommendation will be adopted as a condition on any permit issued. A condition will also require a notation to confirm the use of graffiti-proof paint.

Clause 55.03-1 (Street setback)

127. The objective is *to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.* Sackville Street is the front street.
128. Both Standard B6 and the DDO15 envision future built form on this site to be built to the front boundary. Whilst Standard B6 would require the building to be setback 2 metres from the laneway, the requirements of the DDO15 anticipate buildings to be built to the boundary. This is considered an appropriate response given the C1Z zoning of the site and the objectives of the DDO15.
129. The proposed front setback of 1 metre is consistent with the setback character along the southern side of Sackville Street. The existing building on the subject site is constructed with a hard edge to Sackville Street, with the exception of the car parking area, as is the neighbouring building at No. 99-101 Sackville Street. Further east along Sackville Street the setback increases. The proposed 1m setback is therefore considered an acceptable transition between the hard edge character of the western end of Sackville Street and greater setbacks provided on sites further east.

130. Further, Clause 22.10 (Built form and design policy) encourages *new development constructed with a front setback to the street should include soft landscaping within the setback area. This setback should not be used for ancillary services, car parking, basement car parking, ventilation shafts, or major promotion signs.*
131. The proposed 1m front setback will provide for a small landscaped area as illustrated in the artists' impression images. This landscaping will be formally shown in the landscape plan which will be required as a condition of any permit issued. The front setback will not be used for ancillary services, car parking, ventilation shafts or signage.
132. As discussed in the previous section of the report, the proposed 1m setback at ground level will not erode the future vision of Sackville Street having a hard built form edge, given the building frame will provide for a street wall typology to Sackville Street.
133. The front setbacks at ground floor level to Sackville Street have not been dimensioned. This will be required via condition.

Clause 55.03-2 (Building height)

134. The objective is *to ensure that the height of buildings respects the existing or preferred neighbourhood character.* Standard B7 states that *the maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.* Building heights are prescribed in the DDO15, the subject site is within Precinct 1D. There is no mandatory maximum building height and a preferred maximum building height of 24m. In addition, Precinct 1D has a preferred maximum street wall height of 11m.
135. The development will have a maximum overall height of 16.62m which is considerably less than the preferred maximum height of the DDO15. The street wall will have a maximum height of 12.475m, comprised of four storeys. The height of the street wall is therefore non-compliant with DDO15.
136. A variation to the preferred street wall height of DDO15 is acceptable. Clause 22.10-3.3 (Setbacks and Building Height) seeks to ensure that *the height of new development is appropriate to the context of the area (as identified in the Site Analysis Plan and Design Response) and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character.*
137. DDO15 was incorporated into the Yarra Planning Scheme in 2018 and as such, the built form and design outcomes envisaged by this Overlay are yet to fully materialise in this section of Sackville Street. As such, building heights along the southern side of Sackville Street remain predominantly one and two storey. However, the DDO15 envisages built form scale of between five and ten storeys, providing a suitable transition to low scale residential areas. The proposed street wall height of four storeys is therefore consistent with the preferred built form scale of Sackville Street. A variation of 1.475m is not considered to have a noticeable visual impact on the Sackville Street streetscape considering the development incorporates a high level of activation with the street through material and glazing treatments and opportunities for passive surveillance (discussed previously in the report) as well as the incorporation of a building break. Furthermore, as identified by Council's Urban Design Unit, the lowered height of the overall building and the massing of the overall development support a taller street wall in this location.
138. The high quality design detail of the street wall will also break up the mass of and introduce visual interest to the building. Part of the height exceedance is generated by the high floor to ceiling heights which ensure excellent on-site amenity for occupants. It is acknowledged that this may reduce as a result of the Melbourne Water conditions, however, the floor to ceiling heights will continue to remain satisfactory.

139. Further, the upper levels are substantially set back from Sackville Street (18m), exceeding the minimum requirements of the DDO (discussed in the previous section of the report). This further reduces the bulk of the street wall and will ensure the development reads as a four storey building to Sackville Street. In addition, the proposed street wall height will not result in any footpath shadowing given the position of the site on the southern side of Sackville Street. Council's Urban Design Unit are also supportive of the street wall height.
140. Massing of the development in relation to the other boundaries will be discussed later in the report.

Clause 55.03-3 (Site coverage)

141. The objective is *to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site*. Standard B8 prescribes a maximum site coverage of 60%. In addition, Clause 22.10-3.6 (Site coverage) recommends a maximum site coverage of 80% unless:
- (a) *The pattern of site coverage in the immediate area is higher than this figure (as identified in the Site Analysis Plan and Design Response); or*
 - (b) *There is a need to cap the site to deal with contamination.*
142. The development proposes full site coverage. This is an acceptable outcome considering full site coverage is observed on other nearby sites within the Commercial 1 Zone and Johnston Street NAC, for example, No. 6 Gold Street, No. 146-148 Johnston Street and No. 1-9 Gold Street (among others). The proposed site coverage is therefore consistent with the existing character of the C1Z and Johnston Street NAC areas. It is further noted that Standard B8 is not strictly applicable considering that Clause 55 is a Decision Guideline of the C1Z. It is therefore not intended to be strictly applied to residential development outside of residential zones and therefore, the requirement for a maximum 60% site coverage does not apply to the proposed development.
143. The development also proposes a communal garden at first floor level. This creates a central building break between the two blocks of townhouses of 7.2m and gives the development the appearance of having a site coverage of 79% which is consistent with the desired site coverage of Clause 22.10. The objective is therefore met.

Clause 55.03-4 (Permeability and stormwater management)

144. The objectives of this Clause are:
- (a) *To reduce the impact of increased stormwater run-off on the drainage system;*
 - (b) *To facilitate on-site stormwater infiltration; and*
 - (c) *To encourage stormwater management that maximises the retention and reuse of stormwater.*
145. Standard B9 prescribes a minimum site permeability of 20%. The development does not propose any permeable surfaces. This is an acceptable outcome considering the surrounding built form character of the C1Z and Johnston Street NAC includes high as well as full site coverage. It is therefore not characteristic of sites in commercially-zoned land to provide permeable surfaces. However, the development proposes to reduce stormwater run-off through the provision of a 2000L rainwater tank to each dwelling (total capacity of 14,000L), which will achieve a STORM Score of 105% and satisfies the objectives of Clause 22.16 (Stormwater Management – Water Sensitive Urban Design) of the Scheme. The communal open space area at first floor level will also provide landscaping which can be irrigated by the water tanks and will also be capable of capturing rainfall. Council's ESD advisor has noted that the decision plans outdate the submitted STORM report and have also recommended that the connectivity of the rainwater tanks be notated. A condition will therefore require an updated STORM report consistent with the decision plans, and for a notation on the plans to confirm the water tanks will be used for both sanitary purposes and garden irrigation.

146. Council's ESD advisor has also recommended providing some degree of permeability throughout the development. This recommendation will not be adopted for reasons outlined in the following section of the report.

147. The permeability objectives are therefore considered to be met.

Clause 55.03-5 (Energy efficiency)

148. The submitted Sustainable Design Assessment (SDA) shows that the proposal incorporates a number of ESD features to improve the overall energy efficiency of dwellings. As summarised in the SDA, these include (and are not limited to) the following:

- (a) High efficiency water fixtures and use of rainwater tank to reduce potable water usage;
- (b) Bicycle parking spaces for occupants;
- (c) High efficiency windows for thermal comfort;
- (d) EV charging points
- (e) Connectivity to renewable energy sources (via Body Corporate agreement with renewable energy provider);
- (f) All electric, no gas connection;
- (g) Average NatHERS rating of 6.5 stars, with individual ratings ranging from 6 stars to 7.2 stars; and
- (h) Provision of clothes lines.

149. Where required, these commitments can be notated on the plans via condition.

150. The SDA includes a BESS report which demonstrates that the development will achieve a BESS score of 61%, which exceeds best practice (50%) with all four critical categories exceeding 50% (water, energy, stormwater and IEQ).

151. Council's ESD advisor reviewed the SDA and plans and made the following recommendations with regard to ESD deficiencies:

- (a) *A NatHERS average rating of 6.5 Stars is no longer sufficient given the Victorian Government agreement to increase minimum energy efficiency building standards for new homes from 6 to 7 stars under changes to the National Construction Code 2022. Improve the thermal performance of dwellings to achieve an average rating of 7 Stars, considering reductions in glazing on the north and west facades;*
- (b) *The SDA states that 'EV charging to be provided' and 'Renewable energy to be provided', however, the relevant BESS inputs are not claimed nor are these initiatives shown on the plans;*
- (c) *It is understood that each dwelling currently has limited non-trafficable roof space (e.g. only 4.5-6m²), therefore, the design must explore design changes (e.g. pergola structure) which can support rooftop solar PV panels (ideally at least 3kW capacity per townhouse) while maintaining the roof deck amenity currently sought.*
- (d) *Include enabling electric vehicle charging infrastructure for each dwelling;*
- (e) *The site will be cleared prior to development and only 8% of the site is proposed to be covered with new landscaping. Increase the percentage of vegetation coverage, exploring opportunities such as increases to planter boxes on balconies/roof decks and the extent of landscaping in communal garden area on the first level; and*
- (f) *The proposed development results in 0% site permeability which is a poor outcome from a stormwater management perspective, despite potentially achieving a satisfactory result in STORM. Consider opportunities to improve permeability through the redevelopment.*

152. Recommendation (a) will not be pursued as the Victorian Government has delayed the increase to the minimum energy efficiency building standards until May 2024. Updated comments were provided by Council's ESD advisor on 11 August 2023 who suggested that a 7 star average NatHERS rating is strongly encouraged, but not mandatory.
153. Recommendations (b), (c), (d) and (e) can be included as conditions for an updated SDA.
154. Recommendation (f) will also not be pursued. As discussed earlier in the report, high and full site coverage is typical of sites in commercially-zoned land and within activity centres. The provision of permeable surfaces is therefore not expected for new developments in these areas. As acknowledged in the ESD advice, the proposed development achieves a satisfactory response to Clause 22.16 through the provision of rainwater tanks with a combined capacity of 14,000L. Through the implementation of recommendation (e), additional landscaping areas will increase opportunities to capture rainfall and reduce stormwater runoff.
155. Council's ESD advisor also made the following recommendations with regard to additional information required:
- (a) *Table in SDA Executive Summary incorrectly lists minimum score to pass BESS as 53%. Update to 50%;*
 - (b) *It is noted that the SDA and BESS & STORM assessments are based on town planning drawings dated 18/10/2022. Where the more current drawings are different to the older drawings, ensure the SDA, BESS and STORM reflect these differences;*
 - (c) *No baths shown on plans in bathrooms/ensuites. Scope out in BESS;*
 - (d) *WELS rating of 5 Stars claimed for washing machines in BESS. If washing machines are not being provided as a part of the build, these should be entered as 'Default or unrated' in BESS;*
 - (e) *Clarify connection of rainwater tanks to irrigation areas and update all documentation for consistency, with consideration of the following:*
 - (i) *SMP lists stormwater reuse connections as 'toilet flushing, general wash down and garden irrigation for all dwellings', and BESS input states 50m² of irrigation area connected to tanks; and*
 - (ii) *BESS Water 3.1 – Water Efficient Landscaping is currently claimed 'Yes'. As per the BESS Tool Notes for Water 3.1, "If all vegetation is in ... irrigation areas connected to rainwater or an alternative water source, then this credit is not applicable and should be scoped out."*
 - (f) *Ensure BESS Dwelling Energy Profile inputs for Exposed Sides are correct. Currently only TH3 has been assigned 3 exposed sides, while the plans show TH1, TH4 and TH7 also with 3 exposed sides;*
 - (g) *Clarify proposed system types for heating and cooling, updating accordingly in BESS;*
 - (h) *Plans include annotations of 'retractable fly screen' on roof decks next to what appear to be outdoors clotheslines. Update annotations accordingly;*
 - (i) *IEQ Credit 3.2 Thermal Comfort - External Shading is claimed and the Base Level Energy Efficiency Specifications for the NatHERS modelling states 'External retractable awnings to all windows and sliding doors'. However, it is unclear on the plans what type of shading (e.g. retractable awning, fixed horizontal battens etc) is proposed and where it is located. Clarify the use of effective external shading and clearly show on plans, particularly the elevations for north and west facing glazing;*
 - (j) *Ventilation in Townhouses 4-7:*

- (i) *There are not clear breeze paths on the first floor (through living areas and kitchen) due to a lack of south facing glazing opposite the north facing glazing. However, natural ventilation could be improved if the skylights above the kitchens are operable. Clarify if the skylights are operable and annotate accordingly on plans; and*
- (ii) *For Bed 2 of these dwellings, clarify if the skylights are operable and annotate accordingly on plans. Additionally, clarify if the 'swing panels' (as annotated on plans) are a wall or glazing element;*
- (k) *Daylight assessment:*
 - (i) *Daylight report states 'Townhouse 4 and townhouse 6 have been modelled' however imagery included of the model's isometric view appears to only show Townhouse 7. Ensure modelling and report are aligned;*
 - (ii) *Glazing light transmittance assumptions were 68% for windows and 55% for skylights. The glazing types for awning windows and sliding doors used for NatHERS modelling have VLT values closer to 0.5 and 0.55 respectively. Update VLT values in modelling in line with glazing types used in NatHERS assessment;*
 - (iii) *Modelling does not show full extent of internal rooms modelled (i.e. no plan view showing extent of daylight factor achieved). Include plan imagery from modelling in the report, including screenshots of numerical results achieved; and*
 - (iv) *Present assessment results in line with the BESS standards for IEQ Credits 1.1 & 1.2, rather than as an 'average daylight factor' for the room;*
- (l) *BESS and the SDA claim that 7 bike parking spaces for residents and 7 bike parking spaces for visitors will be provided across the 7 townhouses. However, the ground floor area annotated 'Bike Store' in each dwelling appears suitable for only 1 bicycle. Clarify the proposed quantity of spaces per dwelling, providing appropriate space on plans and updating BESS inputs if required;*
- (m) *Plans do not detail a bike storage system rack within the bike store in each dwelling. Update plans to clarify inclusion of bike rack systems racks;*
- (n) *The SDA states that CLT structure is to be used in the development, however, based on the plans it is unclear if CLT is specified. Clarify the use of CLT; and*
- (o) *Strengthen the wording of the renewable energy initiative, amending in SDA to 'Minimum 10-year agreement for the purchase of accredited GreenPower supplied to all townhouses'.*

156. The above items can be included as conditions for an updated SDA.

157. Standard B10 of Clause 55.03-5 also requires new buildings to be *sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced*. The subject site does not abut land in a residential zone. This part of the Standard therefore does not apply.

158. It is considered that the proposal adequately meets the Objective of this clause (as well as local ESD policy at Clauses 22.10, 22.16 and 22.17, subject to the recommended changes from Council's ESD Advisor.

Clause 55.03-6 (Open Space)

159. The objective is *to integrate the layout of development with any public and communal open space provided in or adjacent to the development*. Standard B11 requires if any public or communal open space is provided on site, it should:

- (a) *Be substantially fronted by dwellings, where appropriate;*
- (b) *Provide outlook for as many dwellings as practicable;*
- (c) *Be designed to protect any natural features on the site; and*

(d) *Be accessible and useable.*

160. The development proposes a communal garden in between the two blocks of townhouses. The communal open space (COS) will be located at first floor level, with direct access via stairs from Sackville Street as well as internally within the development. The pedestrian entries for Dwellings TH04 – TH07 will be from this COS, and each townhouse will have their own private terrace directly adjoining it. Habitable rooms have been located to have outlook to this COS, ensuring opportunities for passive surveillance as well as enhancing internal amenity for occupants. The proposed COS is therefore considered to be well integrated with the development, in accordance with the objective of Clause 55.03-6 as well as the communal open space objectives of Clause 22.10. To further enhance the safety and amenity of this COS, a condition will require the provision of external lighting to the communal garden. A further condition will require that the external lighting be appropriately located, directed, shielded and of limited intensity so as to not unreasonably impact internal amenity.

Clause 55.03-8 (Landscaping)

161. These objectives call for new development to provide appropriate landscaping and respond to any established landscape character of the surrounding area. A review of the surrounding area identifies minimal landscaped areas on sites along the southern side of Sackville Street and further south to Johnston Street. This is commensurate with the commercial and activity centre location of the area. Land to the north of Sackville Street is residentially zoned. Residential built form policy at Clause 22.13 of the Scheme recognises many of these areas as having small gardens (if any). As such, there is no defined landscape character in this area of Sackville Street or the Johnston Street NAC.
162. Whilst the development proposes to remove existing trees on the land, their replacement with new canopy trees is not warranted given there is no canopy tree character in the immediate area, furthermore, the DDO15 and C1Z contemplates high site coverage and robust, medium density forms and does not envision a landscaped treed character.
163. The development proposes to incorporate small areas of landscaping within the ground floor front setback and within the first floor communal garden. This is considered acceptable given the future use for dwellings, as opposed to a commercial use. A landscape plan has not yet been submitted. However, indicative landscaping has been shown on the proposed floor plans and shows opportunities for the planting of both small trees as well as shrubs. This will be required to be submitted via condition to ensure that adequate soil volumes and planter sizes are provided to support the type and spread of vegetation proposed.
164. Council's Urban Design unit has recommended the provision of additional greenery along the laneway interface of the development to enhance the public realm and also discourage graffiti. This could be achieved by the introduction of cut-outs in the western boundary wall to accommodate a creeping plant as shown in the following image. This would also match the cut-outs provided along Sackville Street.

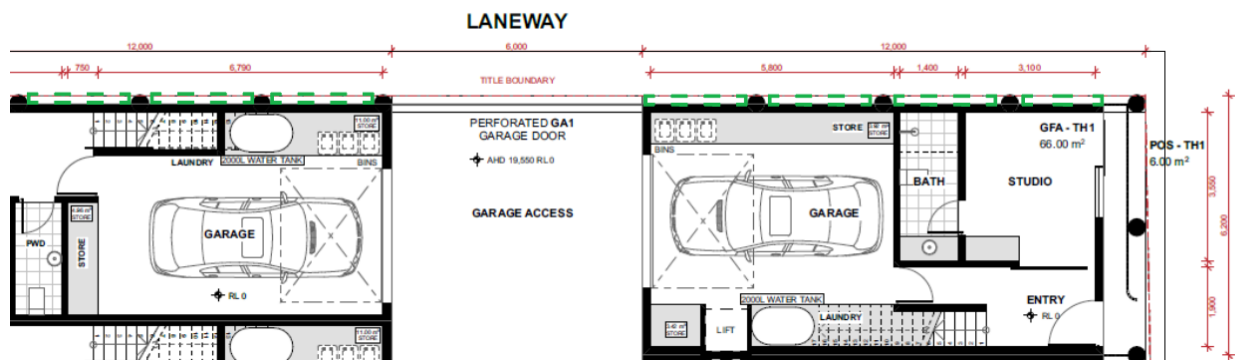


Figure 11: Urban Design mark-up of ground floor plan showing indicative landscaping along the laneway (in green)

165. In addition, Council's ESD advisor has recommended to increase the percentage of vegetation coverage. The development incorporates generous roof terraces as well as smaller balconies which are capable of accommodating additional landscaping. As such, a condition will require the submission of a landscape plan to address the recommendations of both Council's Urban Design Unit and ESD Advisor. The landscape plan must also specify the type, location, quantity, height at maturity and botanical names of the plants, indicate surface materials and, make recommendations for the ongoing maintenance of landscaping. A further condition will require ongoing compliance with the endorsed landscape plan.



Figure 12: Artists' impression image of communal garden, showing opportunities for meaningful landscaping

166. Due to the removal of existing trees within the subject site, Council's Urban Design Unit have recommended that street tree planting be increased along the Sackville Street frontage. This is also made possible with the removal of the existing Sackville Street crossover and relocation of the car parking entrance to the ROW. As such, a condition will require payment of a one-off contribution (\$3234 plus GST) towards the planting, surface treatments and maintenance of two new street trees on Sackville Street. A further condition will require that this street tree work be undertaken by an approved tree maintenance contractor (to the satisfaction of the Responsible Authority).
167. The application was also referred to Council's Open Space Services (City Works) Unit in relation to the existing street tree in front of the subject site. Open Space Services will require an Asset Protection Bond of \$1500 (excluding GST) for the protection of the street tree adjacent the site frontage. This will be included as a condition on any permit issued.

Clause 55.03-9 (Access)

168. The objective is *to ensure the number and design of vehicle crossovers respects the neighbourhood character*. Standard B14 states that the width of accessways or car spaces should not exceed:
- (a) *33 per cent of the street frontage, or*
 - (b) *if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.*
169. Further, *no more than one single-width crossover should be provided for each dwelling fronting a street and the location of crossovers should maximise the retention of on-street car parking spaces.*
170. Vehicle access will be via the existing laneway to the west of the site. The Sackville Street crossover should be reinstated as footpath, kerb and channel in its entirety as recommended by both Council's Engineering and Urban Design Units. As such, there will be no loss of car parking on Sackville Street. This will be required via condition.

171. As such, the development will only be using a 3.1m wide section of the existing crossover, which equates to 15% of the site frontage, less than the Standard. Only one crossover will be used for the entire development. Further, the reinstatement of the footpath, kerb and channel will allow for the creation of additional on-street parking spaces.

Clause 55.03-10 (Parking Location)

172. The objectives are *to provide convenient parking for resident and visitor vehicles and to protect residents from vehicular noise within developments.*
173. Each dwelling is provided with a single car garage at ground floor level accessed from a shared driveway. The garages provide direct access to the dwelling. There are no habitable rooms which will abut the shared accessway. All living rooms and bedrooms are located on the upper levels of the development and the proposed communal garden above the shared driveway will provide a further buffer to these rooms. The proposed development therefore satisfies Standard B15.
174. In addition, the DDO15 and Clause 22.10 encourage vehicle access from a side street or laneway where practical, for car parking to be concealed from the street and to avoid recessed and other on-site car parking at the front of properties. The shared driveway will be accessed via the western-abutting laneway. The garages will not be visible from Sackville Street and will be fully integrated with the development. Council's engineering unit have reviewed the car parking design and are generally supportive of the access arrangements, subject to conditions which will be discussed later in the report.

Clause 55.04-1 (Side and rear setbacks)

175. The objective is *to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.* It is noted that within the Johnston Street NAC and surrounding C1Z land, buildings are typically constructed to all boundaries with full site coverage. Nearby dwellings on the northern side of Sackville Street are typically constructed along at least one side boundary.
176. The proposed development would not comply with Standard B17, however, strict compliance with the Standard is not expected in this site context as the prescribed B17 setbacks would restrict the development potential of the site, which is at odds with the strategic directions of the C1Z, Johnston Street NAC and DDO15 which encourages higher density development.
177. Given the context of the site, the provisions of this Clause is considered onerous and not applicable to the subject site. The DDO15, a specific design and development overlay that applies to the site, provides more applicable guidance in relation to side and rear setbacks and will be discussed in the next section of this report.

Mid and upper level setbacks

178. In addition to the street setback requirements of Clause 55.03-1 discussed earlier in the report, the DDO15 includes policy objectives for mid and upper level setbacks. The DDO outlines a preferred mid-level setback of 6m above the street wall (with no mandatory requirements). Above the street wall, the development is set back 18m from the Sackville Street, substantially in excess of the DDO15 objective.
179. For upper level setbacks, DDO15 prescribes a minimum front and rear upper level setback of 45 degrees above 11m. The non-compliance with the 11m street wall height has already been discussed, and the upper level setback from Sackville Street will be greater than 45 degrees given these levels are set back more than 15m from Sackville Street. The applicant submitted a revised Section A (Drawing DA3.1) showing the preferred upper level setback footprint for the rear of the development, shown in the following image:

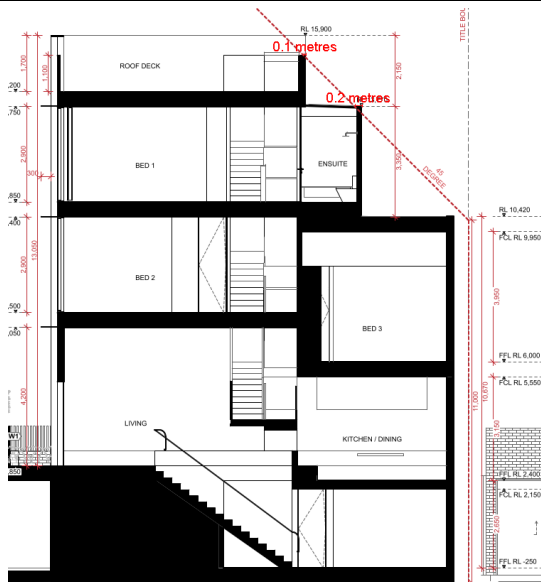


Figure 13: DDO15 upper level setback on Section A

180. As shown in the above image, the third floor requires a variation to the setback of 0.2m and the fourth floor roof deck requires a variation of 0.1m. This minor degree of non-compliance will not have a visually-perceivable impact to neighbouring buildings on the northern side of Johnston Street. Furthermore, the overall height of 16.62m is substantially lower than the preferred height of 24m envisioned by the DDO15. This lower height ameliorates the non-compliances with the massing as identified above.
181. The minor variation to the DDO15 objective will not have an unreasonable amenity impact on these neighbouring properties to the south, which are located within the C1Z and Johnston Street NAC, where residential uses are not afforded the same amenity expectations (as discussed in the Strategic and Policy Support section of this report).

Clause 55.04-2 (Walls on boundaries)

182. The objective is *to ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings*. Standard B18 requires the length of boundary walls to not exceed 10m, plus 25% of the length of the remaining length of the boundary of an adjoining lot. The height of boundary walls should not exceed an average of 3.2m or a maximum of 3.6m.
183. The development will be constructed to all boundaries and will exceed the average and maximum height prescribed by the Standard. As discussed in the previous section of the report, this Clause is also considered onerous for a site that is encouraged for higher density development. The walls on boundaries objective is again at odds with the broader strategic directions for development in and around activity centres as well as the built form objectives of the DDO15.
184. The eastern boundary wall height will vary between 12.4m up to 16.2m. This eastern boundary wall will be constructed against the existing on-boundary built form of No. 99-101 Sackville Street, a single storey warehouse building occupied by a motor vehicle repairs workshop. The adjoining interface is a non-residential use and therefore, there will be no unreasonable amenity impact.

185. The western boundary wall height will vary between 12.4m up to 16.6m. This boundary wall will abut a 3.1m wide laneway and is acceptable on the basis of the overall height of the building being capped at 16.6m. Buildings on the opposite side of the laneway include a six storey office development, a two storey building occupied by a law firm and a single storey dwelling at No. 10 Gold Street. The secluded private open space (SPOS) of the dwelling is located towards the rear. Carports/outbuildings are constructed on the rear boundary, directly abutting the laneway. The SPOS of No. 10 Gold Street is set back 6.7m from this western boundary (shown in the image below). The existing outbuildings as well as the 3.1m wide laneway will therefore provide an appropriate buffer between the western boundary wall and nearest SPOS. The proposed development will result in some overshadowing of this SPOS during morning hours but will recede by midday. This is not an unreasonable outcome considering the built up, inner city location of the subject site and neighbouring dwellings. This will be discussed in further detail later in the report.
186. It is further noted that the dwelling is located within the C1Z and is not afforded the same amenity expectations as dwellings in residentially zoned land, as has been discussed in the Strategic and Policy Support section of this report. In addition, existing use rights as a dwelling has not been established for No. 10 Gold Street.

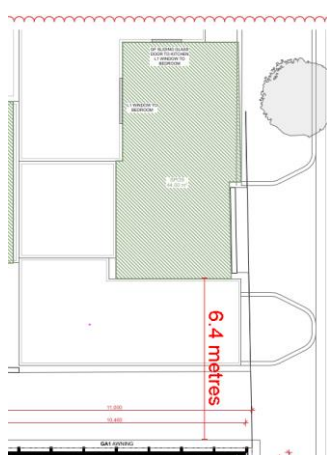


Figure 14: Mark-up of proposed roof terrace plan showing setbacks of development from private open space at No. 10 Gold Street

187. The southern boundary wall height will vary between 7.5m up to 16.6m. Buildings to the south of the subject site, on Johnston Street are primarily commercial, with the exception of No. 140 Johnston Street, a two storey dwelling with private open space at the rear of the site. It is noted that the development plans incorrectly reference this property as a commercial building. Planning permit PLN20/0105 was approved on 31 July 2020 for an extension to the existing building at No. 140 Johnston Street and recognises this building as having existing use rights as a dwelling. The location of this SPOS is shown in the following image. Notwithstanding, this dwelling is also located within the C1Z and is surrounded by commercial uses to its east and west. As previously discussed, amenity expectations for dwellings in commercially-zoned land ought to be tempered in order to minimise land use conflict in locations where higher density development as well as commercial uses are encouraged.

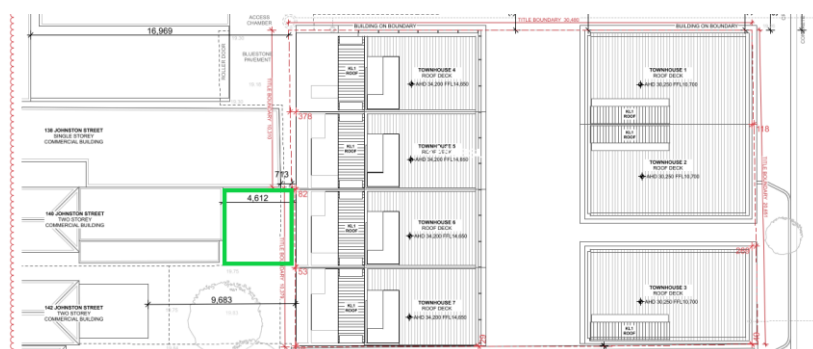


Figure 15: Proposed site plan showing location of SPOS (in green) at No. 140 Johnston Street

188. The development opposite this SPOS (i.e. TH06) will have a two storey boundary wall with a height of 7.6m. The third storey will then be set back from the rear boundary 0.854m (with only the wing walls of the balcony to be constructed on the boundary – each section only 0.2m long) and the fourth storey will be set back 2.8m from the boundary. The roof terrace above will be set back 4.538m from the rear boundary.
189. The proposed 7.6m high boundary wall opposite this SPOS is acceptable. Had the height of this wall been reduced to comply with the Standard (e.g. a maximum of 3.6m), this SPOS would still be substantially overshadowed by the proposed development. This has been illustrated in the following shadow study prepared by the Planning Officer in *Objective Trapeze*. The shadow studies were undertaken for the September Equinox in accordance with Standard B21 (Overshadowing) of Clause 55. The following diagram has not accounted for shadows cast by existing built form to the east and west of No. 140 Johnston Street. As such, the extent of overshadowing during the morning and afternoon would be greater than what is illustrated in this diagram.

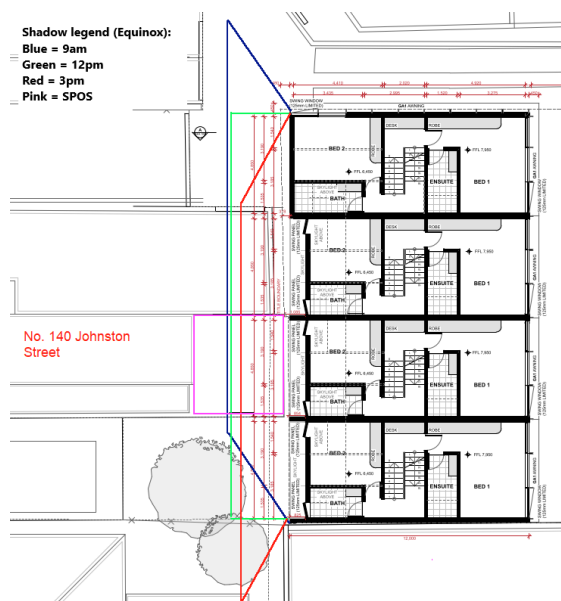


Figure 16: Planning officer shadow study of a 3.6m high southern boundary wall

190. In addition, the DDO15 allows for 11m high on-boundary built form. The proposed 7.6m high boundary wall opposite the SPOS is therefore less than the DDO. Further, the upper level setbacks from the southern boundary are considered a minor departure from the preferred upper level setbacks of the DDO15 (discussed in the previous section of the report).
191. As such, in light of the broader built form objectives of the DDO as well as the subject site and neighbouring buildings' context within a C1Z and activity centre, the heights of the boundary walls are acceptable, consistent with the surrounding built form character for commercially-zoned land and will not have an unreasonable amenity impact. The objective is therefore met.

Clause 55.04-3 (Daylight to existing windows)

192. The objective is *to allow adequate daylight into existing habitable room windows*. This Clause applies to an east-facing kitchen window at No. 10 Gold Street, as well as a north-facing window at No. 140 Johnston Street. Both of these dwellings are located within the C1Z. Standard B19 requires:
- (a) *Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot; and*

- (b) *Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.*

193. The east-facing window of No. 10 Gold Street will continue to benefit from a 44sqm area of SPOS. The development will be set back 16m from these windows, in excess of the minimum 6.2m required of the Standard.
194. The endorsed plans for planning permit PLN20/0105 confirm the north-facing windows of No. 140 Johnston Street are associated with a living room. These windows are set back 5.74m from the common boundary. These windows will continue to benefit from a 27sqm lightcourt that is the SPOS, with a minimum dimension of 4.78m. The Standard requires the proposed development to be setback the following distances from this window:

Wall	B19 setback	Proposed setback	Complies?
Ground and first floor	3.8m	5.74m	Yes
Second floor	5.4m	6.59m	Yes
Third floor	7m	7.6m	Yes
Roof terrace	7.85m	9.4m	Yes

195. The proposed development therefore complies with Standard B19.

Clause 55.04-5 (Overshadowing of open space)

196. The proposed development will not result in any overshadowing of SPOS at No. 10 Gold Street. The submitted shadow diagrams confirm there will be additional overshadowing to the SPOS of No. 140 Johnston Street between 10am and 2pm. The proposed development will result in the entire area of this SPOS (27sqm) in shadow during these hours.
197. The full overshadowing of this SPOS is acceptable considering this dwelling's location within commercially-zoned land. This dwelling is not located in a "hinterland" area of the C1Z but rather, on Johnston Street, a principal thoroughfare and recognised neighbourhood activity centre. The dwelling is also surrounded by commercial buildings to all its interfaces.
198. Strict application of the overshadowing objective of Clause 55 would contradict the built form aspirations for this area which contemplate more intense development. This dwelling is located within Precinct 1A of the DDO15 where policy allows buildings up to 24m high. There are also no mandatory maximum height controls for this Precinct and as such, buildings higher than 24m are permissible. Further, given the Heritage Overlay affecting this stretch of Johnston Street, DDO15 requires higher built form to be located towards the rear of sites to protect original heritage fabric. It is further noted that the overall height of the proposed development is 8m below the preferred overall maximum height for Precinct 1D as well as Precinct 1A. The proposed 7.6m high southern boundary wall opposite this SPOS is also below the 11m boundary wall height envisaged by the DDO15.
199. Consequently, the future development of neighbouring sites to No. 140 Johnston Street would result in higher built form opposite this SPOS. Overshadowing to this SPOS is inevitable and it would be unreasonable and contrary to the equitable development principles of the *Planning and Environment Act* (1987) as well as equitable development objectives of the DDO15 to require the proposed development to reduce its overshadowing footprint, particularly when there are no other overshadowing impacts to other nearby SPOS. In addition, the shadow study provided in Figure 16 above demonstrates that even a single storey development on the subject site opposite this SPOS would have a significant overshadowing impacts.

