



Agenda

Planning Decisions Committee

6.30pm, Wednesday 15 September 2021

Microsoft Teams

The Planning Decisions Committee

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

Participating in the Meeting

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

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

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

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

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

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

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

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

Arrangements to ensure our meetings are accessible to the public

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

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

1. Appointment of Chair

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

2. Statement of recognition of Wurundjeri Woi-wurrung Land

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

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

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

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

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

3. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

Cr Herschel Landes
Cr Bridgid O’Brien
Cr Gabrielle de Vietri

Council officers

Daniel Herrmann (Co-Ordinator Statutory Planning)
Laura Condon (Senior Planner)
Rhys Thomas (Senior Governance Advisor)
Cindi Johnston (Governance Officer)

4. Declarations of conflict of interest

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

5. Confirmation of Minutes

RECOMMENDATION

That the minutes of the Planning Decisions Committee held on Wednesday 25 August 2021 be confirmed.

6. Committee business reports

Item		Page	Rec. Page
6.1	PLN20/0950 - 196-202 Johnston Street, Collingwood - Part demolition, construction of an 11 storey mixed use building, use of the land for office/food and drink premises (no permit required) and dwellings (permit required) and a reduction of car parking requirements.	5	71
6.2	PLN17/0626.04 - 60-88 Cremorne St, Cremorne - Section 72 Amendment to Planning Permit PLN17/0626 to allow for new terraces to the building at levels 4 and 5.	267	281
6.3	PLN20/0869 - 390A Queens Parade, Fitzroy North (CONFIDENTIAL ITEM)		

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- 6.1 PLN20/0950 - 196-202 Johnston Street, Collingwood - Part demolition, construction of an 11 storey mixed use building, use of the land for office/food and drink premises (no permit required) and dwellings (permit required) and a reduction of car parking requirements.**
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Executive Summary

Purpose

1. This report provides the Planning Decision Committee (PDC) with an assessment of planning permit application PLN20/0950 against the provisions of the Yarra Planning Scheme (the Scheme) and recommends that Council notify the Victorian Civil and Administrative Tribunal (VCAT) and all parties to the proceeding that if Council were in a position to determine the application a Notice of Decision to grant a permit would issue, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15 – Built Environment and Heritage;
 - (b) Clause 21.05 – Built Form;
 - (c) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
 - (d) Clause 22.03 – Landmarks and Tall Structures;
 - (e) Clause 22.05 – Interface Uses Policy;
 - (f) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design);
 - (g) Clause 22.17 – Environmentally Sustainable Development
 - (h) Clause 34.01 – Commercial 1 Zone;
 - (i) Clause 36.04 – Road Zone;
 - (j) Clause 43.01 – Heritage Overlay;
 - (k) Clause 44.05 – Special Building Overlay;
 - (l) Clause 43.02 – Design and Development Overlay (Schedule 15); and
 - (m) Clause 52.06 – Car Parking.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic justification
 - (b) Built Form/Heritage.
 - (c) Special Building Overlay
 - (d) On-site amenity (including ESD).
 - (e) Off-site amenity.
 - (f) Car parking, traffic, access, bicycle parking and loading/unloading
 - (g) Waste Management/Loading.
 - (h) Objector's concerns.

Submissions Received

4. 90 objections were received to the application, these can be summarised as:

- (a) Heritage (adverse impact on heritage value of the site and surrounding area, extent of demolition, impact on the nearby Singapore Cottage, insufficient restoration, materials and finishes not in keeping with heritage streetscape);
- (b) Inappropriate built form and design (excessive building height, insufficient upper level setbacks, stepped design, DDO15 non-compliance, scale and massing, overdevelopment);
- (c) Off-site amenity impacts (overshadowing, loss of daylight, loss of privacy and wind tunnelling);
- (d) Internal amenity of apartments is insufficient (including lack of communal open space and deep soil areas for planting);
- (e) Lack of surveillance of the proposed laneway;
- (f) Undesignated uses for commercial tenancies;
- (g) Inappropriate apartment mix (too many one bedroom apartments and no affordable housing);
- (h) Traffic impacts and insufficient car parking;
- (i) Removal of vegetation, including Dutch Elm tree, from the site;
- (j) Loss of views; and
- (k) Impacts on water table and flooding in the area.

VCAT Proceedings

- 5. On 30 June 2021, Council was advised that the applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT).
- 6. A total of 9 complete statements of grounds have been received with a total of 7 parties having joined the appeal.
- 7. A Compulsory Conference is listed for 4 October 2021 with a VCAT Full Hearing scheduled for five days beginning on 13 December 2021.

Conclusion

- 8. Based on the following report, the proposal is considered to generally comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
 - (a) A reduction in height by one storey (removal of Level 07), as shown in the 'without prejudice' sketch plans, including an associated reduction of dwellings (from 98 to 84).
 - (b) Provision of rooftop communal open space.
 - (c) A minimum of 10 visitor bicycle spaces at ground level.
 - (d) A public realm plan detailing the proposed laneway and street interfaces.
 - (e) A Conservation Management Plan and Structural Report regarding the retained heritage fabric.
 - (f) A Façade Strategy Plan to ensure the quality of façade detailing, material and finishes.
 - (g) Leasing of the northern most commercial tenancy for a nominal fee for a period of 4 years.

CONTACT OFFICER: Daniel Herrmann
TITLE: Co-Ordinator Statutory Planning
TEL: 9205 5147

- 6.1** [PLN20/0950 - 196-202 Johnston Street, Collingwood - Part demolition, construction of an 11 storey mixed use building, use of the land for office/food and drink premises \(no permit required\) and dwellings \(permit required\) and a reduction of car parking requirements.](#)

Reference	D21/113190
Author	Daniel Herrmann - Co-Ordinator Statutory Planning
Authoriser	Manager Statutory Planning

Ward:	Langridge Ward
Proposal:	Part demolition, construction of an 11 storey mixed use building, use of the land for office/food and drink premises (no permit required and dwellings (permit required) and a reduction of car parking requirements
Existing use:	Retail premises (former theatre) and office
Applicant:	DPG Management Services Pty Ltd C/- Contour Consultants Australia Pty Ltd
Zoning / Overlays:	Commercial 1 Zone Design and Development Overlay (Schedule 15) Environmental Audit Overlay Heritage Overlay (HO324) Development Contributions Plan Overlay (Schedule 1) Special Building Overlay
Date of Application:	23 December 2020
Application Number:	PLN20/0950

Planning Scheme Amendments

[Amendment C238 - Development Contributions Plan](#)

- Amendment C238 was introduced into the Yarra Planning Scheme on 1 February 2021 and inserts Clause 45.06 (Development Contributions Plan Overlay) with Schedule 1 into the Scheme. This overlay applies to all land in the City of Yarra and it applies to new development where there is an increase in the number of dwellings and/or an increase in retail, commercial and industrial floor space. It requires a monetary contribution from the permit holder. Conditions have been included in the recommendation to require the development contributions to be met prior to commencement of the development.

Background

[VCAT Proceedings](#)

- On 30 June 2021, Council was advised that the applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT).
- A total of 9 complete statements of grounds have been received with a total of 7 parties having joined the appeal.
- A Compulsory Conference is listed for 4 October 2021 with a VCAT Full Hearing scheduled for five days beginning on 13 December 2021.

Lodgement of “without prejudice” documents

5. The applicant has submitted the following documents in response to the referral comments received from Council’s heritage advisor:
- (a) Sketch plans, submitted on 19 August 2021 and prepared by JCB Architects, which show the following:
 - (i) Deletion of one level (Level 7).
 - (ii) Revisions to envelope for upper two levels (Now Levels 8 & 9) as follows:
 - Decrease of the top two level upper levels (now Level 08-09) northern setback by 2 metres (from 21m to 19m).
 - Decrease of the top two upper levels (now Level 08-09) east and west boundary setbacks by 0.5m (approximately 6.9m to a minimum of 6.4m).
 - (iii) Reconfiguration of apartments on the western side of Levels 4, 5, 6 and 7.
 - (iv) Reduction in dwellings from 98 to 84, with the following updated apartment mix:
 - 49 x 1 bedroom;
 - 20 x 2 bedroom; and
 - 15 x 3 bedroom.
 - (v) Reconfiguration of storage areas.
 - (vi) Introduction of communal rooftop amenity space.
 - (vii) Increased solar PV panels at rooftop level.
 - (viii) Revisions to facade treatment for 196-198 Johnston St.
 - (ix) Minor revision to footprint of Dwelling 00.04 at Level 2.
 - (b) Written correspondence from the Applicant’s heritage consultant (Bryce Raworth Conservation and Heritage) submitted on 11 August 2021, which provides supplementary advice in support of the demolition of original fabric to the façade.
6. The sketch plans and supplementary heritage advice provide additional information and have not been formally substituted. They are provided on a ‘without prejudice basis for information purposes on how heritage issues relating to visual bulk and façade works could be addressed.
7. The sketch plans and supplementary advice has been reviewed by Council’s heritage advisor with their additional comments are included as an attachment to this report. Reference to these comments is made throughout the assessment of the application where relevant.

The Proposal

8. The application proposes partial demolition and external alterations of the existing building, the construction of a 11 storey building, use of the land for office and food and drink premises (no permit required) and dwellings (permit required) and a reduction of the standard car parking requirements. The key elements of the proposal include:

Demolition

9. Demolition of all structures on the site with the exception of the following:
 - (a) Two storey façades of the former theatre as it presents to Johnston Street, excluding the following to be removed:
 - (i) Canopy overhanging Johnston Street.
 - (ii) Six (6) sections of the first floor façade fabric between pilasters.
 - (iii) Removal of existing signage.
 - (b) 9.45m depth of the roof form and structure.
 - (c) 9.45m depth of the eastern boundary wall.
 - (d) Ground floor doors.

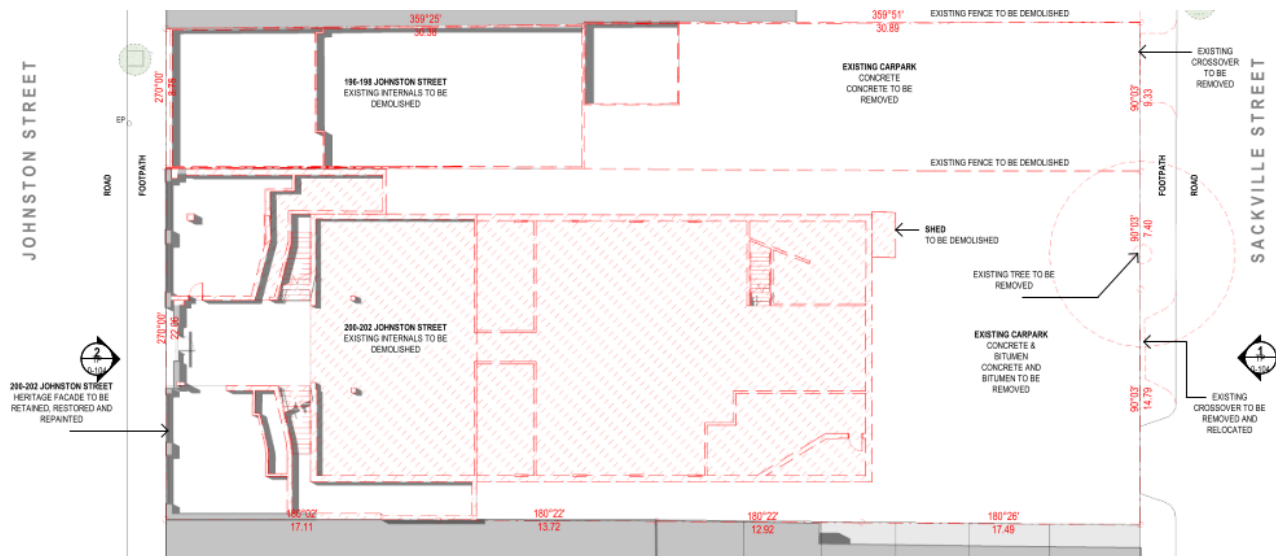


Image: Ground floor and southern elevation demolitions plans. Source: *Advertised plans.*

External alterations

10. The proposed external alterations to the original facade include the following:
 - (a) Remove paint from façade and reinstate early/original colour scheme (subject to analysis).
 - (b) Reinstatement of the canopy.
 - (c) Repair and reconstruct broken / cracked mouldings.
 - (d) Replacement of ground floor shopfronts.
 - (e) Insertion of windows to the first floor façade where fabric is removed.

Use and Layout

11. A summary of uses and layout include:
 - (a) A min. 4.5m wide laneway will adjoin the full length of western boundary of the Site, providing a 'through-block' link between Johnston Street and Sackville Street.
 - (b) 672m² of commercial floor space at ground floor, divided between six (6) tenancies. Two (2) tenancies to front Johnston Street and the remainder fronting the proposed laneway. Three (dwelling) are also proposed to front Sackville Street at ground level.
 - (c) 247m² of commercial floor space at Level 01 fronting Johnston Street, one (1) of which is proposed to be connected with a ground floor tenancy.
 - (d) Ground floor lobby centrally located along the proposed laneway, servicing commercial tenancies and 98 dwellings between Level 01-10.
 - (e) Dwelling mix as follows:

- (i) 62 x 1 bedroom apartments
- (ii) 2 x 1 bedroom + study apartments
- (iii) 17 x 2 bedroom apartments.
- (iv) 14 x 3 bedroom apartments.
- (v) 3 x 3 bedroom split level apartments.
- (f) Vehicular access to two (2) basement levels from Sackville Street, containing 87 car parking spaces.
- (g) 98 bike parking spaces at ground floor, accessed from the central lobby.
- (h) Substation orientated to the proposed laneway and fire booster cabinets fronting Sackville Street.

Construction

12. The proposal involves the following construction works:

- (a) Two (2) basement level accessed from Sackville Street including all car parking, water services, waste store, services and apartment storage.
- (b) At ground level, new construction is proposed to the western portion of the site to form a new street wall to Johnston Street, adjoining the retained two storey former theatre, measuring approximately 10.2m and 2 storeys in height with roof terrace.
- (c) A three storey street wall is proposed to Sackville Street, measuring between 10.9m and 12.2m in height.
- (d) Ground floor constructed to the remainder of the eastern boundary, beyond the retained heritage fabric.
- (e) Setback between 4.5m and 6m from the western boundary, which provides for a 'through block link' (proposed laneway) and associated setbacks for four (4) 'finer' grain commercial tenancies.
- (f) A landscaping screen is proposed along the western boundary adjacent the laneway, ranging between 10.49m and 11.1m in height above ground level. The screen will be built with a concrete and metal mesh finish.
- (g) The first floor incorporates retained heritage fabric on the eastern boundary for 9.45m and a new wall on the eastern boundary 8.9m length adjacent Sackville Street. The remainder of the eastern interface is setback 4.5m. The western interface at first floor is setback a minimum of 4.5m.
- (h) At Level 02 the new built form provides 4.5m setbacks from the eastern and western boundary proximate to Sackville Street. A commercial tenancy is incorporated into the retained roof structure of the former theatre to the south.
- (i) Levels 03 – 08 are setback as follows:
 - (i) Johnston Street: 10.8m at Level 03 to create a shadow gap reducing to 9.5m to Level 04-08.
 - (ii) Sackville Street: Stepped between 6.5m and 13.5m
 - (iii) East boundary: between 4.5m – 5.35m.
 - (iv) West Boundary: between 4.5m - 6.5m.
- (j) Levels 09 – 10 feature recessive setbacks as follows:
 - (i) Johnston Street: 15m.
 - (ii) Sackville Street: 21.2m & 24.5m.
 - (iii) East and West boundaries: 7.3m.
- (k) The stair and lift core is centrally located within the building.
- (l) Plant area located at roof level, including air conditioner units for all apartments.
- (m) The proposed building has an overall height of approximately 37.09m to the top of the parapet and approximately 39.49m to the top of the plant.

Design

13. The proposal incorporates a two storey street wall to Johnston Street, which includes the retained heritage façade and new infill built form on 196-18 Johnston Street.

14. The new infill building to Johnston Street will match the parapet of the heritage façade and extend the canopy across the sites frontage. It will also provide new doors and glazing at ground level and metal expanded mesh cladding in front of clear glazing to Level 01 and the terrace balustrade above.
15. The metal mesh design language returns along the laneway for the depth of the retained heritage fabric and continues as a feature element to the western side of the podium and three storey street wall to Sackville Street on 196-18 Johnston Street.
16. The tower form has been setback from Johnston Street so the heritage façade is distinguishable from the streetscape. Level 03 has been recessed beyond the levels immediately above to create a shadow gap between the heritage façade and tower form.



Image: Render of the proposal viewed from the southern side of Johnston Street, west of the site.
Source: *Advertised urban context report.*

17. The new Sackville street wall at 200-202 Johnston Street will feature masonry construction (light red and hit and miss brick) articulated by service doors, basement entry and townhouse entries and balconies. The tower form above is stepped with three tiers.



**Image: Render of the proposal viewed from the northern side of Sackville Street.
Source: *Advertised urban context report.***

18. The materiality of the tower form is highly contemporary and features a consistent design language 'in the round' using the following restrained material palette:
 - (a) Metal cladding (light grey) – walls.
 - (b) Metal (natural finish) – structural elements.
 - (c) Metal expanded mesh – balustrades / operable screens.
 - (d) Clear double glazing.
19. A three-dimensional perspective of the proposal is provided below.



Image: Render of the proposal viewed from the southern side of Johnston Street
Source: *Advertised urban context report.*

Existing Conditions

Subject Site

20. The Site is located on the northern side of Johnston Street, Collingwood, approximately 90 metres west of Hoddle Street and 190 metres east of Gold Street. The Site is formally described as follows:
 - (a) Lot 1 on TP320509, Lot 1 on TP318581 and Lot 1 on TP3243741 (200-202 Johnston Street).
 - (b) Lot 1 on TP102402 (196-198 Johnston Street).
21. Cumulatively, the Site has a frontage of Johnston Street of 30.81m, a typical depth of approximately 61.24m, a frontage to Sackville Street of 31.52m and a total area of approximately 1912m².
22. The Site as a whole has very little slope with a difference in level of approximately 500mm measured between street frontages.
23. No restrictive covenants are shown on the Certificates of Title for the Site.

200-202 Johnston Street

24. The eastern portion of the Site, known as 200-202 Johnston Street, is developed with a two storey former theatre (Austral Picture Theatre), which is now used as a retail premises. The building is an individually significant building within the Johnston Street heritage precinct set out in the Appendix 8 to the City of Yarra, Database of Heritage Significant Area (July 2020).
25. The Victorian Heritage Database entry for the Austral Picture Theatre statement of significance provides the following background information:

(a) *What is significant?*

The Austral Theatre, later Austral Picture Theatre at 200-202 Johnston Street, Collingwood was created in 1921 for Winifred Kenny and has other historical associations with persons such as Robert McLeish, C. Hore and John and Maria Lyris. The place has a fair integrity to its creation date (ground level changed; part interior existing). Fabric from the creation date at the Austral Theatre, later Austral Picture Theatre is locally significant within the City of Yarra, compared to other similar places from a similar era. [Emphasis added.]

(b) *How is it significant?*

The Austral Theatre, later Austral Picture Theatre at 200-202 Johnston Street, Collingwood is historically and architecturally significant to the locality of Collingwood and the City of Yarra.

(c) *Why is it significant?*

The Austral Theatre, later Austral Picture Theatre is significant as a Greek revival style, rendered theatre facade with a stepped parapet, Victory wreaths on flanking pylon forms. The first owner, McLeish, was linked with the Rivoli and other significant cinemas. It has local social and historic significance as a former long-term public building.

(d) *Physical Description*

Greek revival style, rendered theatre facade with stepped parapet, Victory wreaths on flanking pylon forms (ground level changed; part interior); first owner, McLeish, was linked with Rivoli and other significant cinemas; local social and historic significance as former public building.