200. DDO15 guidance on overshadowing applies to overshadowing of the southern footpath of Johnston Street and requires *new development must not overshadow the southern footpath of Johnston Street, measured as 3.0 metres from the property frontage on Johnston Street, between 10am and 2pm at 22 September*. The submitted shadow diagrams confirm the proposed development will not overshadowing the southern footpath of Johnston Street between these hours on the September equinox.

Clause 55.04-6 (Overlooking)

201. The objective is to limit views into existing secluded private open space and habitable room windows (emphasis added). The purpose of Standard B22 is therefore to ensure that there is no unreasonable overlooking into habitable room windows or secluded private open space and not to eliminate overlooking altogether. This position is best summarised in *Dervenchy Nominees Pty Ltd v City of Brighton* (1995) 14 AATR 104 at 114 where the tribunal stated:
- “...It is not the intention of the Planning Scheme that every opportunity for overlooking be eliminated. Time and again the Tribunal is obliged to observe that some degree of overlooking between the neighbours is part and parcel of everyday urban living. It is unreasonable opportunities for overlooking which must be curtailed...”*
202. Standard B22 requires a habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio to be either:
- (a) Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
 - (b) Have sill heights of at least 1.7 metres above floor level, or
 - (c) Have obscure glazing in any part of the window below 1.7 metres above floor level, or
 - (d) Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.
203. Further, Standard B22 does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.
204. Using Council's overlooking template in Objective Trapeze, the SPOS of No. 10 Gold Street falls within a 9m radius of west-facing habitable room windows of Dwelling TH01. Given this dwelling is located within the C1Z and does not benefit from existing use rights, overlooking amenity expectations should be tempered. Notwithstanding, the first and second floor west-facing windows of Dwelling TH01 will be treated with obscure, reeded glazing up to 2.1m above floor level (for first floor windows) and up to ceiling height for the second floor west-facing bedroom window. These treatments are therefore compliant with the Standard. The third floor roof terrace will be screened with a solid galvanised metal wall along the western perimeter up to 1.7m above roof terrace floor level, also in accordance with Standard B22. The SPOS of No. 10 Gold Street falls outside the 9m radius in relation to the west-facing windows and roof terrace of Dwelling TH04.
205. In relation to SPOS at No. 140 Johnston Street, despite this dwelling benefitting from existing use rights (as of 31 July 2020), overlooking expectations should also be tempered considering this dwelling's location within the C1Z and Johnston Street NAC. The southern bedrooms of Dwellings TH04 – TH07 on the second floor have doors on the southern walls which open to a maximum of 0.125m and will not provide trafficable access to the roof / skylights below. These doors are for ventilation purposes and will be constructed of a solid material. Given the doors will open to a maximum of 0.125m, there will be no unreasonable overlooking opportunities from second floor level.

206. The proposed fourth floor roof terraces will be set back a minimum 4.509m from the southern boundary and will be constructed with a 1.2m high solid wall along the southern perimeter. The SPOS of No. 140 Johnston Street is located within a 9m radius of the roof decks of Dwellings TH05 – TH07 only.
207. Applying the Standard, the following mark-up of Section A shows that views to the SPOS of No. 140 Johnston Street from the southern perimeter of these roof terraces would be obstructed by the built form of lower levels. As such, there will be no unreasonable, direct views into this SPOS. The objective is therefore met.

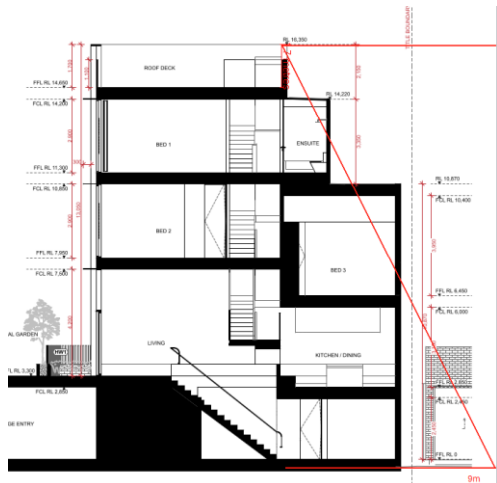


Figure 17: Planning officer mark-up of Section A showing Standard B22 view line from southern roof terraces

Clause 55.04-7 (Internal views)

208. The objective is *to limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development*. Standard B23 requires *windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development*.
209. In relation to first floor south-facing habitable rooms and POS abutting the communal garden of Dwellings TH01 – TH03, internal views are proposed to be obscured by 1.7m high fences. These fences will be constructed of galvanised metal atop a brick plinth. The percentage transparency of these fences has not been nominated and will be required via condition, to demonstrate compliance with the objective of Clause 55.04-7. In addition, the first floor plans notate the height as 1.1m. A condition will require this to be corrected to 1.7m.
210. Dwellings TH04 – TH07 are proposed to have 1.2m high fences constructed of hardwood timber set atop a brick plinth. The percentage transparency of these fences has not been nominated and will also be required via condition. The intent of these 1.2m high front fences is not to obscure overlooking but rather, appear as a front fence and contribute towards a sense of address to these townhouses. The areas behind the front fence are not intended as secluded private open space but rather, a front garden, given this is where the primary pedestrian entries to these dwellings are. As such, it would not be reasonable to condition an increase to the height of these fences. It is typical of the broader residential neighbourhood character for dwellings to have low front fences, permitting views into the front garden and to front windows from the public realm.
211. South-facing second floor windows of Dwellings TH01 – TH03 will have obscure, reeded glazing from floor up to ceiling level to obscure downward views into the first floor gardens of Dwellings TH04 – TH07 in accordance with Standard B23.

212. The southern perimeters of the roof terraces to Dwellings TH01 – TH03 will have metal mesh screens up to 1.7m above terrace floor level, with a maximum transparency of 25% in accordance with Standard B23. The northern perimeter of the roof terraces to Dwellings TH04 – TH05 will have metal mesh screens up to 1.1m above terrace floor level and will reasonably limit views to the roof terraces of Dwellings TH01 – TH03 as shown in the planning officer's mark-up of Section A below:

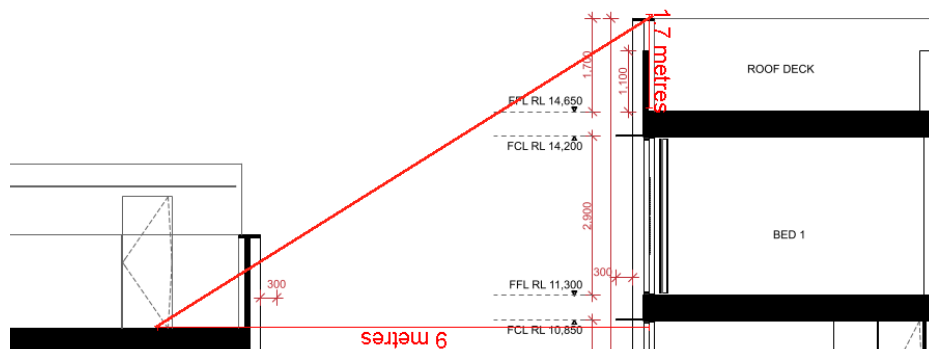


Figure 18: Planning officer mark-up of Section A showing view line between roof terraces

213. The proposed floor plans note the height of the northern roof terrace balustrade as being 1.2m high. However, Section A and the northern internal elevation dimension the height as being 1.1m. The planning officer's assessment of internal views from this roof terrace is based on a 1.1m high balustrade, which satisfies the objective. As such, a condition will require the height notation on the proposed floor plans to be corrected to 1.1m.

Clause 55.04-8 (Noise impacts)

214. The objectives are *to contain noise sources in developments that may affect existing dwellings and to protect residents from external noise*. Standard B24 states:
- (a) *Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings;*
 - (b) *Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties; and*
 - (c) *Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.*
215. Dwellings TH01 – TH03 are provided with internal lifts. The lifts for TH01 and TH02 are located against a common wall and are not directly opposite bedrooms. The lift for TH03 is located on the southern wall, and will not share a common wall with a bedroom. The use of these lifts will not have an unreasonable amenity impact to future occupants considering they will only be used by the occupants of each dwelling. The lifts are not communal where higher usage rates could be expected.
216. In relation to external noise sources, the subject site abuts a motor-vehicle repairs to the east and a live music venue (Nighthawks) to the south-west. The site is also located within the Johnston Street NAC where various other commercial uses operate. The applicant has submitted an acoustic report, prepared by DDEG Acoustics which has assessed the proposed development against noise from nearby licensed premises and live music venues, mechanical noise, noise from nearby commercial operations as well as general road and environmental noise. The applicant's acoustic report makes a number of structural recommendations to ensure compliance with the relevant noise limits prescribed by the Environmental Protection Act. These are outlined in Section 7.4 of the DDEG acoustic report.
217. The applicant's acoustic report was referred to Council's acoustic consultant, SLR Consulting for peer review. SLR are satisfied that the proposed acoustic treatments will appropriately mitigate noise impacts from the surrounding environment subject to the following conditions:

- (a) Confirmation that the adopted music source levels from Nighthawks Bar are indicative of typical worst-case live performances or otherwise, the report to assess and make recommendations for the management of music noise based on worst-case noise levels of live performances;
 - (b) Clarification on whether the spectra shown on pages 20-23 are A-weighted or unweighted and to address any consequential issues with internal noise levels or the recommended mitigations as a result;
 - (c) Clarification on which of the measurements in Table 8 have been used to determine the music noise source level; and
 - (d) An assessment of commercial industrial noise conducted at a time when worst-case noise levels are expected (e.g. 10am to 3pm on a Monday to a Thursday) as well as any nearby industries operating during the more sensitive evening or night periods.
218. These conditions will be addressed via a condition requiring an amended acoustic report prior to development commencing.
219. Further to the above, Nighthawks Bar at No. 136 Johnston Street is approved under planning permit PLN14/0441 to operate as follows:
- (a) Maximum patrons: 84, with 30 patrons in the rear courtyard:
 - (b) Hours of operation:
 - (i) Monday to Sunday (internal areas): 11am to 1am;
 - (ii) Sunday to Wednesday (rear courtyard): 11am to 10pm (from 10pm until 1am the courtyard may only be used for smoking, with no service or consumption of alcohol permitted);
 - (iii) Thursday to Saturday (rear courtyard): 11am to 1am;
 - (c) Live music within the premises is permitted from Thursday to Sunday only and must cease at 12 midnight.
220. Planning permit PLN14/0441 is subject to a current Section 72 Amendment, determined at the Planning Decisions Committee Meeting on 26 September 2023 where it resolved to issue a Notice of Decision to Grant an Amended Permit (the NOD). An amended planning permit is yet to be issued. If an amended planning permit is issued, it will approve the following:
- (a) Expansion of existing bar into No. 134 Johnston Street, including the rear courtyard;
 - (b) The above hours of operation already approved under the planning permit will remain and will apply to No. 134 Johnston Street as well;
 - (c) Increase in maximum patron numbers to 180, including 100 in the combined rear courtyards (with a maximum of 50 in the courtyard of No. 136 Johnston Street);
 - (d) Live music band room expanded into the first floor of No. 134 Johnston Street; and
 - (e) Construction of additional acoustic treatment measures.
221. It is noted that the applicant's acoustic consultant (DDEG) are also the consulting acoustic engineers for the amendment application at the Nighthawks Bar. However, the measurements used to inform the acoustic report for this application are based on Nighthawks Bar's existing operations and not the operations proposed under the current Section 72 Amendment application. It is further noted that the acoustic report submitted as part of Nighthawks Bar's amendment application has not considered the potential future residential development on the subject site, with the nearest noise-sensitive residential receiver located at No. 140 Johnston Street and No. 10 Gold Street.
222. Numerous objections to this application have raised concerns that the proposed development has not been acoustically tested or treated against the expanded operations of Nighthawks Bar and that the venue is not reasonably protected from noise complaints of future residents, which may compromise the operations of the venue.

223. Clause 22.05 of the Scheme (Interface Uses Policy) seeks *to enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes*. More specifically, as Nighthawks is a live music venue, Clause 53.06 (Live Music and Entertainment Venues) of the Scheme provides more relevant guidance for assessing noise conflicts between the proposed residential development and Nighthawks Bar.
224. Clause 53.06 applies to an application required under any zone of this Scheme to use land for or to construct a building associated with a noise sensitive residential use that is within 50m of a live music entertainment venue. The purposes of Clause 53.06 are:
- (a) *To recognise that live music is an important part of the State's culture and economy;*
 - (b) *To encourage the retention of existing and the development of new live music entertainment venues;*
 - (c) *To protect live music entertainment venues from the encroachment of noise sensitive residential uses;*
 - (d) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise; and*
 - (e) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*
225. In this instance, Nighthawks Bar is the existing use and the proposed residential development is the change agent and therefore responsible for noise attenuation. As an amended planning permit has not been issued for the expanded operations of Nighthawks Bar, Council can only make an assessment of the proposed development based on the venue's existing operations (i.e. based on planning permit PLN14/0441.03). The submitted acoustic report prepared by DDEG has assessed and made recommendations for acoustic treatments to the proposed development against these existing operations. Council's acoustic consultants, SLR, are also satisfied the recommendations for acoustic treatments to the proposed development will appropriately mitigate noise impacts (subject to those conditions discussed earlier in the report)
226. However, the current amendment for the Nighthawks Bar (Amendment PLN14/0441.04) is a seriously entertained application considering that the NOD for the amended permit was issued on 27 September 2023 (it is noted that an amended permit has not been issued as the application may still be subject to a VCAT appeal). Given the amendment application at Nighthawks Bar is seriously entertained, a condition will require an additional acoustic report to be submitted in the event an amended planning permit (PLN14/0441.04) being issued for Nighthawks Bar. The condition will read as follows:

In the event of the amended planning permit PLN14/0441.04 for Nos. 134-138 Johnston Street, Collingwood (Nighthawks Bar) being issued, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess and make recommendations for the following:

- (i) *Music and patron noise associated with the expanded operations of Nighthawks Bar approved under amended planning permit PLN14/0441.04.*

The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.

227. In light of the above, the proposed development will be reasonably protected from existing environmental noise in accordance with the objectives.

Clause 55.05-1 (Accessibility)

228. The objective is *to encourage the consideration of the needs of people with limited mobility in the design of developments*. Standard B25 recommends *the dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility*.

229. Dwellings TH01 – TH03 are provided with internal lifts to facilitate mobility-impaired people. Dwelling entries can also be easily modified to facilitate accessibility. These dwellings also include a studio with ensuite bathroom at ground floor. This studio could easily be converted to a bedroom if required. The objective is met.

Clause 55.05-3 (Daylight to new windows)

230. The objective is *to allow adequate daylight into new habitable room windows*. Regarding the ground floor, north-facing windows of the studios to Dwellings TH01 – TH03, these windows will have direct outlook to Sackville Street and will receive adequate daylight access.
231. First floor, west-facing windows to Dwellings TH01 and TH04 will have direct outlook to the 3.1m wide laneway and will receive adequate daylight access.
232. North-facing windows of Dwellings TH04 – TH07 and south-facing windows of Dwellings TH01 – TH03 will have outlook to the communal garden which provides a 147sqm lightcourt with a minimum dimension of 7.2m clear to the sky, in accordance with Standard B27.
233. The east and west-facing first and second floor windows of Dwellings TH02 – TH03 will have outlook to the common stairwell which will provide a minimum lightcourt of 27sqm with a minimum dimension of 1.4m clear to the sky, in accordance with the Standard.
234. In addition, the DDO15 requires new habitable room windows above the street wall to be set back 4.5m from the centre line of the laneway or 4.5m from the common boundary. There are no windows proposed above street wall height to the laneway.

Clause 55.05-4 (Private open space)

235. The objective is *to provide adequate private open space for the reasonable recreation and service needs of residents*.

236. The dwellings are provided with POS summarised in the following table:

Dwelling	Overall POS	SPOS	Complies?
TH01	83.25sqm	8.07sqm deck (POS) 13.56sqm courtyard (SPOS) 55.62sqm roof terrace (SPOS)	
TH02	83.73sqm	8.07sqm deck (POS) 13.87sqm courtyard (SPOS) 55.62sqm roof terrace (SPOS)	
TH03	84.67sqm	8.34sqm deck (POS) 14.32sqm courtyard (SPOS) 55.63 roof terrace (SPOS)	
TH04	39.58sqm	10.09sqm courtyard (POS)	

		29.39sqm roof terrace (SPOS)	Yes
TH05 & TH06	38.78sqm	9.95sqm courtyard (POS) 28.83sqm roof terrace (SPOS)	
TH07	39.19sqm	9.8sqm courtyard (POS) 29.39sqm roof terrace (SPOS)	

237. The first floor southern terraces of Dwellings TH01 – TH03 have a minimum dimension of 2.26m in accordance with Standard B28. All proposed roof terraces have a minimum dimension of at least 4.4m. The roof terraces for Dwellings TH04 – TH07 are two floors above the main living areas. Whilst not directly accessible from a living room, this arrangement is acceptable considering the dwellings do have access to courtyards at first floor level that are semi private. These courtyards are directly accessible from the living rooms. Although these courtyards are not completely secluded, they will have a reasonable level of privacy considering they won't be visible from the public realm and will be situated behind 1.2m high fences. The proposed POS and SPOS provisions are considered suitable for the reasonable recreation and service needs of residents. The objective is therefore met.

Clause 55.05-5 (Solar access to open space)

238. This clause seeks *to allow solar access into the SPOS of new dwellings and residential buildings*. Standard B29 states:

- (a) *The private open space should be located on the north side of the dwelling or residential building, if appropriate; and*
- (b) *The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.*

239. The primary areas of SPOS are located in the form of roof terraces. The terraces benefit from northern aspects and will receive good solar access given their generous floor areas. Secondary SPOS is provided for Dwellings TH01 to TH03 on the southern side of the dwellings. These SPOS areas are set back 2.26m from the southern walls, which are 9m high and fall short of the required 10.1m setback. Given these areas are secondary SPOS areas, this is acceptable.

Clause 55.05-6 (Storage)

240. Standard B30 requires each dwelling to have convenient access to at least 6m³ of externally accessible, secure storage space. Each dwelling will be provided with the following storage capacities (located in the garages of each dwelling):

- (a) TH01: 7.34m³;
- (b) TH02: 7.3m³;
- (c) TH03: 7.45m³; and
- (d) TH04 – TH07: 11m³.

241. All dwellings are therefore provided with storage in excess of the Standard.

Clause 55.06-2 (Front fences)

242. This Clause seeks to encourage front fence design that respects the existing or preferred neighbourhood character. Standard B32 prescribes a maximum front fence height of 1.5m. The proposed front fences to Sackville Street will be constructed of galvanised metal and will have a maximum height of 1.3m (measured in *Objective Trapeze*).

243. Front fences to other dwellings in Sackville Street are typically low and open and allow views into small, landscaped front gardens. Fences are constructed from a variety of materials included timber pickets and bricks. The proposed front fences are also low and are required to be 50% open as a result of the Melbourne Water requirements. This will allow views into the front gardens and to the dwelling entries. The fences will be constructed of galvanised metal pickets and are considered a modern interpretation on the more traditional timber picket style fence observed in Sackville Street. The proposed front fences are therefore consistent with the front fence character of the street. The maximum height of the front fence above natural ground level has not been dimensioned on the proposed north elevation. This will be required via condition.

Clause 55.06-3 (Common property)

244. The objectives are *to ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained and to avoid future management difficulties in areas of common ownership.*
245. The proposed common property areas include the shared driveway at ground level as well as the communal garden and stairs from Sackville Street. The ground floor accessway clearly delineates between communal and private areas as each dwelling is provided with individual, enclosed garages. At first floor level, fences will provide separation between the communal garden and private open space. Communal and private spaces are clearly delineated and will be capable of efficient management.

Clause 55.06-4 (Site services)

246. Bin storage will be provided within the garages of each dwelling and can therefore be easily accessed by residents. Letterboxes will be provided at ground level at the bottom of the communal stairs fronting Sackville Street. The letterboxes will be clearly visible to Australia Post employees. The mailbox location and bin storage areas are therefore well-integrated with the overall development.

[Car Parking, Bicycle Facilities and Waste](#)

Clause 52.06 – Car Parking

247. The development proposes a total of seven car parking spaces (one for each dwelling). Pursuant to the car parking requirements of Clause 52.06-3, a reduction of seven car parking spaces is sought. The proposed car parking reduction is supported for the following reasons:

(a) *Parking Demand for Three-Bedroom Townhouses:*

One Mile Grid has sourced the average car ownership data for semi-detached, townhouse type dwellings for the municipality. The data indicates that for three-bedroom townhouses, some 58.6% of these dwellings own one or no cars. The provision of one space per dwelling for the proposed development is fairly consistent with the statistical trend throughout Yarra. The provision of one space per three-bedroom townhouse is considered appropriate in the Collingwood area.

(b) *Availability of Public Transport in the Locality of the Land:*

The following public transport services can be accessed to and from the site by foot:

- (i) Smith Street trams – 540 metre walk;
- (ii) Johnston Street buses – 220 metre walk;
- (iii) Victoria Park railway station – 580 metre walk;
- (iv) Hoddle Street buses – 330 metre walk;

(c) *Convenience of Pedestrian and Cyclist Access:*

The site is very well positioned in terms of pedestrian access to public transport nodes, shops, supermarket, places of employment and education and other essential facilities. The site also has good connectivity to the on-road bicycle network and provides on-site bicycle parking for residents to encourage alternative transportation.

(d) *Availability of Car Parking:*

On-street parking in this part of Collingwood is very high and the scarcity of unrestricted on-street car parking and option of owning a second car would be impractical and unviable. Further, future residents of the development will not be eligible for a parking permit. This will be included as a note on any permit issued.

(e) *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; and

(f) Council's engineering unit is also supportive of the proposed car parking reduction.

248. Clause 52.06 also includes design standards for accessways and car parking spaces. These are assessed as follows:

(a) Design Standard 1 – Accessways:

- (i) The existing laneway is 3.1m wide;
- (ii) The width of the communal garage access will be 6m; and
- (iii) Vehicles will be able to exit the communal garage in a forwards direction; and

(b) Design Standard 2 – Car Parking Spaces

- (i) The internal dimensions of the single car garages will be 3.8m to 4m wide and 5.8m to 6.79m long; and
- (ii) The aisle width will be 6m long.

249. Council's engineering unit have not objected to the design and access of on-site car parking, subject to the following dimensions being included which can be addressed via conditions:

- (a) A section drawing of the internal accessway and the laneway must be provided, showing the 40 mm lip at the front edge of the slab where it abuts the laneway. The finished level of the accessway must be labelled, together with the existing east edge of laneway level and the existing level of the laneway's invert; and
- (b) Headroom clearances of the individual garage doors to be dimensioned.

250. Council's engineering unit have also recommended a number of standard conditions to be included on any permit issued (refer to engineering referral comments attached to this report). These conditions are recommended to be included.

251. Further, Section 2.13 of the DDO15 encourages new development to:

- (a) *Avoid providing vehicle access from Johnston Street and provide access from a side street or laneway where practical.*
- (b) *Conceal the provision of car parking within the building or provide basement car parking.*
- (c) *Avoid recessed parking spaces at the ground floor level of buildings and onsite parking spaces at the front of properties.*

252. In accordance with these objectives, vehicle access to the development will be via the western-abutting laneway. Although the garages will be at ground level, they will not be visible from the public realm and will be obscured by the three townhouses fronting Sackville Street.

Traffic

253. The applicant's traffic report prepared by One Mile Grid provides a break-down of potential traffic generated by the proposed development. The traffic report identifies that medium to high density dwellings in inner city locations generate traffic with rates between 3 and 6 movements per dwelling. The traffic report anticipates that the proposed development would result in vehicle movements at the lower end of this scale, considering the subject site's location close to public transport services.
254. The traffic report has adopted a rate of 4 vehicle movements per day per dwelling and anticipates 10% of these movements to occur during peak periods. Overall, the proposed development is anticipated to generate a total of 28 movements per day, inclusive of three vehicle movements during the morning and afternoon peak hours.
255. The traffic report concludes that these vehicle movements are very low in traffic engineering terms, equating to one movement every 20 minutes during peak periods, which is not considered to have an adverse impact on traffic within the surrounding area. The traffic report also acknowledges that given the anticipated movement rates to/from the development that the occurrence of two vehicles simultaneously entering and exiting the site via the laneway would be low. Council's Engineering Unit raised no concern with the proposed traffic rates.

Clause 52.34 Bicycle Facilities

256. The proposed development has not provided any visitor bicycle parking spaces and provides 6 additional resident bicycle parking spaces above the bicycle parking requirement of Clause 52.34.
257. Although Council's Strategic Transport Unit are supportive of a waiver of the visitor bicycle parking space, this has not been applied for as part of this application. As such, a condition will require provision of one on-site visitor bicycle parking space, to the satisfaction of the Responsible Authority.
258. Council's Strategic Transport Unit are supportive of the location and design of residents' bicycle parking spaces.

Waste Management

259. The application proposes to use Council's waste collection service, with residents responsible for ensuring bins are placed out on the Sackville Street kerb on collection days. Council's Waste Management Unit provided the following feedback on waste collection:

This site proposes 7 townhouses with individual bins proposed for each.

The plans show sufficient space for the 4 bins required for the Council collection service however 4 of the homes do not have street frontage and no other detail has been provided. A WMP should be provided outlining how the waste system/ collections will occur at this site so that we can determine if Council kerbside service is appropriate.

260. As such, conditions will require submission of a waste management plan as well as ongoing compliance with the endorsed waste management plan, to the satisfaction of the Responsible Authority.
261. Bin storage will be located within the garages of each dwelling. Provision for three streams of waste are shown. However, Council waste collection now includes a fourth stream (glass). A condition will therefore require the plans to be updated to show provision for four streams of waste. There is considered to be adequate space within each garage to accommodate the additional bin.

[Special Building Overlay](#)

262. Given the subject site is located within a Special Building Overlay and in instances where development applications are included in the SBO area, Council relies on advice of the relevant floodplain management authority (Melbourne Water) with regard to flooding.
263. The application plans were referred to Melbourne Water who had no objection to the proposal, subject to the following conditions to be included on any permit to issue:
- (a) *Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water for approval addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show the following:*
 - (i) *The dwellings must be constructed with finished floor levels set no lower than 20.0 metres to Australian Height Datum (AHD), which is 300mm above the applicable floor level of 19.70m to AHD; and*
 - (ii) *The garages must be constructed with finished floor levels set no lower than 19.70m to AHD;*
 - (b) *All open space within the property (including all setbacks) must be set/maintained at existing natural surface level so as to not obstruct the passage of overland flows;*
 - (c) *Any new fencing/gates (internal/front) must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows; and*
 - (d) *No fill outside of the proposed building footprints except for minimal ramping into the garages.*
264. In relation to Melbourne Water Condition (a) above, this condition will apply to Condition 1 (Amended Plans) of any permit issued as well as a standalone condition. As discussed earlier in the report, the plans will need to demonstrate compliance with this condition, whilst also ensuring no increases to the overall height of the building, that car parking gradients remain satisfactory and the interface to Sackville Street remains of high architectural quality, to the satisfaction of the Responsible Authority.
265. In relation to Melbourne Water Condition (c) above, a condition will require the plans to show a minimum 50% transparent front fence to Sackville Street.

Objector Concerns

266. The majority of objector concerns have been addressed within the body of the report, including:
- (a) Neighbourhood character is discussed at paragraphs 106 to 119;
 - (b) Appropriateness of development is discussed at paragraphs 91 to 102;
 - (c) Impacts on the operations of existing business is discussed at paragraphs 214 to 227;
 - (d) Overshadowing of secluded private open space is discussed at paragraphs 187 to 191 and 196 to 200;
 - (e) Design detail matters including façade articulation are discussed at paragraphs 113 to 119;
 - (f) Loss of daylight to habitable room windows is discussed at paragraphs 192 to 195;
 - (g) Visual bulk to secluded private open space and habitable room windows is discussed in relation to walls on boundaries at paragraphs 182 to 191 and side and rear setbacks at paragraphs 175 to 181;
 - (h) Overlooking to secluded private open space is discussed at paragraphs 201 to 207;
 - (i) Traffic and parking matters are discussed at paragraphs 30 to 32 and 247 to 255; and
 - (j) Laneway safety has been discussed at paragraphs 108 to 112 and 253 to 255.

267. Outstanding objector concerns are addressed as follows:

(a) *Amenity impacts during construction:*

Noise and structural impacts to neighbouring buildings during the construction phase of development are not matters that can be considered under the *Planning and Environment Act* (1987). These matters are typically dealt with through the building permit process. However, a condition will require submission of a Construction Management Plan prior to works commencing;

(b) *Visual bulk and overshadowing to the open space of an office building:*

There are no provisions in the Commercial 1 Zone, Design and Development Overlay (Schedule 15), Clause 22.05 or Clause 55 that require consideration of overshadowing and visual bulk to the open space of a commercial use. As discussed throughout the report, this area of Johnston Street is designated for higher intensity development that contemplates building heights up to 24m. An overshadowing assessment of a single storey built form on the southern boundary has been included within this report and demonstrates that even if the height of the southern boundary wall was reduced to single storey, significant overshadowing would occur. A condition to reduce the height of this boundary wall would therefore be at odds with the preferred built form scale for the surrounding area; and

(c) *Lack of consultation with surrounding business owners and residents prior to the application being lodged:*

The permit applicant is not required to engage surrounding residents and businesses prior to lodging an application with Council. Council undertook public notice in accordance with Section 52 of the *Planning and Environment Act* (1987) by letters sent to surrounding owners and occupiers and by two signs displayed on the site.

Conclusion

268. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. The proposal, subject to conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN22/0941 for the construction of seven townhouses and an associated reduction in the car parking requirements of the Yarra Planning Scheme at 93 and 95-97 Sackville Street, Collingwood VIC 3066 subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Edition Office, Revision B and dated March 2023 but modified to show:
 - (a) The 'hiatus land' (land shown as the subject site but not formally part of Lot 1 on TP235956J and Lot 1 on TP414169M) must form part of the subject site. Title documents demonstrating this must be submitted to and be approved by the Responsible Authority.
 - (b) The front setback to Sackville Street at ground level dimensioned on the proposed floor plans;
 - (c) the proposed south elevation to show provision of expressed joints;

- (d) The maximum height of the front fencing to Sackville Street dimensioned from NGL;
 - (e) Front fences and gates to all dwellings to demonstrate a minimum 50% transparency;
 - (f) The percentage transparency of the fences adjacent the communal garden notated on internal north and south elevations;
 - (g) Incorporation of cut-outs alongside the western boundary wall to accommodate creeping plants;
 - (h) Notation confirming the use of graffiti-proof paint on the western façade of the building;
 - (i) Notation confirming rainwater tanks will be used for sanitary purposes;
 - (j) Diagrams to demonstrate compliance with the objectives of Clause 55.04-7 (Internal Views) in relation to the southern garden fences to Dwellings TH01 – TH03;
 - (k) The heights of the northern roof terrace balustrades of Dwelling TH04 – TH07 corrected to 1.1m on the proposed roof terrace plans;
 - (l) Reinstatement of the crossover along Sackville Street;
 - (m) Provision of four streams of waste to each dwelling;
 - (n) Headroom clearances of individual garage doors dimensioned;
 - (o) Provision of one on-site visitor bicycle parking space, to the satisfaction of the Responsible Authority;
 - (p) Finished floor levels set no lower than 20.0 metres to Australian Height Datum (AHD) with no increase in height to the overall building form or on boundary walls, that car parking grades remain satisfactory and that the ground floor interface to Sackville Street remains of high architectural quality;
 - (q) The garages must be constructed with finished floor levels set no lower than 19.70m to AHD with no increase in height to the overall building form or on boundary walls, that car parking grades remain satisfactory and that the ground floor interface to Sackville Street remains of high architectural quality;
 - (r) Any changes required of the Landscape Plan (Condition 13);
 - (s) Any changes required of the amended Sustainable Design Assessment (Condition 15);
 - (t) Any changes required of the amended Acoustic Report (Condition 17); and
 - (u) Any changes required of the Waste Management Plan (Condition 20).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. 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.
 4. 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.
 5. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
 6. 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.

7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the communal accessway, communal garden, pedestrian walkway, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:
- (a) Located;
 - (b) Directed;
 - (c) Shielded; and
 - (d) Of limited intensity,
- To the satisfaction of the Responsible Authority.

Melbourne Water Conditions (Conditions 8 to 12)

8. Prior to the endorsement of plans, amended plans must be submitted to Melbourne Water for approval addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified showing the following:
- (a) The dwellings must be constructed with finished floor levels set no lower than 20.0m to AHD, which is 300mm above the applicable flood level of 19.70m to AHD; and
 - (b) The garages must be constructed with finished floor levels set no lower than 19.7m to AHD.
9. The dwellings must be constructed with finished floor levels set no lower than 20.0m to AHD, which is 300mm above the applicable flood level of 19.70m to AHD;
10. The garages must be constructed with finished floor levels set no lower than 19.7m to AHD.
11. All open space within the property (including all setbacks) must be set/maintained at existing natural surface level so as to not obstruct the passage of overland flows.
12. Any new fencing/gates (internal and front) must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.

Landscape Plan

13. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) Show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) Indicate the location of all areas to be covered by lawn or other surface materials;
 - (c) A detailed maintenance schedule;
 - (d) Ensure adequate soil volumes and planter sizes are provided to support the type and spread of vegetation proposed; and
 - (e) Provide a specification of works to be undertaken prior to planting,
 - (f) Incorporation of cut-outs alongside the western boundary wall to accommodate creeping plants; and
 - (g) Location and incorporation of lighting within the communal terrace,
- To the satisfaction of the Responsible Authority.

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

Sustainable Design Assessment

15. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by SUHO and dated November 2022 but modified to include or show:
- (a) EV charging points shown on the development plans and BESS inputs updated accordingly;
 - (b) Percentage of vegetation coverage throughout the development increased;
 - (c) Executive summary corrected to refer to a minimum score to pass BESS of 50%;
 - (d) SDA, BESS and STORM updated to reflect the development plans dated March 2023 and any changes required of Condition 1 above;
 - (e) Development plans to show provision of baths and washing machines in accordance with the BESS report;
 - (f) Confirmation that rainwater tanks will be used for sanitary purposes and garden irrigation;
 - (g) Clarify whether rainwater tanks will be used for garden irrigation and update Water Efficient Landscaping claims in BESS accordingly (if all vegetation is in irrigation areas connected to rainwater or an alternative water source, this credit cannot be claimed);
 - (h) BESS Dwelling Energy Profile inputs for exposed sides corrected for Dwellings TH1, TH4 and TH7;
 - (i) Clarify and update BESS accordingly proposed system types for heating and cooling;
 - (j) "Retractable fly screen" notations removed from proposed roof plans and corrected to "clothesline";
 - (k) IEQ Credit 3.2 (Thermal Comfort) - Clarify the use of effective external shading and clearly show on the development plans, including the elevations for north and west-facing glazing;
 - (l) Notation on development plans confirming the skylights above the kitchens to Dwellings TH5 – TH7 are operable;
 - (m) For bedroom 2 of Dwellings TH5 – TH7, confirm and notate accordingly on development plans if skylights are operable;
 - (n) Clarify if the 'swing panels' as annotated on the development plans are a wall or glazing element;
 - (o) Consistent daylight report and daylight modelling for TH4 and TH6;

- (p) VLT values in daylight modelling consistent with the values used in the NatHERS assessment;
 - (q) Daylight modelling to show full extent of internal rooms modelled, including plan imagery in modelling report with screenshots of numerical results achieved;
 - (r) Assessment results of daylight modelling presented in line with BESS standards for IEQ Credits 1.1 and 1.2, rather than as an 'average daylight factor' for the room;
 - (s) References to visitor bicycle parking spaces removed from the SDA report and BESS inputs updated accordingly;
 - (t) Development plans updated to show location of residents' bicycle parking;
 - (u) Clarify (and update SDA and development plans accordingly) use of CLT structures in the development; and
 - (v) Renewable energy initiatives to commit to a minimum 10-year agreement for the purchase of accredited GreenPower supplied to all townhouses.
16. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Reports

17. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by DDEG Acoustics and dated April 2023, but modified to include (or show, or address):
- (a) Confirmation that the adopted music source levels from Nighthawks Bar are indicative of typical worst-case live performances or otherwise, the report to assess and make recommendations for the management of music noise based on worst-case noise levels of live performances;
 - (b) Clarification on whether the spectra shown on pages 20-23 are A-weighted or unweighted and to address any consequential issues with internal noise levels or the recommended mitigations as a result;
 - (c) Clarification on which of the measurements in Table 8 have been used to determine the music noise source level; and
 - (d) An assessment of commercial industrial noise conducted at a time when worst-case noise levels are expected (e.g. 10am to 3pm on a Monday to a Thursday) as well as any nearby industries operating during the more sensitive evening or night periods.
18. In the event of the amended planning permit PLN14/0441.04 for Nos. 134-138 Johnston Street, Collingwood (Nighthawks Bar) being issued, before the use and 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 Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess and make recommendations for the following:
- (a) Music and patron noise associated with the expanded operations of Nighthawks Bar approved under amended planning permit PLN14/0441.04. Compliance with clause 53.06 based on worst case impacts from this live music venue is to be made with façade upgrade recommendations made without a reliance on noise masking.; and

- (b) The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
- 19. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

- 20. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit. The Waste Management plan is to outline how waste will be collected from the site with particular focus on the four townhouses at the rear of the site, which do not have street frontage.
- 21. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Street Trees

- 22. Before the development commences, the permit holder must make a one-off contribution of \$3,324 (inclusive of GST and subject to annual CPI increase) to the Responsible Authority to be used for new street tree plantings, surface treatments and tree maintenance that are required as a result of the development.
- 23. Before the development commences, the permit holder must provide an Asset Protection Bond of \$1500 (ex GST) for the tree in Sackville Street adjacent the frontage of the development to the Responsible Authority. The security bond:
 - (a) Must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) May be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) In accordance with the requirements of this permit; or
 - (d) Otherwise to the satisfaction of the Responsible Authority.

Engineering Conditions

- 24. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Engineering Department for approval, and include:
 - (a) A section drawing of the internal accessway and the laneway must be provided, showing the 40 mm lip at the front edge of the slab where it abuts the laneway. The finished level of the accessway must be labelled, together with the existing east edge of laneway level and the existing level of the laneway's invert.
- 25. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
- 26. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) Constructed and available for use in accordance with the endorsed plans;
- (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) Treated with an all-weather seal or some other durable surface; and
- (d) Line-marked or provided with some adequate means of showing the car parking spaces,

To the satisfaction of the Responsible Authority.

- 27. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 28. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
- 29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath, kerb and channel along the Sackville Street frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 30. 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.
- 31. 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.
- 32. 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.
- 33. Before the building is occupied, all redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

General

- 34. All provisions, recommendations and requirements of the Preliminary Risk Screen Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
- 35. 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 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
- 36. Prior to the commencement of the development a Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.
- 37. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Construction Management Plan

38. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) Works necessary to protect road and other infrastructure;
- (c) Remediation of any damage to road and other infrastructure;
- (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) Facilities for vehicle washing, which must be located on the land;
- (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) Site security;
- (h) Management of any environmental hazards including, but not limited to, :
 - (i) Contaminated soil;
 - (ii) Materials and waste;
 - (iii) Dust;
 - (iv) Stormwater contamination from run-off and wash-waters;
 - (v) Sediment from the land on roads;
 - (vi) Washing of concrete trucks and other vehicles and machinery; and
 - (vii) Spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
- (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.

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.

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

Expiry

40. This permit will expire if:

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

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

Notes

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.

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

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

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

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

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

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

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.

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.

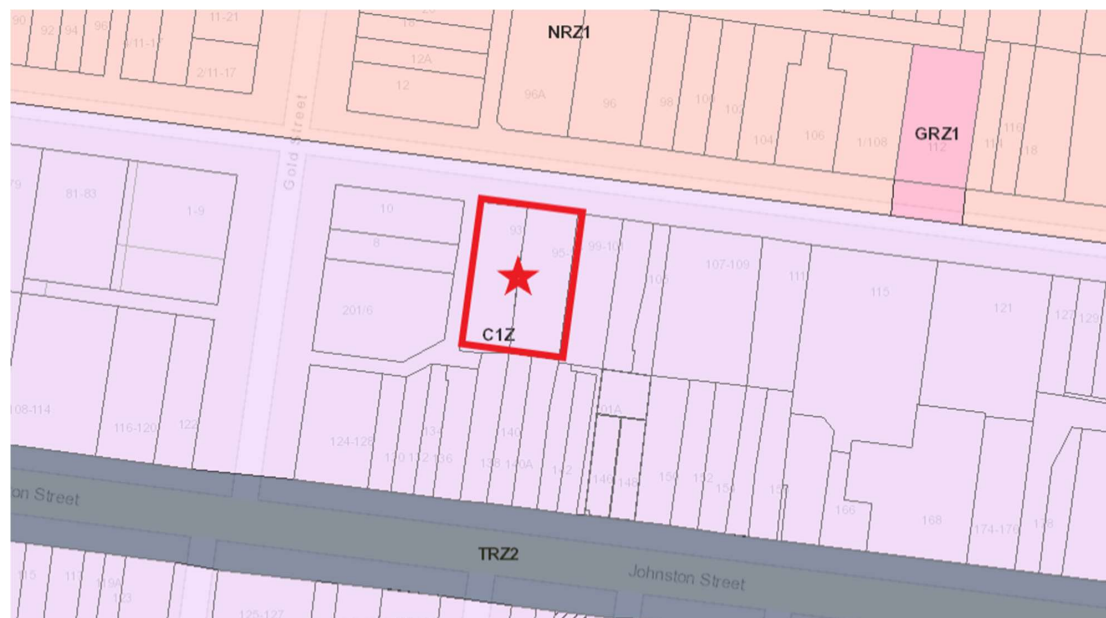
Load bearing weights for the building need to be checked and confirmed by suitably qualified structural engineers against the saturated bulk density of soil media, planter box and plant mass proposed.

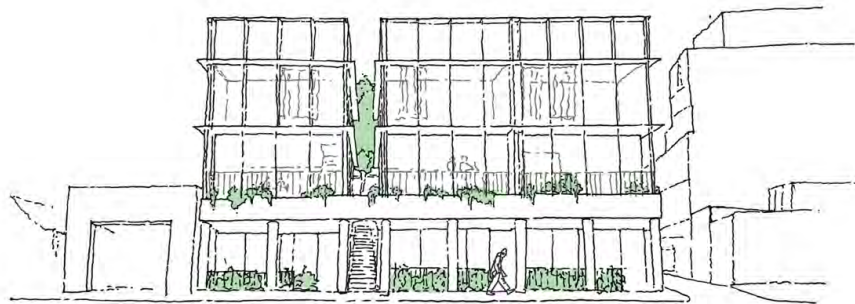
Attachments

- 1** [↓](#) Attachment 1 - Site Context Map
- 2** [↓](#) Attachment 2 - Decision Plans
- 3** [↓](#) Attachment 3 - Urban Context Report
- 4** [↓](#) Attachment 4 - Urban Design Internal Referral Response
- 5** [↓](#) Attachment 5 - ESD Internal Referral Response
- 6** [↓](#) Attachment 6 - Engineering Internal Referral Response
- 7** [↓](#) Attachment 7 - Strategic Transport Internal Referral Response
- 8** [↓](#) Attachment 8 - Open Space Referral Comments
- 9** [↓](#) Attachment 9 - Acoustic Referral Response
- 10** [↓](#) Attachment 10 - Melbourne Water Referral Response

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Site context map





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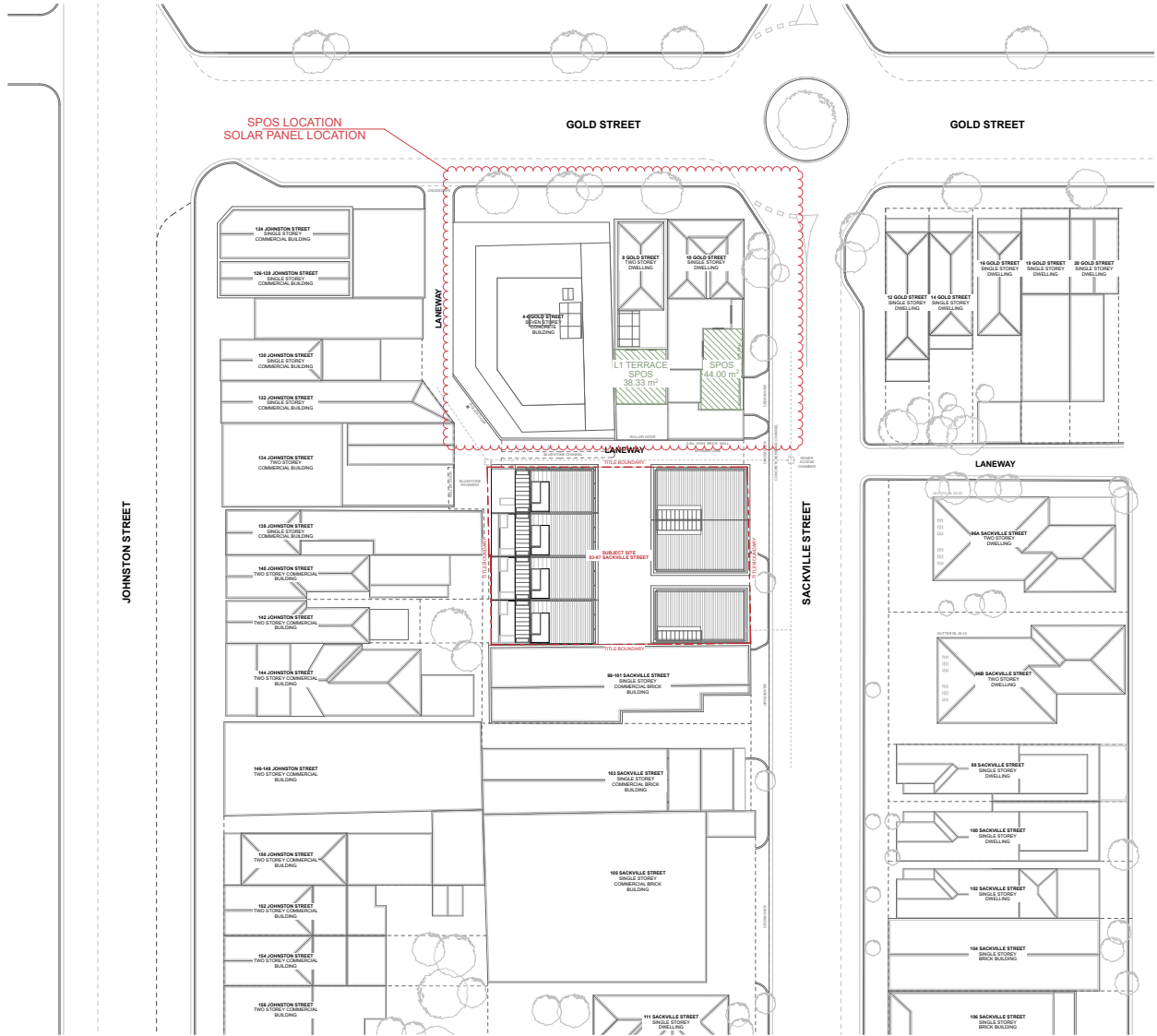
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ID	NAME	ID	NAME
DA0	COVER	DA2.104	EXISTING STREET ELEVATION
DA0.100	LOCATION PLAN	DA2.105	PROPOSED STREET ELEVATION
DA0.101	EXISTING SITE PLAN	DA2.106	PROPOSED NORTH ELEVATION
DA0.102	DEMOLITION PLAN	DA2.107	PROPOSED EAST ELEVATION
DA0.103	PROPOSED SITE PLAN	DA2.108	PROPOSED SOUTH ELEVATION
DA0.104	GROUND CONTEXT PLAN	DA2.109	PROPOSED WEST ELEVATION
DA0.105	FIRST CONTEXT PLAN	DA2.110	PROPOSED COURTYARD ELEVATION
DA0.106	SECOND CONTEXT PLAN	DA2.111	PROPOSED COURTYARD ELEVATION
DA0.107	THIRD CONTEXT PLAN	DA3.100	SECTIONS
DA0.108	ROOF DECK CONTEXT PLAN	DA8.100	SUN STUDIES
DA1.100	GROUND FLOOR PLAN	DA8.101	SUN STUDIES
DA1.101	FIRST FLOOR PLAN	DA9.102	AREA SCHEDULE
DA1.102	SECOND FLOOR PLAN	DA9.103	MATERIAL SCHEDULE
DA1.103	THIRD FLOOR PLAN		
DA1.104	ROOF DECK PLAN		
DA1.105	ROOF PLAN		
DA2.100	EXISTING NORTH ELEVATION		
DA2.101	EXISTING EAST ELEVATION		
DA2.102	EXISTING SOUTH ELEVATION		
DA2.103	EXISTING WEST ELEVATION		



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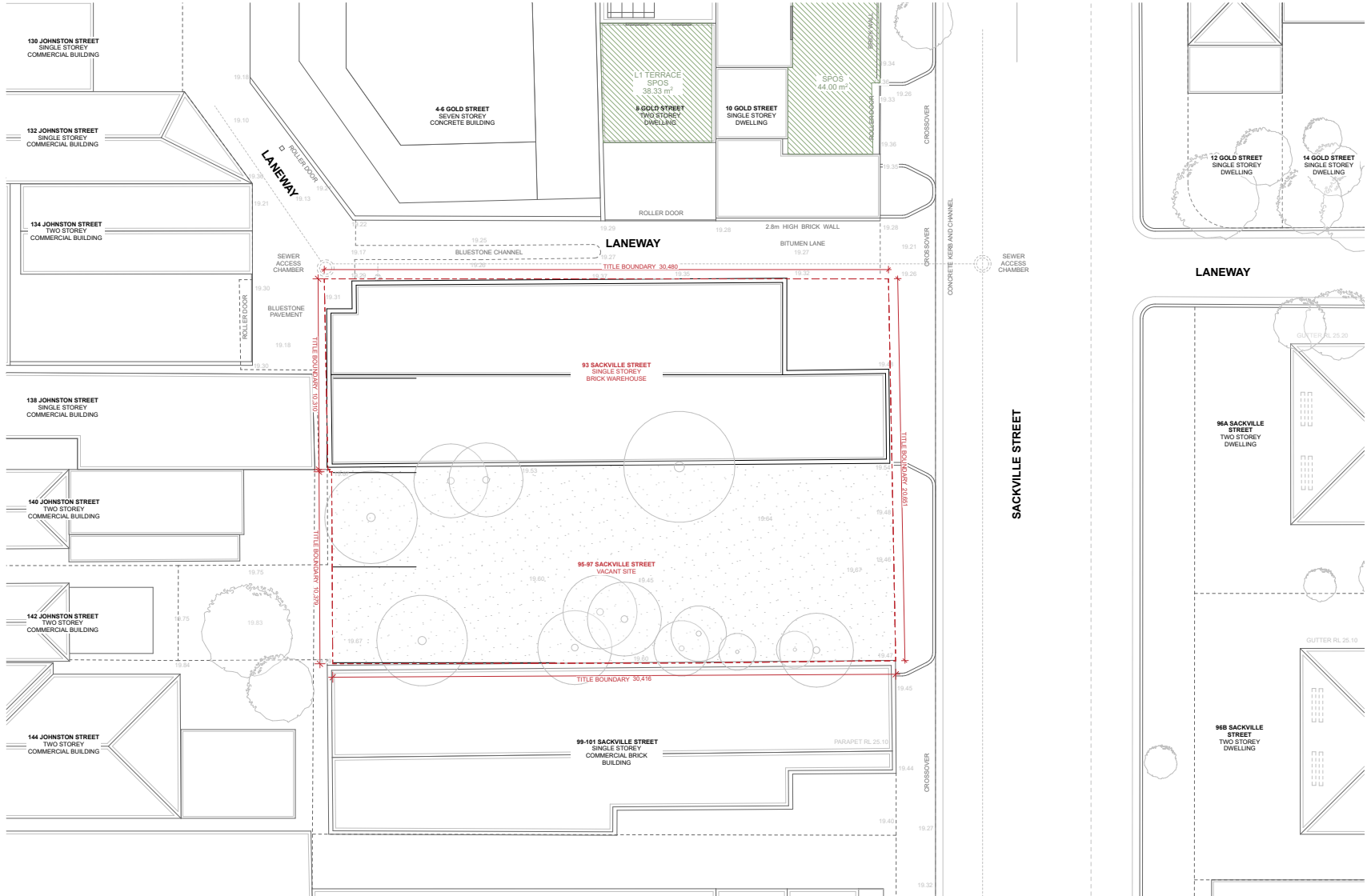


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LOCATION PLAN

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DEMOLITION PLAN
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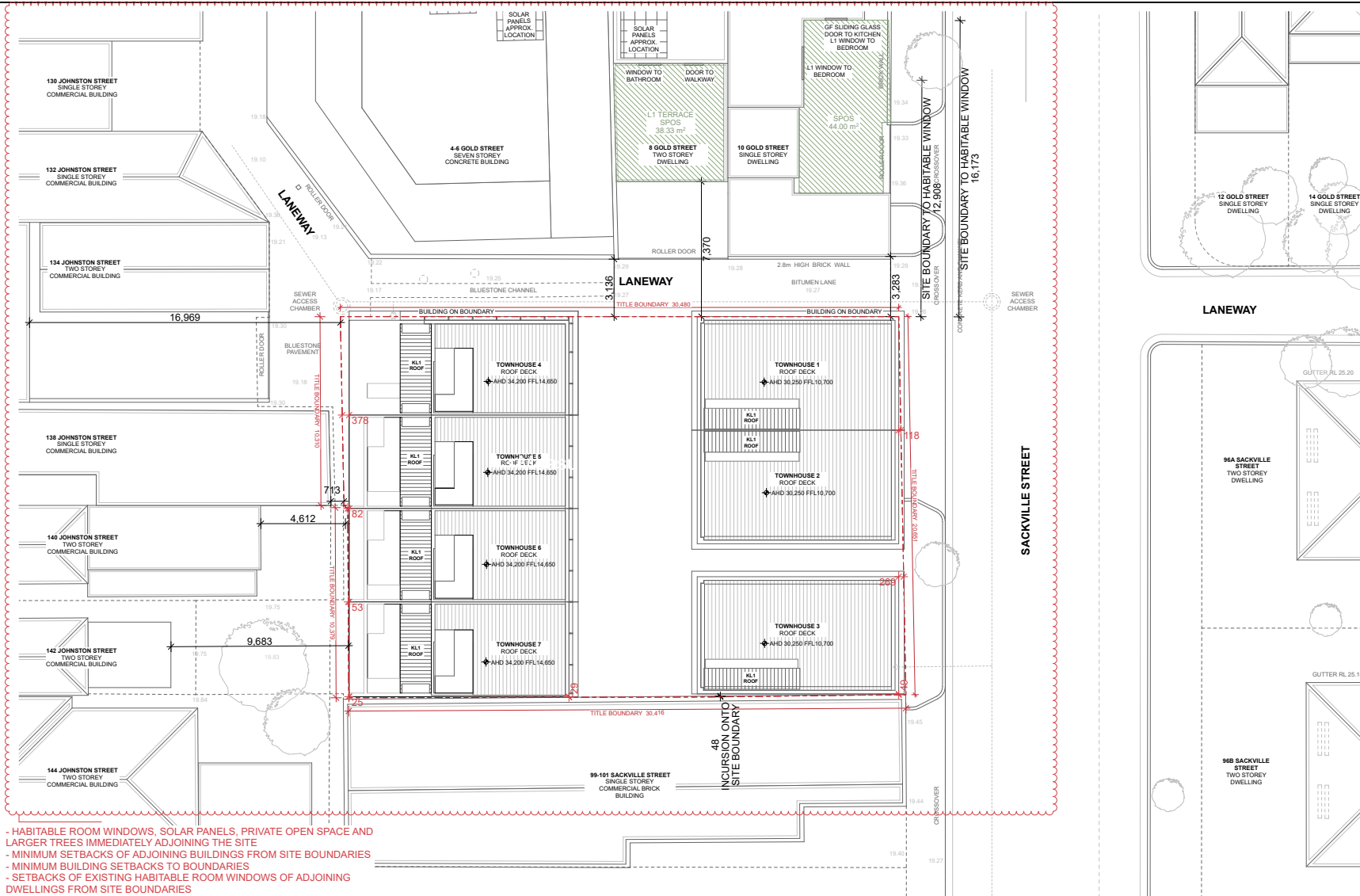
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DEMOLITION PLAN
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Attachment 2 Attachment 2 - Decision Plans



- HABITABLE ROOM WINDOWS, SOLAR PANELS, PRIVATE OPEN SPACE AND LARGER TREES IMMEDIATELY ADJOINING THE SITE
- MINIMUM SETBACKS OF ADJOINING BUILDINGS FROM SITE BOUNDARIES
- MINIMUM BUILDING SETBACKS TO BOUNDARIES
- SETBACKS OF EXISTING HABITABLE ROOM WINDOWS OF ADJOINING DWELLINGS FROM SITE BOUNDARIES

PROPOSED SITE PLAN
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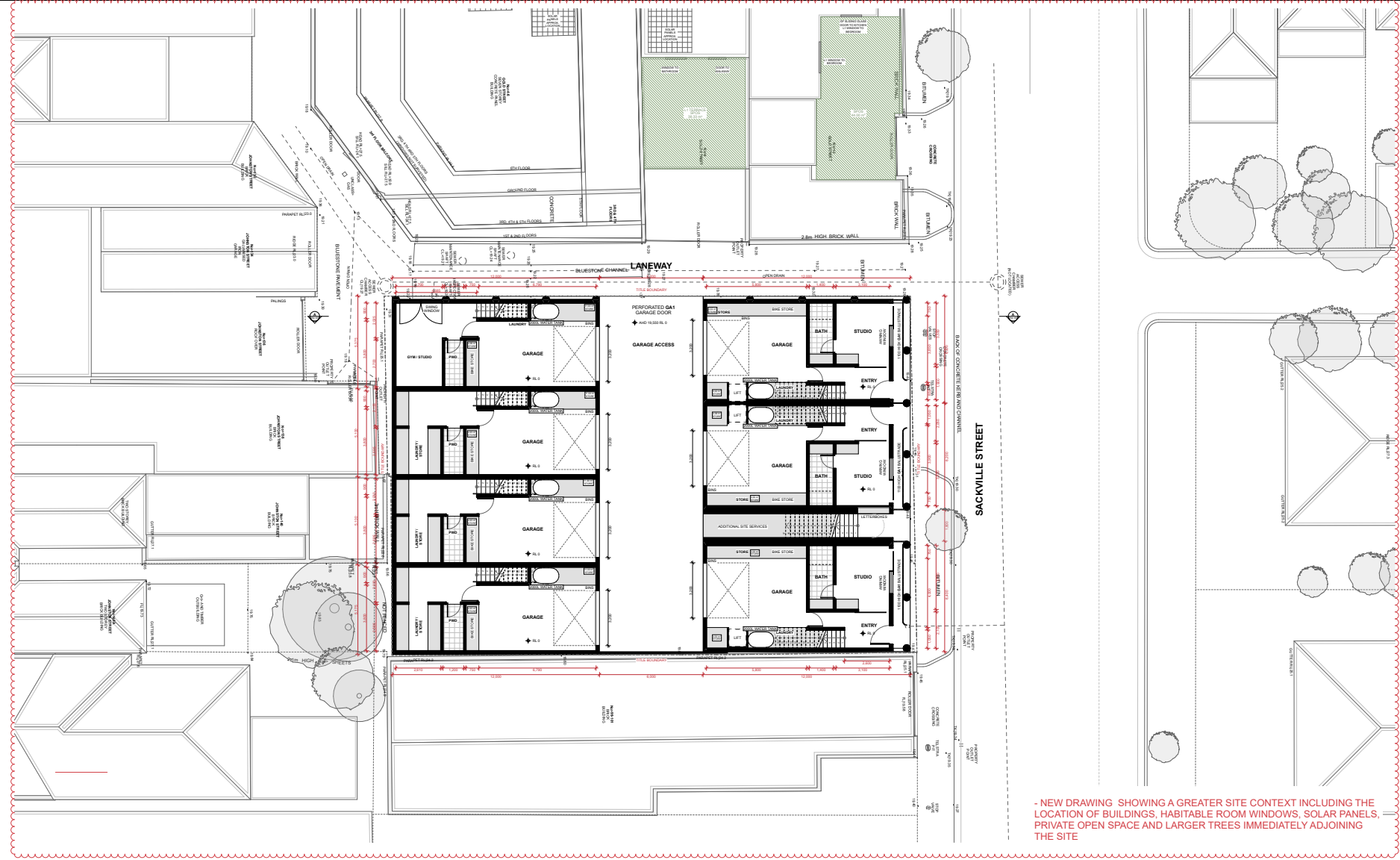
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PROPOSED SITE PLAN
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- NEW DRAWING SHOWING A GREATER SITE CONTEXT INCLUDING THE LOCATION OF BUILDINGS, HABITABLE ROOM WINDOWS, SOLAR PANELS, PRIVATE OPEN SPACE AND LARGER TREES IMMEDIATELY ADJOINING THE SITE

GROUND CONTEXT PLAN
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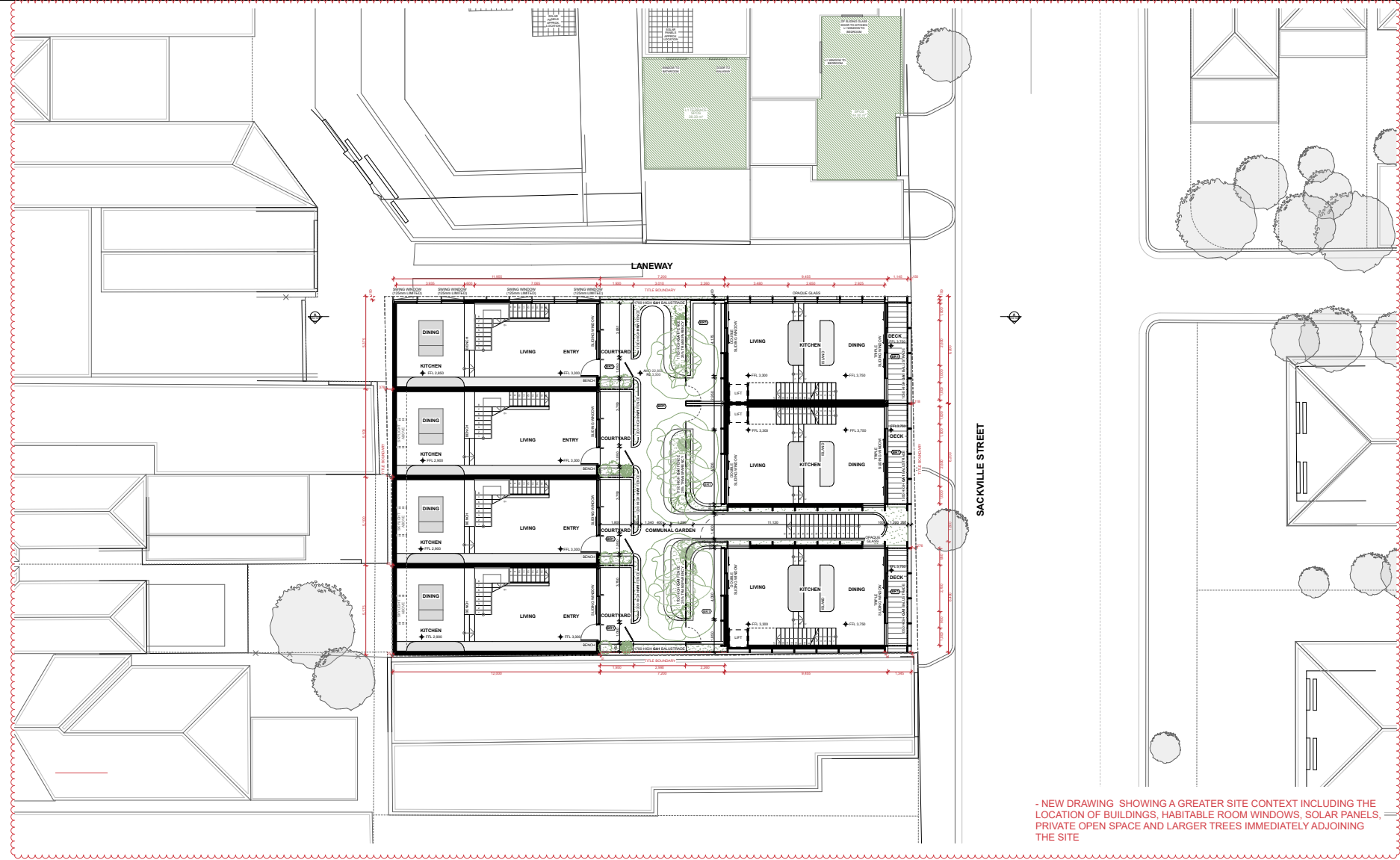
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GROUND CONTEXT PLAN
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FIRST CONTEXT PLAN
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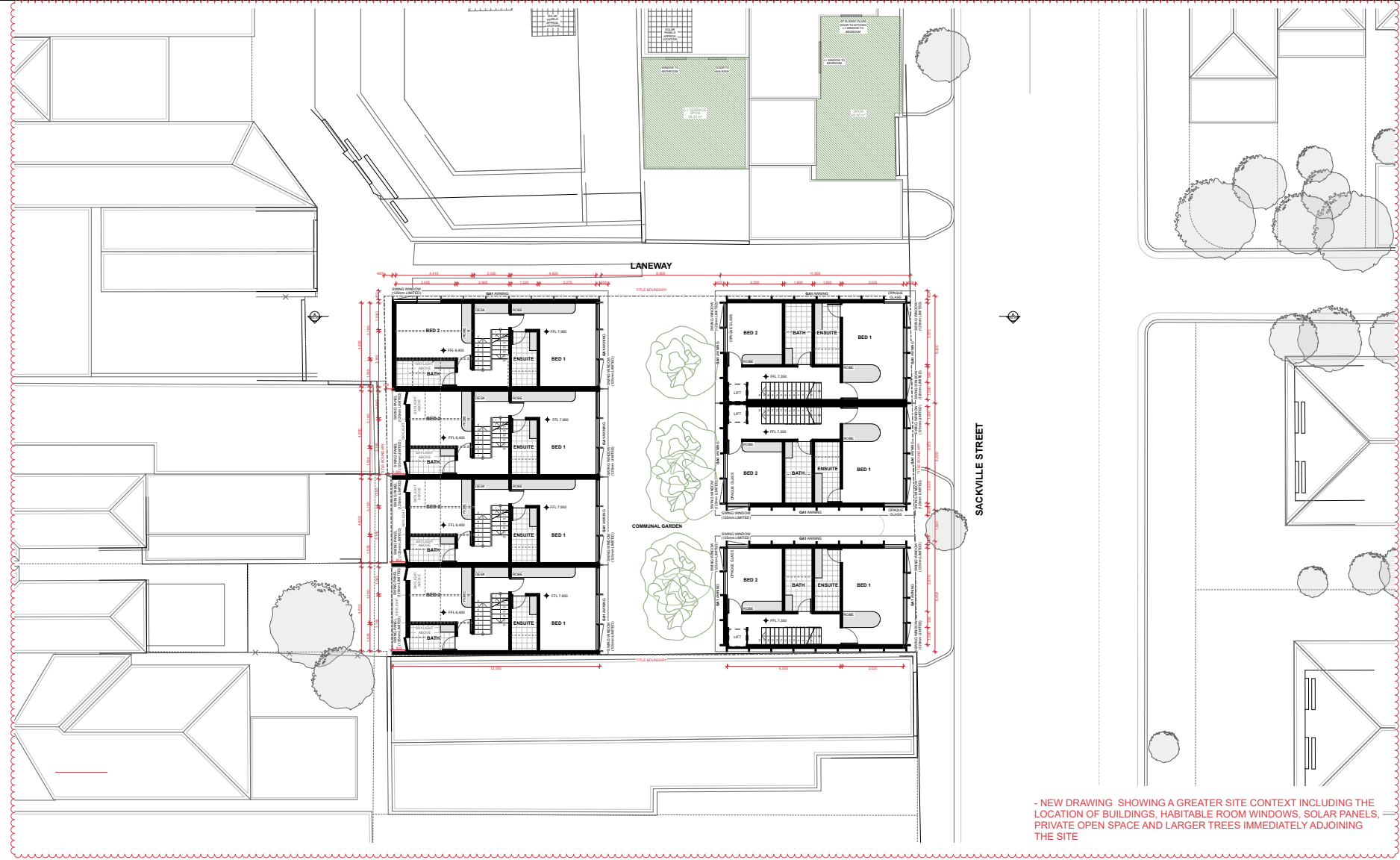
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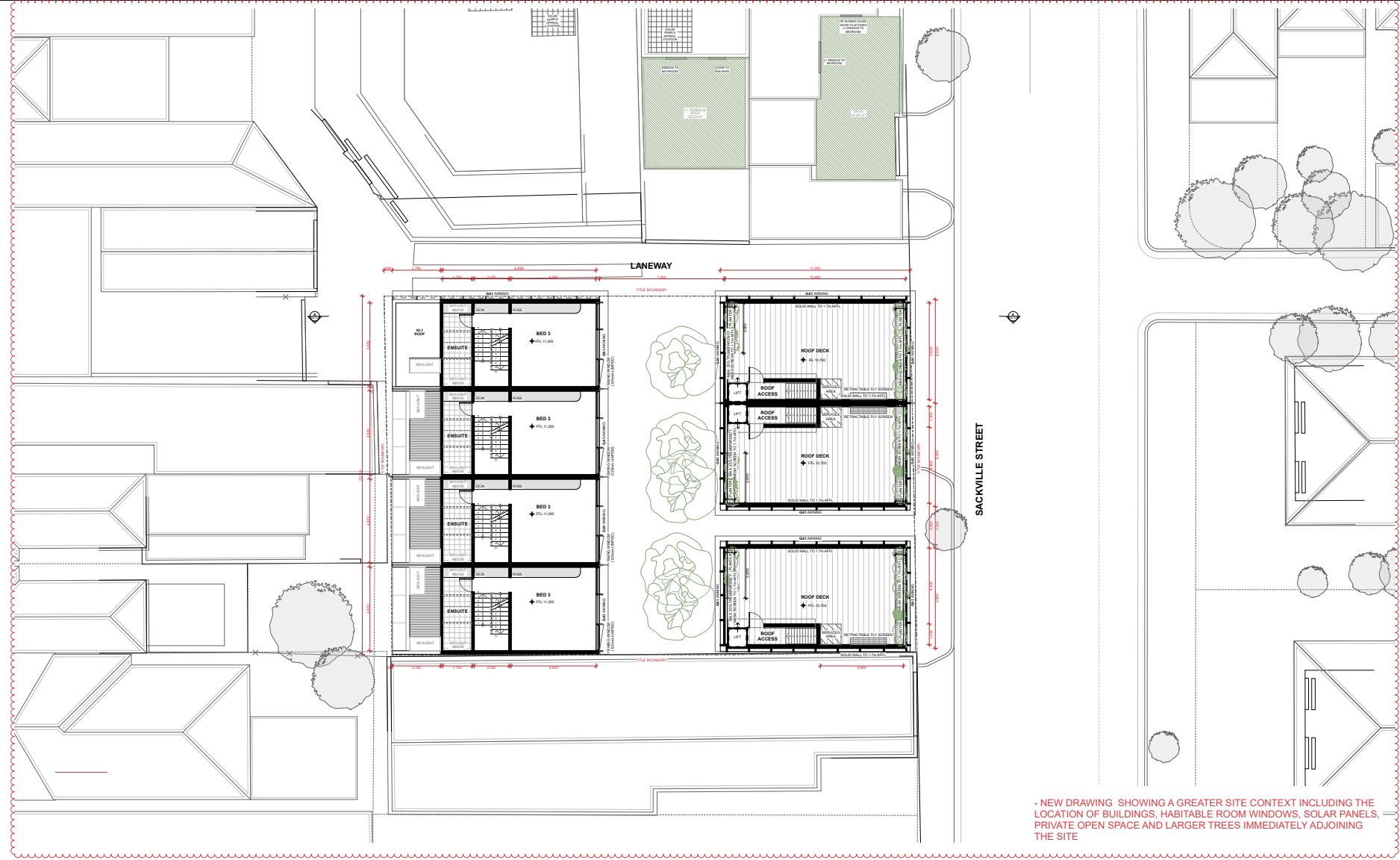
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SECOND CONTEXT PLAN