26. The Austral Theatre building is built to the street frontage, its eastern and western boundaries and setback approximately 16 metres from the Sackville Street frontage.
27. A 1.8m high post and wire mesh fence defines the Sackville Street boundary. The fence comprises single width vehicle entry gates that provide vehicle access to the Site. The rear yard is largely sealed with concrete for car parking and storage activities, save for a small garden adjacent Sackville Street containing a mature Dutch Elm tree. A small street tree is located adjacent the northeast corner.

196-198 Johnston Street


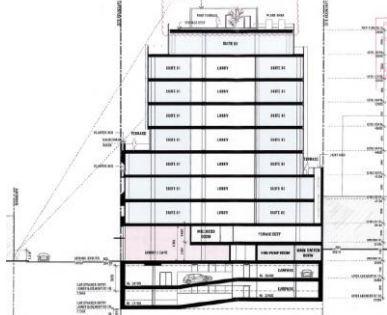




28. The western portion of the Site, known as 196-198 Johnston Street, is occupied by a two storey office building that is built to Johnston Street and its eastern and western boundaries with a setback of approximately 28 metres from the Sackville Street frontage.
29. A post and mesh wire fence delineates the Sackville Street frontage and contains a single width crossover for vehicle access. The rear yard has a gravel surface and used for car parking. No vegetation of significance is present on this portion of the Site. A street tree exits along the Johnston Street road reserve.
30. Photos of the Site are provided below.




Photos: View of the Site from Johnston Street (Left) and the former Austral Theatre building from Sackville Street

Surrounding Land

31. The Site is located within the Johnston Street Neighbourhood Activity Centre (NAC). A mixture of uses, including retail, service industries, food and drink premises, office and residential, surround the Site. The inner suburban locale ensures the Site is well serviced by infrastructure and public transport, including:
 - (a) Victoria Park Train Station (250m east)
 - (b) Bus services operating along Johnston Street (Routes 200 and 207) and multiple routes along Hoddle Street (east).
 - (c) Smith Street tram services (650m west).
32. Zoning surrounding the land is mixed and defined by:
 - (a) The Commercial 1 Zone along Johnston Street and southern side of Sackville Street;
 - (b) The Commercial 2 Zone along the eastern side of Hoddle Street;
 - (c) Predominantly Neighbourhood Residential Zone on the northern side of Sackville Street; and
 - (d) Predominantly General Residential Zone to land south of the lots fronting Johnston Street.
33. The built form character along Johnston Street is mixed but has a strong heritage appearance made up of double- and single-storey Victorian and Edwardian shops, many of which have original façade tiling, shopfront glazing and tiled entrance floors. Building heights are primarily low-rise (single and double storey), with some pockets of higher development emerging in the broader surrounds.
34. The built form character along Sackville Street is varied due to a mix of uses, however, commercial uses are predominantly located on the southern side and residential uses on the northern side. The visual amenity along the southern side of Sackville Street is also highly varied due to many Johnston Street properties utilising Sackville Street frontage for access purposes.
35. Notable more intensive development has been constructed/approved/proposed on the following sites within proximity to the subject Site:

Permit No. (Address)	Description	Image
PLN16/0845 (23-33 Johnston Street, Collingwood)	Nine-storey mixed use apartment development, permit issued in 2018. Under construction.	
PLN18/0527 (1-9 Sackville Street, Collingwood)	Nine storey office development. Permit issued. Under construction	
PLN13/0763 (4-6 Gold Street, Collingwood)	Seven-storey office development, permit issued 2014. Construction completed.	
PLN16/0563 (178-182 Johnston Street, Fitzroy)	Seven storey mixed use apartment development. Permit issued in 2017. Constructed.	
PLN13/0566 (239-249 Johnston Street, Fitzroy)	10-storey mixed use apartment development. Permit issued in 2015. Construction completed.	
PLN16/1188 (329 Johnston Street, Abbotsford)	Eight storey apartment development – permit issued in 2018, works have not yet commenced.	

Permit No. (Address)	Description	Image
PLN16/0471 (344 Johnston Street, Abbotsford)	Seven-storey apartment development, permit issued in 2017, works have not yet commenced	
PLN11/0770 (370 Johnston Street, Abbotsford)	Six-storey mixed-use development, permit issued in 2012, development completed.	
PLN15/0644 (316 - 322 Johnston Street, Abbotsford)	Nine-storey apartment development, permit issued in 2016, construction nearing completion.	
PLN16/1155 (312 – 314 Johnston Street, Abbotsford)	Seven-storey apartment development, permit issued in 2018, construction commenced.	
PLN20/0322 (350-356 Johnston Street, Abbotsford)	Seven-storey office development, permit issued in 2021. Permit conditions currently under review.	
PLN15/0612 (247 – 259 Johnston Street, Abbotsford)	12-storey, mixed use development, permit issued in 2017, construction completed.	

Permit No. (Address)	Description	Image
PLN18/0267 (218-228 Hoddle Street, Abbotsford)	10-storey office development, permit issued 2019. Works have commenced.	

36. The aerial image below shows the Site and immediate surrounds.



Image: Aerial image of the Site and surrounds. Source: *Nearmp*, 2021.

37. The immediate interfaces of the Site are described below:

East

38. Immediately east of the Site is:

- (a) 204-206 Johnston Street – this land is occupied by a conventional two storey office building that has been built to all title boundaries. The building façade features a glazed entry at ground level and garage door with crossover to Johnston Street. Windows are noted in the northern elevation.
- (b) 147-149 Sackville Street – this land is occupied by single level commercial building that is currently used as warehouse with showroom facing the street. The building features a partial setback from the common boundary, which serves as a light court to a number of obscured windows. The building is constructed to the remaining boundaries, save for two small lightcourts adjacent its south boundary. The buildings has a saw-tooth roof profile featuring south facing windows.

39. Further east (west of Hoddle Street), all built form is double storey in scale as it presents to Johnston Street. Conversely, single storey commercial built form is evident on the southern side of Sackville Street.



Photos: View of 204-206 Johnston Street (left) and 147-149 Sackville Street (right).

North

40. To the north of the Site is Sackville Street, which has a width of approximately 15 metres. The northern side of Sackville Street is primarily characterised by low-scale, single storey detached dwellings that contribute to the Gold Street heritage precinct. Singapore Cottage (VHR listed) is located at 136 Sackville Street, immediately opposite the Site. A three storey walk-up apartment building and three storey commercial building are located further west along Sackville Street.



Photos: Existing dwellings along Sackville Street, opposite the Site.

West

41. The land to the west of the Site, 192-194 Johnston Street, contains a double storey, contemporary style, commercial building that has been recently used as a warehouse and showroom. The building is constructed to the Johnston Street frontage and the mid-southern portions of the eastern and western boundaries. The rear yard fronting Sackville Street is sealed with concrete and used for car parking and loading and unloading activities.
42. Further west (east of Gold Street), the northern side of Johnston is characterised by single and double storey commercial buildings. Similar scale buildings of commercial and residential nature front the southern side of Sackville Street.
43. More recently, a 7 storey office building has been constructed at 4-6 Gold Street.



Photos: Existing built form along Johnston Street west of the Site (left) and 4-6 Gold Street viewed from Johnston Street (right).

South

44. South of the of Site is Johnston Street, which has a road reserve width of approximately 20m. The southern side of Johnston Street is also characterised by single and double storey commercial buildings. A five storey mixed use building has been recently constructed at 203 Johnston Street.
45. Land south of lots fronting the southern side of Johnston Street includes single and double storey attached and detached dwellings. Collingwood public housing towers beyond these dwellings are visible from Johnston Street.



Photos: View of Johnston Street streetscape looking east (left) and built form on southern side of Johnston Street, opposite the Site (right).

Planning Scheme Provisions

Zoning

Clause 34.01 - Commercial 1 Zone

46. The following provisions apply:
 - (a) Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required to use the land for 'office' or 'retail' (food and drink premises), however a planning permit is required to use the land for dwellings as the frontage at ground floor exceeds 2 metres.
 - (b) Pursuant to Clause 34.01-4, a planning permit is required to construct a building and carry out works.

Clause 36.04 - Road Zone – Category 1 (Johnston Street road reserve)

47. The following provisions apply:
- (a) Pursuant to Clause 36.04-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works for a Section 2 use under Clause 36.09-1.

Overlays

Clause 43.02 - Design and Development Overlay (Schedule 15)

48. The subject site is affected by the Design and Development Overlay (Schedule 15). Pursuant to Clause 43.02-2, a planning permit is required to construct a building or construct or carry out works. Schedule 15 provides comprehensive design guidelines and built form controls. The Site is located within Precinct 1B. The key quantitative built controls for Precinct 1B are outlined in the following table:

Item	DDO15-1B Built form Controls
Preferred maximum building height	28m
Mandatory maximum building height	N/A
Preferred maximum street wall height	11m fronting Sackville Street
Mandatory maximum street wall height	11m fronting Johnston Street
Preferred rear interface (northern boundary wall height)	11m
Mandatory min. mid level setback (Johnston St)	6m
Preferred min. mid level setback (Sackville St)	6m
Preferred min. upper level setback (Johnston St)	45 degrees above 11m
Preferred min. upper level setback (Sackville Street)	45 degrees above 11m
Preferred min. upper level setback (Rich St)	3m
Building projections	<i>Projections such as balconies and building services must not intrude into a setback</i>

49. The application will be assessed against these controls in the assessment section of this report.

Clause 43.01 - Heritage Overlay (HO324 – Johnston Street Precinct, Collingwood)

50. The following provisions apply:
- (a) Pursuant to Clause 43.01-1, a planning permit is required for demolition, external painting and to construct a building and carry out works.

51. As per the *City of Yarra Database of Heritage Significant Areas July 2020*, the property grading is 'individually significant' to the Johnston Street Precinct, Collingwood.

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

52. The Development Contributions Plan applies to the proposed additional office floor area, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths.
53. Pursuant to Clause 45.06-1 a permit granted must:

- (a) *Be consistent with the provisions of the relevant development contributions plan.*
- (b) *Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay*

54. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The subject site is located within Charge Area 6 (Collingwood) and the development infrastructure levy is applicable to the office and retail floor space.
55. A planning permit is not required for works under the overlay. The requirements of the DCPO have been included as a condition in the recommendation.

Clause 45.03 – Environmental Audit Overlay (EAO)

56. Pursuant to Clause 45.03-1 of the Scheme, the following requirements apply:

Before a sensitive use (residential use, child care centre, pre-school centre, primary school, secondary school or children's playground) commences or before the construction or carrying out of buildings and works in association with a sensitive use 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.*

57. The use of the site for dwellings are sensitive uses and the requirements of this overlay are therefore applicable to the application.

Clause 44.05 – Special Building Overlay

58. The following provisions apply:

- (a) Pursuant to Clause 44.05-2, a planning permit is required to construct a building or carry out works.
- (b) Pursuant to Clause 44.05-6, an application must be referred to the relevant floodplain management authority under Section 55 of the Act.

Particular Provisions

Clause 52.06- Car parking

59. The site is located within the Principal Public Transport Network Area, therefore the parking rates in Column B of Clause 52.06-5 apply. 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
1 bedroom apartment	64	1 per dwelling	64	76
2 bedroom apartment	17	1 per dwelling	17	
3 bedroom apartment	34	2 per dwelling	34	
Shop / Food and drink premises / Restaurant or Bar	779	3.5 spaces per 100 m ² of leasable floor area	27	8
Office	140	3 spaces per 100 m ² of leasable floor area	4	1

Total	146 Spaces	87 Spaces
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60. Pursuant to clause 52.06-3, a planning permit is required to reduce 61 car parking spaces.

Clause 52.34 - Bicycle facilities

61. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage are provided on the land. The following table identifies the bicycle parking requirement under Clause 52.34-3 and the provision on site.

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	98	1 space per 5 dwellings for residents 1 space per 10 dwellings for visitors	20 x resident 10 x visitor	104 (internal) 6 (laneway)
Office	140 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	1 employee space	
		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	N/A	
Shop / Food and drink premises / Restaurant or Bar	779 sqm	1 employee space to each 100 sqm of floor area available to the public	8 employee space	
		2 plus 1 visitor space to each 200 sqm of floor area available to the public if the floor area exceeds 400 sqm	1 visitor space	
Bicycle Parking Spaces Total			40 spaces	110 spaces
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	1 showers / change rooms	2 showers / change rooms

62. The proposal includes 110 bicycle spaces in total, thus significantly exceeding the minimum statutory requirement for employee spaces. The proposal also includes 2 shower / changing room facilities, also exceeding the minimum requirement.

Clause 58 - Apartment Developments

63. The provisions of Clause 58 apply to an application to construct or extend an apartment development if the development is five or more storeys within the Commercial 1 Zone. A development must meet all of the objectives and should meet all of the standards of the Clause.

Clause 53.18 – Stormwater Management in Urban Development

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

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

General Provisions

65. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is contained in this report.

Planning Policy Framework (PPF)

66. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

67. The objective is:

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

Clause 11.03 (Planning for Places)

Clause 11.03-1S (Activity Centres)

68. The relevant objectives of this clause include:

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

Clause 13.04-1S (Contaminated and potentially contaminated land)

69. The relevant objective of this clause is:

- (a) *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

70. Relevant strategies are:

- (a) *Require applicants to provide adequate information on the potential for contamination to have adverse effects on future land use if the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.*
- (b) *Facilitate the remediation of contaminated land, particularly on sites in developed areas with potential for residential development.*

Clause 13.05-1S (Noise abatement)

71. The relevant objective of this clause is:

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

72. Noise abatement issues are measured against relevant Environment Protection Regulations under the *Environment Protection Act 2017* and *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826.2, Environment Protection Authority, March 2021)

Clause 13.07 (Amenity)

Clause 13.07-1S (Land use compatibility)

73. The objective of this clause is:

- (a) *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site effects.*

Clause 15.01 (Built Environment and Heritage)

Clause 15.01-1S (Urban design)

74. The relevant objective of this clause is:

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

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

75. The objective is:

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

Clause 15.01-2S (Building design)

76. The relevant objective of this clause is:

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

77. Relevant strategies of this clause are:

- (a) *Ensure a comprehensive site analysis forms the starting point of the design process and 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 is designed to protect and enhance valued landmarks, views and vistas.*
- (g) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
- (h) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
- (i) *Encourage development to retain existing vegetation.*

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

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

Clause 15.01-5S (Neighbourhood character)

79. The relevant objective of this clause is:

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

80. Relevant strategies are:

- (a) *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- (b) *Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*
- (c) *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
 - (i) *Pattern of local urban structure and subdivision.*
 - (ii) *Underlying natural landscape character and significant vegetation.*
 - (iii) *Heritage values and built form that reflect community identity.*

Clause 15.02 (Sustainable Development)

Clause 15.02-1S (Energy Efficiency)

81. The objective of this clause is:

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

Clause 15.03 – Heritage

Clause 15.03-1S – Heritage conservation

82. The objective is;

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

83. Relevant strategies include;

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

Dan insert 16.01-1S – Housing Supply

Clause 16.01-1R – Housing supply- Metropolitan Melbourne

84. Strategies for this clause are:

- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
- (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-1R – Housing supply - Metropolitan Melbourne

85. Relevant strategies for this clause are:

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

Clause 16.01-2S – Housing affordability

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

Clause 17.01 (Employment)

Clause 17.01-1S (Diversified economy)

87. The objective of this clause is:
- (a) *To strengthen and diversify the economy.*
88. The relevant strategies of this clause are:
- (a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
 - (b) *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
 - (c) *Improve access to jobs closer to where people live.*

Clause 17.02 (Commercial)

Clause 17.02-1S (Business)

89. The relevant objective of this clause is:
- (a) *To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.*
90. The relevant strategies of this clause is:
- (a) *Plan for an adequate supply of commercial land in appropriate locations.*
 - (b) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
 - (c) *Locate commercial facilities in existing or planned activity centres.*

Clause 18.01 (Integrated Transport)

Clause 18.01-2S (Transport System)

91. The objective of this clause is:

- (a) *To coordinate development of all transport modes to provide a comprehensive transport system.*

Clause 18.02 (Movement Networks)

Clause 18.02-1S (Sustainable personal transport)

92. The relevant objectives of this clause is:

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

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

93. Strategies of this policy are:

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

Clause 18.02-2S (Public Transport)

94. The objective of this clause is:

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

Clause 18.02-2R (Principal Public Transport Network)

95. 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)

96. The objective of this clause is:

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

97. 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 \(LPPF\)](#)

98. The relevant policies in the Municipal Strategic Statement can be described as follows:

Clause 21.04-1 Accommodation and Housing

99. The objectives of this clause are:

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

Clause 21.04-2 – Activity Centres

100. Objectives and strategies include;

- (a) *Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*

- (i) *Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.*

Clause 21.04-3 (Industry, office and commercial)

101. The objective of this clause is:

- (a) *To increase the number and diversity of local employment opportunities.*

Clause 21.05-1 – Heritage

102. Objectives and strategies include;

- (a) *Objective 14 – To protect and enhance Yarra's heritage places.*
 - (i) *Strategy 14.2 – Support the restoration of heritage places*
 - (ii) *Strategy 14.3 – Protect the heritage skyline of heritage precincts*
 - (iii) *Strategy 14.6 – Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
 - (iv) *Strategy 14.8 – Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02.*

Clause 21.05-2 (Urban design)

103. The relevant objectives of this Clause are:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
 - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
 - (i) *Strategy 20.1 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.*
 - (ii) *Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*

Clause 21.05-3 (Built form character)

104. The general objective of this clause is:

- (a) *To maintain and strengthen the identified character of each type of identified built form within Yarra. The subject site is located within the 'main roads' area, where the built form objective is to "maintain the hard edge of the strip".*

105. The strategies to achieve the objective are to:

- (a) *Strategy 27.1 - Allow flexibility in built form in areas with a coarse urban grain (larger lots, fewer streets and lanes).*
- (b) *Strategy 27.2 - Require new development to integrate with the public street system.*

Clause 21.05-4 (Public environment)

106. The relevant objective and strategies of this clause are:
- (a) *Objective 28 - To provide a public environment that encourages community interaction and activity*
 - (i) *Strategy 28.1 - Encourage universal access to all new public spaces and buildings*
 - (ii) *Strategy 28.2 - Ensure that buildings have a human scale at street level.*
 - (iii) *Strategy 28.3 - Require buildings and public spaces to provide a safe and attractive public environment.*

Clause 21.06 (Transport)

107. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. Relevant objectives and strategies of this Clause are as follows:
- (a) *Objective 30 – To provide safe and convenient pedestrian and bicycle environments.*
 - (i) *Strategy 30.2 – Minimise vehicle crossovers on street frontages.*
 - (ii) *Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.*
 - (b) *Objective 31 – To facilitate public transport usage.*
 - (c) *Objective 32 – To reduce the reliance on the private motor car.*
 - (d) *Objective 33 – To reduce the impact of traffic.*
 - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.06-1 (Walking and cycling)

108. This clause builds upon the objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage. The relevant objectives and strategies of this clause are:
- (a) *Objective 30 - To provide safe and convenient bicycle environments:*
 - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*
 - (b) *Objective 32 - To reduce the reliance on the private motor car.*
 - (c) *Objective 33 - To reduce the impact of traffic.*
 - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.06-2 (Public transport)

109. The relevant objectives and strategies of this clause are:
- (a) *Objective 31 To facilitate public transport usage.*
 - (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

Clause 21.06-3 (The road system and parking)

110. A relevant objective of this clause is:
Objective 32 To reduce the reliance on the private motor car.

Clause 21.07-1 (Ecologically sustainable development)

111. The relevant objectives and strategies of this clause are:
- (a) *Objective 34 – To promote ecologically sustainable development.*

- (i) *Strategy 34.1 – 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.*

Clause 21.08 Neighbourhoods

Clause 21.08-5 (Collingwood)

112. This clause outlines the Collingwood neighbourhood as follows;
- (a) *Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.*
 - (b) *North of Johnston Street, the residential area is late Victorian and Edwardian retaining some of its original weatherboard cottage character. South of Johnston Street is a large area of public housing generally comprising large blocks of apartments set in grounds.*
113. The Built Form Character Map for Collingwood states the need to improve the interface of development along the southern side of Sackville Street (non-residential area).

Clause 21.12 Local Areas (Johnston Street Activity Centre – East of Smith Street)

114. The Precinct Vision statement for Precinct 1 (Johnston Street Central) is as follows:

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

Clause 22.02 (Development Guidelines for sites subject to the Heritage Overlay)

115. The relevant objectives of this clause are;
- (a) *To conserve Yarra's natural and cultural heritage.*
 - (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
 - (c) *To retain significant viewlines to, and vistas of, heritage places.*
 - (d) *To preserve the scale and pattern of streetscapes in heritage places.*
 - (e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
 - (f) *To ensure that additions and new works to a heritage place respect the significance of the place*
 - (g) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

Clause 22.03 Landmarks and Tall Structures

116. This policy applies to all development. Whilst the site is not within proximity to an identified sign or landmark within the policy, the following is relevant: *Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.*

Clause 22.05 (Interfaces Uses Policy)

117. This policy applies to applications within the commercial Zone (among others), and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.
118. It is policy that:
- (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*

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

119. Clause 22.16-3 requires the use of measures to “improve the quality and reduce the flow of water discharge to waterways”, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

Clause 22.17 (Environmentally Sustainable Design)

120. This policy applies to (as relevant) the development of a non-residential building with a gross floor area of more than 100sqm and or residential buildings with 2 or more dwellings. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other documents

Plan Melbourne

121. The plan outlines the vision for Melbourne’s growth to the year 2050. It seeks to define what kind of city Melbourne will be and identifies the infrastructure, services and major projects which need to be put in place to underpin the city’s growth. It is a blueprint for Melbourne’s future prosperity, liveability and sustainability.
122. It is policy to create mixed-use neighbourhoods at varying densities to offer more choice in housing and create opportunities for local businesses and new jobs whilst also delivering better access to local services and facilities. It is acknowledged that the application of the Mixed Use Zone can facilitate diverse housing and a greater mix of uses at varying densities.
123. The strategy promotes '20-minute neighborhoods' where there is access to local shops, schools, parks, jobs and a range of community services within a 20 minute trip from your residence.

Urban Design Guidelines for Victoria (DELWP)

124. These guidelines are policy guidelines within the State Planning Policy Framework of the Victoria Planning Provisions. The guidelines must be considered when assessing the design and built form of new development where relevant. The guidelines use best practice knowledge and advice underpinned by sound evidence.

Yarra Planning Scheme Amendment C269 – Rewrite of Local Policies

125. Amendment C269 proposes to introduce new and revised local planning policies into the Yarra Planning Scheme. The amendment was on public exhibition between 20 August 2020 and 4 December 2020. The Amendment is currently awaiting a hearing of submissions before an independent Planning Panel.

126. The revised local planning policy continues to identify Johnston Street, Abbotsford/Collingwood (East of Smith Street) as a Neighbourhood Activity Centre. The Site is located within Precinct 1 of the proposed Johnston Street Activity Centre Plan. The proposed strategies for this Neighbourhood Activity Centre are provided below:

- (a) *Promote the retail and community roles of the activity centre.*
- (b) *In Precincts 1 and 2 foster mid-rise residential and commercial development consistent with the relevant overlay.*

Advertising

127. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 560 letters sent to surrounding owners and occupiers and by four (4) signs displayed on site. Council received 90 objections, the grounds of which are summarised as follows:

- (a) Heritage (adverse impact on heritage value of the site and surrounding area, extent of demolition, impact on the nearby Singapore Cottage, insufficient restoration, materials and finishes not in keeping with heritage streetscape);
- (b) Inappropriate built form and design (excessive building height, insufficient upper level setbacks, stepped design, DDO15 non-compliance, scale and massing, overdevelopment);
- (c) Off-site amenity impacts (overshadowing, loss of daylight, loss of privacy and wind tunnelling);
- (d) Internal amenity of apartments is insufficient (including lack of communal open space and deep soil areas for planting);
- (e) Lack of surveillance of the proposed laneway;
- (f) Undesignated uses for commercial tenancies;
- (g) Inappropriate apartment mix (too many one bedroom apartments and no affordable housing);
- (h) Traffic impacts and insufficient car parking;
- (i) Removal of vegetation, including Dutch Elm tree, from the site;
- (j) Loss of views; and
- (k) Impacts on water table and flooding in the area.

128. No consultation meeting was held as a result of the state of emergency declared in Victoria and the current health advice related to the COVID-19 pandemic.

Referrals

129. The referral comments are based on the advertised plans. Council's heritage advisor has also prepared an addendum to the original heritage comments, which consider the 'without prejudice' sketch plans.

External Referrals

130. The application was referred to the following authorities:

- (a) Melbourne Water – no objection, subject to conditions.
- (b) Department of Transport – no response was received.

131. The above referral response has been included as an attachment to this report.

Internal Referrals

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

- (a) Heritage Advisor;
- (b) Open Space Unit;
- (c) Streetscapes and Natural Values Unit;
- (d) Urban Design Unit;
- (e) Engineering Unit;
- (f) Strategic Transport Unit;
- (g) City Works Unit (waste);
- (h) ESD Advisor;
- (i) Urban design consultant (Global South); and
- (j) Wind Consultant (MEL Consultants).

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

OFFICER ASSESSMENT

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

- (a) Strategic justification;
- (b) Use of the land for dwellings;
- (c) Built form and heritage;
- (d) Off-site amenity impacts;
- (e) On-site amenity, including Clause 58 and ESD;
- (f) Car parking, traffic, access, bicycle parking and loading/unloading;
- (g) Special Building Overlay;
- (h) Development contributions;
- (i) Environmental Audit Overlay;
- (j) Objector concerns; and
- (k) Other matters.

135. The assessment below considers both the advertised plans and 'without prejudice' sketch plans and material provided by the Applicant.

Policy and Strategic Support

136. The proposal has strong strategic planning policy support at both State and local levels. The subject site is within the C1Z and forms part of the Johnston Street Neighbourhood Activity Centre (NAC). The key purpose of the C1Z is:
- (a) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses; and*
 - (b) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*
137. The PPF and LPPF at Clause 11.03-1S and at Clause 21.04-2 encourage the concentration of retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community and support the long term viability of activity centres.
138. Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) and Clause 21.04-2 encourages development and growth in and around activity centres, with the Johnston Street NAC location supporting more intensive development. This is evident in the emerging mid-rise character along Johnston Street.
139. The PPF at Clause 16.01-1R requires management of the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are in a NAC (especially those with good public transport connections).

140. Consistent with the zone, the use of the land for office and retail does not require a planning permit and only the use of the land for dwellings (due to frontage condition not met) and buildings and works are triggered by the zone and overlay provisions. This indicates strategic support for retail and office uses within the precinct, which will continue to provide activation along Johnston Street at both ground and first floor and along the proposed laneway at ground level.
141. The development provides opportunities for new employment within the proposed retail and office spaces, consistent with clause 17.01-1S (Diversified Economy) and clause 17.02-1S (Business). These provisions, along with clause 21.04 (Land Use), recognise and support land uses and development that contributes '*to increase the number and diversity of local employment opportunities*'.
142. Policy encourages the concentration of higher density developments in established areas and supports proposals which achieve the urban growth objectives at clause 11.02-1 through the provision of a mixed-use development on land close to existing transport corridors and services. In this instance the site is located close to several public transport options with close proximity to Victoria Park Train Station, bus routes along Johnston Street, Hoddle Street and trams operating along Smith Street. Yarra's Copenhagen style bicycle lanes are located along Wellington Street to the west and provides a better-connected journey for cyclists. This is also consistent with clause 21.06 (Transport), which aims to reduce car dependency by promoting walking, cycling and public transport use as viable and preferable alternatives. The site's proximity to public transport assists in achieving this objective.
143. The site is located in an area suitable for redevelopment, with a proposed built form that generally includes elements of the diverse pattern of urban form found in the neighbourhood. The proposals design response references the industrial and commercial nature of the area within its design language and seeks to create a new built form character that results in no unreasonable off-site amenity impacts, improves connectivity of the area and appropriately responds to the strategic location and policy direction for higher density built form within the NAC.
144. Having regard to the above, the proposed development of the site including, the greater provision of floor area for office, retail and dwellings is considered to have strategic planning support, however regard must be had to the appropriate scale of the proposal, based on the individual context and constraints of the land. This aspect of the development will be discussed below.

Use of the land for dwellings

145. A permit is required to use the land for 'dwellings' given the proposed dwellings that front Sackville Street exceed 2m (19.5m) in width at ground level, as outlined earlier in this report.
146. The intent of this permit trigger for dwellings is to ensure ground floor interfaces in commercial areas are appropriately activated with commercial uses, as opposed to residential frontages that would otherwise weaken the retail function of activity centres.
147. In this instance, the Site has dual frontages to Johnston Street and Sackville Streets. The proposal seeks to maintain an activate frontage to Johnston Street with retail and office tenancies at ground and first floor levels. This design and land use outcome will ensure 'Johnston Street' remains a vibrant activity centre, where residential use is limited to upper levels.
148. Sackville Street at present has a varied built form and land use mix, which includes the presence of detached dwellings as well as various commercial buildings. The northern side of Sackville Street is largely characterised by low-scale residential use.

149. It is considered that the three proposed split-level dwellings with frontage at ground level to Sackville Street will result in an appropriate land use outcome having regard to the following:
- (a) The existing interface to Sackville Street is poor and offers little to no passive surveillance to Sackville Street.
 - (b) The proposed dwelling entries at ground level will complement the residential character of the northern side of Sackville Street from a land use perspective.
 - (c) The Sackville Street street wall is to be constructed from brick, which is respectful to masonry materials used in residential construction along Sackville Street.

Built form and heritage

150. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at Clause 15 (Built Environment and Heritage), clause 21.05 (Built Form), clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay), Schedule 15 of the Design and Development Overlay (DDO15 - Johnston Street Activity Centre) and the Heritage Overlay (HO 324). All of these provisions and guidelines support development outcomes that respond to the existing or preferred built form character and seek a contextual heritage and urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of works to the heritage building, height and massing, street setbacks and the relationship to adjoining buildings.

Context

Built form along Johnston Street consists predominantly of Victorian and Edwardian era, attached, two storey commercial buildings (some with shop-top dwellings above ground) interspersed with some more recent examples of taller built form described in the site surrounds section above. A number of non-contributory buildings also exist within the Johnston Street precinct, particularly the northern side of Johnston Street. The site contains the individually significant two storey former Austral Theatre building of Greek revival style, which provides architectural contrast from the predominant heritage character.

151. Contributory elements within the Johnston Street heritage precinct, and relevant to the Site, include:
- (a) *Facade parapets, with pitched roofs set behind;*
 - (b) *Two storey wall heights;*
 - (c) *Face brick walls (red, dichrome and polychrome) or stucco walls (typically originally unpainted) with some significant moulded or pressed cement detailing on parapets;*
152. Conversely, the built form character along Sackville Street is varied due to a mix of uses, however, commercial uses are predominantly located on the southern side and residential uses on the northern side. This has been partly driven by the split of commercial and residential zoning on either side of Sackville Street. The visual amenity along the southern side of Sackville Street is also highly varied due to many Johnston Street properties utilising the Sackville Street frontage for access purposes. The northern side of the street forms part of the Gold Street heritage precinct.
153. As outlined above, there is strong strategic support for the subject site to accommodate a higher-density development due to its proximity to two activity centres, C1Z zoning, excellent access to cycling networks, public transport, services and facilities. Based on these attributes, it is a reasonable expectation that this site will experience intensification in use and development greater than the existing 2 storey built form currently on the site.

Demolition

154. Prior to assessing the proposed development, consideration of the extent of demolition is required against the provisions of clause 22.02 and clause 43.01 of the Scheme.
155. As noted previously, the building at 200-202 is identified as 'individually significant' to the Johnston Street, Collingwood precinct. The existing building at 196-198 Johnston Street is identified as 'non-contributory'.
156. The application seeks to demolish all buildings and works on the site, with the exception of the Johnston Street façade, 9.4m of the eastern boundary wall and associated roof structure and form above. The original fabric noticeable from the oblique view shown in the below image, from southern side of Johnston Street east of the Site, will be retained.
157. External alterations are also proposed to the facade, which will be addressed separately below.



Image: View from the southern side of Johnston Street, east of the Site. Source: Officer photo, dated 2 September 2021

158. Firstly, there is no issue with the demolition of the existing building at 196-198 Johnston Street, being non-contributory, consistent with Clause 22.02 criteria for demolition and also supported by Council's heritage advisor.
159. Clause 22.02 outlines policies where the removal of 'part' of a heritage place is proposed. These include:
 - (a) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.*
 - (b) *Generally, discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*

- (i) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
- (ii) *For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*

160. It is noted that Council's heritage advisor supported the extent of demolition of the building, stating:

"While it is concerning that Yarra's theatres are disappearing, but noting the discussion and witness statements before the C245 Panel and the Panel's recommendations, in particular the lack of internal controls due to the state of the interior, there is nothing much else which requires retention and the "removal of part of the building ... [will] not negatively affect the significance of the place". Demolition as proposed is acceptable in this context."

161. Accordingly, it is considered that proposed demolition work beyond the retained fabric of the former Austral Theatre building is acceptable and consistent with Clause 22.02 and 43.01 in that the significance of the heritage place when viewed from Johnston Street will be conserved.
162. A condition is recommended requiring the concurrent endorsement of a structural engineering report with the conservation management plan to ensure the original fabric to be retained is appropriately protected during the demolition and construction phases of the development.
163. A condition is also recommended to require a photographic record of the former Austral Picture Theatre for archival purposes.

External alterations (Johnston Street façade)

164. The proposed external alterations to the original facade include the following:
- (a) Remove paint from façade and reinstate early/original colour scheme (subject to analysis).
 - (b) Reinstatement of the canopy.
 - (c) Repair and reconstruct broken / cracked mouldings.
 - (d) Replacement of ground floor shopfronts.
 - (e) Insertion of windows to the first floor façade, including removal of fabric.
165. With the exception of the first floor windows, these proposed works are principally to restore the façade and are shown on the Heritage Façade Detail on TP2-105 of the advertised architectural plans. The following Clause 22.02 policies are relevant regarding reconstruction and restoration works:
- (a) *Encourage restoration of a heritage place or contributory element if evidence exists to support its accuracy.*
 - (b) *Encourage the reconstruction of a building or works which previously existed in a heritage place if:*
 - (i) *The reconstruction will enhance the heritage significance of the heritage place*
 - (ii) *Evidence exists to support the accuracy of the reconstruction.*

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

External painting

166. External paint controls apply to the retained façade under HO324. The heritage façade detail plan currently refers to:

‘remove existing paint and repaint subject to analysis’.

167. Council’s heritage advisor requires a microscopic analysis to be undertaken and that the original colour will be reinstated. This is addressed via the recommended conservation management plan condition.

Canopy

168. The heritage façade detail plan does not provide a description of the works to the existing canopy. The proposed south elevation (TP2-101) states ‘existing canopy to be removed and reinstated’. Council’s heritage advisor raised concerns with this ambiguous nature of this description. The image below shows the need to repair/restore the existing canopy, which is currently modified with signage. A condition has been included in the recommendation to ensure the canopy is appropriately replaced, together with the removal of existing signage, to the satisfaction of Council.



Image: View of 200-202 Johnston Street from southern footpath. Source: *Officer photo, dated 2 September 2021*

Moulding works

169. The heritage façade detail plan proposes repair and reconstruction of broken / cracked mouldings. These works are supported subject to appropriate detailing and management through a detailed conservation management plan, prepared by suitably qualified heritage consultant.

171. The proposal seeks to remove fabric from the first floor of the façade to create six (6) openings to accommodate new fenestration to provide amenity to the proposed commercial uses at this level. This extent of this demolition is shown on TP0-104, which also shown in the image below.



... the proposed fenestration is a major change from the existing façade of an Individually significant heritage place and is unacceptable. Noting further that the tenancies will need some access to daylight, another creative solution should be explored such as creating a side setback on the east side and installing fenestration here and utilising the air space of the public laneway on the west side – there appears to be some sliding window or screen proposed there already (TP 1-104); reduction in the number of fenestration panels.”

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“The fabric to be removed is conventional wall fabric, devoid of any notable architectural features or decorative elements. Restricting the demolition to the fabric of these panels, while retaining the pilasters, ensures that the division of the facade into bays is maintained.

As noted by Council’s heritage advisor, no historical documentary or photographic resources have been located that describe or depict the facade of the building. This is despite a search of available resources including trove.com.au, the State Library of Victoria picture collection and the public buildings files and plans held at the Public Records Office of Victoria. As such, the original configuration of window openings at first floor level is unknown. Although window sills are discernible in the central bay, these may not be original and may not reflect the full extent of original glazing. This said, an understanding of the original first floor windows in terms of their exact dimensions and detailing is not required in order to introduce a new window treatment that is suitably respectful.

The new windows to be introduced to the former Austral Theatre are multi-paned, which is respectful and will not appear at odds with the interwar origins of the building. The dimensions of the windows have been designed to fit between the existing pilasters, maintaining the rhythm of the facade. This accords with policy at Clause 22.02 which encourages the design of alterations to be respectful in terms of their pattern, rhythm and spatial characteristics.

The purpose of the Heritage Overlay is not only to conserve heritage places of cultural significance, but also to assist in managing change ‘to ensure that development does not adversely affect the significance of heritage places’. The new fenestration is required to facilitate the adaptive reuse of the place, by providing amenity to the commercial tenancies that will occupy the first floor, which would otherwise receive little natural light. Ensuring the ongoing occupation of the building, and thus its ongoing maintenance, in a manner that is largely compatible with its form is a desirable outcome from a heritage perspective.

In conclusion, the proposed partial demolition of the wall fabric for the introduction of the new windows is a modest change that is generally consistent with Council policy. Overall the original design character of the former Austral Theatre and the contribution that it makes to the Johnston Street streetscape will be maintained.”

174. Council’s heritage advisor has reviewed this response and remains of the opinion that the proposed fenestration is a major change from the existing façade of an individually significant heritage place and is unacceptable.
175. When balancing the views of both heritage advisors, and considering the amenity benefits and the adaptive reuse of part of a heritage building, the proposed works are considered an acceptable outcome. Whilst the new fenestration will alter the existing façade, it is agreed that these changes are proposed in a respectful manner that appropriately fit between the existing pilasters to maintain the rhythm of the façade.



Image: Render of the proposed façade treatment. Source: *Advertised Urban Context Report*.

176. The multi-paned design of the proposed windows are also considered respectful of the interwar origins of the building. These windows will also provide the added urban design benefit of providing additional activation / passive surveillance over Johnston Street, which is an outcome sought by DDO15. Accordingly, it is considered that the windows will not negatively affect the significance of the heritage place.
177. Overall, and subject to the abovementioned conditions relating to external alterations, the proposed external alterations to the heritage place are considered to be acceptable and generally in accordance with Clause 22.02 and 43.01.