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THIRD CONTEXT PLAN

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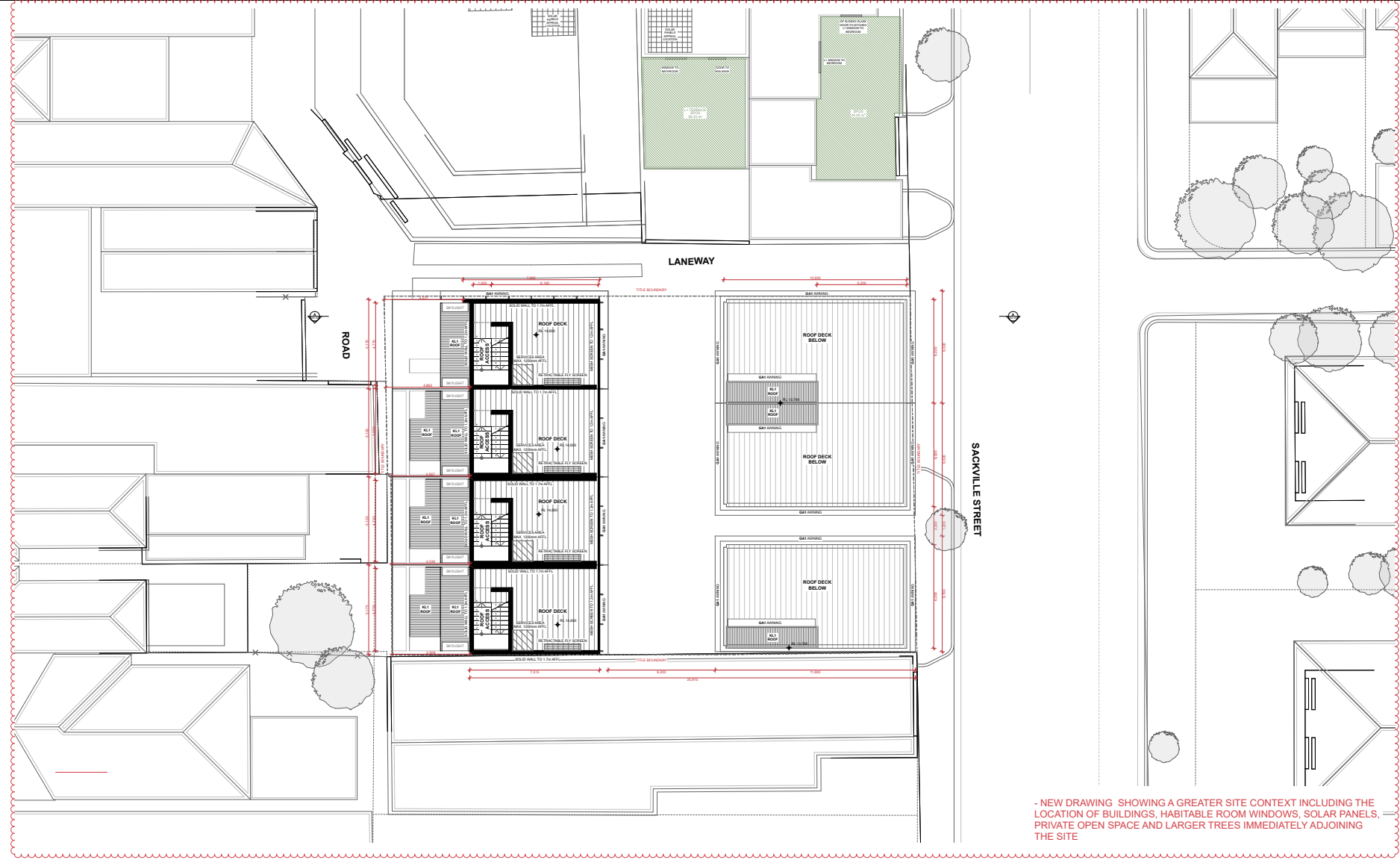
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ROOF DECK CONTEXT PLAN
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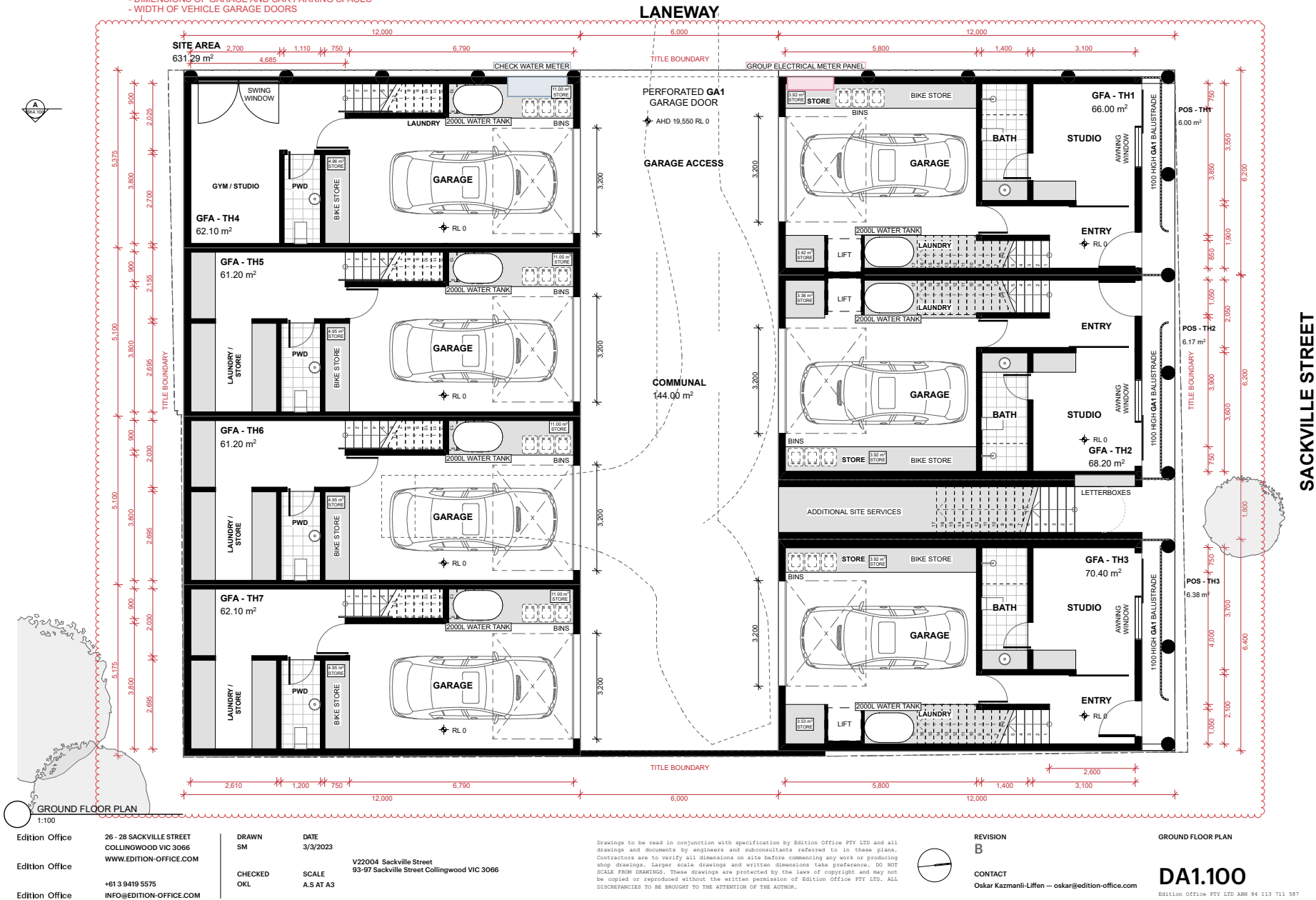
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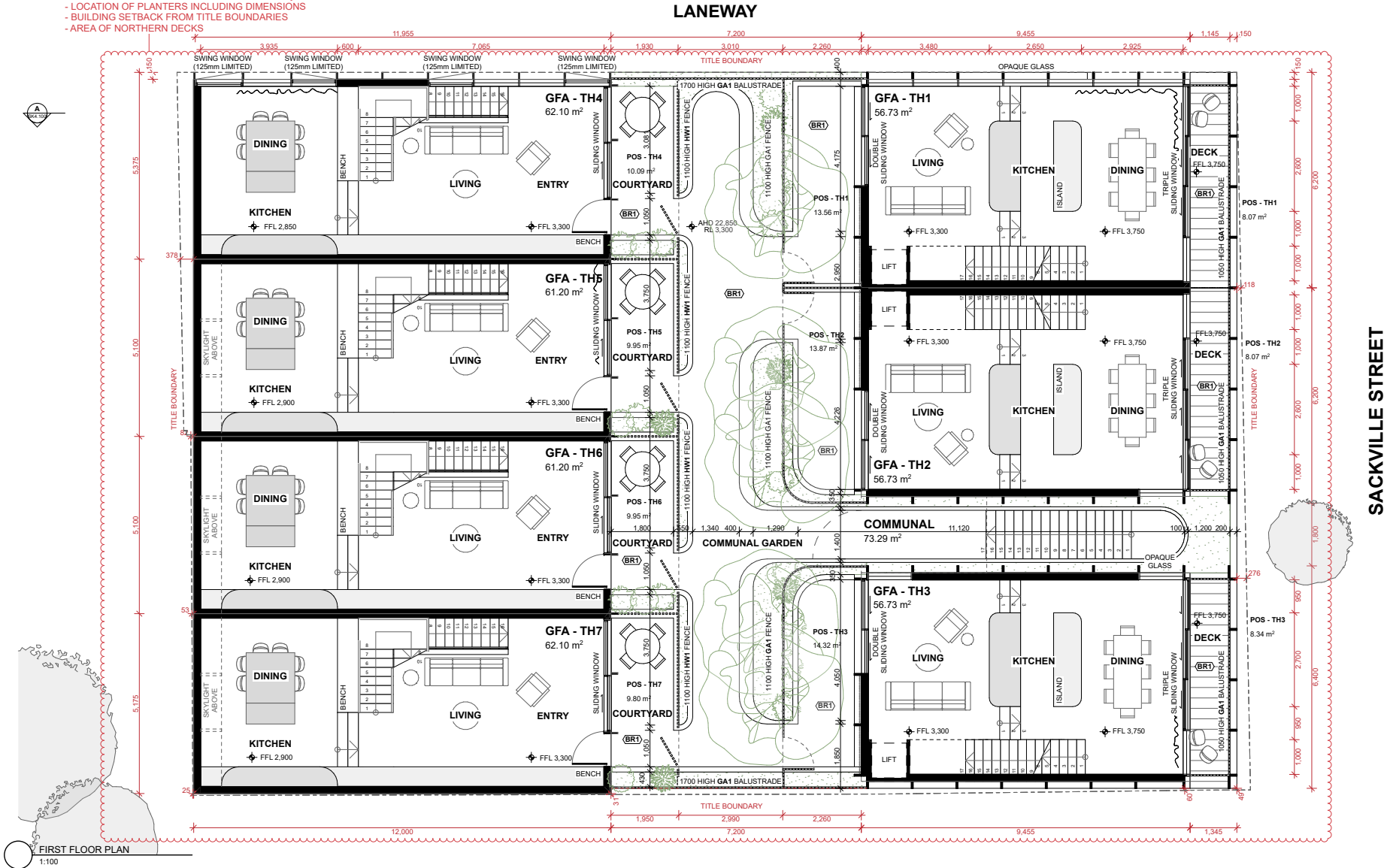
Attachment 2 Attachment 2 - Decision Plans

- LOCATION OF BICYCLE PARKING
- DIMENSIONS OF GARAGE AND CAR PARKING SPACES
- WIDTH OF VEHICLE GARAGE DOORS



Attachment 2 Attachment 2 - Decision Plans

- DETAILS OF EXTERNAL SURFACES
- LOCATION, HEIGHT AND PERMEABILITY OF FENCES/SCREENS
- THE DEPTH OF THE FINS TO THE WESTERN FAÇADE
- LOCATION OF PLANTERS INCLUDING DIMENSIONS
- BUILDING SETBACK FROM TITLE BOUNDARIES
- AREA OF NORTHERN DECKS



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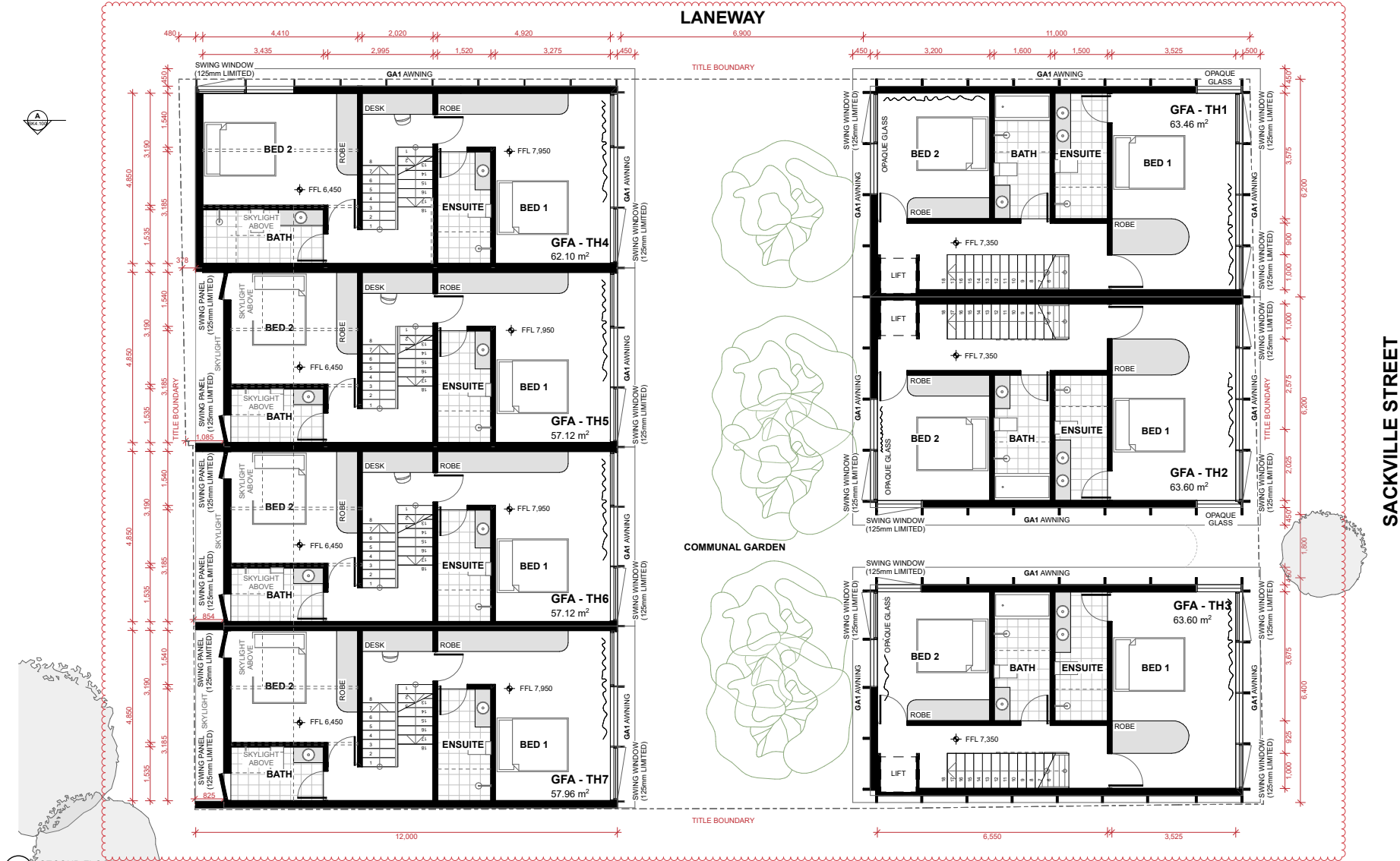
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FIRST FLOOR PLAN
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Attachment 2 Attachment 2 - Decision Plans

- INTERNAL DIMENSIONS OF ALL HABITABLE ROOMS
- DEPTH OF THE PROPOSED AWNINGS



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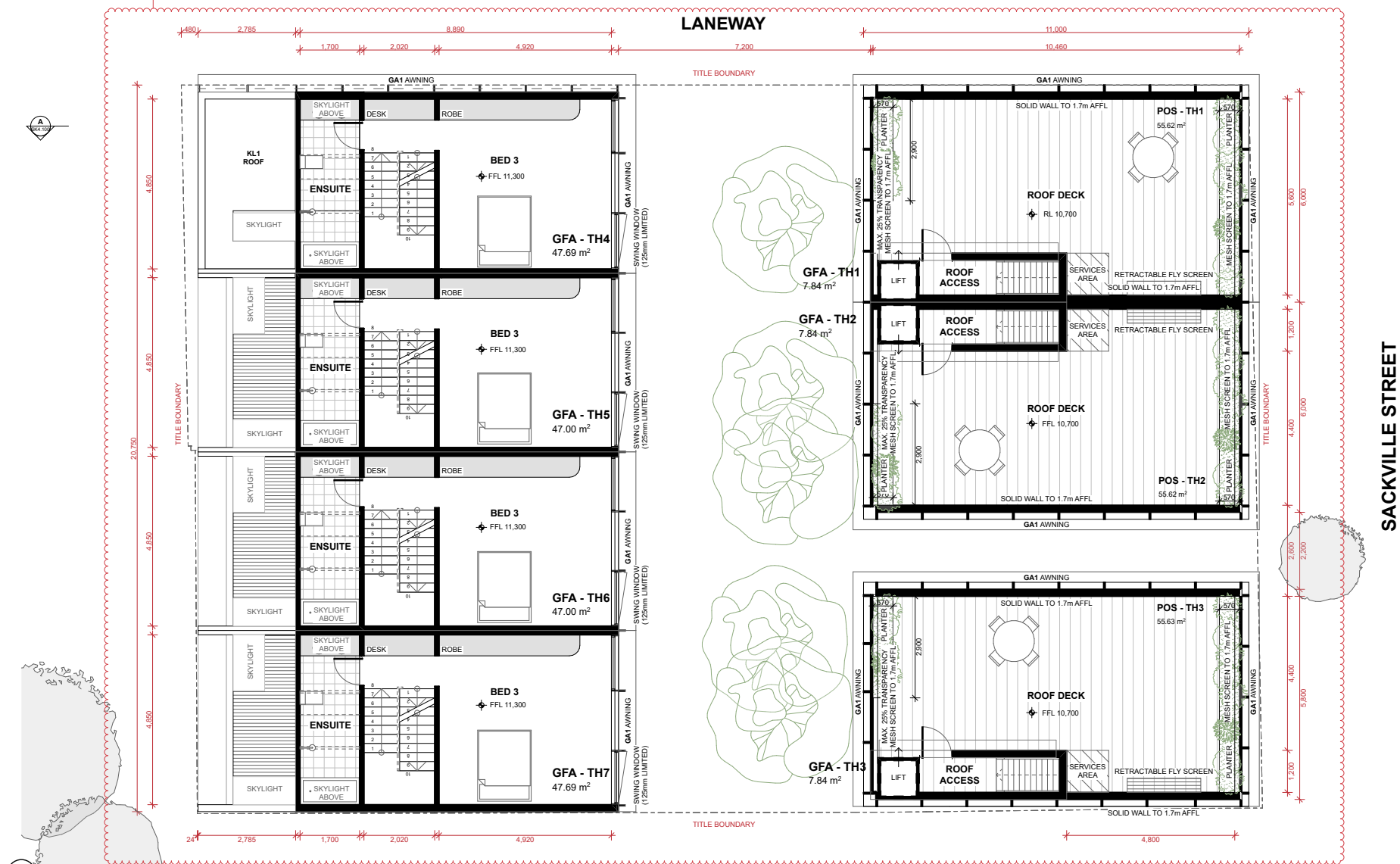
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SECOND FLOOR PLAN
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Attachment 2 Attachment 2 - Decision Plans

- LOCATION AND DIMENSION OF ALL PLANTERS



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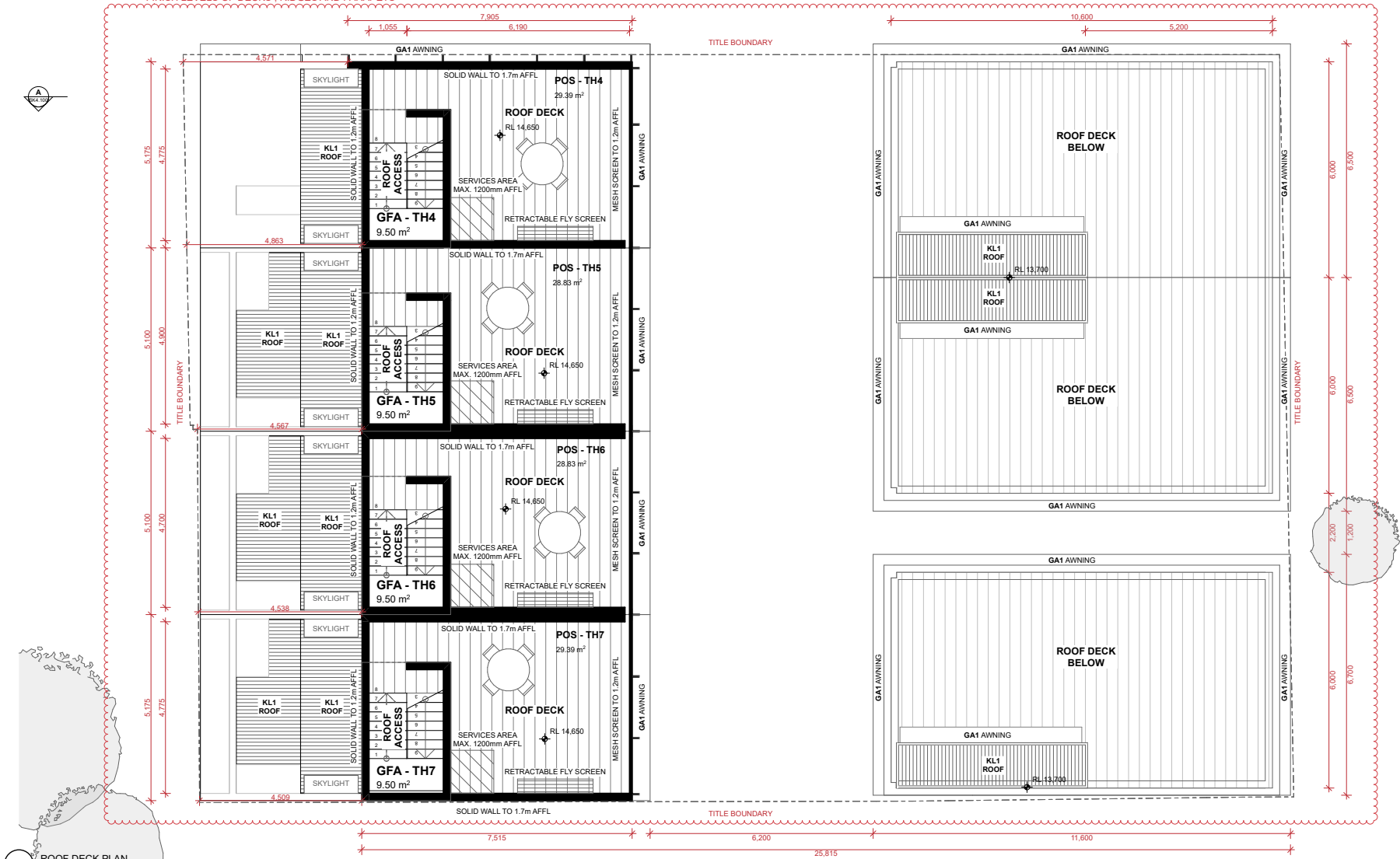
THIRD FLOOR PLAN

DA1.103

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Attachment 2 Attachment 2 - Decision Plans

- BUILDING SETBACKS FROM TITLE BOUNDARIES
- LOCATION OF SERVICES AREA AND HEIGHT AFFL
- DETAIL OF SOUTH WALL TO ROOF DECKS
- FINISH LEVELS OF DECKS, RIDGES AND PARAPETS



ROOF DECK PLAN
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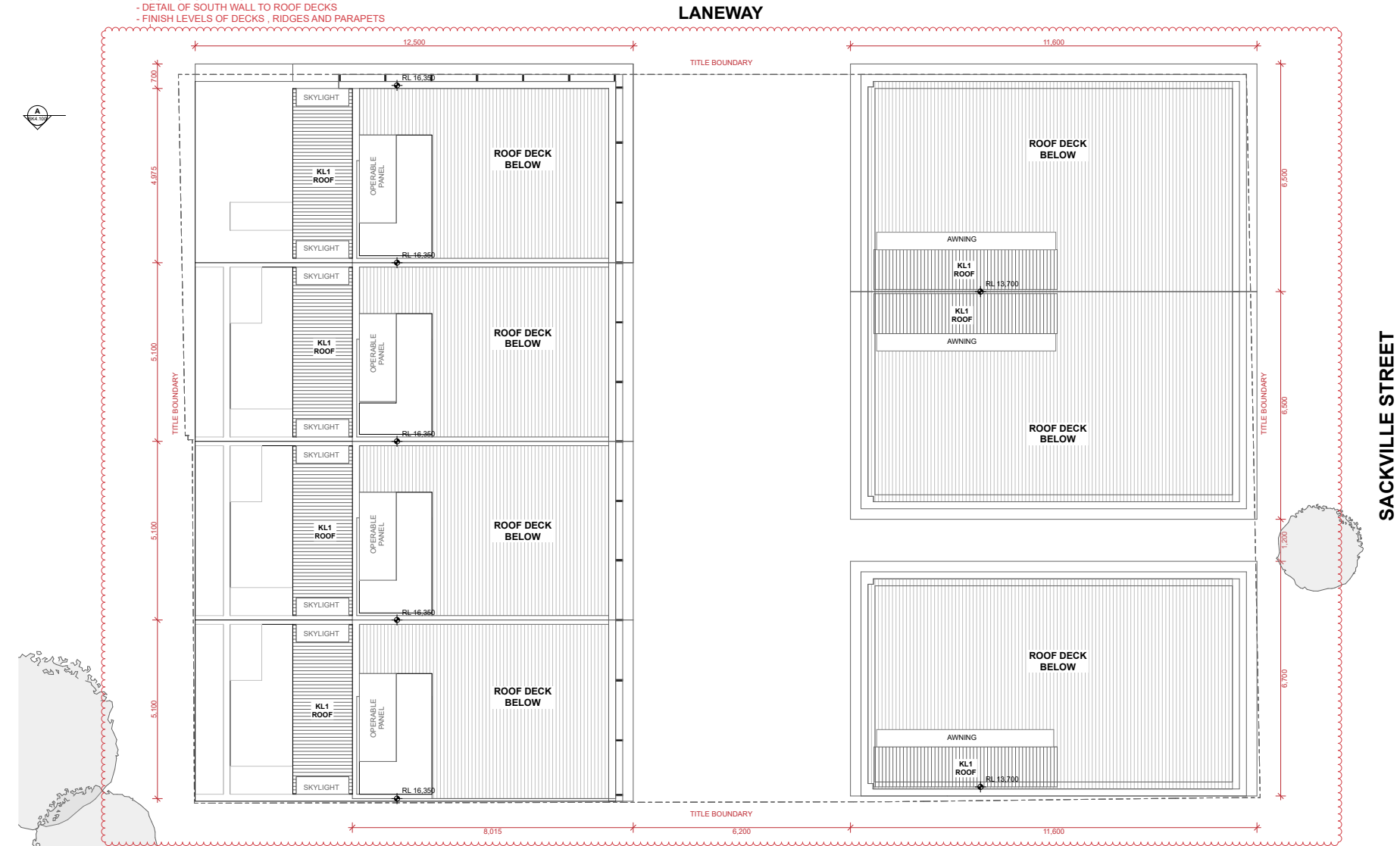
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ROOF DECK PLAN
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Attachment 2 Attachment 2 - Decision Plans

- BUILDING SETBACKS FROM TITLE BOUNDARIES
- LOCATION OF SERVICES AREA AND HEIGHT AFFL
- DETAIL OF SOUTH WALL TO ROOF DECKS
- FINISH LEVELS OF DECKS, RIDGES AND PARAPETS



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ROOF PLAN
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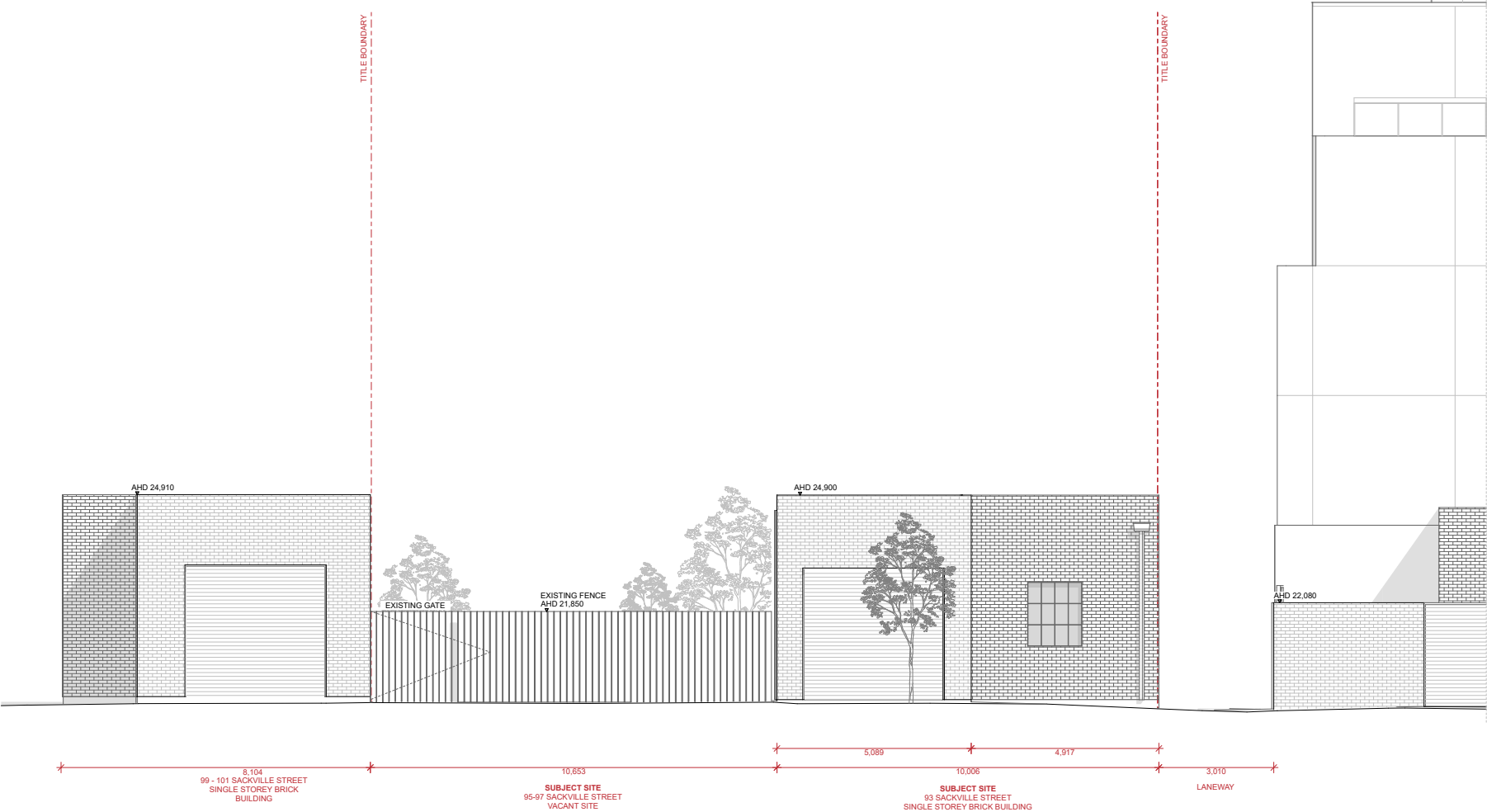
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ROOF PLAN