Infill built form to Johnston Street

178. The street wall for land within Precinct 1B must (mandatory) not exceed 11m to Johnston Street. Table 3 of DDO15 also states that the street wall height should match the parapet height a neighbouring heritage building, where present, for a minimum length of 6 metres from the heritage building.
179. In this instance, the existing heritage building on the site has a parapet height of approximately 10.2m above the footpath, immediately adjacent land at 196-198 Johnston Street.
180. The proposal will replace the existing two storey office building at 196-198 Johnston Street with a new two storey infill building with roof terrace that extends for a length of approximately 4.5m. The remainder of the Site to the west is open to provide for a new laneway that will publicly accessible.
181. Council's heritage advisor raised no issues with the massing of the new street wall section to Johnston. However, obscure glazing or masonry was recommended for the cladding to the façade due to concerns with the use of the metal mesh being out of keeping in the streetscape.
182. The without prejudice sketch plans prepared by the applicant now continue the glazing behind the metal mesh at the terrace level to better respect the massing of the heritage building. This treatment is also now returned along the western elevation.
183. A comparison of the infill street wall design on the advertised and sketch plans is shown in the images below.

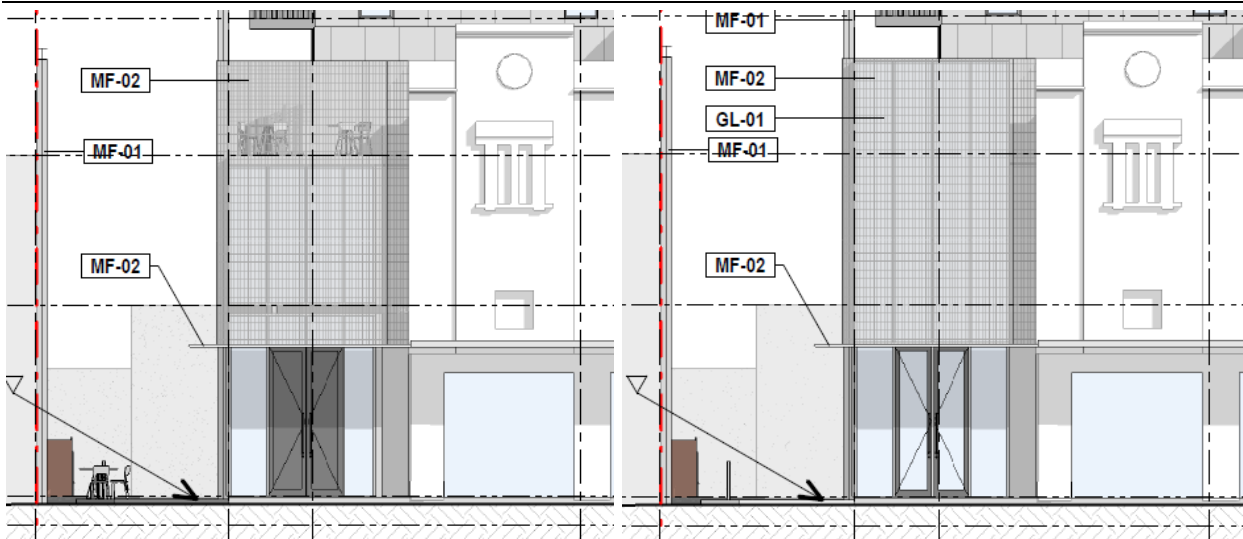


Image: Extract of south elevation showing new street wall to Johnston Street. Advertised plans (left) and without prejudice sketch plans (right)

184. It is considered that the new street wall element to Johnston Street is appropriate and in accordance with the relevant built form requirements of DDO15 given the following:
- (a) The parapet height of the new infill street wall will match the parapet height of the heritage building (10.2m) and therefore will meet the mandatory street wall height requirement.
 - (b) The use of contemporary design to the infill section appropriately distinguishes the new street wall from the retained heritage fabric.
 - (c) The metal mesh material, whilst generally not a material within the streetscape used as a building cladding, is considered acceptable given it helps conceal the glazing that sits behind and is a single and simple material treatment that will appear recessive to the heritage building masonry.
 - (d) The infill reinforces the fine grained character of Johnston Street.
 - (e) An active frontage to Johnston Street is continued with opportunities for passive surveillance at first floor level and roof terrace through the mesh, which would be otherwise limited with obscured glass or masonry.
185. A condition is recommended to ensure the metal mesh has a non-reflective finish to ensure it does not unreasonably compete with the prominence of the heritage building. Further detail of the metal mesh material is also recommended via a façade strategy condition to ensure a high quality appearance.
186. Additionally, Council's urban design consultant confirmed the public laneway, proposed to occupy the western part of the Johnston Street frontage, will be beneficial to the public/pedestrian experience as well as providing primary entry to the building. The street level entrance to the public laneway was also supported by Council's heritage advisor.

Sackville Street street-wall

187. The street wall for land within Precinct 1B should (discretionary) not exceed 11m to Sackville Street under DDO15.
188. The proposed development proposes a street wall height between 10.9m (196-198 Johnston Street) to 12.29m. Whilst this exceeds the preferred street wall height for Sackville Street, it is considered to be acceptable for the following reasons:
- (a) Sackville Street provides a natural 15m buffer between northern residential land to minimise visual bulk impacts.
 - (b) No shadow impacts will be experienced on the residential land located on the northern side of Sackville Street.

- (c) An existing historic commercial building 106-108 Sackville Street) has a similar height street wall and as such the proposed street wall will not be out of place.
- (d) The design of the street wall partly respond to high ceiling heights of the heritage building, particularly at ground level, and natural fall of the land to the north.
- (e) The ground floor level will be approximately 500mm above natural ground to meet the floor level requirements of Melbourne Water.

189. The design of the street wall comprising red brick will help ‘ground’ the building by contrasting with lighter-weight materials used in the tower element, which will be discussed further below. The street wall incorporates good passive surveillance over Sackville Street through balconies and glazing of dwellings at Level 01-02. Refer to image below.



Image: Extract of north elevation of the advertised plans showing the street wall to Sackville Street

- 190. The frontage to Sackville street along with providing dwelling and common entries, also proposes to accommodate vehicle access and services at ground level that have also been well integrated into the building design and are appropriately away from the primary frontage (Johnston Street).
- 191. To ensure a quality outcome to Sackville Street a condition of any recommendation will require the use of real brick to the podium level of the building.

Building height and massing of upper levels

- 192. The advertised proposal involves the construction of an 11 storey building, which essentially reads as 8 storeys above street-wall, given the existing/propose parapets to Johnston Street and Sackville Street. The proposal has a total building height of approximately 37m when measured from the footpath at the centre of the Site frontage to Johnston Street.
- 193. The top two levels are noticeably recessive to lower levels to form a ‘cap’ element. The development has been assessed against the quantitative building height and setback controls of DDO15 for the upper levels in the table below.

Item	DDO15	Proposal	Complies?
Preferred maximum building height	28m	37m	No
Mandatory minimum mid level setback (Johnston St)	6m	9.5m	Yes

Preferred min. mid level setback (Sackville St)	6m	6.5m	Yes
Preferred min. upper level setback (Johnston St)	45 degrees above 11m	27 degrees	No
Preferred min. upper level setback (Sackville Street)	45 degrees above 11m	35 degrees	No

194. As demonstrated above, the proposal meets the mid level setback requirements from both Johnston Street and Sackville Street. Importantly, the mandatory mid level setback requirement from Johnston Street is exceeded by 50%, which is a positive outcome for the extent of heritage fabric to be retained. However, variations from the discretionary building height and upper level setback requirements are required by the proposal. The extent of non-compliance is highlighted in a red hatching on the marked up western elevation below.

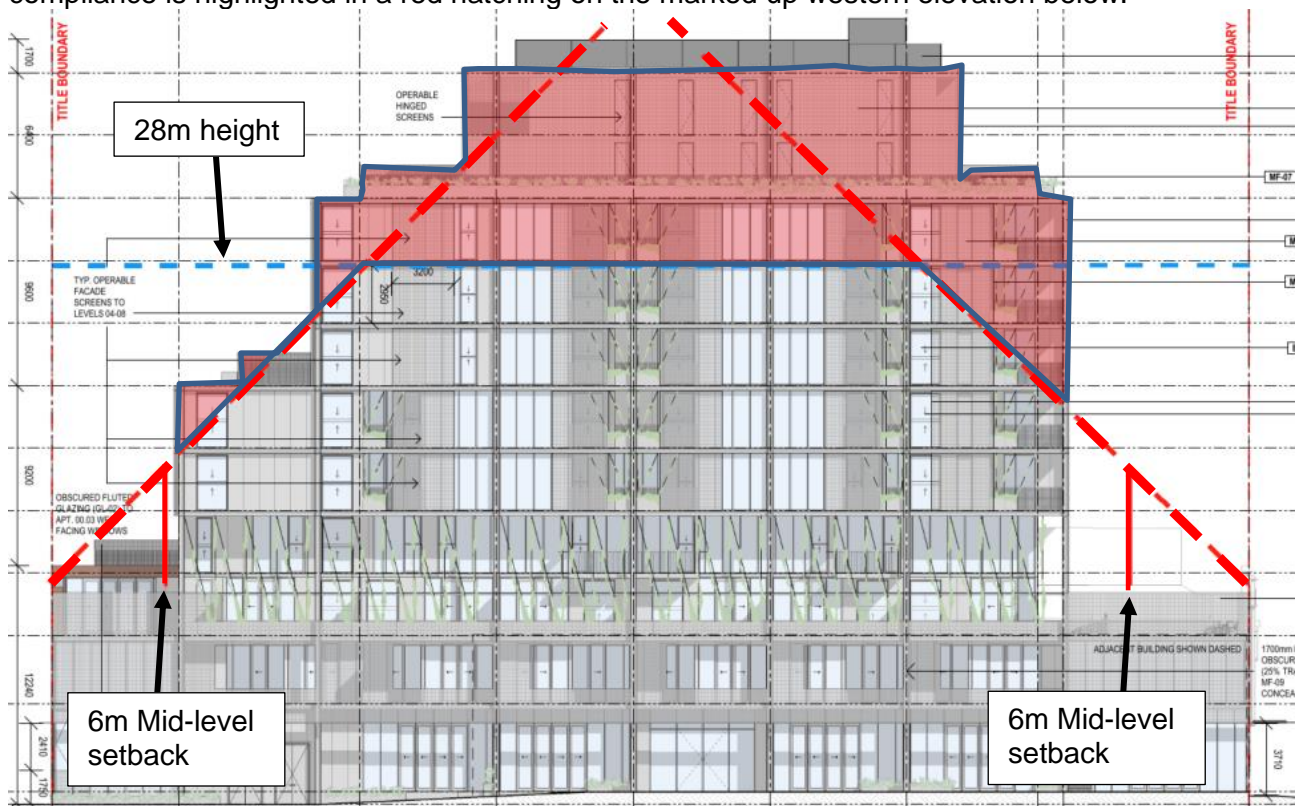


Image: markup of the advertised west elevation showing the guidelines for 28m height limit, 45 degree angle upper level setback and mid level setbacks (red hatching showing extent of non-compliance).

195. From a building height perspective, DDO15 states that a permit should not be granted to exceed the preferred maximum building height unless the following criteria are met:
- The building elements permitted by the proposed variation satisfy the design objectives of Clause 1.0 and the provisions of Clause 21.12–1.
 - The proposal will achieve each of the following:
 - Housing for diverse households types.
 - Universal access.
 - Communal or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.
 - Excellence for environmental sustainable design measured as a minimum BESS project score of 70 per cent or 5 Star Green Star Standard.
 - Greater building separation than the minimum requirement in this schedule.

- (vi) *No additional amenity impacts to residential zoned properties, beyond that which would be generated by a proposal that complies with the preferred maximum building height.*

196. With regard to (a), Council's urban design consultant has considered the DDO15 Design Objectives and provisions of Clause 21.12 and concluded the proposed building meets this criteria for the following reasons:
- (a) The heritage façade will remain visually prominent, despite a prominent tower form.
 - (b) 11 storeys generally falls within the preferred mid-rise scale.
 - (c) The proposal provides an adequate transition to the residential area to the north based on the setback distances for each incremental step in the building.
 - (d) The proposal provides an active street edge and passive surveillance opportunities both street frontages.
 - (e) The southern footpath of Johnston Street will not be overshadowed at the Equinox.
 - (f) The proposed side setbacks adequately address equitable development opportunities for adjoining lots.
 - (g) The proposal adaptively re-uses the heritage façade.
 - (h) The proposed commercial uses will positively activate this section of Johnston Street.
 - (i) A mix of apartment types is proposed.
 - (j) Pedestrian amenity will be improved on Johnston Street through well designed frontages and active uses and improves on Sackville Street through improved building design and active frontage.
197. Conversely, Council's heritage advisor has raised fundamental concerns regarding the height of the development, stating that the impact of the development to views/vistas along Johnston Street are not respectful to the heritage building on the Site or the immediate surrounds. To address the issue of height, a reduction in height by 3 storeys is recommended by Council's heritage advisor.
198. With regard to (b), it is noted that the proposal will achieve these requirements, given that:
- (i) A diverse mix of one, two and three bedroom apartment typologies are proposed.
 - (ii) Universal access is proposed to all levels by lift and 50% of apartments meet the accessible design standards of Clause 58.
 - (iii) Private open space is met or exceeded for all but two dwellings. The combined communal open space, communal internal area and public laneway area are considered to adequately offset the minor departure of these two dwellings.
 - (iv) The proposal achieves ESD excellence with a 5 Star Green Star standard, subject to revisions to the SMP required by conditions.
 - (v) The minimum building separation requirement for habitable room windows is met or exceeded by the proposal.
 - (vi) No overshadowing will be experienced from residentially zoned properties to the north or south. The additional visual bulk experienced from the additional is considered to be negligible given that stepped nature of upper levels, Sackville Street provides a 15m buffer and that sensitive SPOS areas of dwellings are generally setback from the street frontage (refer to perspective image below).



Image: 3D perspective view of the proposal viewed from the northern side of Sackville Street. Source: *Advertised Urban Context Report*.

199. When balancing the advice of Council's urban design consultant and heritage advisor, it is considered that the proposal, as advertised, is excessive in height and would result in an adverse impact on the heritage value of the Site and surrounding precinct. The height of the advertised proposal is considered to unreasonably dominate the retained heritage fabric when viewed in close proximity to the Site and longer range views/vistas along Johnston Street. Notwithstanding this, the visual impacts to Sackville Street are generally considered acceptable as discussed above, particularly given heritage impacts are not raised as an issue at this interface.
200. The primary concern regarding building height had been conveyed to the Applicant prior to the lodgement of the failure appeal. The without prejudice sketch plans have been submitted principally to respond to this concern and now involve a reduction of the building height by 1 storey via the removal of Level 07. The resultant overall building height consequently is proposed to reduce to approximately 33.8m (-3.2m).
201. Further to this, the sketch plans also show the following adjustments to the upper levels of the building envelope:
 - (a) Decrease of the top two level upper levels (now Level 08-09) northern setback by 2 metres (from 21m to 19m).
 - (b) Decrease of the top two upper levels (now Level 08-09) east and west boundary setbacks by 0.5m (approximately 6.9m to a minimum of 6.4m).
202. The extent of non-compliance with upper level DDO15 requirements is shown in the markup of the west elevation below.

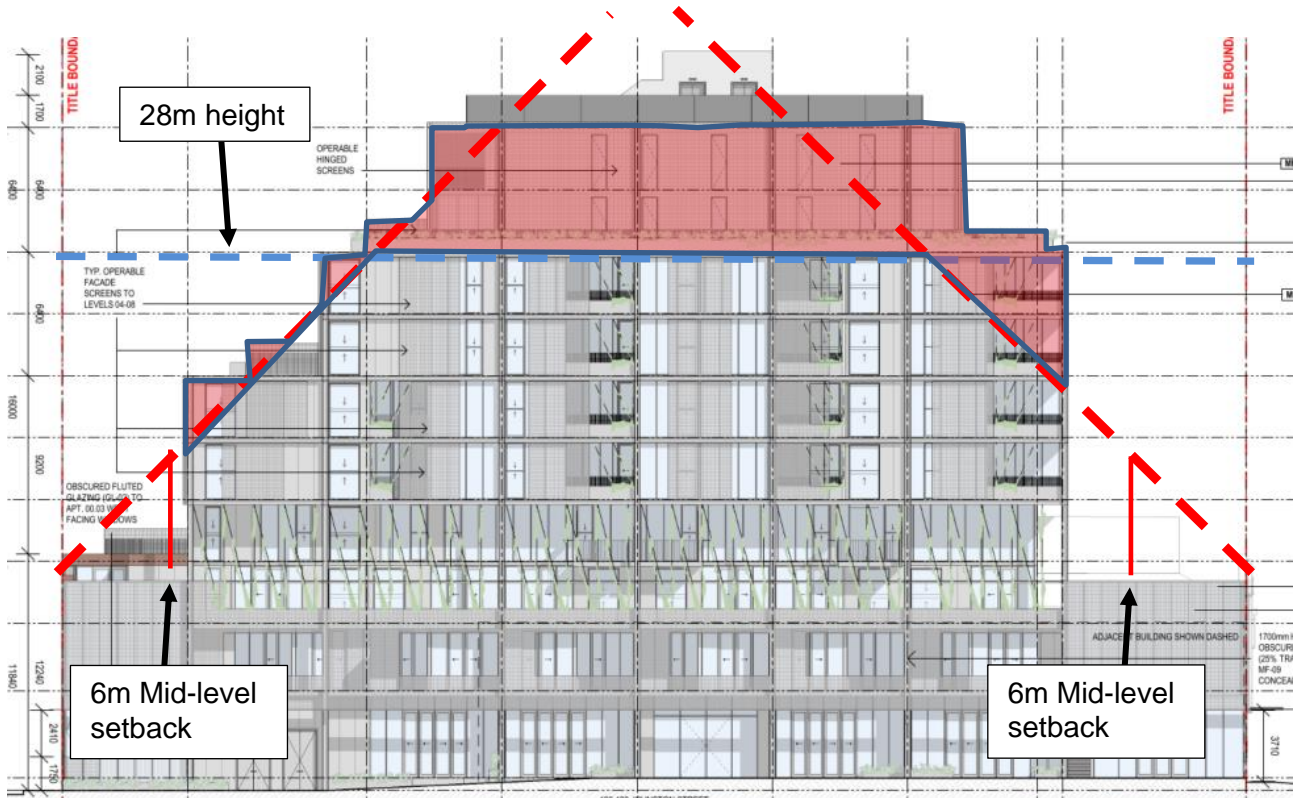
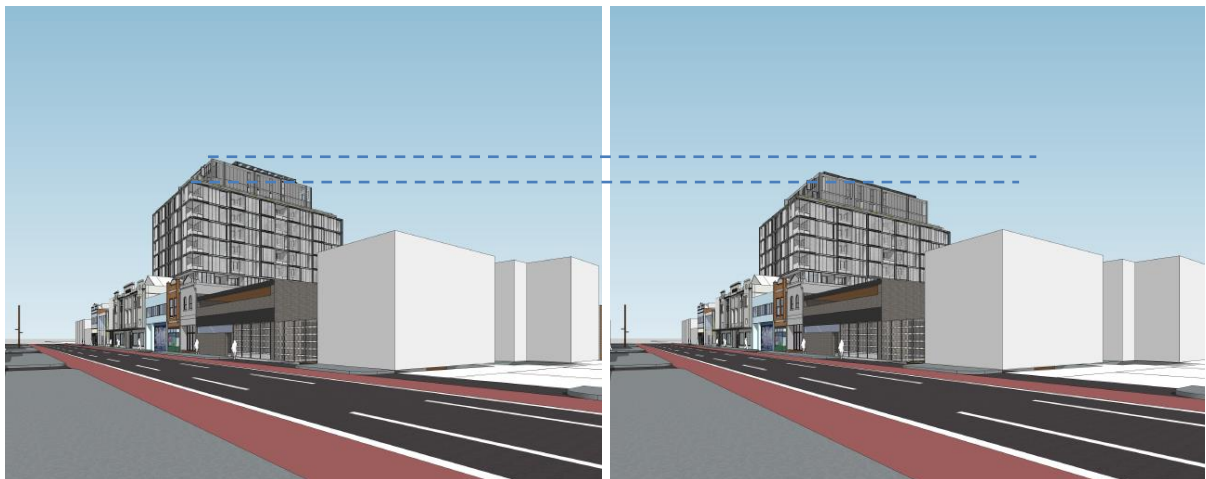


Image: Markup of the without prejudice 'sketch' west elevation showing the guidelines for 28m height limit, 45 degree angle upper level setback and mid level setbacks (red hatching showing extent of non-compliance).

203. The above markup, shows that the extent of non-compliance with DDO15 upper level setback requirements is proposed to be noticeably reduced by the sketch plans. To further assist, the applicant has also included a set of perspective views comparing the visual impacts of the advertised and sketch plans. Comparison views along Johnston Street are provided below.



**Image: Comparison perspectives of the advertised and sketch proposals, viewed from Johnston Street east of the Site.
Source: Applicant without prejudice material.**



Image: Comparison perspectives of the advertised and sketch proposals, viewed from the opposite the Site.
Source: Applicant without prejudice material.

204. The above view comparisons show an improved visual relationship between the retained heritage façade and tower levels above.
205. Council's heritage advisor has reviewed the sketch plans and the view analysis and their opinion in relation to building height remains unchanged that the proposal should be reduced to 8 storeys to manage visual impacts along Johnston Street (ie. A further 2 storey reduction is recommended).
206. Notwithstanding the above, it is noted that Council's heritage advisor is supportive of the design detail of the upper levels, stating:

The design of the elevations is generally subdued and it is pleasing that all 4 elevations have fenestration and are not left as blank concrete walls, particularly the east and west elevations which will be highly visible in views/vista along Johnston Street. The articulation of the façade into smaller elements is reflective of the fine grain of the streetscape and is appropriate.

The colours and materials palette is generally acceptable but there are concerns with the metal mesh (this concern later references the infill street wall and basement entry door).

207. With this in mind, It is considered that that whilst the tower shown on the sketch plans will remain prominent in the streetscape, the design has achieved an appropriate outcome with respect to the relevant DDO15 controls, including the upper level design requirements (2.12). This is said having regard to:
- (a) The revised proposal as depicted in the sketch plans, exceeds the preferred DDO15 height requirement by 5.7 metres (just under 2 storeys).
 - (b) The improved visual relationship with the heritage fabric provided by the deletion of a level as shown in the sketch plans. Additionally, the tower is noticeably setback more than 50% greater than the minimum mid-level setback requirement in DDO15. Had the proposal simply sought to meet the minimum setback an additional 3.5 metre depth of roof form and eastern wall of the heritage building would be removed.
 - (c) General compliance with the criteria to exceed the preferred building height limit set out in DDO15.
 - (d) The muted colour and material palette, which uses primarily light-weight materials that respectfully contrast with the robust masonry form of the retained heritage façade and brick street wall to Sackville Street.

- (e) The architectural quality of the tower form has been considered ‘in the round’ with all elevations having active edges, a consistent architectural language (including dynamic operable external screens) and also satisfying the minimum building separation requirements.
- (f) The prominence of the tower will be naturally obscured overtime as nearby sites on the northern side of Johnston Street are redeveloped in line with the intensity envisaged by DDO15 and within the Johnston Street NAC more generally.
- (g) Other taller building forms similar to the proposal are evident further east and west along Johnston Street, which indicate that the proposal will be consistent with the emerging mid-rise character sought by DDO15.
- (h) The proposed rooftop plant equipment will not exceed 3.6 metres, is setback to ensure no additional shadow is cast and will occupy less than 50% of the roof area and as a result is not included as ‘building height under the DDO15 provisions.
- (i) The southern footpath on Johnston will not experience overshadowing from the development at the Equinox between 9am – 3pm (the shadows shown on the advertised plans will reduce with the changes shown in the sketch plans.
- (j) The proposal provides a well-designed and activated through-block link (publicly assessible laneway) along the western boundary. There is no requirement in DDO15 to provide such a link, yet there is significant benefit for the public realm and pedestrian experience to do so. Indeed, to provide this link results in a clear impact on development yield due to the reduction of floor space that otherwise would be achieved by extending the street walls for the full site width along Johnston and Sackville Streets. The design and maintenance of the laneway will be discussed in detail below.

208. Accordingly, the reduction in building height shown on the sketch plans is supported and included in the recommended conditions accordingly.

209. The sketch plans show a reduction of northern and eastern and western boundary setbacks to new Levels 08-09 by 2 metres and 0.5 metres respectively. No issues are raised in relation to the merits of this modification to the building envelope, given greater compliance with the setback requirements is achieved by the revised proposal generally and no heritage concerns are raised regarding the Sackville Street views and vistas. However, the sketch plans are not formally substituted and therefore it is not appropriate to support reductions in setbacks or for these to be included as recommendations. Accordingly, it is recommended via condition the building envelope of revised Levels 08 and 09 remain consistent with the Levels 09 and 10 on the advertised plans.

210. Lastly, to address Council’s urban design consultants reservation regarding materiality, it is recommended that a façade strategy condition is included, with a particular emphasis on demonstrating suitable quality, durability and maintenance of the proposed metal cladding. A condition is also recommended that requires the retention of JCB Architects for the duration of the development.

Publicly accessible laneway

211. The proposal provides a significant benefit to the public realm through the provision of a 4.5m wide publicly accessible laneway along the western boundary of the Site. This gesture positively responds to general planning urban design policies relating to the public realm and design quality. As discussed above, this laneway will provide a new north-south pedestrian connection between Johnston and Sackville Streets. The laneway will align with Little Francis Street to the south, resulting in a strong north-south connection within the precinct. Refer to images below.

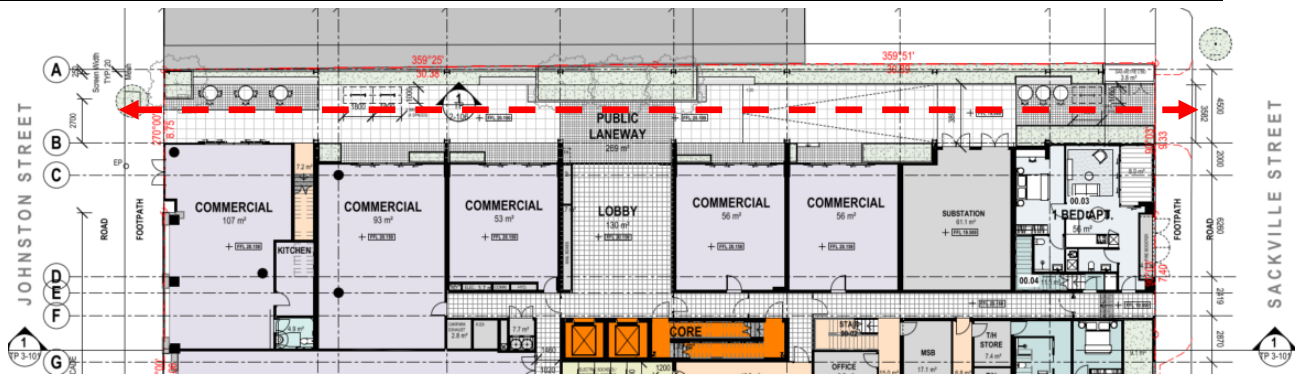


Image: Extract of ground floor plan showing new publicly accessible laneway along the western boundary
Source: *Advertised architectural plans.*

212. The laneway is appropriately activated and passively surveyed by commercial tenancies and lobby at ground level and apartments at first floor. The image below helps demonstrates this.



Image: Perspective looking north along the proposed laneway. Source: *Advertised Urban Context Report.*

213. Detailed plans of the laneway are included on TP1-113 of the advertised architectural plans and within the landscape plans prepared by Etched. Key features of the laneway design include:

- Provision of pedestrian access to five (5) commercial tenancies and the main lobby of the building.
- Seating nodes at northern and southern ends of the laneway and either side of the central lobby.
- A western boundary screen measuring between 10.4m-11.2m high, constructed with metal, metal mesh and tensile wires enabling planting to grow.
- Feature trees adjacent the lobby and Johnston Street entry.
- Continuous landscaping treatment along the western boundary contained in planter, including climbing plants for the boundary screen, shrubs and ground covers.
- Small planter beds adjacent commercial tenancy building lines.

- (g) Continuous 1m deep landscaping treatment adjacent the apartment (00.03) abuttal.
- (h) Provision of lighting, including up-tree lights, garden lights, bollard lights

214. Council's Urban Design Unit have reviewed the laneway design and welcome its provision to improve pedestrian permeability in the surrounding area, subject to improvements regarding function, safety and amenity. A public realm plan condition has been recommended to address the following regarding public realm design detail:

- (a) Existing/proposed public realm conditions outside of title boundaries including street trees, light poles, surface materials and fixtures.
- (b) Surface treatments and levels, including appropriate transitions to Johnston and Sackville Street footpaths and ground floor commercial tenancies.
- (c) Materials schedule of all proposed materials, including surface materials, furnishings and fixtures.
- (d) A minimum of 10 visitor bicycle spaces, including 1 x hoop bicycle parking on Johnston Street frontage.
- (e) show the type, location, quantity, height at maturity and botanical names of all proposed plants – as a planting plan with a plant schedule.
- (f) provide details of the raised planters planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer).
- (g) provide information on the proposed method for irrigation and drainage.
- (h) Removal of the northern seating node.
- (i) Increase functional width at the southern end of the laneway by relocating the southern tree further north and redesign of southern seating node.
- (j) Removal and replacement of the existing street tree along Johnston Street to align with laneway trees.
- (k) Clear pedestrian sightlines demonstrated along the laneway with proposed landscaping layout.
- (l) Location of lighting consistent with the Public Lighting Plan.
- (m) , including the replacement of bollard lighting with integrated lighting with garden beds/planters (unless otherwise agreed by the responsible authority).
- (n) High level drainage details.
- (o) Cross sections of the laneway as necessary.
- (p) detail the maintenance schedule following construction (duration, tasks, regime).

215. To ensure the laneway is available for unfettered 24-hour public access (with the exception of occasional access to the substation) and appropriately maintained at all times, a condition is recommended to confirm this via Section 173 agreement registered to the title.

Landscaping and Street trees

216. The proposed advertised architectural plans and landscape plans show landscaping along the proposed laneway, Sackville Street dwelling entries and planter beds to various balconies and terraces.

217. Council's Open Space Planning and Design team have reviewed the landscape plans and have recommended conditions to ensure they are suitable. These conditions include the removal of *Prunus lusitanica* (environmental weed) from the planting palette and growing media requirements. A landscape plan condition is included in the recommendation to address this, together with details of the communal rooftop terrace shown on the sketch plans and a public realm plan for the proposed laneway.

218. One street tree is located on the southwestern corner of the Site along Johnston Street and one street tree is located adjacent the northwestern corner of the Site. A Tree Management Plan, prepared by Tree Logic, was submitted by the Applicant. Council's Open Space Services department has reviewed the TMP and raised no concerns.
219. Council's urban design unit have noted that the existing street along Johnston Street will obstruct optimal pedestrian access to the proposed laneway and recommended this tree is removed and replaced in a position in line with trees along the laneway. They have also recommended that an additional street tree is planted along Sackville Street. Both of these recommendations are proposed to be addressed via permit condition, at the owners expense. A condition also requires the TMP to be updated reflect the removal/replacement of the street tree along Johnston Street.

Off-site amenity impacts

220. Clause 15.01-2S of the Scheme aims to provide building design that minimises the detrimental impact of development on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing of SPOS, loss of daylight to windows, visual bulk, overlooking of sensitive areas and equitable development. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy) of the Scheme.
221. The subject site is zoned C1Z, as are the properties to the east, west and south. The land to the north is within the Neighbourhood Residential Zone (NRZ). The directly abutting lots to the east and west are occupied by commercial uses and do not have any habitable room windows or secluded private open space (SPOS) adjacent the Site.
222. The acceptability of off-site amenity impacts (i.e. noise, visual bulk, overlooking, overshadowing and equitable development) are considered below.

Noise

223. Policy at Clause 22.05-4.2 requires non-residential development to provide a high level of acoustic protection to adjoining properties. On-site acoustic impacts will be addressed later in the report under the Clause 58 assessment.
224. As all proposed commercial uses are Section 1 within the Commercial 1 Zone, no assessment has been made on potential off-site amenity impacts from these uses.

Visual bulk

225. In the above built form and heritage analysis, the potential off-site amenity impacts by way of visual bulk to all interfaces was assessed, and found them to be appropriate and reasonable in this context.

Overlooking

226. There are no habitable windows or areas of secluded private open space within nine metres of the review site, and so overlooking is not a relevant concern.

Overshadowing

227. The shadow diagrams submitted depict that at the equinox, the shadows from the proposed building will not fall on the southern footpath of Johnston Street, as discussed above. Therefore the proposal's shadow impacts to the southern interface is considered acceptable.

228. Increased shadow will be experienced on adjoining properties to the east and west. 208 and 210 Johnston Street who potentially have shoptop dwellings at the upper levels. The use and layout of 208 Johnston Street is unclear, though it is possible the rear yard is SPOS. 210 Johnston Street is occupied by a licensed premises (Thank You Bar) at ground level, including the rear yard, and as a result has no dedicated SPOS for the dwelling above. Refer to the image below.
229. Whilst some overshadowing will be experienced over these properties, the shadow impact of any SPOS at 208 Johnston Street and any north facing windows of either dwelling is considered to be reasonable having regard to the location of the Site and these properties within the Commercial 1 Zone, DDO15 and Johnston Street NAC. These shoptop dwellings cannot expect to maintain the same level of amenity as dwellings within a residential zone (such as those to the north of the site). In any event, shadow impacts are generally limited to between 2pm and 3pm, which is not unreasonable. The future development of adjoining land to the east of the site will undoubtedly create a greater shadow impact to these properties.
230. The reduction in building height by 1 storey shown on the sketch plans will also reduce the extent of shadow impacts generally, including within the public realm.

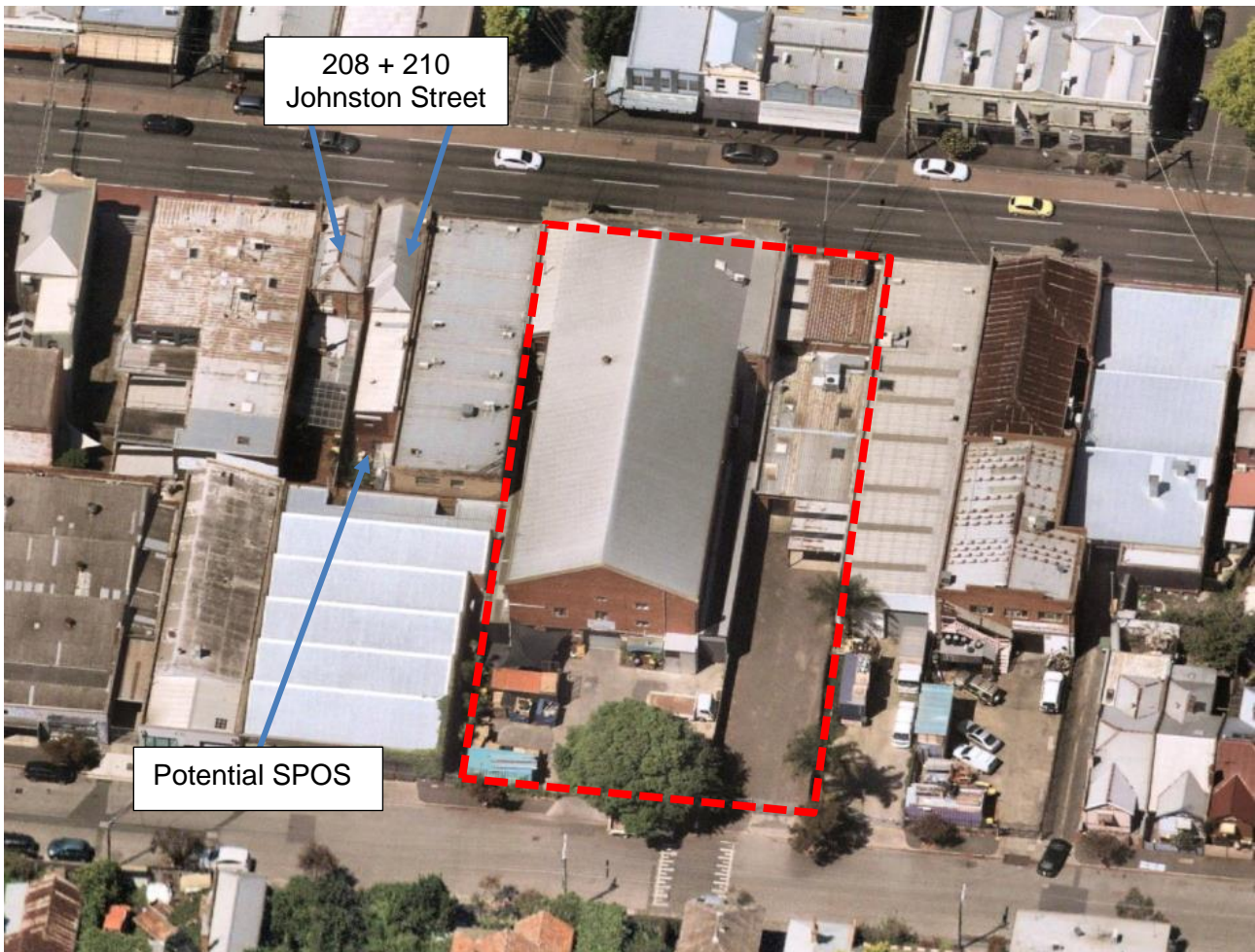


Image: Panomramic image of the Site and surrounds. Source: Nearmap, 2021.

Wind

231. The application was accompanied by a desktop wind assessment prepared by VIPAC. The report concluded that with the proposed design (advertised plans):
- (a) *Wind conditions in the ground level footpath areas and access ways would be expected to be within recommended walking comfort criterion.*

- (b) *The entrances would be expected to be within the recommended standing comfort criterion.*
- (c) *The seating areas would be expected to be within the recommended sitting comfort criterion*
- (d) *The terraces and balconies would be expected to be within recommended walking comfort criterion.*
- (e) *No recommendation for the alteration of the design, as proposed.*

232. This wind report has been peer reviewed externally. The external wind consultant raised no concerns with the proposed analysis approach, site exposure, regional wind climate and description of the development used in the preparation of the assessment. Council's external wind consultant mostly agreed with the conclusions made but made the following comments requiring further consideration:

"MEL Consultants would mostly agree with the Vipac assessment of the expected wind conditions in the surrounding streetscapes but would request further assessment of the expected wind conditions in the seating areas on the north and south ends of the western public laneway."

233. In response to these comments, a condition has been recommended requiring modelling to consider wind conditions of the seating areas along the western public laneway.

234. Subject to the above-mentioned condition confirming the plan set assessed, it is considered that wind is adequately addressed and will ensure the development would not generate safety concerns for the pedestrian wind environment.

Equitable development

235. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development must be considered. In this instance, the site has direct interfaces to the east and west.

236. The proposed development is considered to appropriately provide for equitable development potential of the eastern and western adjoining sites for the following reasons:

- (a) Upper levels are setback a minimum of 4.5 metres from the eastern and western side boundaries and meet the minimum building separation requirement outlined in DDO15.
- (b) Levels 09 and 10 of the advertised plans and Levels 08 and 09 of the sketch plans are setback greater than 6m from the side boundaries to help maintain views to the sky from Johnston and Sackville Streets.