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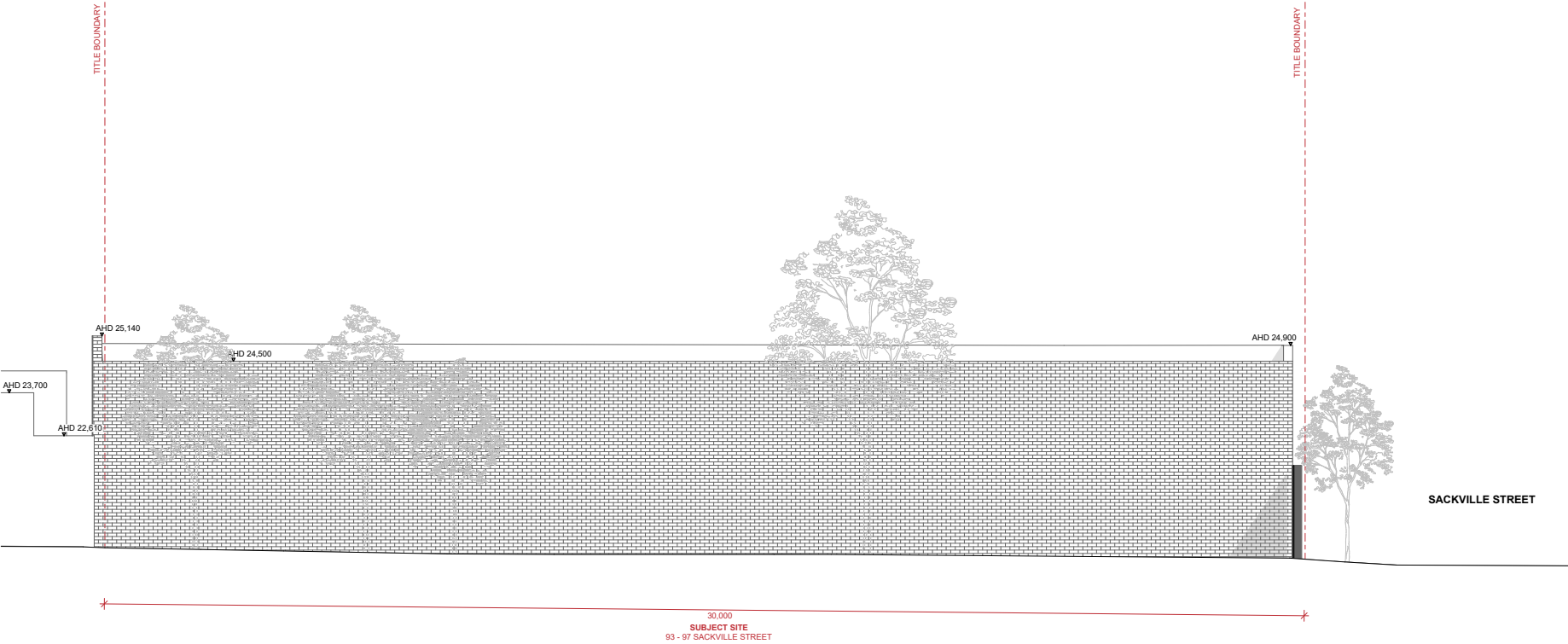
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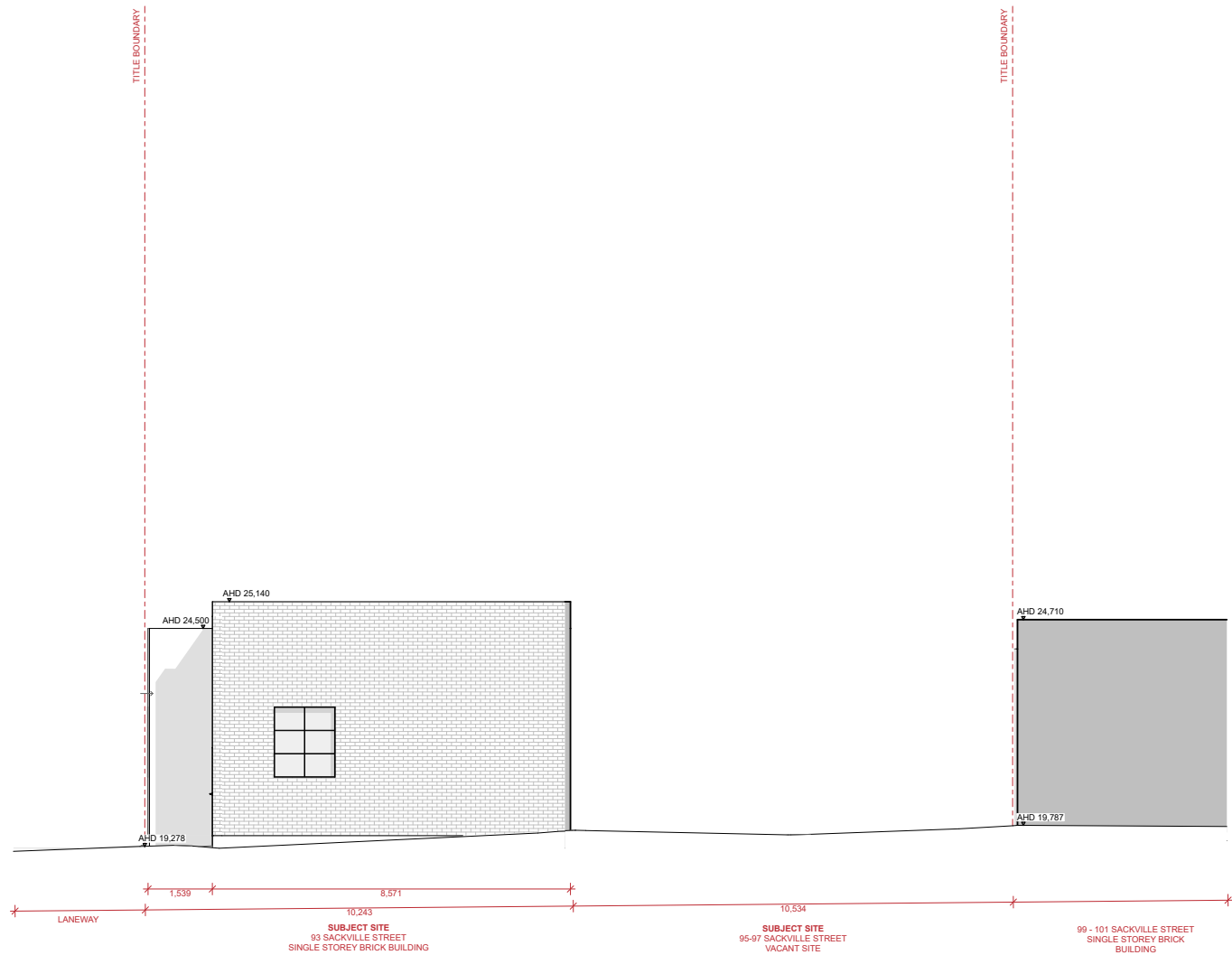
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EXISTING EAST ELEVATION

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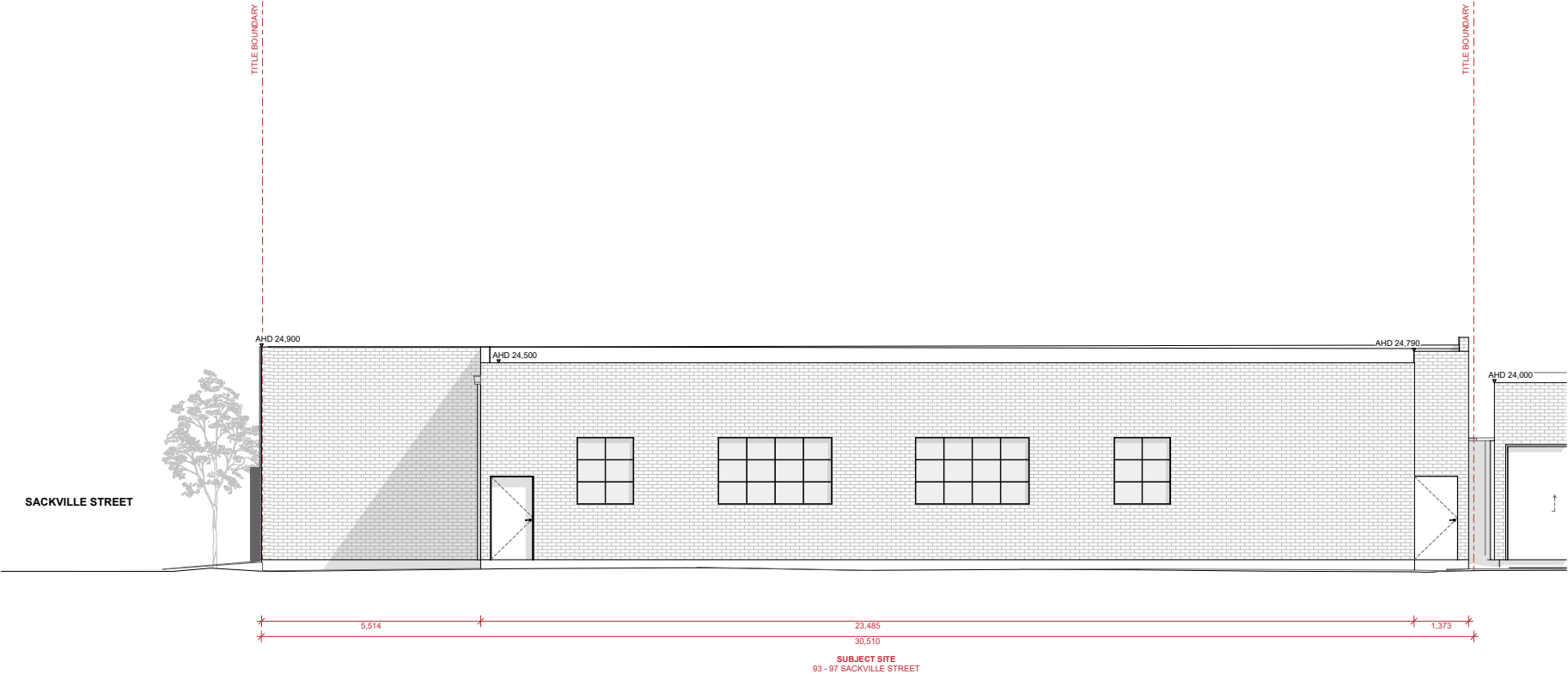
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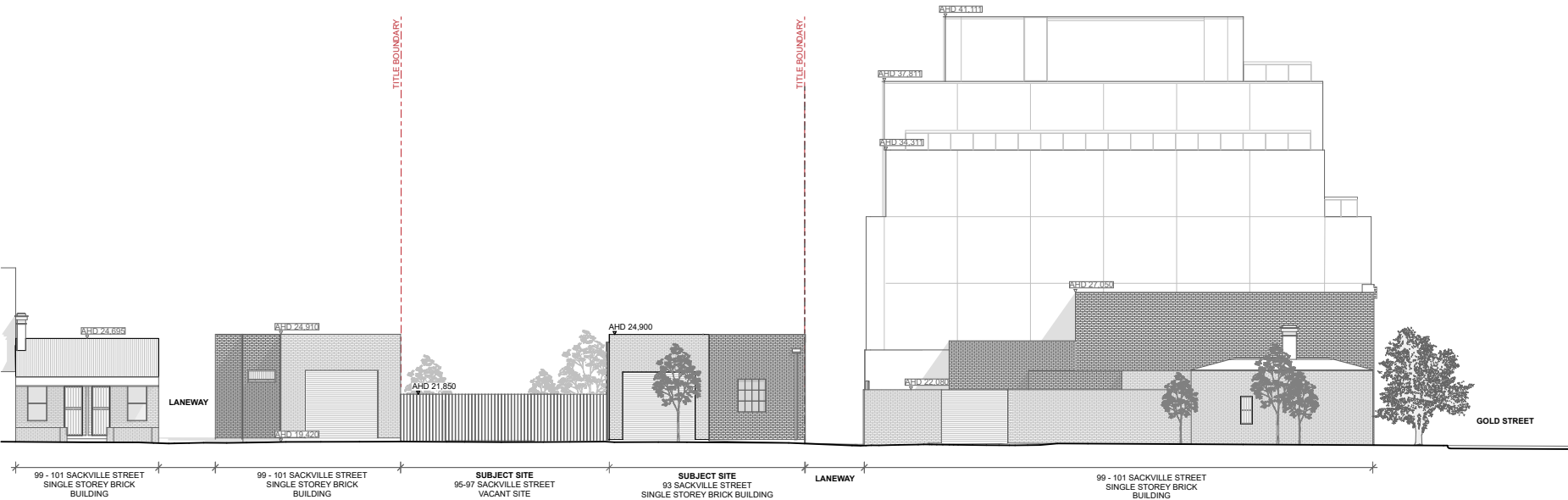
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EXISTING WEST ELEVATION
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EXISTING STREET ELEVATION
1:200

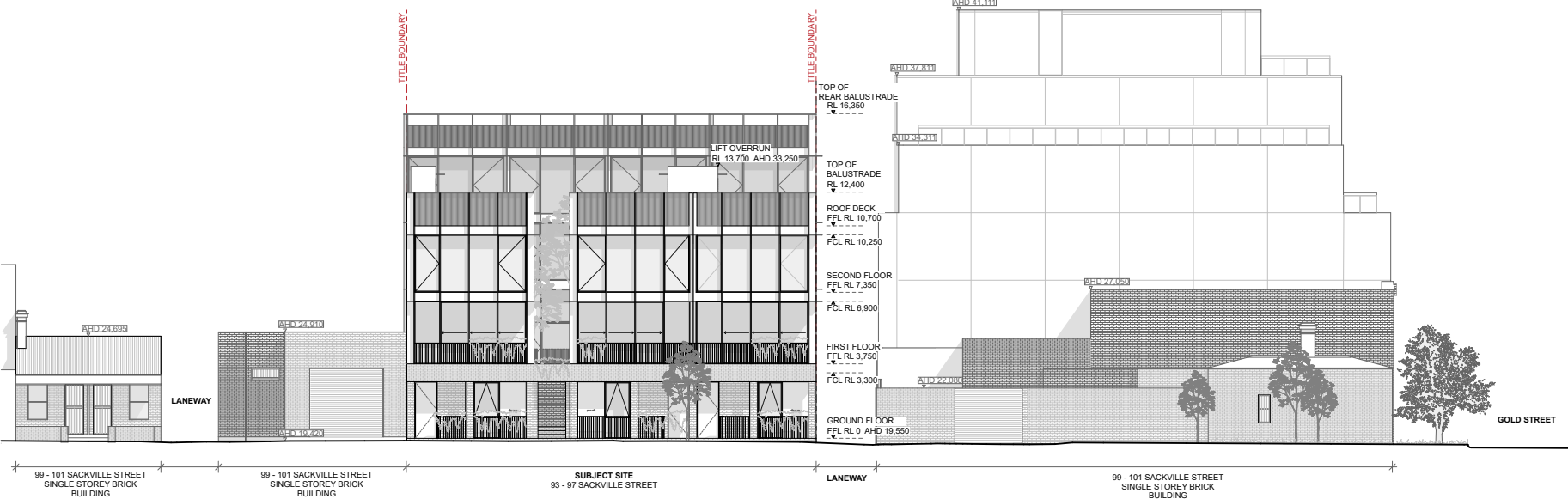
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PROPOSED STREET ELEVATION

DA2.105

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Attachment 2 Attachment 2 - Decision Plans

- MAXIMUM HEIGHTS OF ALL WALLS ON BOUNDARIES
- HEIGHT OF ALL WALLS ANNOTATED ON ALL ELEVATIONS
- MAXIMUM BUILDING HEIGHT ANNOTATED ON ALL ELEVATIONS (IN AHD)
- HEIGHT AND MATERIALS OF THE PROPOSED FENCES



MATERIAL LEGEND	
CD1	CONCRETE
BR1	GREY BRICK
GA1	GALVANISED METAL CLADDING
KL1	GALVANISED KLIP LOK CLADDING
SS1	STAINLESS STEEL
GL1	CLEAR GLASS
GL2	TEXTURED GLASS (OBSCURE)
HW1	HARDWOOD TIMBER
ME1	METAL WIRE
ME2	METAL MESH

PROPOSED NORTH ELEVATION
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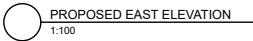
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PROPOSED NORTH ELEVATION

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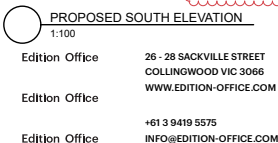


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PROPOSED EAST ELEVATION

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PROPOSED SOUTH ELEVATION

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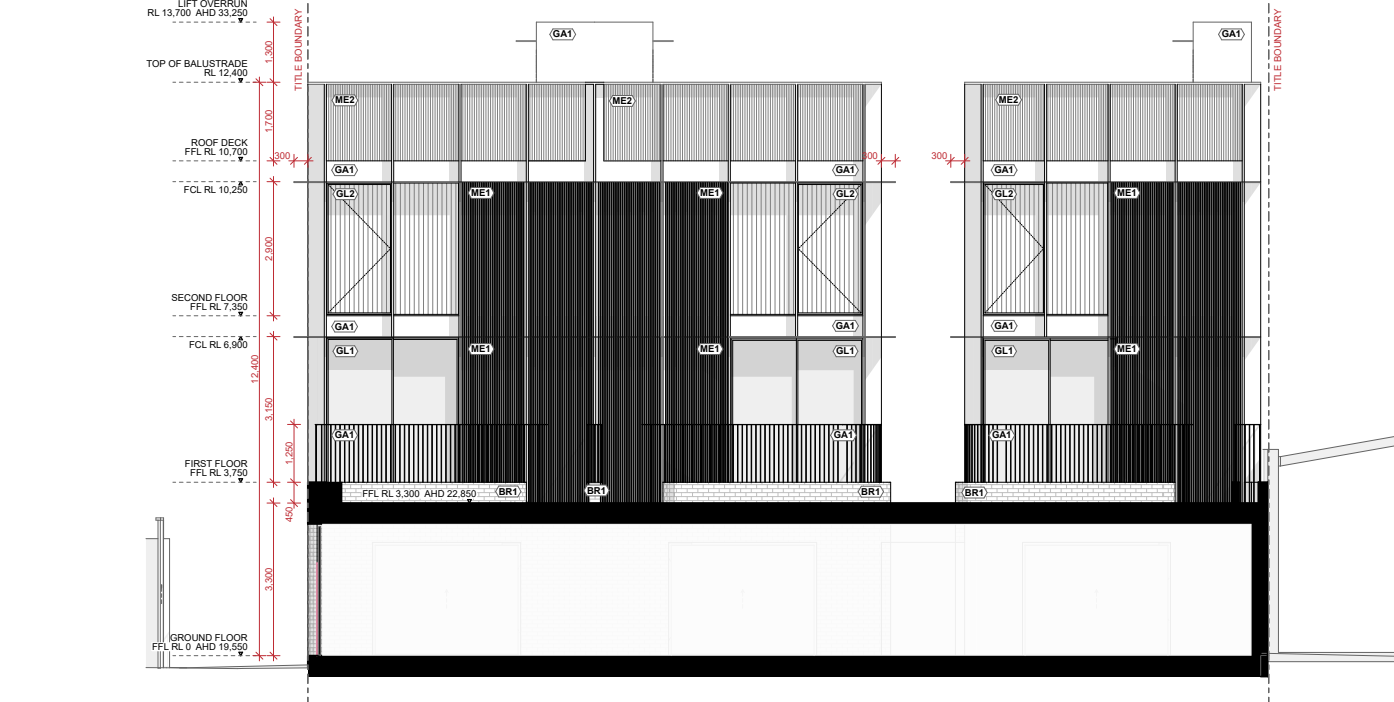
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PROPOSED WEST ELEVATION

DA2.109

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- SOUTH COURTYARD ELEVATION INCLUDING FENCING
- MAXIMUM HEIGHTS OF ALL WALLS ON BOUNDARIES
- HEIGHT OF ALL WALLS ANNOTATED ON ALL ELEVATIONS
- MAXIMUM BUILDING HEIGHT ANNOTATED ON ALL ELEVATIONS (IN AHD)
- HEIGHT AND MATERIALS OF THE PROPOSED FENCES



SOUTH INTERNAL ELEVATION
1:100

MATERIAL LEGEND

CO1	CONCRETE
BR1	GREY BRICK
GA1	GALVANISED METAL CLADDING
KL1	GALVANISED KLIP LOK CLADDING
SS1	STAINLESS STEEL
GL1	CLEAR GLASS
GL2	TEXTURED GLASS (OBSCURE)
HW1	HARDWOOD TIMBER
ME1	METAL WIRE
ME2	METAL MESH

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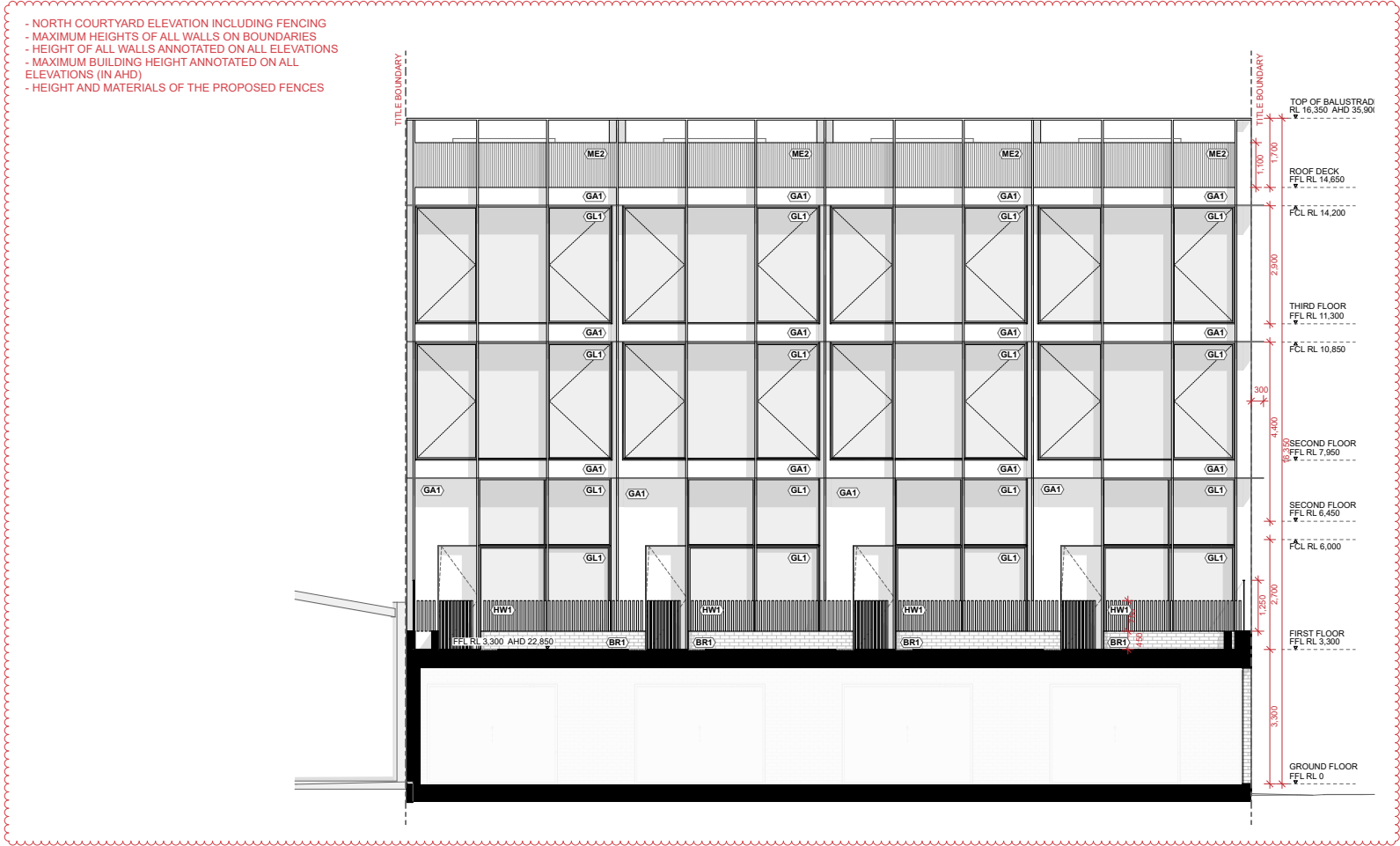
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PROPOSED COURTYARD ELEVATION

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NORTH INTERNAL ELEVATION
1:100

MATERIAL LEGEND

CO1	CONCRETE
BR1	GREY BRICK
GA1	GALVANISED METAL CLADDING
KL1	GALVANISED KLIP LOK CLADDING
SS1	STAINLESS STEEL
GL1	CLEAR GLASS
GL2	TEXTURED GLASS (OBSCURE)
HW1	HARDWOOD TIMBER
ME1	METAL WIRE
ME2	METAL MESH

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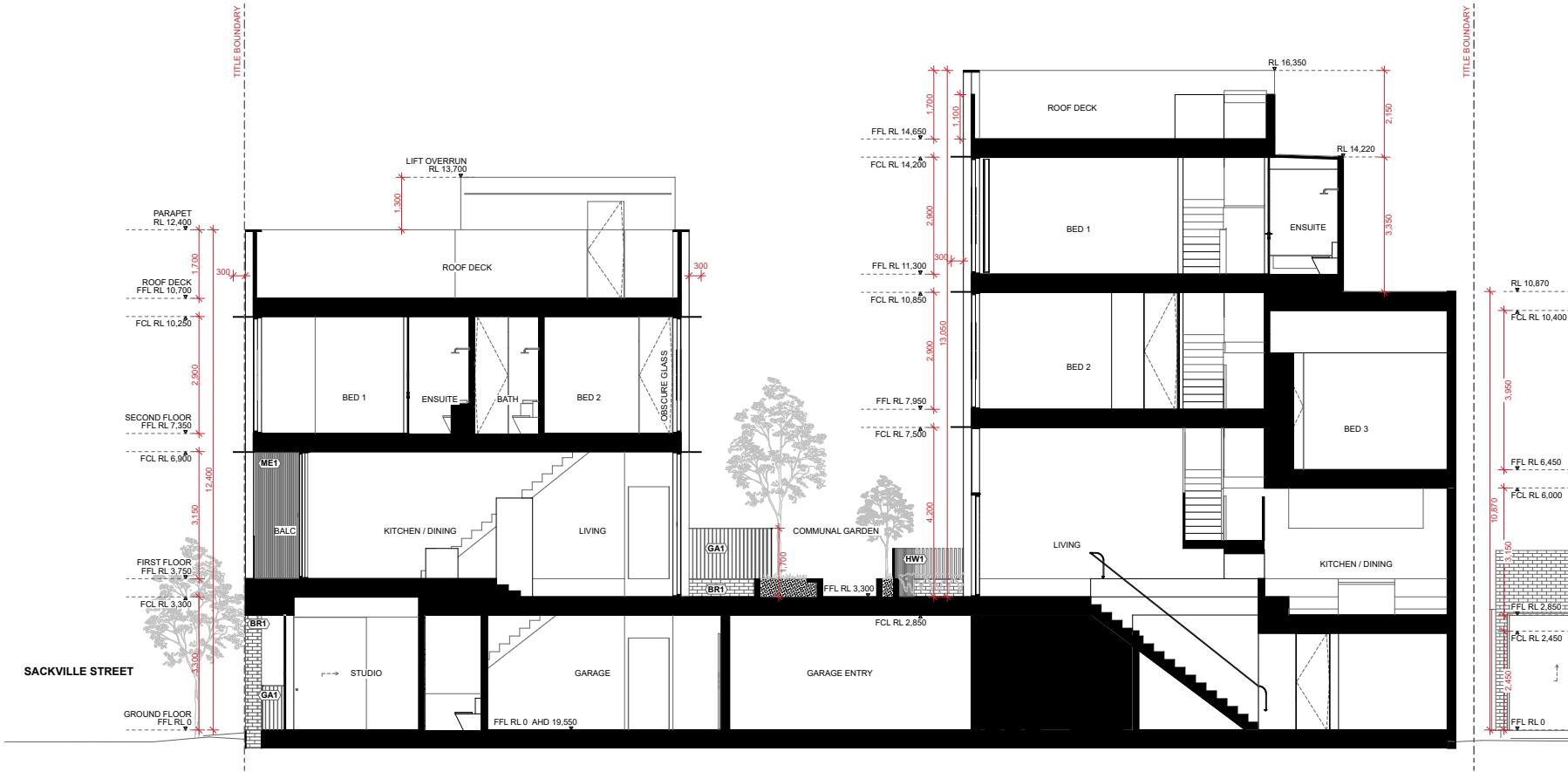
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PROPOSED COURTYARD ELEVATION

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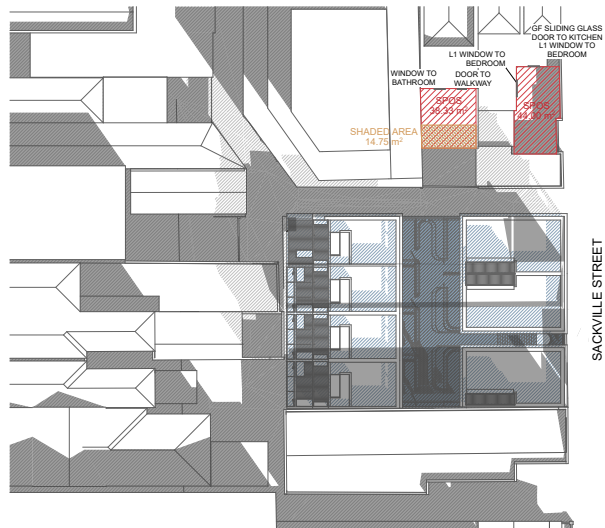
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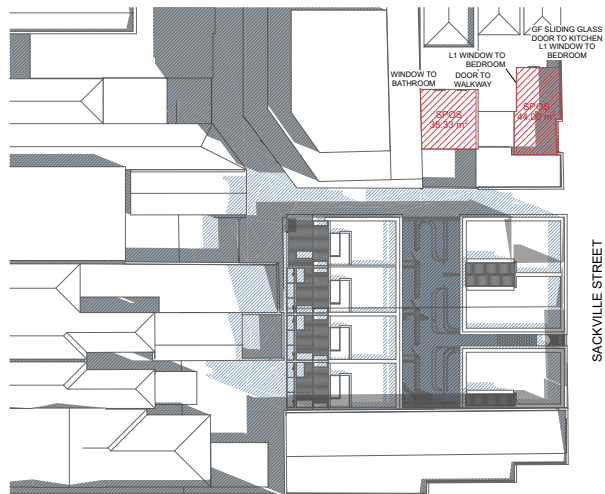
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Attachment 2 Attachment 2 - Decision Plans



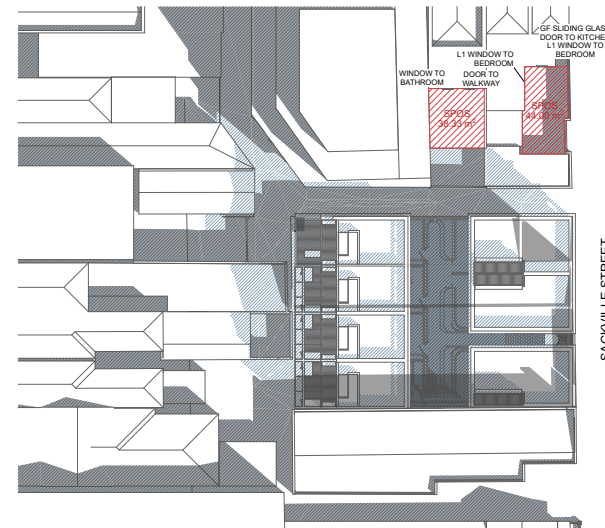
0900 SEPT SHADOW STUDY
1:500



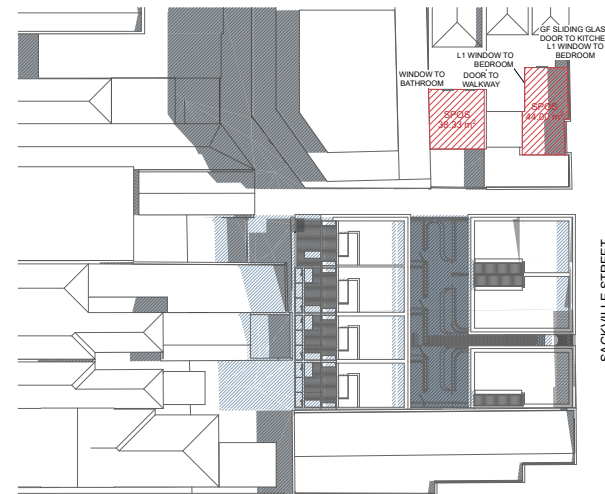
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1:500

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1000 SEPT SHADOW STUDY
1:500



1200 SEPT SHADOW STUDY
1:500

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SUN STUDIES

DA8.100

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- EXISTING HABITABLE ROOM
WINDOWS SECLUDED PRIVATE
OPEN SPACE AREAS AND SOLAR
ENERGY FACILITIES ON
ADJOINING PROPERTIES.

PROPOSED SHADING

EXISTING SHADING



TH1 AREA SCHEDULE			TH2 AREA SCHEDULE			TH3 AREA SCHEDULE			TH4 AREA SCHEDULE			TH5 AREA SCHEDULE			TH6 AREA SCHEDULE			TH7 AREA SCHEDULE		
NAME	LEVEL	AREA m2	NAME	LEVEL	AREA m2	NAME	LEVEL	AREA m2	NAME	LEVEL	AREA m2	NAME	LEVEL	AREA m2	NAME	LEVEL	AREA m2	NAME	LEVEL	AREA m2
GFA - TH1	0	66.00	GFA - TH2	0	68.20	GFA - TH3	0	70.40	GFA - TH4	0	62.10	GFA - TH5	0	61.20	GFA - TH6	0	61.20	GFA - TH7	0	62.10
GFA - TH1	1	56.73	GFA - TH2	1	56.73	GFA - TH3	1	56.73	GFA - TH4	1	62.10	GFA - TH5	1	61.20	GFA - TH6	1	61.20	GFA - TH7	1	62.10
GFA - TH1	2	63.46	GFA - TH2	2	63.60	GFA - TH3	2	63.60	GFA - TH4	2	62.10	GFA - TH5	2	57.12	GFA - TH6	2	57.12	GFA - TH7	2	57.96
GFA - TH1	3	7.84	GFA - TH2	3	7.84	GFA - TH3	3	7.84	GFA - TH4	3	47.69	GFA - TH5	3	47.00	GFA - TH6	3	47.00	GFA - TH7	3	47.69
		194.03 m²			196.37 m²			198.57 m²	GFA - TH4	4	9.50	GFA - TH5	4	9.50	GFA - TH6	4	9.50	GFA - TH7	4	9.50
											243.49 m²			236.02 m²			236.02 m²			239.35 m²
POS - TH1	0	6.00	POS - TH2	0	6.17	POS - TH3	0	6.38	POS - TH4	1	10.09	POS - TH5	1	9.95	POS - TH6	1	9.95	POS - TH7	1	9.80
POS - TH1	1	21.63	POS - TH2	1	21.94	POS - TH3	1	22.66	POS - TH4	4	29.39	POS - TH5	4	28.83	POS - TH6	4	28.83	POS - TH7	4	29.39
POS - TH1	3	55.62	POS - TH2	3	55.62	POS - TH3	3	55.63			39.48 m²			38.78 m²			38.78 m²			39.19 m²
		83.25 m²			83.73 m²			84.67 m²												
		277.28 m²			280.10 m²			283.24 m²			282.97 m²			274.80 m²			274.80 m²			278.54 m²

DA AREA SCHEDULE	
NAME	AREA m2
COMMUNAL	217.29
GFA	1,543.85
POS	407.88
SITE AREA	631.29

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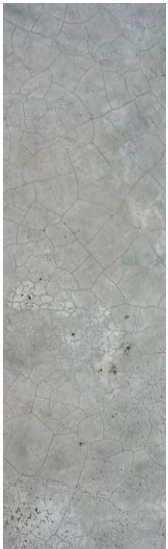
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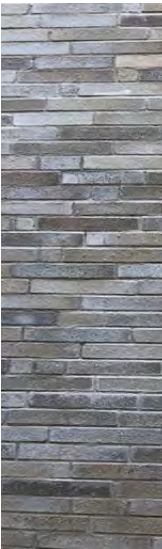
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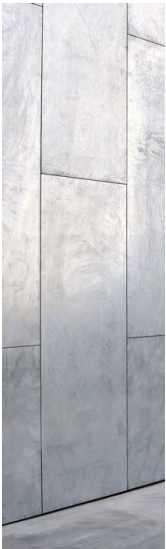
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CO1
RCONCRETE



BR1
GREY BRICK



GA1
GALVANISED METAL
CLADDING



KL1
GALVANISED KLIP LOK
ROOFING



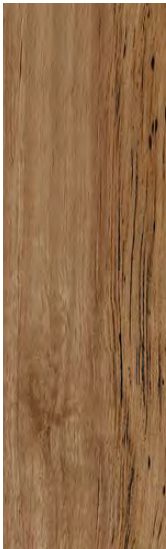
SS1
STAINLESS STEEL



GL1
CLEAR GLASS



GL2
TEXTURED GLASS
(REEDED - OBSCURED)



HW1
HARDWOOD TIMBER
BOARD



ME1
METAL WIRE



ME2
METAL MESH

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Edition Office PTY LTD ABN 84 113 711 587

Attachment 3 Attachment 3 - Urban Context Report

Edition Office

TOWN PLANNING SUBMISSION

93-97 SACKVILLE ST COLLINGWOOD

CITY OF YARRA

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1.0 ARCHITECTURAL STATEMENT

2.0 K7 DEVELOPMENTS AND EDITION OFFICE ARCHITECTS

Edition Office Architects Previous Projects

K7 Developments Previous Projects

3.0 NEIGHBOURHOOD ANALYSIS

Location

Site and Surrounds

Site Analysis

Title

Survey

Planning Context

Neighbourhood Character

4.0 SITE ANALYSIS

Existing Conditions

Surrounding Developments

5.0 DESIGN RESPONSE

Architectural Statement

Material

Composition

Massing

Site

Materials Board

6.0 PRELIMINARY VISUALISATIONS

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SITE

93-97 Sackville St is in a mixed use precinct with a wide variety of programmes and scales. The site is approximately 2km from Melbourne's CBD and has an approximate site area of 632m². The lot is one site back from Johnston St and is 30.5m long and 20.5m wide with no easements and a laneway to the West.