On-site amenity, including Clause 58 and ESD

237. Clause 58 comprises design objectives and standards to guide the assessment of new apartment development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. The following objectives are not relevant to this application:

- (a) *Access objectives* – There is no vehicular access or crossovers proposed at the street frontage.

238. As supplementary guidance, the UDGv and ADGV are also of relevance

Urban context objective

239. The objective is to ensure that the design responds to the existing urban context or contributes to a preferred future development of the area.

240. This has been considered earlier in the report under the *Built form and heritage* assessment. The proposed development provides an acceptable design response with regard to retention of heritage values, building height, massing and detailed design, subject to the amendments shown in the 'without prejudice' sketch plans and further conditions.

241. Overall, the proposed development achieves a positive response with the existing and emerging character of Johnston Street and Sackville Street. The objective and standard are satisfied.

Standard D2 – Residential policy objectives

242. This is addressed within the *Strategic Justification* section of this report. The standard and objective are met

Standard D3 – Dwelling diversity

243. The proposed development incorporates a genuine mix of one (64), two (17) and three (17) bedroom dwellings. The ratio of two-bedroom apartments is proposed to be increased within the 'without prejudice' sketch plans. The standard and objective are met

Standard D4 – Infrastructure

244. The proposal is located within an established area with existing utility services and infrastructure; there is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services. The standard and objective is met.

Standard D5 – Integration with the street

245. The proposed development provides strong integration with the street, which is highlighted by the creation of a new 'through-block' laneway along the western boundary of the Site. The proposed laneway will provide 24/7 public access between Johnston and Sackville Street in a location where such an opportunity only exists at Hoddle and Gold Streets at present. The proposed laneway also provides pedestrian access to the centrally lobby entry for apartments and various commercial tenancies.

246. As discussed above, the proposal will enhance the integration of the heritage fabric with Johnston Street through the introduction of new windows at first floor level and commercial tenancies at ground and first floor levels with ground floor tenancies maintaining direct access from Johnston Street.

247. Sackville Street features entries to three (3) split level dwellings, a common entry to the building and basement access.

248. The design of the development incorporates high levels of glazing/openings to the street which enhance its interface with the public realm. The proposal does not include any high fencing. The proposal is considered to comply with both the standard and the objective

Standard D6 – Energy efficiency

249. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces staff and visitors from relying on private vehicles.

250. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.
251. Council's ESD Advisor reviewed the submitted SMP, daylight modelling and the development plans identifying one ESD deficiency relating to innovation credits. A condition of permit is recommended to address this deficiency. Overall, the proposal is to achieve a 5-star equivalent with a target of 60 green star credits.
252. The north-south axis of the Site means that many of the apartments have either east or west orientation. This is considered acceptable, given the site axis constraints. Operable screens are proposed to upper levels, which helps control the internal amenity of the dwellings.
253. Daylight modelling for apartments on Level 1 and 2 was provided by the Applicant. Council's ESD advisor did not raise issue with this analysis other than it did not quantify the daylight factors for living areas. Notwithstanding this, the daylight contour plots included with the daylight analysis depict the extent of daylight experienced in the living areas is considered acceptable.
254. The NatHERS ratings provided within the SMP for both dwellings demonstrate all cooling loads do not exceed the 30MJ/m² threshold, complying with the Standard.
255. Conditions are included in the recommendation to require the SMP to be updated to address the additional information requested by Council's ESD Advisor, including a requirement to confirm daylight modelling for living areas.

Standard D7 – Communal open space

256. Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.
257. The advertised plans do not incorporate any communal open space. This deficiency was raised as an issue by Council's urban design consultant and by officers.
258. The applicant has addressed this deficiency on the sketch plans by incorporating approximately 83m² of communal open space on the rooftop. Whilst the quantitative area of the standard is still not met by this provision (should be 210m² based on 84 dwellings shown on the sketch plans), it is considered to be an acceptable outcome for the following reasons:
- (a) The open space will have a minimum trafficable dimension of 3 metres to ensure it is highly function and easily managed.
 - (b) Planter boxes are provided to the open space perimeter to maximise amenity.
 - (c) The rooftop location will afford excellent outlook and sunlight access.
 - (d) 70m² of supplementary internal communal office area is provided on Level 02 within the roof space of the heritage fabric.
 - (e) The proposal provides a 'through block' laneway adjacent the western boundary, which amounts to approximately 285m² clear to the sky, with a minimum functional dimension of 2.5 metres. Whilst also accessible to the public (not strictly communal), the laneway provides some passive recreational sitting areas adjacent the lobby in a landscaped setting in addition to alfresco seating and circulation.
259. To this effect, a condition is recommended to incorporate the rooftop communal open space as shown on the sketch plans and to ensure this area is appropriately landscaped.

Standard D8 - Solar access to communal outdoor open space objective

260. The greatest dimension of the rooftop communal open area shown on sketch plans is orientated to the north. The rooftop location will also ensure approximately 50% of this area will receive at least 2 hours of sunlight between 9am and 3pm on 21 June. The Objective and Standard are met.

Standard D9 - Safety

261. The three dwelling entries orientated to Sackville Street are easily identifiable, secure and not obscured from public realm views. These entries are also surveyed by balconies and glazing of upper levels.
262. The remainder of apartments will be accessed via either the central lobby from the proposed laneway or the central accessway facing Sackville Street. Both of these entries are secure.
263. Conditions have been included in the recommendation to ensure that the laneway is appropriately landscaped and lit at night time to maximise safety for the public and occupants of the development using the laneway. Additional conditions are recommended to ensure vehicle access is not permitted along the laneway.

Standard D10 - Landscaping

264. The Site should be provided with 10% of the site area with deep soil area with a minimum dimension of 6 metres (refer to Table D2). The commercial context coupled with the intensity of development sought by DDO15 result in these numeric requirements being less relevant to the proposal.
265. Notwithstanding this, a landscape plan has been prepared by Etched Projects for the proposed laneway including adjacent commercial tenancies. Whilst the laneway does not satisfy the quantitative requirements of Table D2, climbing planters, feature tree planting and raised planters are all proposed within the laneway to create a landscaped presentation. Accordingly, the Objective is met.

Standard D11 – Access

266. The proposal is reducing the extent of the existing crossovers along Sackville Street (currently two crossovers) to a single width crossover with a 4.2m crossover width. With an overall frontage of approximately 30m, this equates to significantly less than 40 percent of the street frontage which complies with the standard. In reducing the extent of the existing crossover, the development provides an opportunity for greater on-street car parking to be accommodated along Sackville Street.
267. No vehicle access continues to be provided to Johnston Street (RDZ1).

Standard D12 – Parking location

268. Car parking is contained within the basement levels of the development, accessed via Sackville Street. Occupants will benefit from convenient access to these spaces via the central lift and stair core.
269. Clarification of the car parking ventilation strategy forms part of the recommended condition that requires updates to the Sustainable Management plan.

Standard D13 – Integrated water and stormwater management

270. The Sustainable Management Plan (SMP) prepared by Ark Resources indicates that a 44,000L rainwater tank connected to toilet flushing of all apartments up to Level 6 in the building and irrigation.

271. The STORM report provided with the application achieves a score of 137%, which is in line with the policy direction under clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)*. This complies with the objective and the standard.
272. A condition is recommended to ensure the development plans refer to the inground RWT being connected to toilet flushing of all apartments between Level 00 to Level 06.

Standard D14 – Building setbacks

273. As outlined earlier in this report the height and massing of the building are considered to achieve an acceptable design response to the character of the surrounding area. The eastern and western setbacks will ensure the proposal provides a reasonable outlook from new dwellings as well as adequate daylight into habitable rooms. It also protects new dwellings from any future developments and provides appropriate internal amenity.
274. This Standard aims to avoid direct views into habitable room windows and private open space of new and existing dwellings, thereby reducing the reliance on screening to inhibit these views. This has previously been discussed.

Standard D15 – Internal views

275. Solid partitions are proposed where balconies adjoin one another on the same level to ensure privacy is provided.
276. In general, balconies are inset within the prevailing building line and are generally directly above the balcony below along eastern and western elevations. Minor exceptions to this are noted at Level 03 and Level 10 where a recessive setback is adopted, which allows for very limited views to private open space immediately below from habitable room windows. The limited views available from habitable room windows are considered acceptable.
277. Apartments are stepped back from the northern boundary above the street wall and result in some opportunities for internal views to POS areas below. Given the need to recess visual bulk from Sackville Street, the available internal views are considered reasonable and not practical to limit further without having an adverse impact on internal amenity (outlook).
278. The south facing habitable room windows of Level 10 have internal view opportunities to the terraces below. However, this is again considered to be entirely reasonable given the adverse internal amenity impacts that would occur if view opportunities were obscured.
279. No additional internal view issues result from the changes proposed by the sketch plans.

Standard D16 – Noise impacts

280. The proposed development would not be located in proximity to a noise influence area specified in Table D3 to this Standard, with the busiest road near the site being Wellington Street. According to VicRoads, Wellington Street is not a road that generates in excess of 40,000 Annual Average Daily Traffic Volume, thus does not meet the threshold for a noise influence area in Table D3 of this Standard.
281. All mechanical equipment is located on the rooftop, basement or at ground level to appropriately minimise noise impacts. Bedrooms for all apartments are suitably separated from the central lift and stair core.
282. Apartment 00.03 at ground level has bedroom interface with the substation. A condition of permit is recommended to ensure this dwelling is appropriately attenuated from potential substation noise impacts.

283. The site is located within close proximity of two licensed premises (Thank You Bar at 210 Johnston Street and Gum at 173 Johnston Street), which both operate until 1am on weekends. These premises have the potential to cause noise nuisance to future residents. Accordingly, a condition is recommended that an acoustic report is prepared to assess potential noise impacts on future residents of the development and make recommendations (where necessary) to appropriately treat the building to ensure it protects itself from existing entertainment venues.

Standard D17 – Accessibility

284. The standard requires that at least 50% dwellings should provide;
- (c) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
 - (d) *A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;*
 - (e) *A main bedroom with access to an adaptable bathroom;*
 - (f) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.*
285. The advertised plans demonstrate that 49 (50%) apartments have been designed to be accessible in accordance with the requirements of Standard D17, which includes a mix of 1 bedroom and 2 bedroom apartments.
286. The changes shown on the sketch plans continue to meet Standard D17 with 43 (51%) apartments designed to be accessible.

Standard D18 – Building entry and circulation

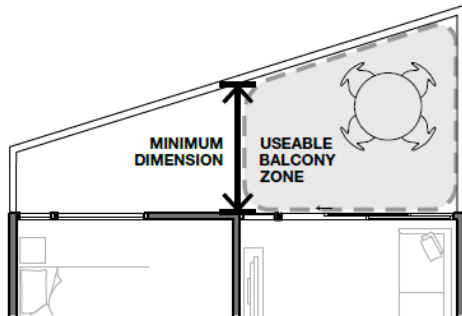
287. The three ground level entries to dwellings and the communal entry facing Sackville Street are visible and clearly identifiable from the street and appropriately sheltered with transition space.
288. All other apartments are accessed via the glazed and sheltered central lobby along the proposed laneway or secondary access from Sackville Street. As previously stated, conditions have been included in the recommendation to ensure that the proposed laneway is appropriately lit and landscaped with pedestrian safety in mind.
289. The lobby has been designed with fire stair access directly adjacent the lift entries to promote use, despite its fire safety purpose.
290. Corridors of each level all have a source of natural light, outlook and ventilation and a minimum width of 1.5 metres.

Standard D19 – Private open space

291. A dwelling should provide balconies meeting the dimensions outlined in Table 5 of this Standard. This table specifies that:
- (a) *A one bedroom dwelling should have access to a balcony with a minimum area of 8sqm and minimum dimension of 1.8m, with convenient access from a living room.*
 - (b) *A two bedroom dwelling should have access to a balcony with a minimum area of 8sqm and minimum dimension of 2m, with convenient access from a living room.*
 - (c) *A three bedroom dwelling should have access to a balcony with a minimum area of 12sqm and minimum dimension of 2.4m, with convenient access from a living room.*
292. Guidance is taken from the ADGV, which states:

- (a) *The additional area for an air conditioning unit does not need to meet the minimum balcony area.*
- (b) *The minimum area must be provided in a single useable space. Other balcony areas may be provided in addition.*
- (c) *Where irregular shaped balconies are proposed, only the portion of the balcony which meets the minimum dimension will be calculated towards the minimum area.*

293. The following infographic is contained within the ADGV to demonstrate the above.



Plan diagram. The minimum area provided in a single useable space.

294. All air conditioner plant equipment is proposed on the rooftop. All apartment types comply with the area and dimension requirements of the standard, with the exception of split level apartments 00.05 (TH.B) and 00.06 (TH.C).
295. Both of these apartments have balcony areas at Level 01. However, both of these areas are less than 12sqm required for three bedroom dwellings. Despite these two areas not meeting the minimum area requirements in one location, both apartments will still be serviced with appropriate POS area for the following reasons:
- (a) The POS areas at Level 01 are directly connected to living areas.
 - (b) Supplementary ground level private open space is provided for each dwelling, particularly TH.B.
 - (c) Excellent unrestricted outlook is provided over Sackville Street.
 - (d) Minimum dimensions of POS areas would still meet the requirement for 2 bedroom dwellings, particularly when planter boxes are incorporated.
296. The same position is reached on the 'sketch plans', which do not involve changes to the layouts of TH.B and TH.C. Accordingly, the Objective is met.

Standard D20 – Storage

297. The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table 6 of this Standard. This table specifies that:
- (a) *A one bedroom dwelling should have a total minimum storage volume of 10 cubic meters with a minimum storage volume within the dwelling of 5 cubic meters.*
 - (b) *A two bedroom dwelling should have a total minimum storage volume of 14 cubic meters with a minimum storage volume within the dwelling of nine cubic meters.*
 - (c) *A three bedroom dwelling should have a total minimum storage volume of 18 cubic meters with a minimum storage volume within the dwelling of 12 cubic meters.*
298. All apartments have been designed to generally exceed the minimum internal storage requirements outlined above. However, many apartments still rely on external storage to meet the standard. 84 storage areas have been provided throughout basement levels and Levels 00-05. 14 apartments do not rely on external storage and therefore the standard will be met by the proposed development.

299. The 'sketch plans' reconfigure storage areas on Levels 01-03 and remove storage on Levels 05-05, due to the reduction of 14 apartments. However, Clause 58 assessment plans have not been included as part of without prejudice material that show the layout of revised storage areas. Accordingly, a condition has been recommended to ensure compliance with Standard D20 is demonstrated.

Standard D21 – Common property

300. The common property areas within the development are clearly delineated and would not create areas which were difficult to maintain into the future. The building entrance and vehicle access areas are well conceived and are generally cohesive with the overall building design and are therefore considered to be in line with the objectives of this Standard.
301. Conditions are included in the recommendation to ensure that the proposed laneway is appropriately maintain at all times given it is to be accessible to the public 24 hours a day.

Standard D22 – Site services

302. Mailboxes located within the lobby. Site services are located within the building or adjacent the laneway (substation) or Sackville Street (fire booster). These locations are acceptable and supported by Council internal urban design team and external urban design consultant.

Standard D23 – Waste and recycling

303. The applicant submitted a Waste Management Plan (WMP) prepared by Leigh Design. Key waste facilities of the development include:
- (a) Provision of separate residential and commercial waste storage rooms within basement 01, including:
 - (i) Residential component: 4 x 1,100L garbage bins, 7 x 1,100L recycling bins, 5 x 240L glass bins, 4 x 240L organics bins and dedicated area for 'at call' hard waste.
 - (ii) Commercial component: 3 x 1,100L garbage bins, 2 x 1,100L recycling bins, 5 x 240L organics bins and dedicated area for 'at call' hard waste.
 - (b) Private collection on-site within basement level.
 - (c) Garage and recycling waste from residents is collected via bin chute system provided on each floor. All commercial waste and resident glass and organics will need to be transferred from individual tenancies/dwellings to the bin stores, in person.
304. Council's City Works Unit reviewed the submitted WMP, raising the following issues to be rectified:
- (a) *Swept path diagrams relating to waste collection vehicles should be included in waste management plan.*
305. This is to be addressed via condition and it is noted that an appropriate swept path for a waste collection vehicle is included as an appendix to the Traffic Impact Assessment. Council's engineering department raised no concerns in relation to these swept paths. Accordingly, the proposal is considered to satisfy the Objective and Standard.

306. In addition to the above, it is noted the WMP waste estimates in Table 1 assume 398sqm of office area and 248sqm of food and drink premises floor area. As the proposal plans have sought flexibility of land use between shop/office/restaurant/food and drink premises (all Section 1 uses in the Commercial 1 Zone), a condition is recommended requiring the WMP to be updated to reflect a greater proportion of food and drink premises sqm quantity and associated reduction of office area. The commercial waste storage area in the basement will also need to be increased to accommodate the additional demand.

Standard D24 – Functional layout objective

Bedrooms

307. This standard requires that main bedrooms should have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions (any wardrobes should be additional to this).
308. All bedrooms provided within the development (advertised and sketch plans) meet or exceed the standard requirement.

Living areas

309. The standard states that living areas (excluding dining and kitchen areas) for a studio and one bedroom dwelling should have a minimum width of 3.3 metres and area of 10sqm, for two or more bedroom dwellings, a minimum width of 3.6 metres, with a minimum area 12sqm is to be provided.
310. All living areas provided within the development (advertised and sketch plans) meet or exceed the standard requirement.

Standard D25 – Room depth

311. This standard requires that single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height or 9 metres if all the following requirements are met:
- (a) *The room combines the living area, dining area and kitchen.*
 - (b) *The kitchen is located furthest from the window.*
 - (c) *The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level.*
 - (d) *This excludes where services are provided above the kitchen.*
312. With a typical floor-to-ceiling height of approximately 2.9m and maximum room depth of 8.7m metres where the above criteria is met, all apartments (advertised and sketch plans) meet the Standard.

Standard D26 – Windows

313. All habitable rooms within the proposed development contain a window within an external wall to the building. There are instances of living rooms and bedrooms facing onto a balcony which is covered above. However, the daylight analysis provided the Applicant indicates that worst case scenarios on levels 01 and 02 are acceptable. Accordingly, the development (advertised and sketch plans) is considered to meet the Objective.

Standard D27 – Natural ventilation

314. The standard requires that at least 40 percent of dwellings should be provided with effective crossover ventilation that has a maximum breeze path through the dwelling of 18m and a minimum breeze path of 5m.

315. As shown on the 'BADS apartment plans,' 34% dwellings are shown to have cross ventilation, which fall short of the ratio set out in the Standard. Whilst this is not fatal in isolation, it is noted that the revised proposal shown on the sketch plans feature 40% of apartments with cross ventilation, in accordance with the standard. The outcome shown on the sketch plans forms part of the recommended conditions.

Daylight and Ventilation (commercial)

316. All commercial tenancies are provided with external windows and will be afforded reasonable levels of daylight. This includes the provision of new first floor windows to the heritage façade, which will not only improve natural lighting to the commercial tenancies but also significantly enhance passive surveillance to Johnston Street.
317. Council's ESD Advisor also raised no issue with the ventilation of the commercial areas.

Circulation Spaces (commercial)

318. The main pedestrian entrances to commercial tenancies are either from Johnston Street, directly from the proposed laneway or via internal corridor accessed via the central lobby or Sackville Street entry. The direct access to the two Johnston Street tenancies will maintain good activation of the heritage façade. The ground level commercial interfaces of the laneway will create a welcoming pedestrian experience for users of the laneway.
319. Whilst the Level 01 office space is accessed via the resident lobby provided at ground level, this is not considered to be unreasonable, given the limited extent of

Facilities (commercial)

320. The southwest commercial tenancies is shown to have toilet facilities. All other tenancies will be able to use the common amenities provided at ground level.
321. Bicycle parking is incorporated into the design, at the ground floor, which includes spaces for commercial tenancies as well as end of trip facilities. This will be discussed in more detail later in the report, and deemed to be satisfactory.

[Car parking, traffic, access, bicycle parking and loading/unloading:](#)

Car parking reduction

322. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 59 car parking spaces, with 87 on-site car parking spaces proposed. A breakdown on the car parking requirements of the proposal and the allocation is provided in the table below:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
1 bedroom apartment	64	1 per dwelling	64	76
2 bedroom apartment	17	1 per dwelling	17	
3 bedroom apartment	17	2 per dwelling	34	
Shop / Food and drink premises / Restaurant or Bar	779 m ²	3.5 spaces per 100 m ² of leasable floor area	27	8
Office	140 m ²	3 spaces per 100 m ²	4	1

		of leasable floor area		
		Total	146 Spaces	87 Spaces

323. The application seeks flexibility in relation to the designation of commercial tenancy uses within the building, with the exception of the office at Level 01. These uses are sought to be either shop/restaurant/food and drink premises, which are all Section 1 uses in the Commercial 1 Zone and have the same car parking rate as each other in Clause 52.06-3. This is not considered an acceptable approach due to implications on waste management, and a condition is recommended to ensure uses are allocated for each commercial on Levels 00-01.
324. The car parking reduction sought amounts to 39 spaces for dwellings and 20 spaces for commercial tenancies.
325. To support the reduction in the statutory rate, a traffic engineering assessment was undertaken by Traffix Group.
326. With regards to the car parking demand generated by the proposed residential, retail and office uses, it is acknowledged that the statutory car parking rates outlined in the Scheme are conservative when applied in this instance, given the inner-city location of the subject site and proximity to alternative transport means.
327. It is well documented through recent decisions made by the Victorian Civil and Administrative Tribunal (VCAT) that modal shifts to reduce the reliance on the use of private motor vehicles is not only welcomed, but required, to ensure that a holistic planning approach to precincts that are designated for greater change is applied.
328. In the VCAT Red Dot Decision *Ronge v Moreland CC [2017] VCAT 550* the Tribunal made the following key statements:

Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.

A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.

However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.

Policy tells us the future must be different.

Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.

One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.

Based upon the findings within this recent decision, it would be inappropriate to merely adopt current car parking trends for the proposed development. Consideration needs to be given to the context and opportunities to encourage sustainable transport alternatives.

329. Based upon the findings within these decisions, consideration needs to be given to the context and opportunities to encourage sustainable transport alternatives.

330. Council's Engineers reviewed the parking assessment undertaken by Traffix Group and concurred with the findings. They also noted the following in support of the proposed reduction:

- (a) *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) Hoddle Street buses – 180 metre walk.
 - (ii) Victoria Park railway station – 340 metre walk.
- (b) *Multi-Purpose Trips within the Area* - Clients and customers to the office and shop might combine their visit by engaging in other activities or business whilst in the area.
- (c) *Convenience of Pedestrian and Cyclist Access* - The site is very well positioned in terms of pedestrian access to public transport nodes and other nearby businesses. The site has good access to the on-road bicycle network.
- (d) *Availability of Car Parking* - On-street parking in this part of Collingwood is very high during business hours. The area surrounding the subject site is blanketed in time based parking restrictions. The high parking demand in the surrounding streets would be a disincentive for employees to drive.
- (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.
- (f) *Car Parking Deficiency associated with Existing Land Use* - Traffix Group has indicated that the existing use of the land comprises office, warehouse and retail uses, which would have a parking generation of some 58 spaces (based on rates in column A of Table 1 in Clause 52.06-5), with an estimated 24 on-site spaces. Therefore, the site would have a parking deficiency of 34 spaces. This parking credit could potentially be transferred to the new development.
- (g) *Other Relevant Considerations* - Residents of the development would not be eligible to apply for on-street parking residential and visitor permits.

331. In summary, the proposed car parking reduction is supported and consistent with the intent of Clause 21.06, which seeks to reduce car dependency. It is noted that the extent of this reduction will be decreased by up to 16 car resident spaces due to the lower apartment yield and same basement levels shown on the sketch plans.

Traffic

332. In relation the additional car parking spaces accommodated on-site, Council's Engineering Unit reviewed the trip generation rates provided by Traffix Group. The likely trip generation is outlined below:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential	4 trips per dwelling each day.	312	31	31

(78 dwellings*)	Peak hour traffic is 10% of daily traffic volume			
Commercial Uses (9 on-site spaces)	0.5 trips per space in each peak hour	Not provided	5	5
Total			36 trips	36 trips

* Dwellings with on-site car parking.

333. Council's engineers are satisfied that the development peak hour volumes generated by the site are low and should not adversely impact the traffic operation of the surrounding road network.

Access and layout

334. Clause 52.06-9 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.
335. These details, along with the proposed ramp designs have been reviewed by Council's Engineering Unit who is satisfied with the layout of the car parking area. Council's Engineering Unit has requested that the plans be revised to include the following details, which are recommended by way of conditions:
- (a) The doorway width of the development entrance must be dimensioned on the drawings.
 - (b) The width of the vehicle crossing must match the width of the development entrance.
 - (c) Visibility at the exit lane of the development appears to be obstructed at the entrance of dwelling 00.06. The applicant is to confirm an exiting motorist can clearly view pedestrians within the sight triangle and that visibility is not obstructed.
 - (d) The existing road hump and street tree outside the property's Sackville Street are to accurately be depicted on the drawings.
 - (e) A vehicle crossing ground clearance check.
336. Several engineering conditions in regards to civil works, road asset protection, construction management, footpath reconstruction on Johnston and Sackville Streets, impacts of assets on the proposed development and modification to car parking signage have been recommended. These conditions have been included as part of the recommendation.
337. Overall, the proposed design and configuration of access and car parking areas are considered to achieve a satisfactory outcome and will be further improved with the above details requested by Council's Engineering Unit.

Bicycle parking and facilities and strategic transport

338. The Clause 52.34 statutory bicycle parking/facility requirements for the proposal are as follows:
- (a) 23 resident/staff spaces (98 provided)
 - (b) 12 visitor bicycle parking spaces (6 provided); and
 - (c) 1 shower / change room (6 are provided).
339. The application substantially exceeds the planning scheme bicycle parking requirements numerically.

340. Council's Strategic Transport Unit reviewed the layout of bicycle parking advising the following:

- (a) *A minimum of 10 visitor bicycle spaces provided at a location easily accessible to visitors of the site. All visitor spaces should be a horizontal at-grade bike hoop and in accordance with access and clearance requirements of AS2890.3 or otherwise to the satisfaction of the responsible authority.*
- (b) *Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:*
 - (i) *One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.*
 - (ii) *A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.*

341. Conditions have been included in the recommendation to address these the recommendations from Council's Strategic Transport Unit.

Special Building Overlay

342. The SBO affects a portion of the site adjacent Sackville Street, which is highlighted by the image below.

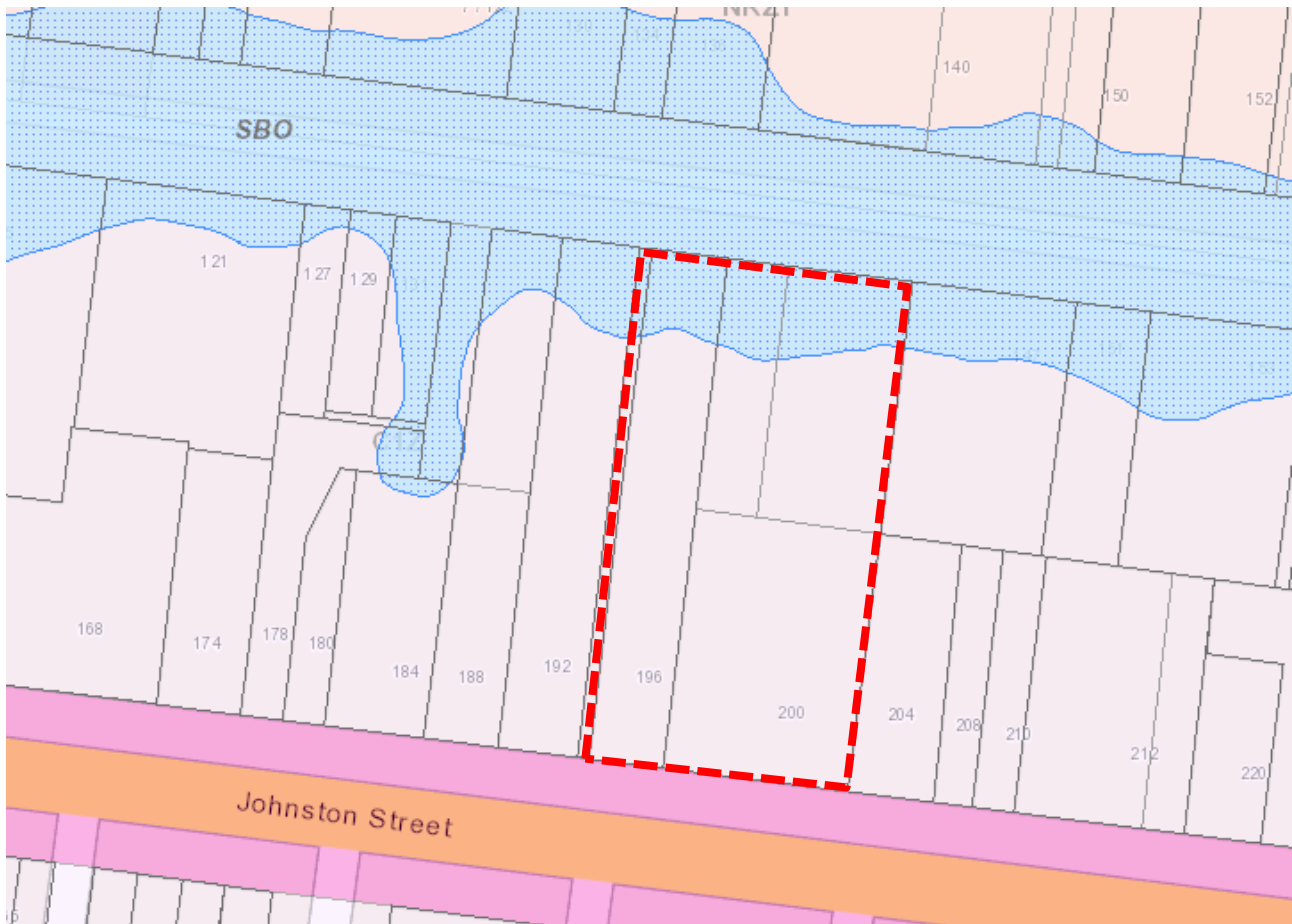


Image: Extent of Special Building Overlay (blue hatched area) affecting the Site and Surrounds. Source: VicPlan, 2021.

343. The purpose of the Special Building Overlay (SBO) is to identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the flood plain management authority.

344. The application was referred to Melbourne Water (the flood plain management authority) who had no objections to the application subject to several conditions being included on any permit issued. The conditions are as follows:

1. *Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water 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:*
 - (a) *Finished floor levels of Apartments 00.03, 00.05, 00.06 located at the ground floor set no lower than 20.0m to AHD.*
 - (b) *Windows and openings to the ground floor apartments shown finished no lower than 20.0m to AHD, demonstrated within the western elevation.*
 - (c) *Finished floor levels of the Substation set no lower than 20.0m to AHD.*
 - (d) *The northern elevation clearly denoting the apex within the driveway. The 'metal expanded mesh' door must be deleted to reveal the driveway ramp/apex within the elevation.*
2. *Finished floor levels of the ground floor tenancies (including all dwellings, retail, commercial, services/storage and lift/stair lobbies) must be shown to be constructed no lower than 20.0 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 19.7 metres to AHD.*
3. *The basement driveway must incorporate a flood proof apex set no lower than 20.0m to AHD, which is 300mm above the applicable flood level of 19.7 metres to AHD.*
4. *All external doors, windows, vents and openings to the basement car park must be finished no lower than 20.0m to AHD, which is 300mm above the applicable flood level.*
5. *Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor and surface levels (as constructed) at the entrance ramps/apex, ground floor and any basement openings reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.*

345. The floor levels, windows and doors of the proposed ground floor commercial tenancies and dwellings and ramp apex have been designed to meet the minimum finished floor levels required by Melbourne Water.

346. The proposed ground level substation has a floor level of 19.5m AHD, which is below required Melbourne Water level of 20.00m AHD. A condition 1 requirement has been recommended to ensure this is captured on the endorsed plans.

347. In summary, the condition requirements of Melbourne Water have either been or can be accommodated into the design with a negligible effect on the proposed built form.

Development contributions

348. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The subject site is located within Charge Area 6 (Collingwood) and a community infrastructure levy is applicable to the additional dwellings whilst the development infrastructure levy is applicable to the additional dwellings as well as the additional retail and office floor space.

349. A condition will be included outlining the requirements for the payment of the development infrastructure levy whilst a note will be included outlining the requirements for the payment of the community infrastructure levy, in accordance with the relevant statutory requirements for each levy type.

350. Lastly, in accordance with the requirements of Clause 22.12 (Public Open Space Contribution) of the Scheme a note will be added to any permit issued reminding the applicant that a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

Environmental Audit Overlay

351. The Environmental Audit Overlay (EAO) applies to the subject site. As noted in *Architype Australia Pty Ltd v Yarra CC* (includes Summary) (Red Dot) [2010] VCAT 497 (31 March 2010) the requirements of the EAO apply independently and do not trigger a planning permit. Therefore the requirements of the EAO do not form permit conditions but would form a note to ensure the permit holder is aware of their obligations under the provision.

Objector concerns

352. Many of the objector issues have been discussed within the body of the report as shown below. Outstanding issues raised are addressed as follows.

- (a) *Heritage (adverse impact on heritage value of the site and surrounding area, extent of demolition, impact on Singapore Cottage, insufficient restoration, materials and finishes not in keeping with heritage streetscape);*

This is discussed within paragraphs 150 - 210.

- (b) *Inappropriate built form and design (excessive building height, insufficient upper level setbacks, stepped design, DDO15 non-compliance, scale and massing, overdevelopment);*

This is discussed within paragraphs 150 - 210. Furthermore, it is noted that Council's heritage advisor has not raised any concerns regarding the proposal's impact on contributory buildings within the Gold Street heritage precinct (northern side of Sackville Street).

- (c) *Off-site amenity impacts (overshadowing, loss of daylight, loss of privacy and wind tunneling);*

This is discussed within paragraphs 220 - 236.

- (d) *Internal amenity of apartments is insufficient (including lack of communal open space and deep soil areas for planting);*

This is discussed within paragraphs 237 - 321.

- (e) *Lack of surveillance of the proposed laneway;*

Details of the proposed laneway is discussed within paragraphs 211 - 215.

- (f) *Undesignated uses for commercial tenancies;*

This is addressed within paragraph 323 and Condition 1.

- (g) *Inappropriate apartment mix (too many one bedroom apartments and no affordable housing);*

The proposed development (shown on advertised and sketch plans) incorporates an appropriate mix of apartment typologies. It is noted that Clause 58 Standard D3 does not quantify the ratio of dwelling types for developments containing greater than 10 dwellings.

- (h) *Traffic impacts and insufficient car parking;*

This is discussed within paragraphs 322 - 330.

- (i) *Removal of vegetation, including Dutch Elm tree, from the site;*

No vegetation removal controls affect the Site. It is noted that the proposal incorporates landscaping areas throughout the development including the publicly accessible laneway, which will help off-set the loss of existing vegetation from the Site.

(j) *Loss of views; and*

There is no legal right to a view and further there are no planning controls within the Yarra Planning Scheme which seek to protect views from Smith Street to longer distant natural or man-made features within surrounding suburbs. Loss of view is not therefore a material consideration in this determination of this application.

(k) *Impacts on water table and flooding in the area.*

This is discussed within paragraphs 342 - 347.

Other matters

353. On a without prejudice basis, the applicant has indicated a willingness to lease to Council one of the ground floor commercial tenancies within the proposed development (to be selected by the land owner) to support Council's 'Room to Create' program.

354. The Applicant's details of this arrangement are as follows:

- (a) Lease of one ground-level commercial tenancy (to be selected by our client in its absolute discretion) to Council.
- (b) Lease period of 2-years.
- (c) Rented at a nominal / 'peppercorn' rate.
- (d) The Council will be responsible for the payment of services to the tenancy such as electricity, water etc.
- (e) The space will be made available and leased to Council upon occupation of the building.
- (f) The tenancy will be used by Council for the Room to Create program and no other use.

355. This is a commendable offering, which would help support eligible artists and art organisations by providing a temporary affordable creative space within one of Yarra's key creative precincts.

356. Two (2) years is considered to be a relatively short timeframe and as such it recommended to increase this period to four (4) years with an option to further extend. A condition has been included in the recommendation to formalise this offering via a Section 173 agreement. It should be noted that as there is no Planning Scheme requirement for such this arrangement, this outcome would not be possible if the matter progresses to a hearing.

Conclusion

357. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives.

358. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That had Council been in a position to decide on the application, a Notice of Decision to Grant Planning Permit PLN20/0950 be issued for Part demolition, construction of an multi-storey mixed use building, use of the land for office/food and drink premises (no permit required) and dwellings (permit required) and a reduction of car parking requirements at 196-202 Johnston Street, Collingwood, generally in accordance with the decision plans and subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans, prepared by JCB Architects (dated 10.03.2021) but modified to show:
 - (a) The changes as depicted on the without prejudice “Sketch” plans prepared by JCB Architects and dated 19 August 2021 that show:
 - (i) Deletion of Level 7 and reduction of building height by 3.2m.
 - (ii) Reconfiguration of apartments on the western side of Levels 4, 5, 6 and 7.
 - (iii) Reduction in dwellings from 98 to 84.
 - (iv) Reconfiguration of resident storage areas.
 - (v) Communal rooftop open space.
 - (vi) Increased solar PV panels at rooftop level.
 - (vii) Revisions to facade treatment for the proposed street walls at 196-198 Johnston Street along both Johnston Street and Sackville Street frontages.
 - (viii) Minor revision to layout of Dwelling 00.04 at Level 2.

But further modified to show:

- (b) The boundary setbacks of Levels 08 and 09 to be consistent with Levels 09 and 10 of the advertised plans dated 10.03.2021.
- (c) The width of the vehicle crossing to match the width of the development entrance.
- (d) The doorway width of the development entrance must be dimensioned on the drawings.
- (e) Demonstrate that exiting motorists can clearly view pedestrians within the sight triangle and that visibility is not obstructed.
- (f) The existing road hump and street tree outside the property’s Sackville Street are to accurately be depicted on the drawings.
- (g) Cross-sections with dimensions annotated in accordance with Council’s Vehicle Crossing Information Sheet together with the B99 design vehicle ground clearance template demonstrating access into and out of the development that requires a number of spot levels that include:
 - (i) a reduced 2.0 metres level inside the property;
 - (ii) the bottom of kerb (invert) level; and
 - (iii) the edge of the channel level and levels of the road pavement along Rokeby Street.
- (h) A reduction of the depth for the proposed canopy extension along Johnston Street, measured from the title boundaries, to satisfy the requirements of the *Building Regulations 2018*.
- (i) Revised BADS assessment plans to reflect changes shown in the plans referred to in Condition 1(a).
- (j) Demonstrate compliance with Standard D20.