The immediate context is a mixture of single, double and multi-level residential, commercial and light industrial buildings, both heritage and contemporary in nature. Sackville St is comparatively wide at 16m (title to title). The street is oriented East - West and connects Smith St and Hoddle St at each end.

The proposed development is comprised of 7 townhouses across 4 levels (roof decks additional) with 3 two bedroom and 4 three bedroom units. The townhouses focus on a communal landscape courtyard at level 1 and all have access to storage and parking at ground. Access to the site is provided to all townhouses via Sackville St and vehicular access is via the existing adjacent laneway.

DESIGN RESPONSE

Collingwood's urban fabric comprises a combination of different architectural forms, styles and scales. Similarly, its social fabric is varied and dynamic. As one of Melbourne's oldest suburbs, Fitzroy has retained a rich underlay of historic buildings and motifs while supporting and celebrating contemporary professional lifestyles. The area consists of single, double, medium and large scale residential developments, as well as larger warehouses and studios.

93-97 is located near the end of a block and adjacent to a laneway. A 7 storey development at 4-6 Gold St currently dominates the context and sits in contrast to older workers cottages and single level brick warehouses. The confluence of these urban conditions has strongly informed the design logic and process of the proposed development.

The proposal seeks to provide a new addition to this existing fabric through a restrained architectural response that is sympathetic to the syntax of Collingwood's architectural motifs, utilizing contemporary design and construction techniques.

A strong focus of the project has been the analysis of the rhythm and character of the surrounding contexts built form. Despite its varied character, Sackville St has a fine rhythm and distinct material character. The proposal responds to this through an upper level that maintains and continues the fine grain rhythm of the street and a street level 'plinth' that interprets the contexts brick material language.

Internally the proposal seeks to maximise amenity - natural light and landscape. A central courtyard provides a shared green space for residents and continues a pattern of 'back yard' amenity to laneway and streets. The central courtyard also provides natural light and amenity to all units.

TEAM

The assemblage of K7 Developments, Edition Office Architects, SUHO sustainability consultants, Intrax Engineers and the broader consultant team has enabled a considerate, detailed and industry leading proposal at 93-97 Sackville St.

The understanding, and consideration of context and the ambition to provide a generous internal environment while ensuring an environmentally sensitive approach, have all been strong guides for the development of the proposal. The team involved feel strongly about each of these areas and, lead by K7 Developments, are committed to ensuring this project has a positive impact on the future of the area.

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2.0 K7 DEVELOPMENTS AND EDITION OFFICE
ARCHITECTS

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Edition Office is an architecture studio encompassing cultural, social and technological research, enabling exploration of material expression, form and spatial practice.

The experiential qualities of our work enable projects which re-articulate relationships between communities and place.

Our buildings enhance and enable connections and interfaces which provoke, question and enrich both occupants and the public realm.

Edition Office work across a wide array of typologies and scale, including residential, institutional, commercial, education, urban design and interiors.

With our collaborative ethos, our team bring a multitude of experience in the creation of experientially rich architecture. We combine research, physical form finding techniques and digital agility to create unique places with distinct identities.

Within the first five years of practice, Edition Office has won numerous awards including the Dezeen international Emerging Architect, HOUSES Emerging Architecture Practice, the Design Files Awards Emerging designer and an honourable mention for Design studio at the INDE awards. Following these emerging practice prizes the in 2020 the studio was nominated for the 2020 Swiss Architecture Award.

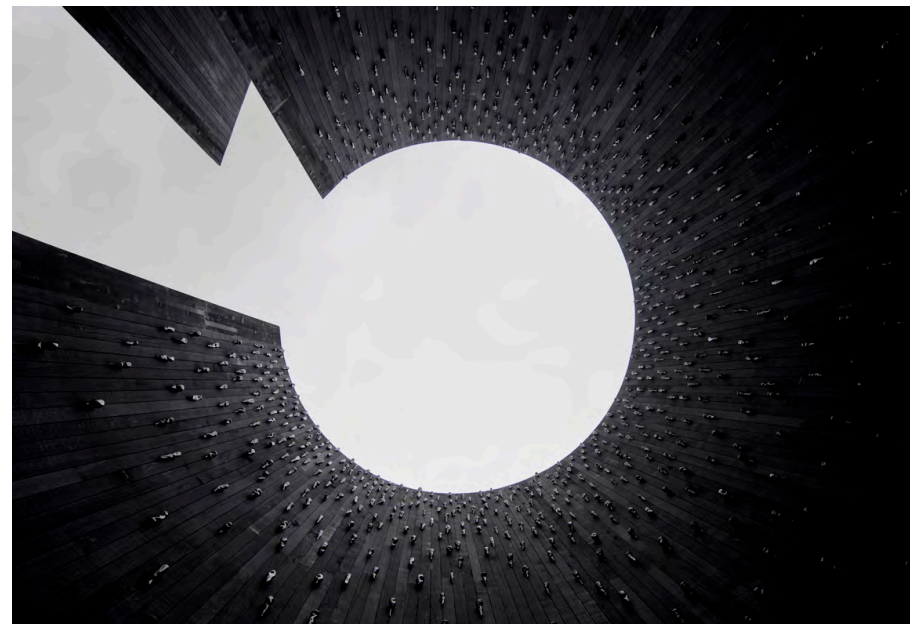
Our team have been carefully selected for their experience and proven record in delivering great buildings with attention to detail, craft and sensitivity.

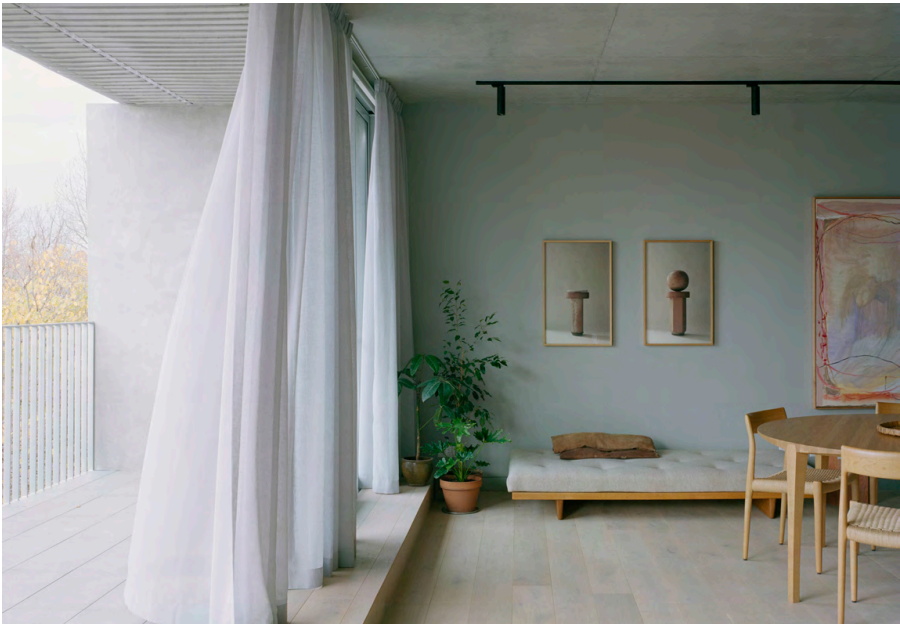
The architecture master jury chose Melbourne-based Edition Office as the winning emerging architecture studio for their 'rigorous exploration of material and form as a creative direction.'

The jury, which consisted of Sou Fujimoto, Lyndon Neri, Kunlé Adeyemi, Sonali Rastogi and Jing Liu, championed Edition Office's 'persistent pursuit of clarity in all projects'.

"There's a dichotomy between remaining rigorous and at the same time being experimental,"

2019 Dezeen awards Jury





Attachment 3 Attachment 3 - Urban Context Report

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EDITION OFFICE PREVIOUS PROJECTS
Bendigo Art Gallery - Masterplan





Edition Office	EDITION OFFICE PREVIOUS PROJECTS Hawthorn House
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**EDITION OFFICE PREVIOUS PROJECTS
Awards**

Recent

2021 Habitus House of the year, Federal House
2021 Houses Awards, New House Over 200M2, Federal House
2021 NSW Architecture Awards, Residential Houses New, Federal House
2021 Victorian Architecture Awards, Residential Houses New, Keynton House - Commendation
2021 The Design Files - Residential Architecture - Commendation - Keynton House
2021 The Design Files - Interior Design - Commendation - The Melburnian Apartment
2021 INDE Awards - The Living Space- , Federal House

2020 National Architecture Awards, The Nicholas Murcutt Award for Small Project Architecture - For Our Country, ATSWM
2020 National Architecture Awards, Award for Small Project Architecture - In Absence, NGV
2020 Victorian Architecture Awards, The Kevin Borland Award for Small Project Architecture In Absence, NGV
2020 ACT Architecture Awards, Canberra Medallion - For Our Country, ATSWM
2020 ACT Architecture Awards, Cynthia Breheny Award for Small Project Architecture - For Our Country, ATSWM
2020 ACT Architecture Awards, Pamille Berg Award for Art in Architecture - For Our Country, ATSWM
2020 ACT Architecture Awards, Robert Foster Award for Light in Architecture - For Our Country, ATSWM
2020 The Design Files - Collaboration - For Our Country, ATSWM
2020 The Design Files - Collaboration - In Absence, NGV - Commendation
2020 INDE Awards - Social Space - For Our Country, ATSWM - Honourable Mention

2019 Dezeen awards - Emerging Architect (International)
2019 National Architecture Awards, Residential Houses New
2019 National Architecture Awards, Peoples Choice
2019 Victorian Architecture Awards, Residential Houses New
2019 Victorian Architecture Awards - Commercial Architecture - Commendation
2019 Houses Awards, Emerging Practice Award
2019 Houses Awards - Commendation - Hawthorn House
2019 Houses Awards - Commendation - Pt Lonsdale House
2019 The Design Files - Emerging Design Studio
2019 INDE Awards - The Design Studio (International) - Honorable mention
2019 NGV Architectural Commission

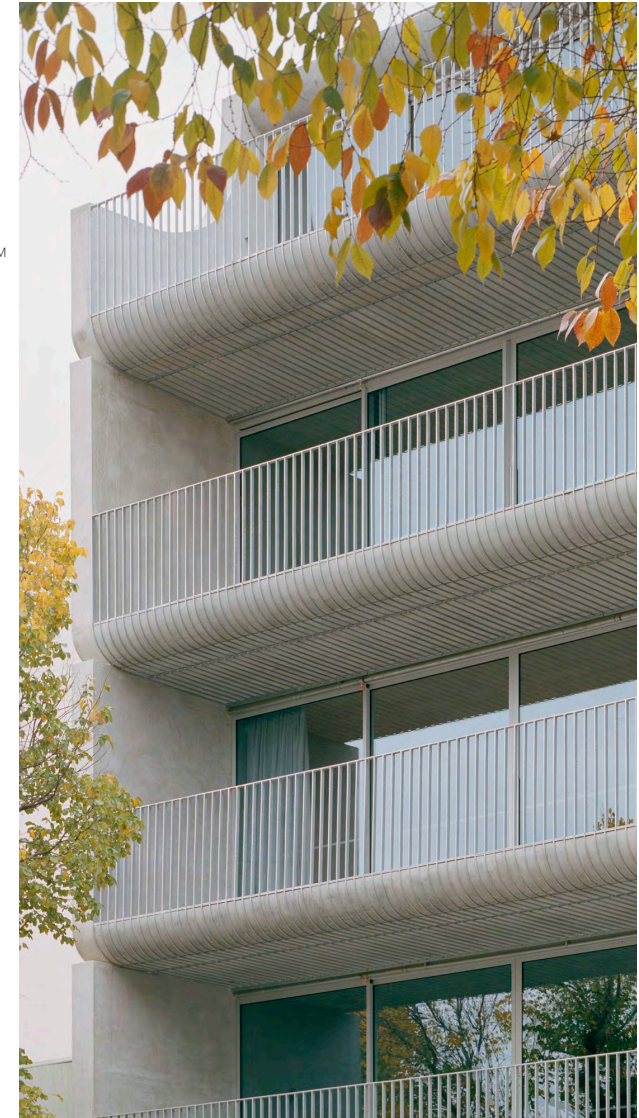
2018 Dulux Study Tour,
2018 Point Grey Lorne Competition Finalist

2017 Victorian Architecture Awards, Residential Houses New
2017 Houses Awards, New House Over 200M2
2017 Houses Awards, Sustainability
2017 Houses Awards, Emerging Practice - Commendation
2017 Thinkbrick Awards, Horbury Hunt Residential Award - Finalist

2016 Architeam Awards, Residential New
2016 Architeam Awards, Architeam Medal Winner
2016 Victorian Architecture Awards - ColorBond Steel Award

Recent shortlists :

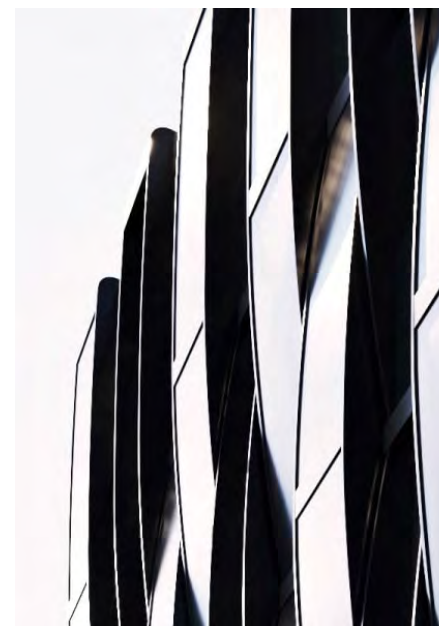
2021 Houses Awards, New House Over 200M2, Keynton House
2021 Houses Awards, New House Over 200M2, Federal House
2021 Houses Awards, Apartment, Melburnian
2020 Swiss Architecture Award
2020 Dezeen awards - Longlist - Cultural - In Absence, NGV
2020 Dezeen awards - Shortlist - Small Building - In Absence, NGV
2020 Dezeen awards - Shortlist - Interiors - The Melburnian Apartment
2020 INDE Awards - Social Space - In Absence, NGV
2019 Dezeen awards - Hawthorn House (International)
2019 Architizer Awards - Hawthorn House (International)
2019 Architectural Review House Awards for - Hawthorn House (International)
2019 Australian Interior Design Awards - Residential Design for - Hawthorn House
2019 Australian Interior Design Awards - Residential Design for - Pt Lonsdale House
2019 The Design Files - Hawthorn House
2019 The Design Files - Pt Lonsdale House
2019 Timber Design Award - Pt Lonsdale House

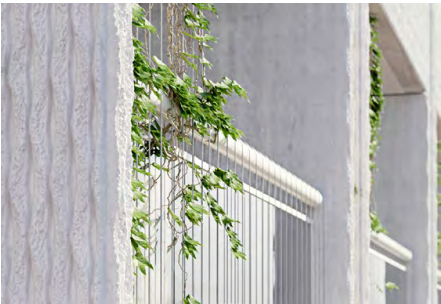


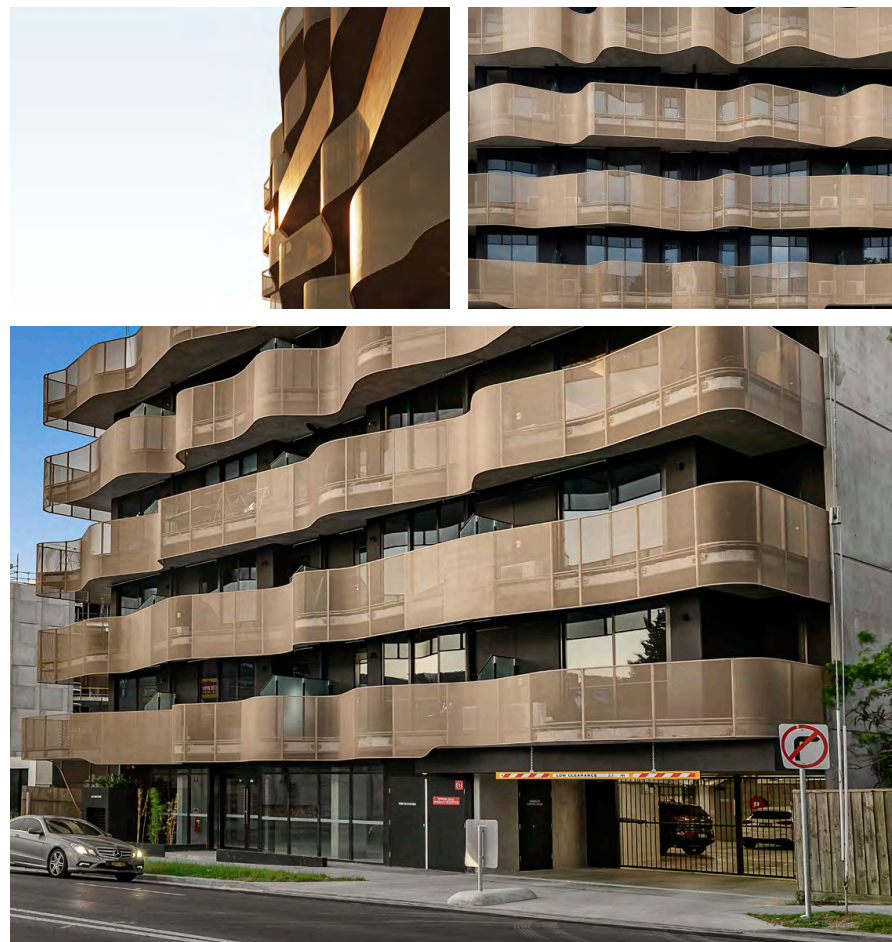
We craft residences that balance luxury with affordability in Melbourne's most sought after locations.

From the careful selection of each location to the meticulous planning behind each luxury residence, we have earned a reputation for impeccably designed and expertly delivered boutique property developments in Melbourne's most desirable neighbourhoods.

We understand the areas in which we build, and the value of working with the industry's finest. Informed, committed and trusted – K7 Developments represents quality from every angle.









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The subject site, 93-97 Sackville St, sits in the heart of Collingwood. Within a 100m radius from the site is access to the busy shopping and dining strip along Johnston St, and the number 200 and 207 buses providing easy access to the CBD. A number of significant buildings also sit within close proximity to the site, including the Collingwood Yards Arts Precinct, The Tote Pub and Music Venue and Sackville Street Cafés(Everyday coffee/A Coffee). Generally This is an amenity rich area with an ingrained culture of bustling street life, cafés, shopping, galleries and professional workers.

LEGEND




- 1 COLLINGWOOD YARDS
- 2 SACKVILLE STREET CAFES(EVERYDAY, A COFFEE)
- 3 THE TOTE
- 4 ST JOSEPHS PRIMARY
- 5 EMERALD STREET RESERVE
- 6 KEELE STREET CHILDCARE CENTRE
- 7 FOODWORKS



The immediate built context of the site includes a variety of scales and uses, ranging from single story worker's cottages built in the early 20th century, mid and large scale workshop and light industrial pubs to mid and large scale multi-residential developments. In particular, adjacent to the subject site is a large 7 level development at 4-6 Gold Street.

Larger blocks to the East and West along Sackville have either just sold or are already 3 storeys or greater.

LEGEND

-  SUBJECT SITE
-  NUMBER OF STOREYS
-  WALKING DISTANCE FROM SITE
- 235 LOT NUMBER

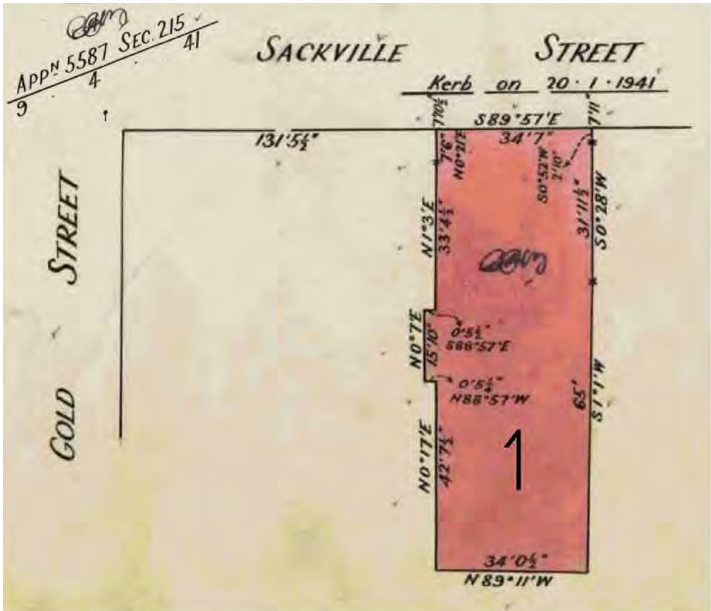
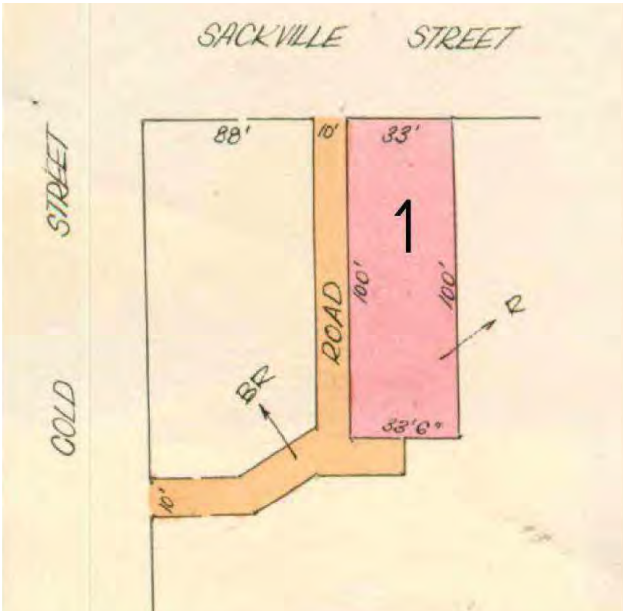


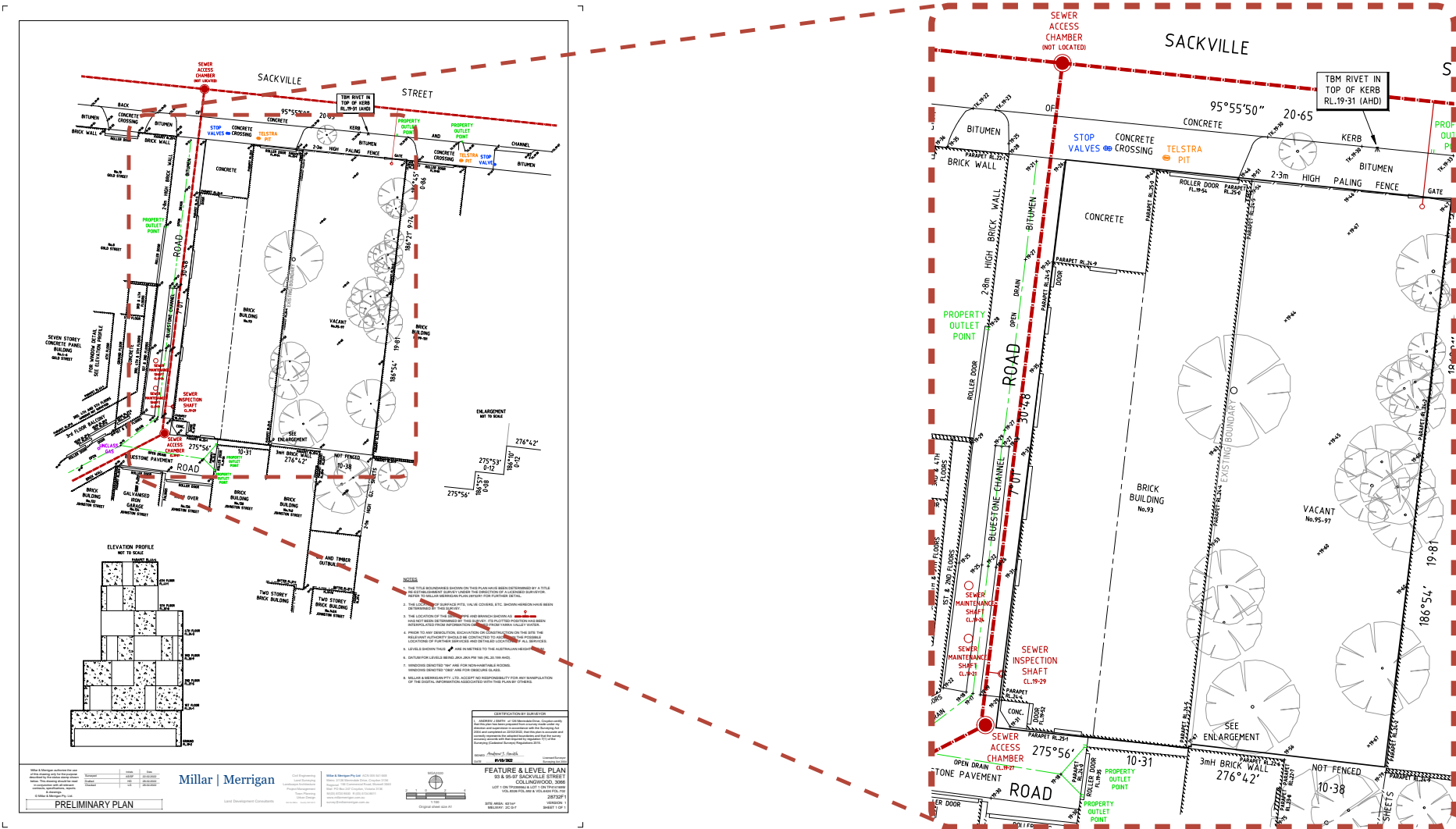
93-97 Sackville St is the agglomeration of two parcels with an adjoining single level warehouse to the East and a Laneway with a large 7 level development to the West. To the South narrow, individually occupied lots are unlikely to be developed in the near future. To the North 2 Apartment complexes are sited with a generous setback and adjacent to a laneway.

The existing conditions allow uninterrupted access to North and East daylight and above level 1 unimpeded views to the North, back to the CBD and across to Yarra Bend Park.

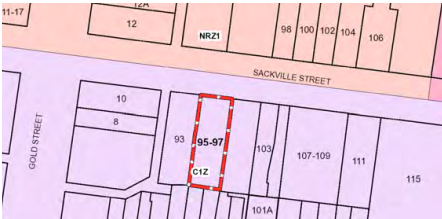


93-97 Sackville St is currently split into two parcels. 93 and 95/97. The site is directly adjacent to a laneway and proximate to Gold St. The parcels on the West side of the site face Gold street, to the East are two similarly sized parcels. To the North is a large parcel with a multi-residential development. The site does not contain any easements.



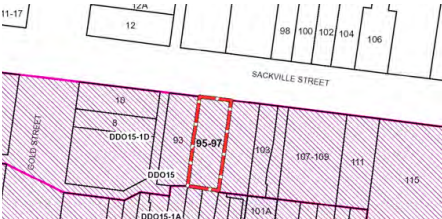


3.0 NEIGHBOURHOOD ANALYSIS
Planning Context



COMMERCIAL 1 ZONE (C1Z)
SCHEDULE TO THE MIXED USE ZONE

The subject site is situated within a Commercial use zone (C1Z) the purpose of which is to implement the State, Local and Municipal Framework and policies, to create 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 the commercial centre.
No specific objectives exist for Clause 34.01 in the schedule to this zone.



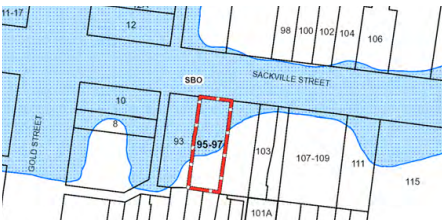
DESIGN AND DEVELOPMENT OVERLAY (DDO)
DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 15 (DDO15) / SCHEDULE 15-1D (DDO15-1D)

The subject site is covered by a design and development overlay (DDO) and is subject to the schedule DDO15(-1D). The purpose of this overlay is to preserve valued heritage character and street-wall to Johnston St, ensure that overall scale and form of new buildings is mid-rise and provides a suitable transition to low scale areas, to protect the collingwood Arts Precinct and the Southern side of Johnston St from loss of amenity, to activate the street edge, provide passive surveillance accommodate commercial activity and to provide equitable development outcomes through built form design that responds to the development opportunities of neighbouring properties, and through the consolidation of finer grain sites.



ENVIRONMENTAL AUDIT OVERLAY (EAO)

The subject site is covered by an Environmental Audit Overlay (EAO), the purpose of which is to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination. Before a sensitive use commences or before construction commences either an environmental audit must be carried out and the land certified or a letter must be provided by and environmental auditor stating the land is suitable for its intended use.



SPECIAL BUILDING OVERLAY (SBO)

The subject site is partially covered by a Special Building Overlay (SBO), the purpose of which is to identify areas liable to inundation by overland flows and to ensure that development maintains the free passage and temporary storage of flood waters, minimise flood damage, is compatible with local drainage conditions and will not cause any significant rise in flood level or flow velocity.



While the subject site is located within a commercial use zone, comprising of substantial warehouse and commercial buildings, the historic urban fabric also holds many low scale worker's cottages built during the early 20th century. Larger 2 and 3 story buildings regularly part of the rhythm of finer grain buildings. The neighbourhood character is one of a rich-diverse range of uses and scales.



The context contains a series of larger multi-residential and mixed use developments. These developments range from contemporary to from the 70s and are often 3-7 storeys. Substantial private landscape spaces are also regularly visible down laneways and on corner sites providing passive amenity.



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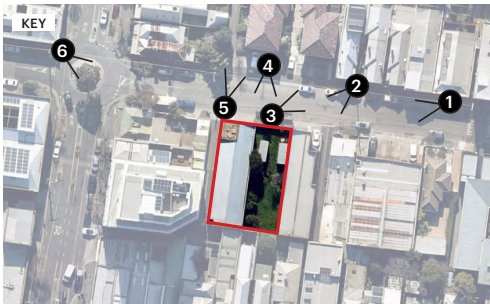
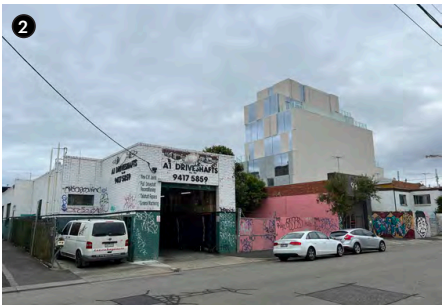
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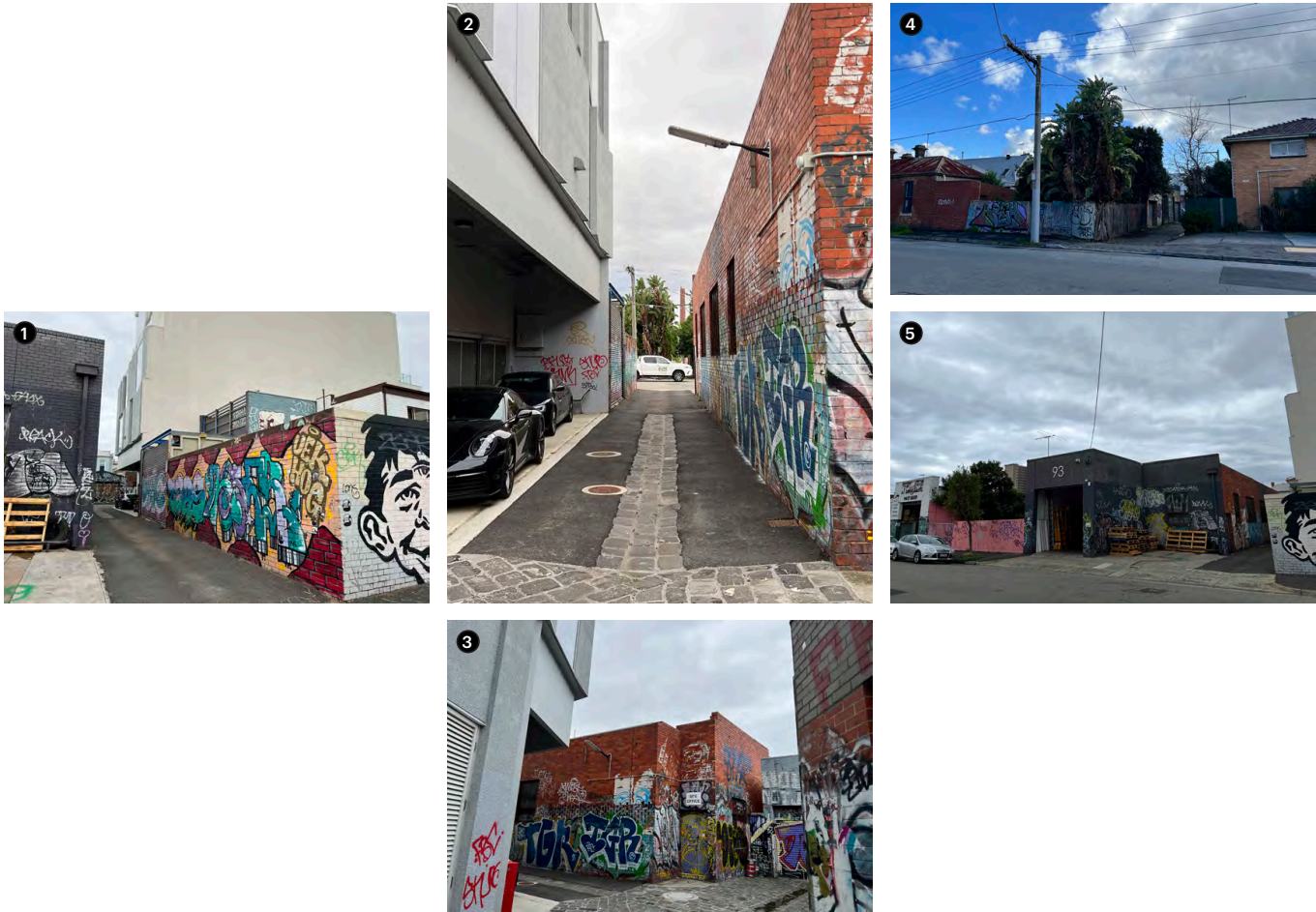
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The adjacent images show the existing conditions on Sackville St, and the adjacent single, double and multi-story buildings. The form of the development at 4-6 Gold St currently doesn't transition to surrounding lower fabric and is the dominant contextual form.

The street does not have significant street trees, landscape amenity is provided by planting around the nearby roundabout and private gardens adjacent to the street. The street width, property boundary to property boundary is approximately 16m.



To the West of the site is a laneway providing access to the rear of Gold and Johnston St properties. This laneway is currently used as parking and loading to these existing businesses and residences.



The subject site is proximate to significant residential and mixed use developments. The proposed development continues this trajectory by proposing further high quality residential townhouses to service the mixed use character of the area.



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The proposed dwellings have been designed to embody subtlety and refinement.

The development seeks to use elemental architectural devices to respond to a calmly to a diverse site. The project will deploy material, texture, rhythm and form.

At ground the form and mass of surrounding brick warehouses are abstracted to form a rich textural interface with the street. Cylindrical columns highlight the fine grain material qualities and provide a familiar rhythm for pedestrian and vehicle traffic.

Fine grain articulation and a refined palette characterise the upper levels of the project. Above ground the project reads as 3 objects resting on the plinth below. 2 street facing and one to the rear. Galvanised metal fins, and reeded glass help to bring delicacy to both the street and courtyard elevations.



Tappen Housing - Joliark



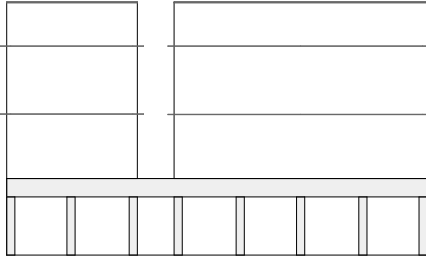
Textured Brick wall - Kyneton House - Edition Office



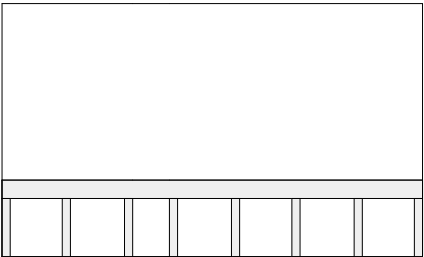
The ground level plinth responds to an undulating brick datum that is part of the existing street condition. Brick of a variety of tones and finishes are a key component of the street character of both the broader Collingwood precinct and of the more immediate Sackville St context.



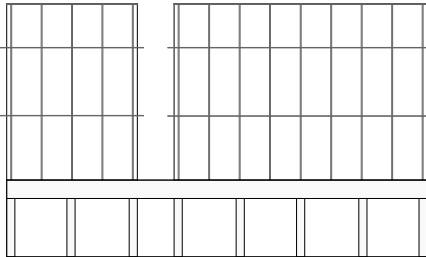
- Overall Mass
of street frontage
to Sackville
Street



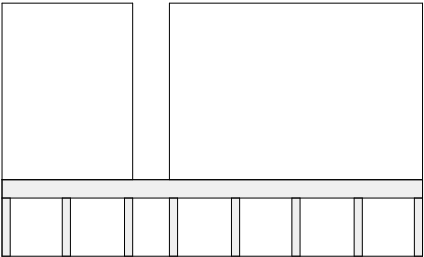
- Upper levels
expressed on
street elevation



- Addition of
'Plinth' to address
street



- Mass further
'broken down'
through vertical
rhythm

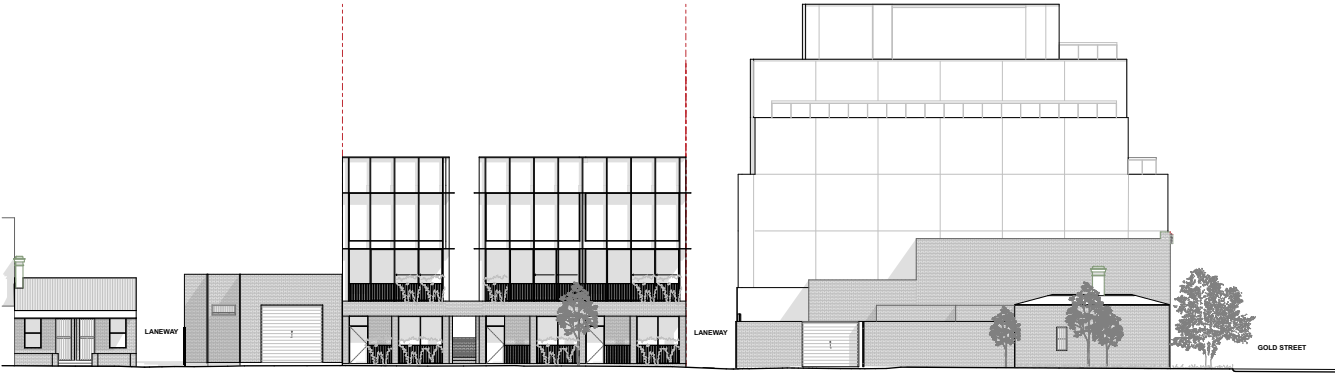
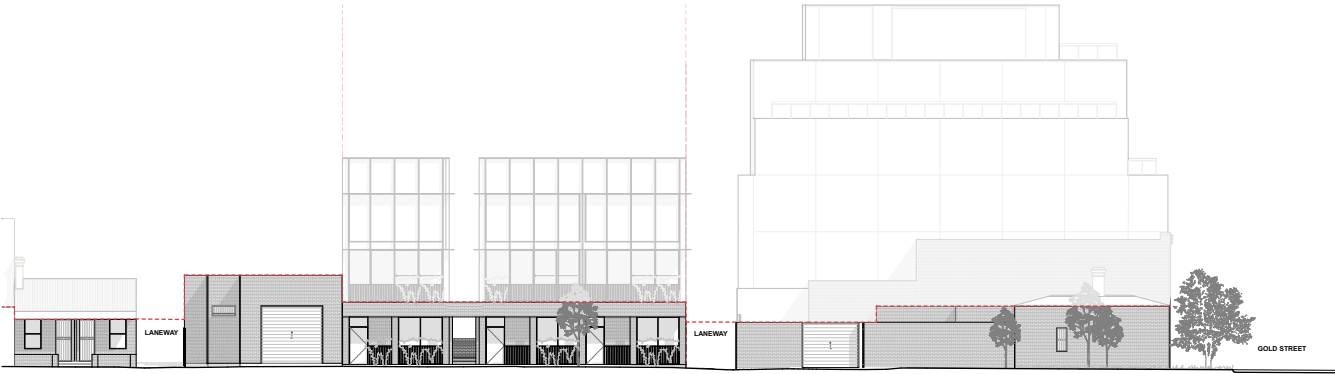


- Separation of
volume to allow
access to rear
units

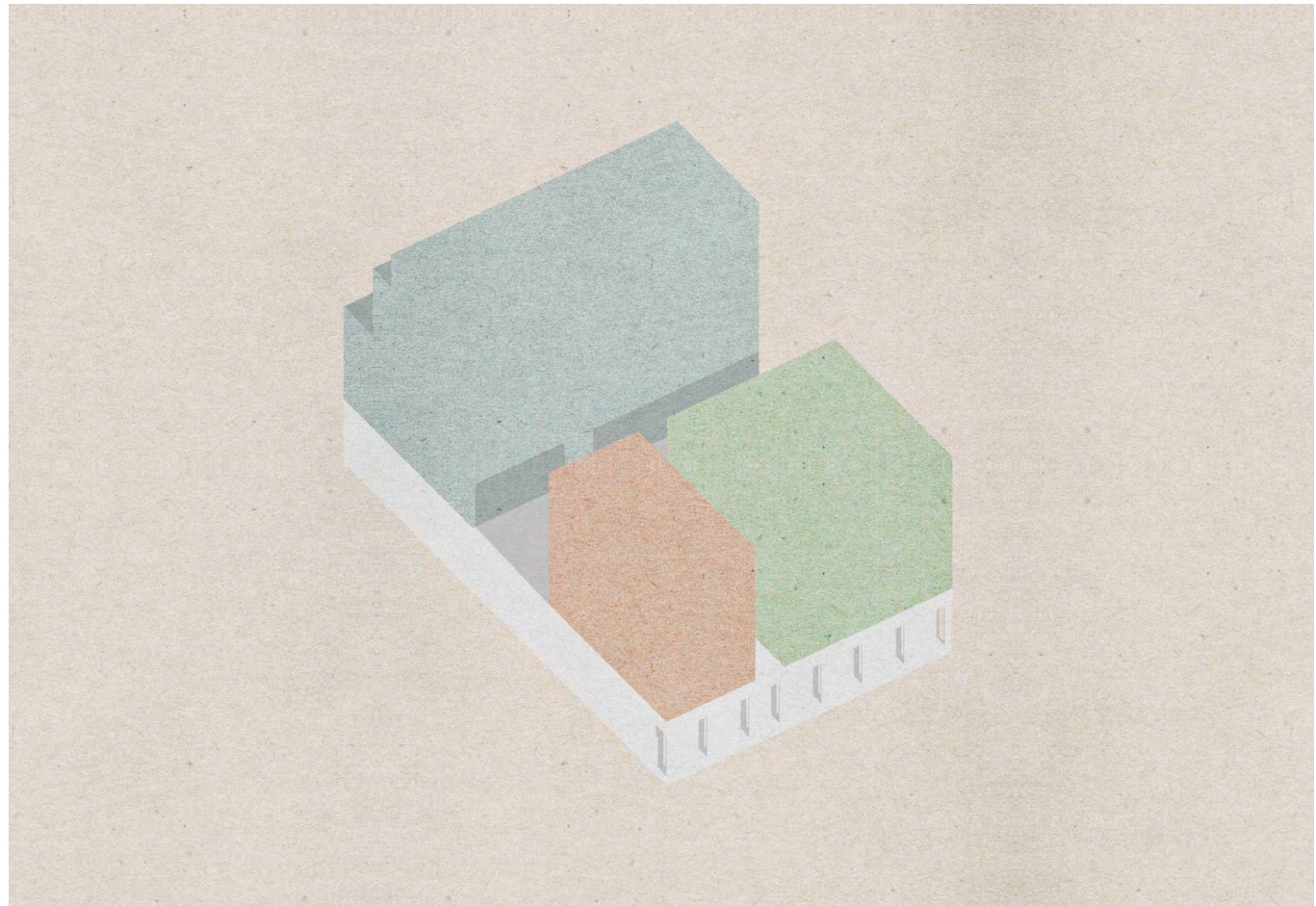


- Fine grain
depth and
refinement

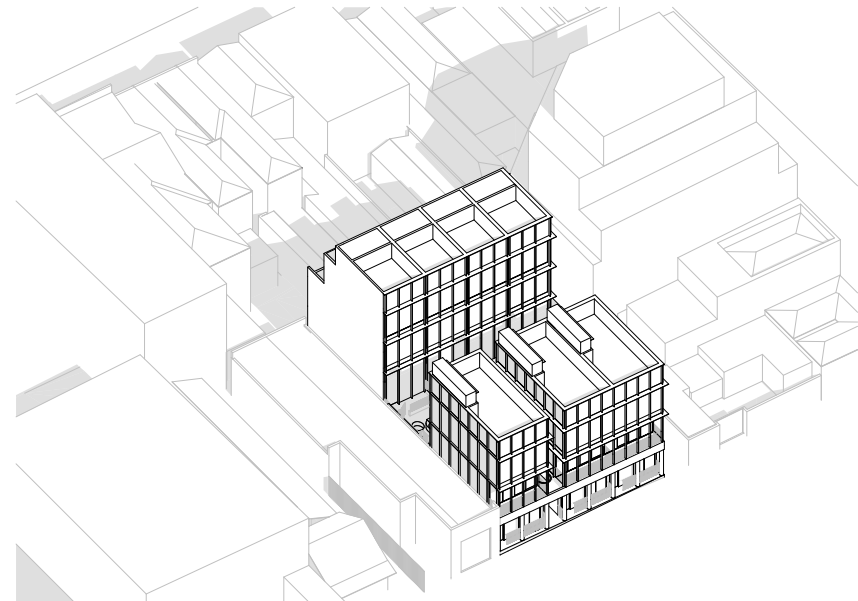
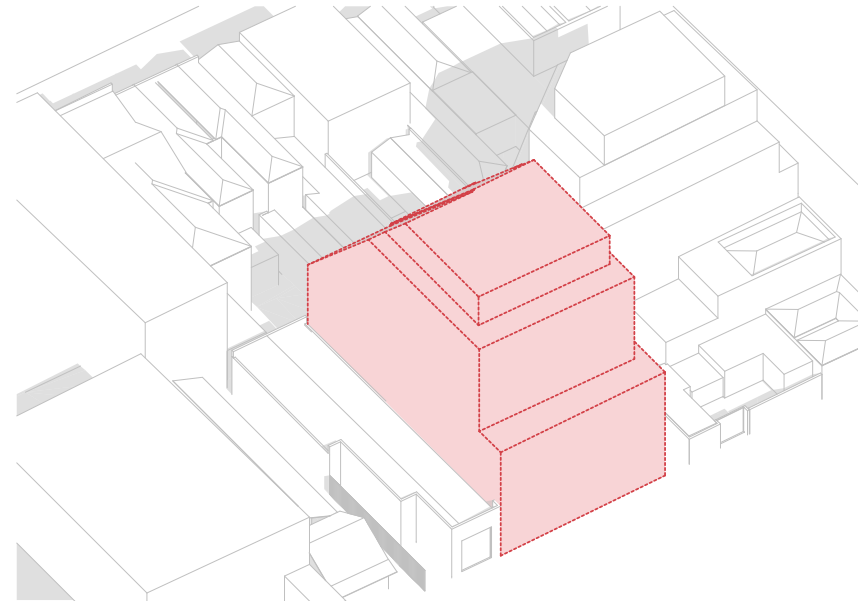
The ground level plinth responds to an undulating brick datum that is part of the existing street condition. Brick of a variety of tones and finishes are a key component of the street character of both the broader Collingwood precinct and of the more immediate Sackville St context.

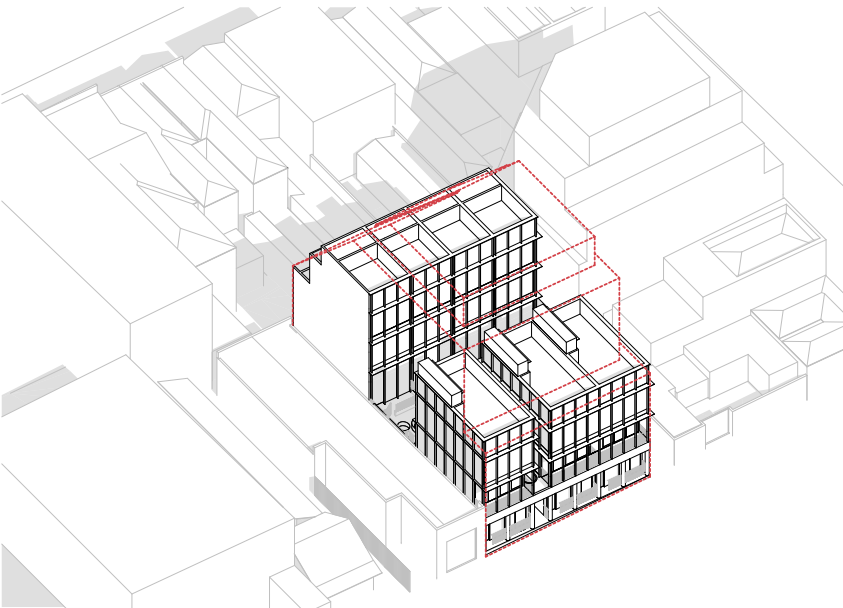


The proposed development is legibly composed with a solid, grounded plinth. Above which rests three lightweight objects creating a shared landscape space and entryway.

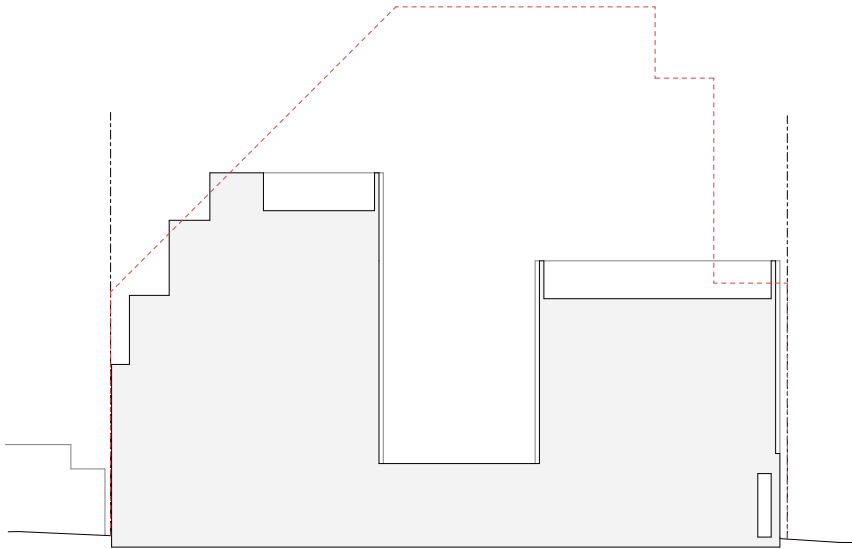


The possible development for the site allows for a significant and dense development. Occupying the total footprint of the site up to level 3. The proposal offers a more contextual approach with significantly lower density development and creates a series of lower level landscape spaces.





Proposed development
fills 52.8% of total
envelope

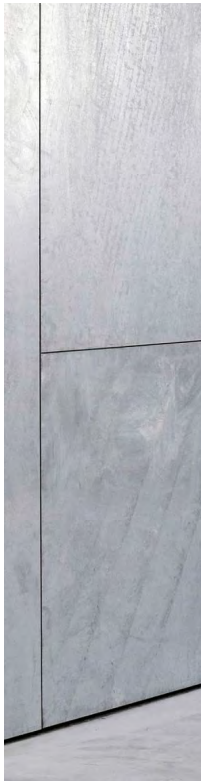




CO1
Polished Pre-cast
Concrete



BR1
Grey Brick



GA1
Galvanised metal
cladding



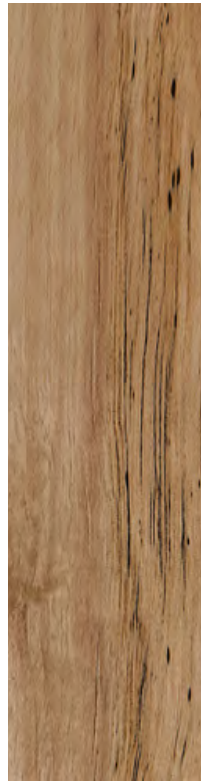
KL1
Galvanised Klip Lok
roofing



SS1
Stainless Steel



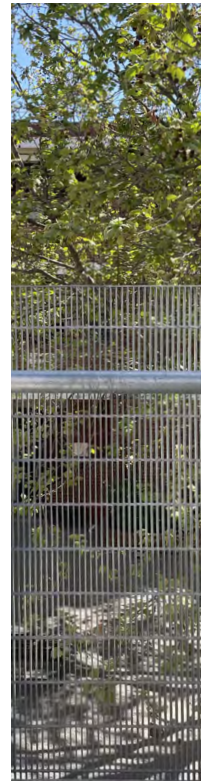
GL2
Textured Glass
(Reeded - obscure)



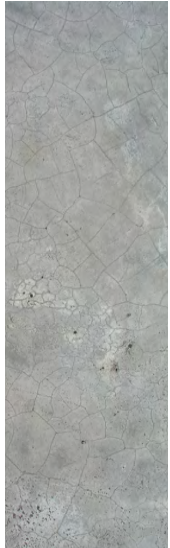
HW1
Hardwood Timber
Board



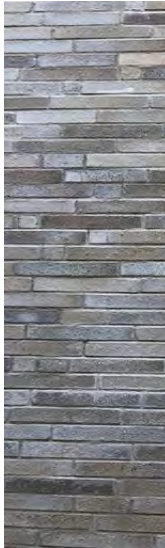
ME1
Metal Wire



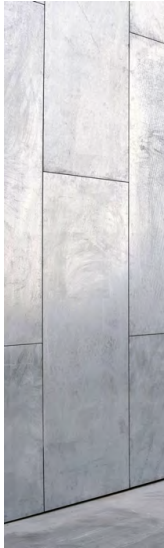
ME2
Metal Mesh



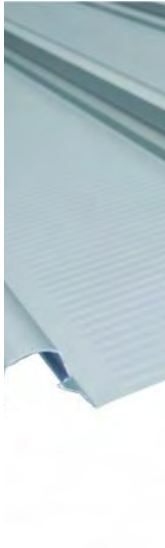
CO1
RCONCRETE



BR1
GREY BRICK



GA1
GALVANISED METAL
CLADDING



KL1
GALVANISED KLIP LOK
ROOFING



SS1
STAINLESS STEEL



GL1
CLEAR GLASS



GL2
TEXTURED GLASS
(REEDED - OBSCURED)



HW1
HARDWOOD TIMBER
BOARD



ME1
METAL WIRE



ME2
METAL MESH

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V22004 Sackville Street
93-97 Sackville Street Collingwood VIC 3066

DATE
14/11/2022

SCALE
A-S AT A3

Revisions					
ID	DATE	DESCRIPTION	ID	DATE	DESCRIPTION

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PRELIMINARY NOT FOR CONSTRUCTION
MATERIAL SCHEDULE REVISION

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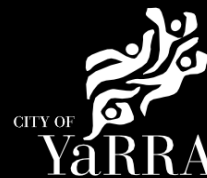
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Urban Design Formal Referral Response



Application Information:

Referral Officer:	Lewis McNeice
Officer:	Erryn Megennis
Council Reference:	PLN22/0941
Address:	93 Sackville St, Collingwood VIC 3066
Proposal:	Construction of 7 Townhouses, associated reduction in the statutory car parking requirement.
Comments Sought:	Click here to view referral memo: D23/192807 - IREF23/00874 - Internal Referral - Planning Formal Request
Disclaimer:	Council's Urban Designer provides the following information which is based on the information provided in the referral request memo referenced above.
Prev. Responses:	

Recommendation

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

Comment Summary

Height and Massing

- The Built Form and Massing is generally supported from an urban design perspective.
- DDO15 (Johnston Street Activity Centre) applies to the site. The site of the development is in sub precinct 1D which has:
 - a preferred maximum building height of 24 metres,
 - a preferred street wall height of 11 metres,
 - and a preferred minimum mid level setback of 6 metres above the street wall (with no mandatory requirements).
 - For upper level setbacks, the DDO outlines a preferred setback of 45 degrees above 11 metres, both at the front and the rear of the property.
 - The development at its highest point is 16.7 metres high, street wall at Sackville Street is 12.4 metres high and the southern portion of the development has an upper floor setback of 4.485m.
- While the development does not meet all the preferred requirements in the DDO, it is supported from an urban design perspective. This is because it is of a high architectural standard, the lowered height at the northern portion of the development and the form of the building being partitioned and well-balanced.
- Lastly, it is required that the development ensures the windows and setbacks along laneway comply with specifications outlined in DDO15. Which in the case of this development, is compliant.

Architecture and materiality

- The development is generally supported from an urban design perspective.
- The architecture and materiality of the proposal are of high-quality and compliment the rhythm of the street.
- The front elevation comprises a plinth shape and gridded texture above that responds to its context and the material palette does not stand out as starkly different in the context of the street.

Public Realm Interface

- The proposal provides vehicle access from laneway which is supported from an urban design perspective and meets the vehicle access and car parking guidelines specified in DDO15. The boundary wall along the laneway includes large expanses of brick wall, and there is an opportunity to provide more greening to improve the amenity of the laneway and prevent graffiti on this wall. This could be achieved through providing cut-outs alongside the boundary wall (where the wall is inset and there is a small strip within the property boundary) to accommodate a creeping plant and match the planting proposed in the cut-outs alongside Sackville Street. This should be detailed in an updated Landscape Plan and referred to Open Space Services (Design).

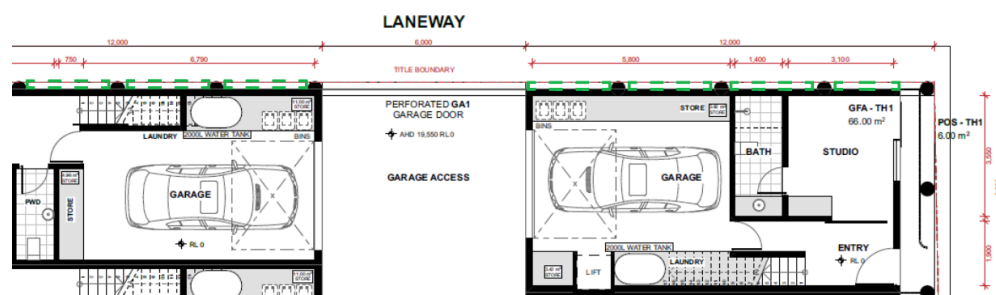


Figure 1 – Dashed green line - potential greenery addition proposal (indicative). Not to scale.

- The proposal has a prominent entrance and active uses facing Sackville Street with windows, to provide an active frontage. This is supported.

Streetscape and Capital Works

- The development removes a number of trees within the site. The tree removal should be referred to the Open Space Services team.
- Due to the loss of trees within the site and the inevitable changes to the existing crossovers, it is recommended to increase street tree planting along the site's Sackville Street frontage. The developer is requested to fund the planting of 2 new street trees along Sackville Street in the indicative locations, shown in Figure 1 below, noting the following:

- An estimate of the total cost for the trees, planting, and surface finish would be \$ 3,234 (plus GST) which would cover tree sourcing, planting and 2 years of establishment maintenance. Refer to breakdown below:
 - 2 x sourcing and planting of new tree within 1.5 x 1.5m new tree pit = \$2,266.
 - 2 x two year's establishment maintenance = \$672.
- Council's tree planting contractor will source and plant the street trees. Final tree species and locations are to be confirmed by Council's arborist prior to construction. However, please keep Council updated as the project progresses so when the plans are approved Council can ensure trees are placed on order in time for completion.
- Council will investigate the option to remove the existing Callistemon pending the opportunity to plant an additional road tree in the proposed section subject to car parking spaces and opportunities.

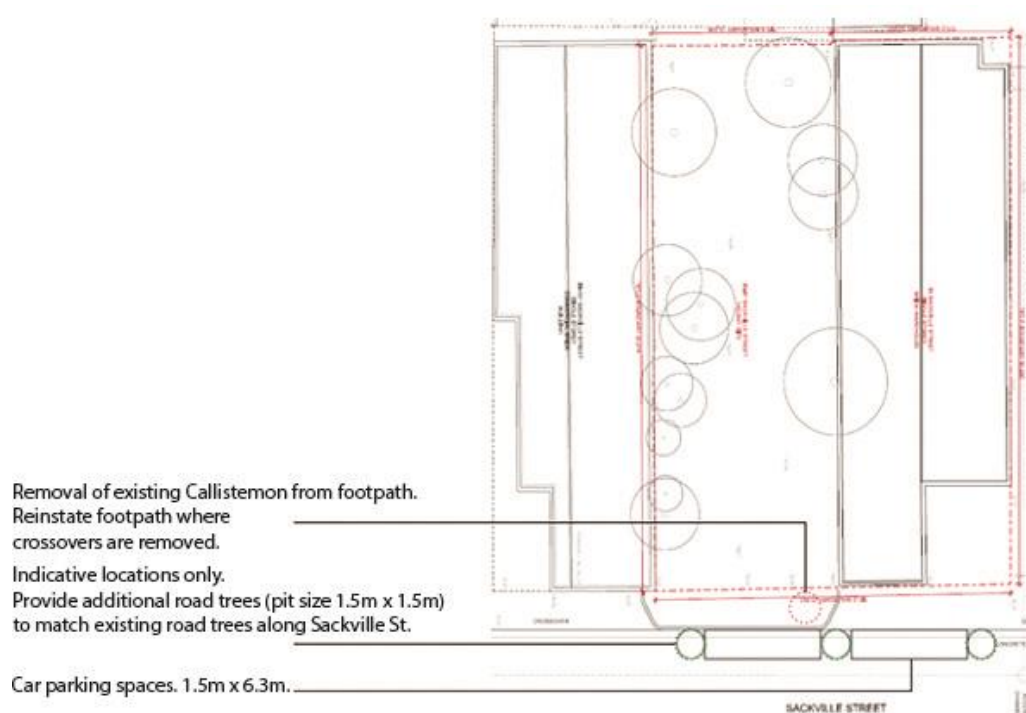


Figure 2 -Additional Street Tree and car parking proposal (indicative). Not to scale

- Along the full length of the subject site, the Sackville St footpath is to be reinstated as asphalt footpath with concrete kerb and channel as per Yarra's Road Materials Policy and Yarra Standard Drawings.
 - All redundant crossovers are to be removed and reinstated as asphalt footpath.

- All proposed vehicle crossovers to be as per Yarra Standard Drawings.
 - Footpath levels and crossfall are to comply with DDA requirements and Council standard drawings – refer advice from Council's Engineering team.
 - Design of footpaths/kerb reinstatement to be approved by Engineering team.
- There are no known planned / approved capital works around the site being led by the Urban Design Team.

The proposal is acceptable from an Urban Design perspective, subject to the following recommendations being addressed:

- Securing a financial contribution to cover three new street trees along the site's Sackville Street frontage.
- Reinstatement of the footpaths and kerb, to be approved by Council's Engineering team.

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

- City Strategy - Open Space Services (Design)
- Development Engineering
- City Works – Waste Management
- ESD
- Strategic Transport
- Open Space Services (City Works)

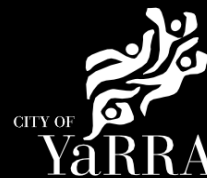
Please note: the Open Space Services team was not listed in the memo and should also be consulted.

Capital Works:

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

Urban Designer: Lewis McNeice
Date: 07 June 2023

ESD Formal Referral Response



Application Information:

Referral Officer:	Gavin Ashley
Officer:	Erryn Megennis
Council Reference:	PLN22/0941
Address:	93 Sackville St, Collingwood VIC 3066
Proposal:	Construction of 7 Townhouses, associated reduction in the statutory car parking requirement.
Comments Sought:	Click here to view referral memo: D23/192825
Disclaimer:	Council's ESD Officer provides the following information which is based on the information provided in the referral request memo referenced above.
Prev. Responses:	

ESD comments were requested on the following:

- New referral
- SDA

In assessing this application, the following documents were reviewed:

- Plans prepared by Edition Office dated 03.03.23
- Sustainable Design Assessment prepared by SUHO dated 29.11.22
- Daylight Modelling prepared by SUHO dated 21.04.23

Comments

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

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

1. Applicant ESD Commitments

- Overall BESS score of 61%, passing all mandatory category scores
- All electric / No gas connection
- High efficiency water fixtures and use of rainwater tanks (2000L per townhouse)
- Highly efficient windows (base specifications for energy modelling were U-values between 1.71 and 2.66)
- Average NatHERS rating of 6.5 Stars, with individual ratings ranging from 6 Stars to 7.2 Stars
- Minimum 4 Stars energy efficiency rating for heating and cooling systems

- Electric heat pump water heating systems
- Clothes lines
- Tap and floor waste to be provided on every balcony/courtyard
- Body corporation will have an agreement with renewable energy provider which is to be supplied to all townhouses

2. Application ESD Deficiencies

- A NatHERS average rating of 6.5 Stars is no longer sufficient given the Victorian Government agreement to increase minimum energy efficiency building standards for new homes from 6 to 7 stars under changes to the National Construction Code 2022. Improve the thermal performance of dwellings to achieve an average rating of 7 Stars, considering reductions in glazing on the north and west facades.
- The SDA states that 'EV charging to be provided' and 'Renewable energy to be provided', however, the relevant BESS inputs are not claimed nor are these initiatives shown on the plans.
 - It is understood that each dwelling currently has limited non-trafficable roofspace (e.g. only 4.5-6m²), therefore, the design must explore design changes (e.g. pergola structure) which can support rooftop solar PV panels (ideally at least 3kW capacity per townhouse) while maintaining the roof deck amenity currently sought.
 - Include enabling electric vehicle charging infrastructure for each dwelling.
- The site will be cleared prior to development and only 8% of the site is proposed to be covered with new landscaping. Increase the percentage of vegetation coverage, exploring opportunities such as increases to planter boxes on balconies/roof decks and the extent of landscaping in communal garden area on the first level.
- The proposed development results in 0% site permeability which is a poor outcome from a stormwater management perspective, despite potentially achieving a satisfactory result in STORM. Consider opportunities to improve permeability through the redevelopment.

3. Outstanding Information

- Table in SDA Executive Summary incorrectly lists minimum score to pass BESS as 53%. Update to 50%.
- It is noted that the SDA and BESS & STORM assessments are based on town planning drawings dated 18/10/2022. Where the more current drawings are different to the older drawings, ensure the SDA, BESS and STORM reflect these differences.
- No baths shown on plans in bathrooms/ensuites. Scope out in BESS.
- WELS rating of 5 Stars claimed for washing machines in BESS. If washing machines are not being provided as a part of the build, these should be entered as 'Default or unrated' in BESS.
- Clarify connection of rainwater tanks to irrigation areas and update all documentation for consistency, with consideration of the following:
 - SMP lists stormwater reuse connections as 'toilet flushing, general wash down and garden irrigation for all dwellings', and BESS input states 50m² of irrigation area connected to tanks.
 - BESS Water 3.1 – Water Efficient Landscaping is currently claimed 'Yes'. As per the BESS Tool Notes for Water 3.1, "If all vegetation is in ... irrigation areas

connected to rainwater or an alternative water source, then this credit is not applicable and should be scoped out.”

- Ensure BESS Dwelling Energy Profile inputs for Exposed Sides are correct. Currently only TH3 has been assigned 3 exposed sides, while the plans show TH1, TH4 and TH7 also with 3 exposed sides.
- Clarify proposed system types for heating and cooling, updating accordingly in BESS.
- Plans include annotations of ‘retractable fly screen’ on roof decks next to what appear to be outdoors clotheslines. Update annotations accordingly.
- IEQ Credit 3.2 Thermal Comfort - External Shading is claimed and the Base Level Energy Efficiency Specifications for the NatHERS modelling states ‘External retractable awnings to all windows and sliding doors’. However, it is unclear on the plans what type of shading (e.g. retractable awning, fixed horizontal battens etc) is proposed and where it is located. Clarify the use of effective external shading and clearly show on plans, particularly the elevations for north and west facing glazing.
- Ventilation in Townhouses 4-7:
 - There are not clear breeze paths on the first floor (through living areas and kitchen) due to a lack of south facing glazing opposite the north facing glazing. However, natural ventilation could be improved if the skylights above the kitchens are operable. Clarify if the skylights are operable and annotate accordingly on plans.
 - For Bed 2 of these dwellings, clarify if the skylights are operable and annotate accordingly on plans. Additionally, clarify if the ‘swing panels’ (as annotated on plans) are a wall or glazing element.
- Daylight assessment:
 - Daylight report states ‘Townhouse 4 and townhouse 6 have been modelled’ however imagery included of the model’s isometric view appears to only show Townhouse 7. Ensure modelling and report are aligned.
 - Glazing light transmittance assumptions were 68% for windows and 55% for skylights. The glazing types for awning windows and sliding doors used for NatHERS modelling have VLT values closer to 0.5 and 0.55 respectively. Update VLT values in modelling in line with glazing types used in NatHERS assessment.
 - Modelling does not show full extent of internal rooms modelled (i.e. no plan view showing extent of daylight factor achieved). Include plan imagery from modelling in the report, including screenshots of numerical results achieved.
 - Present assessment results in line with the BESS standards for IEQ Credits 1.1 & 1.2, rather than as an ‘average daylight factor’ for the room.
- BESS and the SDA claim that 7 bike parking spaces for residents and 7 bike parking spaces for visitors will be provided across the 7 townhouses. However, the ground floor area annotated ‘Bike Store’ in each dwelling appears suitable for only 1 bicycle. Clarify the proposed quantity of spaces per dwelling, providing appropriate space on plans and updating BESS inputs if required.
- Plans do not detail a bike storage system rack within the bike store in each dwelling. Update plans to clarify inclusion of bike rack systems racks.
- The SDA states that CLT structure is to be used in the development, however, based on the plans it is unclear if CLT is specified. Clarify the use of CLT.
- Strengthen the wording of the renewable energy initiative, amending in SDA to ‘Minimum 10-year agreement for the purchase of accredited GreenPower supplied to all townhouses’.

4. ESD Improvement Opportunities

- Consider roof and roof deck colours with a high Solar Reflectance Value (SRI) to reduce localised urban heat.
- Undertake a green factor assessment <greenfactor.com.au> to benchmark the landscaping approach

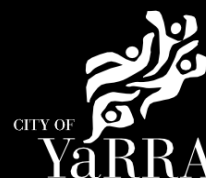
Recommendations

Having reviewed the documentation, the applicant is required to address the items above listed as ESD deficiencies (2) and Outstanding Information (3) – and is strongly encouraged to incorporate the ESD improvement Opportunities (4) where practical.

ESD Advisor: Gavin Ashley

Date: 22 June 2023

Development Engineering Formal Referral Response



Application Information:

Referral Officer:	Mark Pisani
Officer:	Erryn Megennis
Council Reference:	PLN22/0941
Referral Number:	IREF23/00872
Address:	93 Sackville Street, Collingwood
Proposal:	Residential Development
Comments Sought:	Reduction in Car Parking; Access and Internal Layout
Disclaimer:	Council's Development Engineering unit, provides the following advice based on information provided in the referral request memo referenced above.

Engineering Referral Details

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

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

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

Table 1 - Drawings and Documents reviewed by Engineering

Consultant	Drawing No. or Document	Revision	Dated
Edition Office	DA0.104 <i>Ground Context Plan</i>	B	3 February 2023
	DA1.100 <i>Ground Floor Plan</i>	B	3 February 2023
	DA2.106 <i>Proposed North Elevation</i>	B	3 March 2023
	DA2.109 <i>Proposed West Elevation</i>	B	3 March 2023
	DA3.100 <i>Sections</i>	B	3 March 2023
Millar Merrigan	28732F1 <i>Feature & Level Survey</i>	1	278 February 2022
One Mile Grid	Transport Impact Assessment		1 May 2023

SECTION 1: Engineering Requirements – Issue to the Applicant

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

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

Table 2 - Engineering Requirements for Applicant

Item	Engineering Requirement	Action for Applicant
1	The headroom clearances of the individual garage doorways must be dimensioned.	Update the relevant drawings accordingly.
2	A section drawing of the internal accessway and the laneway must be provided, showing the 40 mm lip at the front edge of the slab where it abuts the laneway. The finished level of the accessway must be labelled, together with the existing east edge of laneway level and the existing level of the laneway's invert.	Update the relevant drawings and provide section drawing of internal accessway and laneway.
3	Sackville Street frontage: The existing footpath is to be reconstructed to the Council's standards. The crossfall of the reconstructed footpath to be shown and must satisfy the Department of Transport's Accessible (DDA) Guidelines. The finished floor levels at the development's pedestrian entrances are to be readjusted to match the new footpath levels at the property boundary. The existing kerb levels are not to be altered unless agreed to by Council.	Update the relevant drawings accordingly.
4	The redundant vehicle crossing on the property's Sackville Street frontage must be demolished and reinstated to Council's standards	Update the relevant drawings accordingly.

SECTION 2: Engineering Conditions – Planning Permit

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

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

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

	Engineering Condition
Condition	The footpath along the property's Sackville Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
Condition	Any damaged roads 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.
Condition	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.
Condition	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.
Condition	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.
Condition	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.
Condition	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.
Condition	Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
Condition	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.

	Engineering Condition
Condition	All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.
Condition	All redundant vehicle crossings are to be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.

SECTION 3: Engineering Detailed Assessment

CAR PARKING PROVISION

Proposed Development

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

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Three-Bedroom Dwelling	7	2.0 spaces per dwelling	14 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
<i>Parking Demand for Three-Bedroom Townhouses</i>	One Mile Grid has sourced the average car ownership data for semi-detached, townhouse type dwellings for the municipality. The data indicates that for three-bedroom townhouses, some 58.6% of these dwellings own one or no cars. The provision of one space per dwelling for the proposed development is fairly consistent with the statistical trend throughout Yarra. The provision of one space per three-bedroom townhouse is considered appropriate in the Collingwood area.
<i>Availability of Public Transport in the Locality of the Land</i>	The following public transport services can be accessed to and from the site by foot: <ul style="list-style-type: none"> ▪ Smith Street trams – 540 metre walk ▪ Johnston Street buses – 220 metre walk ▪ Victoria Park railway station – 580 metre walk ▪ Hoddle Street buses – 330 metre walk
<i>Convenience of Pedestrian and Cyclist Access</i>	The site is very well positioned in terms of pedestrian access to public transport nodes, shops, supermarket, places of employment and education and other essential facilities. The site also has good connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

Consideration	Details
<i>Availability of Car Parking</i>	On-street parking in this part of Collingwood is very high and the scarcity of unrestricted on-street car parking and option of owning a second car would be impractical and unviable.
<i>Relevant Local Policy or Incorporated Document</i>	The proposed development is considered to be in line with the objectives contained in Council's <i>Strategic Transport Statement</i> . 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 car parking provision for the seven townhouses is considered appropriate in the context of the development and the surrounding area.

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

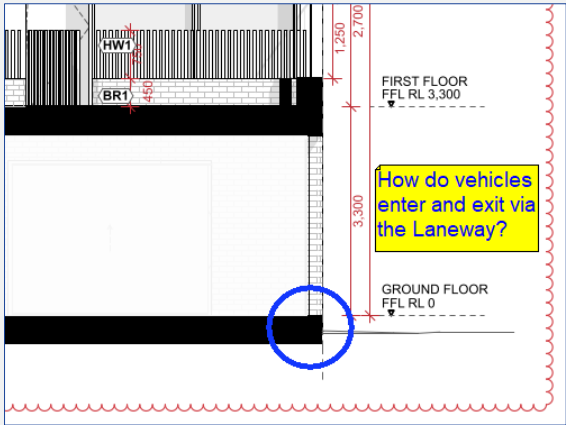
Trip Generation

The trip generation for the site adopted by One Mile Grid is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	AM Peak Hour	PM Peak Hour
Residential (7 No. Townhouses)	4.0 trips per day per dwelling 0.4 trips per dwelling in each peak hour	28 trips	4 trips	4 trips

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

DEVELOPMENT LAYOUT DESIGN**Layout Design Assessment**

Item	Assessment
Access Arrangements	
Development Entrance – Via Laneway	The 6.0 metre entrance width satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Headroom Clearance	The headroom clearances of the individual garage doorways have not been dimensioned.
Car Parking Modules	
Single Garages	The dimensions of the single garages (3.8 to 4.0 metres by 5.8 to 6.79 metres) satisfy AS/NZS 2890.1:2004.
Aisles	The 6.0 metre wide aisle satisfies <i>Table 2: Minimum dimensions of car parking spaces and accessways</i> of Clause 52.06-9.
Gradients	
Ramp Grade for the first 5.0 metres inside the Property	Not applicable
Ramp Grades and Changes of Grade	Not applicable
Swept Path Assessment	
Vehicle Entry and Exit Movements Garages via Accessway and Laneway	The swept path diagrams for the B85 design vehicle entering and exiting the individual garages via the accessway and laneway are considered satisfactory.
Other Items	
Accessway Interface with the Laneway	<p>The applicant has not provided a section drawing of the vehicle accessway. There are no details of the accessway's interface with the laneway.</p> 

Engineering Advice for Design Items to be Addressed by the Applicant

Please Note: The design advice items in the following table are NOT engineering conditions.

Item	Details
Accessway Interface with the Laneway	The finished floor level of the front edge of the concrete slab of the accessway (at the property line) must be set 40 mm higher than the edge of the laneway. The applicant may need to provide a grade for the first 2.0 metres inside the accessway. A section drawing must be provided of the accessway and the laneway showing the 40 mm lip and the finished floor levels of the accessway and the existing east edge of the laneway and the central invert. An information has been appended to this memo showing the 40 mm lip and the required levels for the section drawing.

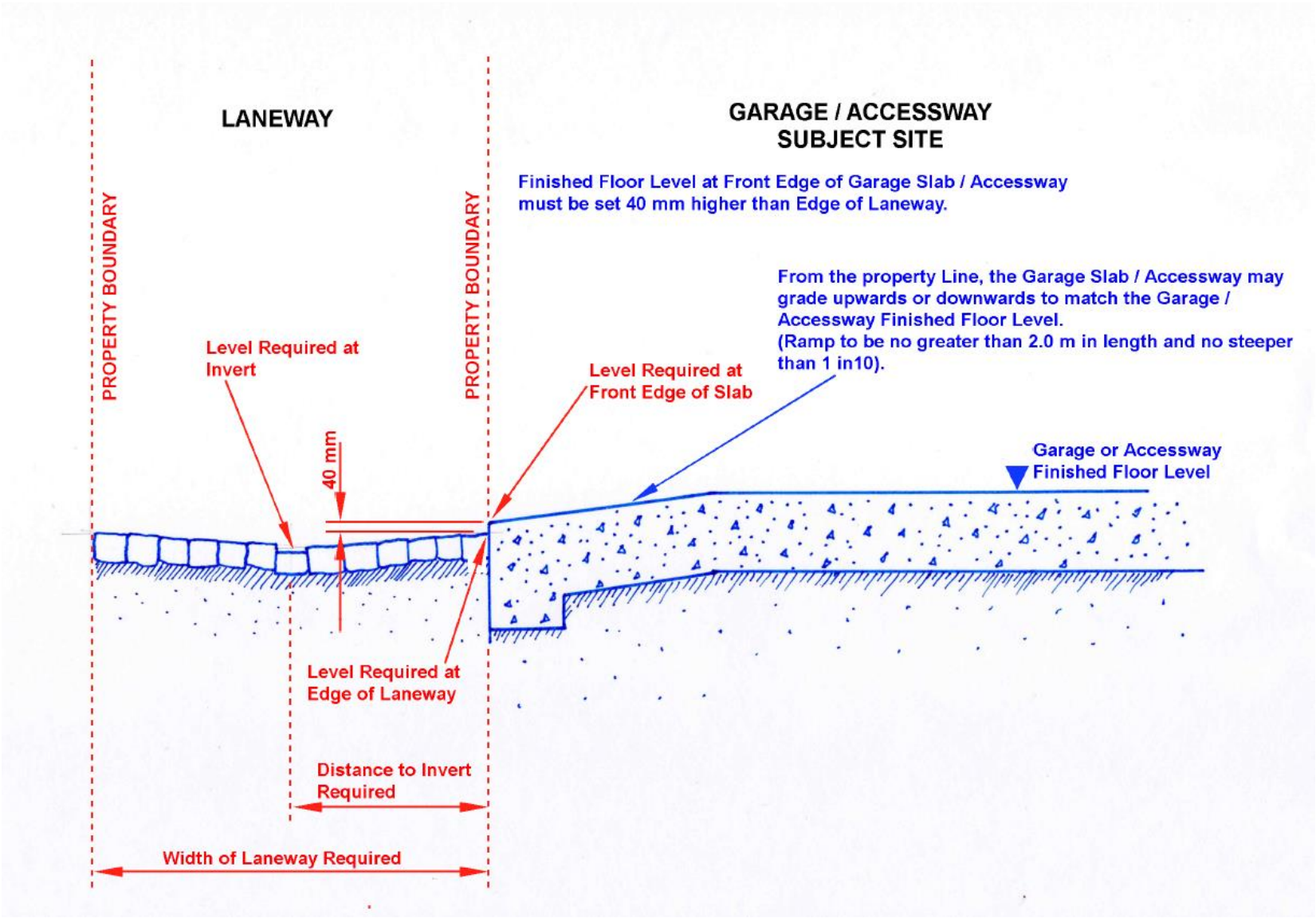
ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Assessment
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the <i>Building Regulations</i> 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the <i>Local Government Act</i> 1989 and Regulation 133.

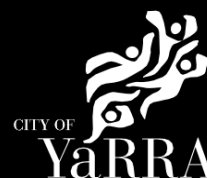
Engineer: Mark Pisani

Signature: 

Date: 26 June 2023



Strategic Transport Formal Referral Response



Application Information:

Referral Officer:	Philip Mallis
Officer:	Erryn Megennis
Council Reference:	PLN22/0941
Address:	93 Sackville St, Collingwood VIC 3066
Proposal:	Construction of 7 Townhouses, associated reduction in the statutory car parking requirement.
Comments Sought:	Click here to view referral memo: D23/192804 - IREF23/00875 - Internal Referral - Planning Formal Request
Disclaimer:	Council's Strategic Transport unit provides the following information which is based on the information provided in the referral request memo referenced above.
Prev. Responses:	

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
Dwellings	7dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	1 resident spaces	
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	1 visitor spaces.	
Bicycle Parking Spaces Total			1 resident / employee spaces	7 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	0 showers / change rooms

The development provides a total of 6 additional resident spaces and 1 fewer visitor spaces below the requirements of the Scheme.

Adequacy of visitor spaces

0 spaces are noted as visitor bicycle parking spaces.

The provision of the visitor spaces is acceptable given the low expected demand, the type of development (townhouse) and proximity to an activity centre with bicycle parking available.

Adequacy of resident spaces

Number of spaces

The proposal includes a surplus of 6 resident spaces above the requirements of the planning scheme. This is acceptable.

Design and location of employee spaces and facilities

Employee and resident spaces are acceptably located and designed.

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):

Wellington Street Stages 3 & 4 Bike Lane Upgrades.

Recommendations

None.

Principal Strategic Transport Planner (Strategic Transport Unit): Philip Mallis

Date: 07 July 2023

Megennis, Erryn

From: Hill, Rob
Sent: Wednesday, 27 September 2023 11:23 AM
To: Megennis, Erryn
Subject: CM: RE: IREF23/01675 - 93-97 Sackville St Collingwood - Urgent Referral

Hi Erryn,

Tree protection bond will be required at \$1500. Tree protection must be to AS4970 2009.

The below break down of costs for new trees is correct.

Regards

Rob Hill
Arborist- Open Space Services
City Works

PO BOX 168 Richmond VIC
M 0456 582 023
T (03) 9205 5555
E Rob.Hill@yarracity.vic.gov.au
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Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra, and gives respect to the Elders past and present.

From: Megennis, Erryn <Erryn.Megennis@yarracity.vic.gov.au>
Sent: Wednesday, September 27, 2023 11:15 AM
To: Hill, Rob <Rob.Hill@yarracity.vic.gov.au>
Subject: IREF23/01675 - 93-97 Sackville St Collingwood - Urgent Referral
Importance: High

Hi Rob,

Hope you're well.

I have an urgent referral for the above application regarding protection of the street tree out the front of the site on Sackville Street. I'm assuming you will want a street tree protection bond and/or tree protection plan for this and was wondering if you could please provide a quote for the bond?

Our Urban Design Unit have also recommended that the developer fund the provision of new street trees on the site frontage and have provided this cost breakdown. Could you please confirm this estimate below is correct?

SLR Consulting Australia Pty Ltd

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



July 5, 2023

Attention: Erryn Megennis
City of Yarra
PO Box 168
Richmond, VIC 3121

SLR Project No.: 640.v10090.00011 – L01-v1

**RE: Development Application – Review of Acoustic Report
93-97 Sackville Street, Collingwood**

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the planning application at 93-97 Sackville Street, Collingwood.

Details of the report are as follows:

- Title: 93-97 Sackville Street, Collingwood – Town Planning Acoustic Report
- Date: 18/04/2023 (Revision 1)
- Prepared for: K7 Developments
- Prepared by: DDEG Acoustics

The report has been prepared as part of the planning application for a new development of several townhouses.

1.0 Proposal and site context

Summary of the Application

The floorplans show that the development consists of seven townhouse buildings. Each townhouse is a three-storey or four-storey building, with a separate outdoor terrace on the roof.

Noise sources near the development include Johnston Street, the Nighthawk bar (directly adjacent to the south), and the Bendigo Hotel. The location of the subject site is shown in the figure below (extracted from the acoustic report).





The report has been prepared in response to the following items in the RFI from the City of Yarra dated 21st February 2023:

An Acoustic Report prepared by a suitably qualified professional examining the following:

- Impact of traffic noise from Johnston Street with recommendations of appropriate acoustical treatments for dwellings within the site, clarifying if compliance with 58.04-3 of the Scheme is achieved.*
- Impacts of live music from venues within 50 m with recommendations of appropriate acoustical treatments for dwellings within the site, clarifying if compliance with 53.06 of the Scheme is achieved. The report must also identify all live music venues within 50 m and detail their licenced/operating hours.*
- Impacts of commercial/industrial noise from the adjoining industrial uses with recommendations of appropriate acoustical treatments for dwellings within the site.*

SLR Comments

The council RFI, site location and proposed development have been identified.

2.0 Background noise levels

Summary of the Acoustic Report (Section 5.5)

Attended background noise monitoring was conducted on Friday 10th March 2023. The monitoring location (labelled as "location 1" in the report) was on the footpath at the northeast corner of the subject site, within approx. 2 metres of a several potential sources of reflections (a fence and a parked car).

The measured background noise levels are:

- 44 dBA L₉₀ from 4:14 pm to 4:41 pm
- 42dBA L₉₀ from 11:48 pm to 12:15 am



SLR Comments

It seems that the background noise levels have not been used for the assessment.

3.0 Music noise from nearby venues

3.1 Criteria and source levels

Summary of the Acoustic Report (Section 5.3)

An indoor assessment of music noise has been conducted for the proposed development, using the EPA Publication 1826 Part II 'base limits' (stated in Section 7.1.3 of the report).

The consultant visited the subject site during the night on Friday 10th March 2023 [presumably around 11:30 pm] and during the day on Friday 17th March [presumably around 4:30 pm]. During these times, noise from the Bendigo Hotel was inaudible at the subject site. Patron and music noise from Nighthawks bar was audible at the subject site on the night of Friday 10th March. Nighthawks was not at full patron capacity at this time, however music noise was more prominent than during a previous measurement when the bar was closer to full capacity.

The predicted night period music noise levels at the facades of the most exposed bedrooms are:

Unweighted Octave Band Sound Pressure Level, L_{OCT10} (dB)						
63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
44 - 45	54 - 56	61 - 63	60 - 62	59 - 61	56 - 58	51 - 54

SLR Comments

The management of Nighthawks should be consulted to determine whether the measured / adopted music source levels are indicative of typical worst-case live performances.

The spectra shown on pages 20-23 appear to be A-weighted values, however the table headings state that they are unweighted. This should be double-checked, including whether there are any consequential issues with the internal noise levels or the recommended mitigations as a result.

Section 7.2 of the report states that the assessment is "based on the measurements presented Section 5", however it is unclear which of the measurements (in Table 8) have been used for the source level.

3.2 Assessment

Summary of the Acoustic Report (Sections 6 & 7)

The documented building envelope design (i.e. without acoustic upgrades) includes:

- Concrete walls: 150 mm thick with a 50 mm airgap, 11 kg/m³ insulation and 10 mm thick plasterboard (assumed to achieve $R_w + C_{tr}$ 50)
- Lightweight walls: 0.42 mm steel cladding with a 90 mm airgap, 11 kg/m³ insulation and 10 mm thick plasterboard (assumed to achieve $R_w + C_{tr}$ 28)
- Windows: R_w 29 glazing (such as 6 mm glazing or 6/12/6 double glazing)
- Skylights: R_w 30 rating



City of Yarra
93-97 Sackville Street, Collingwood

July 5, 2023
SLR Project No.: 640.v10090.00011 – L01-v1

Page 25 of the report shows that night period excesses of up to 20 dB (at 250 Hz in Bed 2 of Townhouse 4) are predicted in several bedrooms in the three townhouses on the southern boundary. For other room types, day/evening period excesses of up to 2 dB are predicted for the living/dining/kitchen and studio/gym spaces in Townhouse 4 (located in the southwest corner of the subject site).

The proposed wall upgrades for the second storey bedrooms are shown below (extracted from the acoustic report).

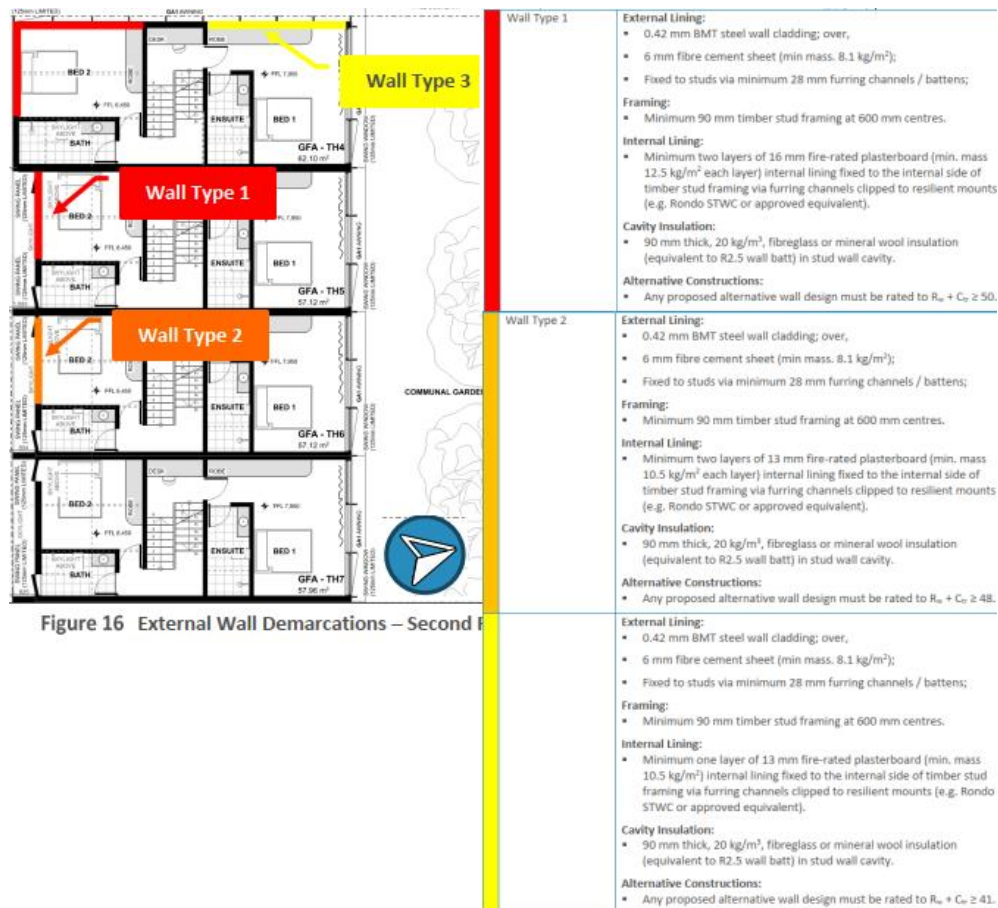
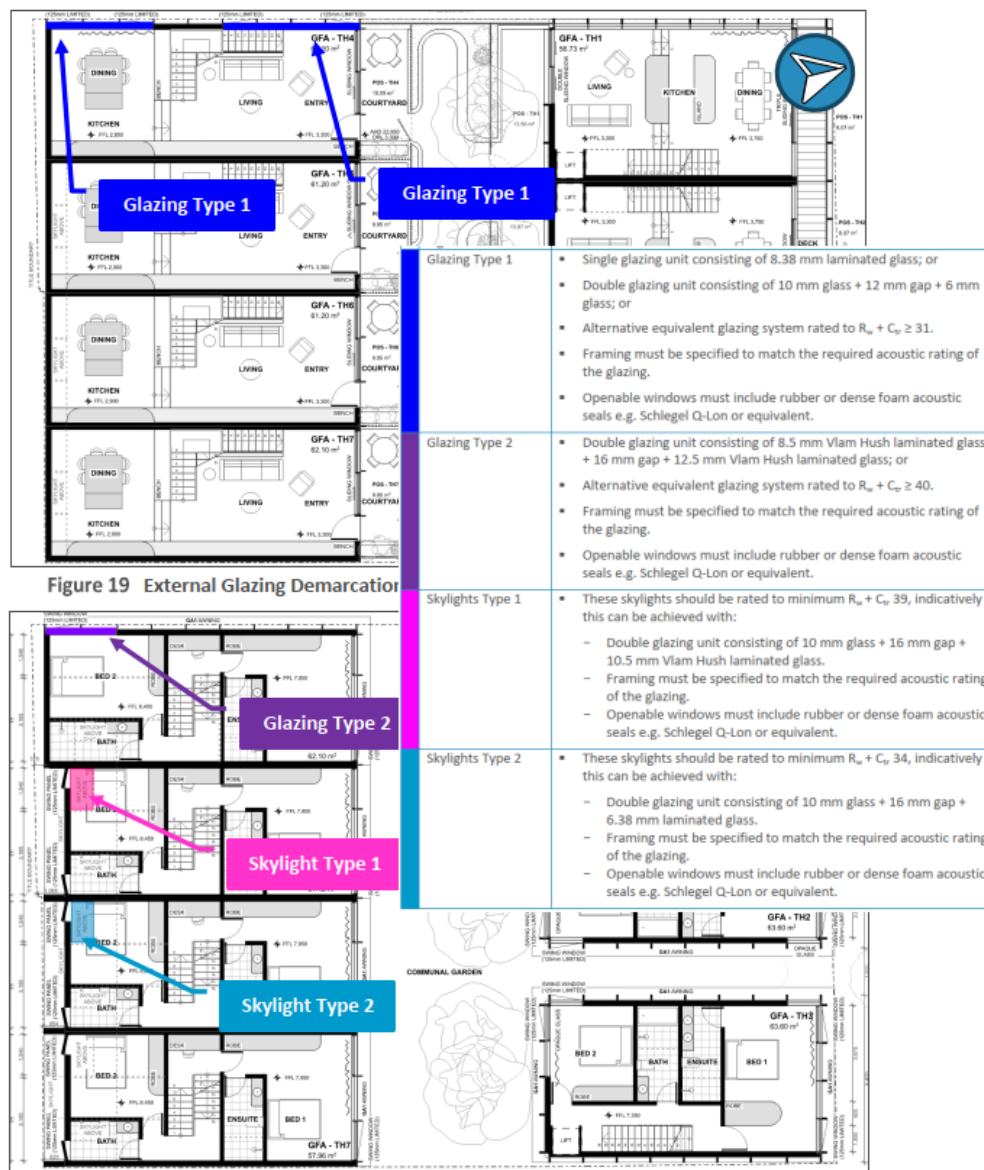


Figure 16 External Wall Demarcations – Second Floor



The proposed window and skylight upgrades for the second and third storeys are shown below (extracted from the acoustic report).



Other recommended upgrades include:

- Rw + Ctr 33 swing panels for the 'Bed 2' rooms in Townhouse 5&6
- A ceiling construction including two layers of 16 mm thick plasterboard and a 300 mm deep cavity with 11 kg/m³ insulation, for approximately half of the ceiling of the bedroom in the southwest corner of the subject site.

Based on the recommended acoustic upgrades, music noise is predicted to comply with the EPA Publication 1826 'base limits' (by a margin of 0 dB in many of the rooms).

SLR Comments

The information requested in the **Section 3.1** above is required for us to review the proposed acoustic treatments.

4.0 Road traffic noise ingress

4.1 Criteria and source levels

Summary of the Acoustic Report (Sections 7.1.2 & 7.2)

The design criteria used for the assessment are:

- living rooms: 40 dBA Leq,16h and 45 dBA Leq,1h
- bedrooms: 35 dBA Leq,16h and 40 dBA Leq,1h

Traffic noise attended measurements were conducted at the front of 140 Johnston Street at 11:30 pm on Friday 10th March 2023 and at 5 pm on Friday 17 March 2023. The measured noise levels are as follows:

Measurement Location	Overall, L _{Aeq} dB(A)	Unweighted Octave Band Sound Pressure Level, L _{eq} (dB)						
		63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
On footpath south of 140 Johnston Street. 10 March 2023 11:31 pm – 11 45 pm	65	70	66	65	61	61	58	51
On footpath south of 140 Johnston Street. 17 March 2023 4:55 pm – 5:25 pm	71	73	71	69	65	66	64	59

The predicted traffic noise levels at the facades of the proposed bedrooms are up to 69 dBA Leq,8hq during the night period.

SLR Comments

The criteria and source levels seem reasonable.



4.2 Assessment

Summary of the Acoustic Report (Section 7.3)

The documented building envelope design is as per **Section 3.2** above.

Page 24 of the report shows predicted night period noise levels in bedrooms of up to 38 dBA Leq,8h, thus exceeding the criterion by up to 3 dB.

The proposed building envelope upgrades are as per **Section 3.2** above. Based on the recommended acoustic upgrades, traffic noise is predicted to comply with the criteria (by a margin of at least 10 dB).

SLR Comments

The assessment of traffic noise ingress seems reasonable.

5.0 Commercial/industrial noise ingress

Summary of the Acoustic Report (Section 5.4)

The report states that noise from the surrounding commercial premises did not significantly contribute to the soundscape during the site visit at 5 pm on Friday 17 March 2023.

SLR Comments

There is a risk that commercial/industrial noise at approx. 5 pm on a Friday is lower than at other times. The evaluation of commercial industrial noise should be conducted at a time when worst-case noise levels are expected (e.g. 10 am to 3 pm on a Monday to Thursday). Also, it should be clarified whether any nearby industries operate during the more sensitive evening or night periods.

We agree with the approach that a formal assessment isn't needed if commercial noise is not a significant part of the noise environment.

6.0 Proposed mechanical plant

Summary of the Acoustic Report (Section 8)

The floorplans show a 'services area' on the roof of each townhouse. No communal (i.e. Owners Corporation) mechanical plant appears to be proposed.

The report provides several recommendations regarding the rooftop domestic air-conditioning units and states that these systems should be reviewed by a suitably qualified acoustic consultant after the equipment selections have been determined.

SLR Comments

The EPA Environmental Protection Regulations 'base limit' of 35 dBA Leq might not necessarily achieve inaudibility. In the event that an air-conditioner is audible at another dwelling during the 'prohibited times', the resident might not be able to use their air-conditioner at these times.



City of Yarra
93-97 Sackville Street, Collingwood

July 5, 2023
SLR Project No.: 640.v10090.00011 – L01-v1

7.0 Recommendations

A review of the acoustic report prepared for the proposed townhouses at 93-97 Sackville Street, Collingwood has been completed. In summary, our recommendations are:

- 1. The management of Nighthawks bar should be consulted to determine whether the adopted music source levels are indicative of typical worst-case live performances.*
- 2. The spectra shown on pages 20-23 appear to be A-weighted values, however the table headings state that they are unweighted. This should be double-checked, including whether there are any consequential issues with the internal noise levels or the recommended mitigations as a result.*
- 3. It be clarified which of the measurements in Table 8 has been used to determine the music noise source level.*
- 4. The evaluation of commercial industrial noise should be conducted at a time when worst-case noise levels are expected (e.g. 10 am to 3 pm on a Monday to Thursday). Also, it should be clarified whether any nearby industries operate during the more sensitive evening or night periods.*

Regards,

SLR Consulting Australia Pty Ltd

SDL

Simon de Lisle
Associate- Acoustics

Checked/ Authorised by: JA





09 August 2023

Statutory Planning Branch
Yarra City Council
PO BOX 168
Richmond VIC 3121

Dear Statutory Planning,

Proposal: Planning permit for development - Proposed Townhouses

Site location: 93,95,97 Sackville Street, Collingwood

Melbourne Water reference: MWA-1297506

Council reference: PLN22/0941 PLN22/0941

Date referred: 12/07/2023

Our Decision

Melbourne Water, pursuant to Section 56(1) of the Planning and Environment Act 1987, does not object to the proposal, subject to the following conditions:

Conditions

1. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water for approval addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show the following:
 - a, The dwelling/s must be constructed with finished floor levels set no lower than 20.0 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 19.70 m to AHD.
 - b, The garage/s must be constructed with finished floor levels set no lower than 19.70 metres to AHD.
2. The dwelling/s must be constructed with finished floor levels set no lower than 20.0 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 19.70 m to AHD.
3. The garage/s must be constructed with finished floor levels set no lower than 19.70 metres to AHD
4. All open space within the property (including all setbacks) must be set/maintained at existing natural surface level so as not to obstruct the passage of overland flows.
5. Any new fencing/gates (internal/front) must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.





6. No fill outside of the proposed buildings footprints except for minimal ramping into the garages.

Advice

Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to overland flooding from Melbourne Water's drainage system. For a storm event with a 1% chance of occurrence in any one year, the applicable flood level for the property is 19.70 metres to Australian Height Datum (AHD).

To access more information regarding other services or online applications that Melbourne Water offers please visit our [website](#).

For general development enquiries contact our Customer Service Centre on 131722.

Regards,

A handwritten signature in black ink, appearing to read "George Lattouf".

George Lattouf
Statutory Referral Permit Services