- (k) A minimum of 10 visitor bicycle spaces provided at a location easily accessible to visitors of the site. All visitor spaces should be a horizontal at-grade bike hoop and in accordance with access and clearance requirements of AS2890.3 or otherwise to the satisfaction of the responsible authority.
 - (l) Notations of electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
 - (i) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
 - (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.
 - (m) State use descriptions for all tenancies labelled 'commercial' as one of the following uses shop, food and drink premises, restaurant or bar.
 - (n) Non-reflective metal mesh cladding.
 - (o) Consistent details of the removal and reinstatement of the existing canopy shown on demolition and heritage façade detail plans and elevations.
 - (p) Removal of existing signage from the heritage façade and associated canopy.
 - (q) A plinth of a minimum 400mm height to ground floor shopfronts of the heritage façade.
 - (r) Revised demolition plans and heritage façade detail plan (TP2-105), consistent with the Conservation Management Plan required at Condition 5.
 - (s) Any changes required by the Acoustic Report at Condition 12.
 - (t) Any changes required by the Landscape Plan and Public Realm Plan at Conditions 23 and 25.
 - (u) Any changes required by the amended Sustainable Management Plan at Condition 10;
 - (v) Any changes required by the amended Wind Assessment at Condition 17;
 - (w) Any changes required by the amended Waste Management Plan at Condition 14.
 - (x) Any requirement of the endorsed Tree Management Plan (condition 21) (where relevant to show on plans).
 - (y) Any changes required by Melbourne Water conditions 27 – 31.
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. As part of the ongoing progress and development of the site, Jackson Clements Burrows Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Conservation

4. Before demolition commences, a detailed and annotated photographic record of the former Austral Picture Theatre building context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
- (a) Include the interior and each external elevation of the building;
 - (b) Be submitted in black and white format; and
 - (c) Be taken by a suitably qualified heritage photographer.

5. In conjunction with the submission of development plans under Condition 1, a Conservation Management Plan, prepared by a suitably qualified heritage consultant, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
 - (a) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
 - (i) The existing façade, roof and eastern return wall to a depth of approximately 9.4 metres, including sections to show the thickness of architectural elements;
 - (ii) The proposed restoration works to the existing façades;
 - (iii) Details of proposed canopy to Johnston street; and
 - (iv) New window openings to the first floor confirming installation to have minimal impact on existing heritage fabric
 - (b) A written description of the demolition, conservation, construction and external painting methods to be used including a heritage paint analysis to determine a historically appropriate colour scheme.
6. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Structural Report Requirement

7. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.
8. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Façade Strategy and Materials and Finishes Plan

9. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) Elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors;
 - (b) Elevations at a scale of 1:20 or 1:50 detailing all reconstruction and restoration works to the former Austral Picture Theatre building to be prepared by a suitably qualified heritage architect and be consistent with the Conservation Management Plan required by Condition X;
 - (c) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (d) Design of operable windows via cross-section / detailed plans (i.e. size and operability).
 - (e) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and graffiti proofing of walls including:
 - (i) details of the proposed metal mesh being a non reflective;
 - (ii) use of real brick for the Sackville Street podium

Sustainable Management Plan

10. In conjunction with the submission of development plans under Condition 1, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan dated April 2021, prepared by Atelier Ten, but updated to include the following:
- (a) Daylight modelling for all living spaces to demonstrate compliance with the BESS daylight factor requirement for living areas.
 - (b) Removal of ultra-low VOC paint as an innovation, update GS credits while maintaining GS approach.
 - (c) Clarify specification limits for VOC and formaldehyde.
 - (d) See comments above re: natural ventilation to commercial spaces.
 - (e) Clarify, and address thermal performance of commercial and retail spaces via JV3 report or similar.
 - (f) Clarify reduction in GHG emissions associated with proposed against baseline.
 - (g) Provide NatHERS modelling conducted for residential apartments to clarify.
 - (h) Clarify carpark ventilation strategy.
 - (i) Clarify WELS ratings of dishwashers which are identified as 'water efficient' in SMP.
 - (j) Confirm extent and granularity of water metering.
 - (k) Clarify whether any additional treatment devices (i.e. SPEL) are required to achieve water quality targets.
 - (l) Provide firm commitments around use of recycled materials (i.e. bricks) or products that utilise post-consumer materials (i.e. insulation).
 - (m) Good. Provide more information on structural timber to be used to support claim.
 - (n) Clarify extent of sustainable timber strategy (by weight, component or cost).
 - (o) Clarify the DDA bathroom on the ground floor includes a shower and can be used as an EoT for unisex and non-binary building users.
 - (p) Include details of car share locations within Green Travel Plan OR Building (/occupant) Users Guide for residents and commercial staff.
 - (q) Confirm site-wide coverage of ALL vegetation, and clarify soil depth for canopy vegetation proposed in the 'public laneway'.
 - (r) Provide more details to support UHI claim (see above re: all vegetation site coverage), and confirm SRI values of light cladding and proposed roofing material. Consider additional climbing vegetation from ground level to level 2 on the north façade to minimise heat gain of masonry elements which will contribute to UHI in the streetscape.
 - (s) Clarify provision of an Environmental Management Plan to guide the building and minimise environmental impacts during the construction phase.
11. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

12. In conjunction with the submission of development plans under Condition 1, 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 the following:
- (a) Potential noise impacts from nearby licensed premises on the proposed dwellings.
 - (b) Potential noise impacts from services on Site (eg. substation) on the proposed dwellings.

The acoustic report must make recommendations to limit the noise impacts in accordance with the *Environment Protection Authority Publication 1826* and the *Environmental Protection Regulations 2021*.

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

Waste Management Plan

14. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 18 December 2021, but modified to include:
 - (a) Updated ratios of Table 1 and associated updates to Table 2 to reflect designated uses for each commercial tenancy.
 - (b) Swept path diagrams relating to waste collection vehicles.
15. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
16. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Wind Tunnel Report

17. In conjunction with the submission of development plans under Condition 1, a Wind Tunnel Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Tunnel Report will be endorsed and will form part of this Incorporated Document. The Wind Tunnel Report must be generally in accordance with the Environmental Wind Assessment prepared by VIPAC, dated 18 February 2021, but modified to include (or verify):
 - (a) ground level wind environment of the seating areas on the north and south ends of the western public laneway.

Street Trees

18. Before the development commences, the permit holder must make a one off contribution of \$500 to the Responsible Authority to be used for the replacement street tree planting along Johnston Street that is required by the development.
19. Before the development commences, the permit holder must provide an Asset Protection Bond of \$1,500 (ex GST) for the northern tree on Sackville Street, unless otherwise advised by the Responsible Authority. The security bond:
 - (a) must be provided to the Responsible Authority in the form of a bank cheque or guarantee;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) must be in accordance with the requirements of this permit.
20. Any pruning required to be undertaken for the four street trees along the subject site's Rich Street and Johnston Street frontages must be completed by an approved tree maintenance contractor (to the satisfaction of the Responsible Authority) with all associated costs to be borne by the permit holder.

Tree Management Plan

21. In conjunction with the submission of development plans under Condition 1, an amended Tree Management Plan to the satisfaction of the Responsible Authority and by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the amended Tree Management Plan will be endorsed and will form part of the permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by Tree Logic, but modified to include (or show):
- (a) Removal of the Johnston Street street tree (this is to be removed and replaced at the owners expense)
- to the satisfaction of the Responsible Authority.
22. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented thereafter to the satisfaction of the Responsible Authority.

Landscape Plan (excluding laneway design)

23. In conjunction with the submission of development plans under Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Etched dated December 2020, but modified to include (or show):
- (a) Exclude the design detail of the proposed laneway and adjoining public realm (to be addressed separately under Condition 26);
 - (b) Incorporate detail of the rooftop communal open space;
 - (c) show the type, location, quantity, height at maturity and botanical names of all proposed plants – as a planting plan with a plant schedule;
 - (d) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
 - (e) provide information on the proposed method for irrigation and drainage;
 - (f) detail the maintenance schedule following construction (duration, tasks, regime);
 - (g) show the materiality of the proposed spaces;
- to the satisfaction of the Responsible Authority.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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,
- all to the satisfaction of the Responsible Authority.

Public Realm Plan

25. In conjunction with the submission of development plans under Condition 1, or by such later date as approved in writing by the Responsible Authority, a Laneway Detail Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Realm Plan must be generally in accordance with the 'ground floor plan' (page 11) and 'elevation' (page 12) landscape concepts prepared by Etched, dated December 2020, but modified to include the following:
- (a) Existing/proposed public realm conditions outside of title boundaries including street trees, light poles, surface materials and fixtures.
 - (b) Surface treatments and levels, including appropriate transitions to Johnston and Sackville Street footpaths and ground floor commercial tenancies.
 - (c) Materials schedule of all proposed materials, including surface materials, furnishings and fixtures.
 - (d) A minimum of 10 visitor bicycle spaces, including 1 x hoop bicycle parking on Johnston Street frontage.
 - (e) show the type, location, quantity, height at maturity and botanical names of all proposed plants – as a planting plan with a plant schedule;
 - (f) provide details of the raised planters planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
 - (g) provide information on the proposed method for irrigation and drainage;
 - (h) Removal of the northern seating node.
 - (i) Increase functional width at the southern end of the laneway by relocating the southern tree further north and redesign of southern seating node
 - (j) Removal and replacement of the existing street tree along Johnston Street to align with laneway trees.
 - (k) Clear pedestrian sightlines demonstrated along the laneway with proposed landscaping layout.
 - (l) Location of lighting consistent with the Public Lighting Plan under Condition 31, including the replacement of bollard lighting with integrated lighting with garden beds/planters (unless otherwise agreed by the responsible authority.
 - (m) High level drainage details.
 - (n) Cross sections of the laneway as necessary.
 - (o) detail the maintenance schedule following construction (duration, tasks, regime).

All to the satisfaction of the Responsible Authority.

26. Before the building is occupied, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 25) must be fully constructed and completed by the permit holder, with all costs borne by the permit holder, to the satisfaction of the Responsible Authority.

Car Park Management Plan

27. Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;
 - (b) the management of visitor car parking spaces and security arrangements for occupants and employees of the development, including details on how residential visitors are to access car parking;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) The number and allocation of storage spaces;
 - (e) policing arrangements and formal agreements;

- (f) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc; and
- (g) details regarding the management of loading and unloading of goods and materials.

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

Car parking

29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (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.

Melbourne Water Conditions

30. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water 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:

- (a) Finished floor levels of Apartments 00.03, 00.05, 00.06 located at the ground floor set no lower than 20.0m to AHD.
- (b) Windows and openings to the ground floor apartments shown finished no lower than 20.0m to AHD, demonstrated within the western elevation.
- (c) Finished floor levels of the Substation set no lower than 20.0m to AHD.
- (d) The northern elevation clearly denoting the apex within the driveway. The 'metal expanded mesh' door must be deleted to reveal the driveway ramp/apex within the elevation.

31. Finished floor levels of the ground floor tenancies (including all dwellings, retail, commercial, services/storage and lift/stair lobbies) must be shown to be constructed no lower than 20.0 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 19.7 metres to AHD.

32. The basement driveway must incorporate a flood proof apex set no lower than 20.0m to AHD, which is 300mm above the applicable flood level of 19.7 metres to AHD.

33. All external doors, windows, vents and openings to the basement car park must be finished no lower than 20.0m to AHD, which is 300mm above the applicable flood level.

34. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor and surface levels (as constructed) at the entrance ramps/apex, ground floor and any basement openings reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Public Lighting Plan

35. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the Johnston Street, Sackville Street and laneway interfaces but also in the laneway and entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) A maintenance regime for the lighting scheme within the curtilage of the property.
 - (b) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
36. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Section 173 Agreement (Laneway)

37. Within six months of the commencement of works the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) The Owner must provide unfettered 24 hour public access over that part of the land to be used for the new north-south laneway; and
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 34(a) at the cost of the owners of the site and to the satisfaction of the Responsible Authority.
38. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Section 173 Agreement (Council lease for Room to Create program)

39. Prior to occupation of the development, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) The Owner must enter into a lease of the northern most ground floor commercial tenancy comprising an area of 56 square metres to the Yarra City Council for a period of 4 years with 2 further options of 3 years each at a nominal rental of \$1 per annum.
 - (b) For the duration of the lease, the Yarra City Council shall be responsible for the payment of utilities and services to the tenancy (eg. electricity, water).
 - (c) For the duration of the lease, the tenancy shall be used for Yarra's 'Room to Create' program (art and crafts centre) or other similar Council program.
 - (d) The Owner will undertake the fit out of the internal art and craft centre (to include floor covering, ceiling, lighting and air conditioning) before the tenancy is occupied in accordance with plans jointly approved between the Owner and Yarra City Council, and at the full cost of the Owner.
 - (e) In all other respects the lease is to be in a form of the standard REIV commercial lease.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Loading and Unloading

- 40. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
- 41. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Road Infrastructure

- 42. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) In accordance with any requirements or conditions imposed by Council.
 - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) Be DDA compliant;
 - (d) At the Permit Holder's cost; and
 - (e) To the satisfaction of Council.
- 44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 45. Before the building is occupied, or by such later date as approved in writing by the responsible authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:
 - (a) at developer's cost;
 - (b) the satisfaction of any other relevant authority; and
 - (c) to the satisfaction of the responsible authority.
- 46. Before the building is occupied, or by such later date as approved in writing by the responsible authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the developer's cost; and
 - (b) to the satisfaction of the responsible authority.
- 47. Before the building is occupied, or by such later date as approved in writing by the responsible authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the developer's cost; and
 - (b) to the satisfaction of the responsible authority.

48. Before the building is occupied, or by such later date as approved in writing by the responsible authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the developer 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 developer.
49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

General

50. The amenity of the area must not be detrimentally affected by the use or development, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
51. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
52. 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.
53. 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.
54. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
55. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Construction Management Plan

56. 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;
- (j) materials and waste;
- (k) dust;
- (l) stormwater contamination from run-off and wash-waters;
- (m) sediment from the land on roads;
- (n) washing of concrete trucks and other vehicles and machinery; and
- (o) spillage from refuelling cranes and other vehicles and machinery;
- (p) the construction program;
- (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (r) parking facilities for construction workers;
- (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (u) 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;
- (v) 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;
- (w) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

- (i) using lower noise work practice and equipment;
- (ii) the suitability of the land for the use of an electric crane;
- (iii) silencing all mechanical plant by the best practical means using current technology;
- (iv) fitting pneumatic tools with an effective silencer;

During the construction:

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

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

57. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
58. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Development Infrastructure Levy

59. Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Community Infrastructure Levy

60. 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;

Time expiry

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

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

Notes:

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

The site is subject to the Heritage Overlay. A planning permit may be required for any further external work.

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

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

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

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

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

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 (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

All future employees, residents, future owners and occupiers within the development approved under this permit will not be permitted to obtain business, 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 requirement of the Environmental Audit Overlay must be met prior to the commencement of the development permitted under the permit.

Melbourne Water Flooding Information

The property in question is subject to flooding from breakaway flow from Melbourne Water's Alexandra Parade Main Drain when the capacity of the underground drainage system is exceeded. The applicable 1% Average Exceedance Probability (AEP) flood level for the property is 19.7 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 further enquiries in relation to this application, please contact our Customer Service Centre on 131 722.

Attachments

- 1 Advertised Plans
- 2 'Without Prejudice' Sketch Plans
- 3 'Without Prejudice' view comparison analysis
- 4 'Without Prejudice' Bryce Raworth Heritage + Conservation supplementary statement
- 5 Consolidated Application Referral comments

Attachment 1 - Advertised Plans

196-202 JOHNSTON STREET**COLLINGWOOD****TOWN PLANNING SUBMISSION - RFI****MARCH 2021****DRAWING REGISTER**

DRAWING NUMBER	DRAWING TITLE	REV	Sheet Scale
TP SERIES			
TP 0-101	EXISTING SITE PLAN	2	1:500
TP 0-102	EXISTING / DEMOLITION GROUND FLOOR PLAN	2	1:200
TP 0-103	EXISTING / DEMOLITION ROOF PLAN	2	1:200
TP 0-104	EXISTING / DEMOLITION SOUTH & NORTH	2	1:200
TP 0-105	EXISTING / DEMOLITION EAST & WEST	2	1:200
TP 1-100	PROPOSED SITE PLAN	2	1:500
TP 1-101	BASEMENT 02 PLAN	2	1:200
TP 1-102	BASEMENT 01 PLAN	2	1:200
TP 1-103	LEVEL 00 PLAN	2	1:200
TP 1-104	LEVEL 01 PLAN	2	1:200
TP 1-105	LEVEL 02 PLAN	2	1:200
TP 1-106	LEVEL 03 PLAN	2	1:200
TP 1-107	LEVEL 04 & 05 PLANS	2	1:200
TP 1-108	LEVEL 06 PLAN	2	1:200
TP 1-109	LEVEL 07 & 08 PLAN	2	1:200
TP 1-110	LEVEL 09 PLAN	2	1:200
TP 1-111	LEVEL 10 PLAN	2	1:200
TP 1-112	ROOF PLAN	2	1:200
TP 1-113	LANEWAY DETAIL - LIGHTING	1	1:100
TP 2-101	SOUTH ELEVATION	2	1:200
TP 2-102	NORTH ELEVATION	2	1:200
TP 2-103	EAST ELEVATION	2	1:200
TP 2-104	WEST ELEVATION	2	1:200
TP 2-105	HERITAGE FACADE DETAIL	1	1:100
TP 2-106	WESTERN BOUNDARY SCREEN DETAIL	1	1:200
TP 3-101	LONG SECTION	2	1:200
TP 3-102	SHORT SECTION	2	1:200
TP 3-103	BASEMENT RAMP SECTION	2	1:200
TP 3-104	OVERLOOKING DIAGRAMS	2	1:100
TP 9-100	BADS ASSESSMENT - LEVEL B2	2	1:150
TP 9-101	BADS ASSESSMENT - LEVEL B1	2	1:150
TP 9-102	BADS ASSESSMENT - LEVEL 00	2	1:150
TP 9-103	BADS ASSESSMENT - LEVEL 01	2	1:150
TP 9-104	BADS ASSESSMENT - LEVEL 02	2	1:150
TP 9-105	BADS ASSESSMENT - LEVEL 03	2	1:150
TP 9-106	BADS ASSESSMENT - LEVELS 04 & 05	2	1:150
TP 9-107	BADS ASSESSMENT - LEVEL 06	2	1:150
TP 9-108	BADS ASSESSMENT - LEVEL 07 & 08	2	1:150
TP 9-109	BADS ASSESSMENT - LEVEL 09	2	1:150
TP 9-110	BADS ASSESSMENT - LEVEL 10	2	1:150
TP 10-100	EXISTING SHADOWS - 9AM	2	1:500
TP 10-101	PROPOSED SHADOWS - 9AM	2	1:500
TP 10-102	EXISTING SHADOWS - 10AM	2	1:500
TP 10-103	PROPOSED SHADOWS - 10AM	2	1:500
TP 10-104	EXISTING SHADOWS - 11AM	2	1:500
TP 10-105	PROPOSED SHADOWS - 11AM	2	1:500
TP 10-106	EXISTING SHADOWS - 12PM	2	1:500
TP 10-107	PROPOSED SHADOWS - 12PM	2	1:500
TP 10-108	EXISTING SHADOWS - 1PM	2	1:500
TP 10-109	PROPOSED SHADOWS - 1PM	2	1:500
TP 10-110	EXISTING SHADOWS - 2PM	2	1:500
TP 10-111	PROPOSED SHADOWS - 2PM	2	1:500
TP 10-112	EXISTING SHADOWS - 3PM	2	1:500
TP 10-113	PROPOSED SHADOWS - 3PM	2	1:500
TP 10-201	EXTERNAL FINISHES	2	N/A
TP 10-202	DEVELOPMENT SUMMARY	2	N/A

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REV	DATE	DESCRIPTION
1	17.12.2020	TOWN PLANNING
2	10.03.2021	TOWN PLANNING - RFI

PROJECT #
17-057

DATE
10/03/2021

PROJECT
**196-202 JOHNSTON ST COLLINGWOOD
JOHNSTON STREET APARTMENTS**

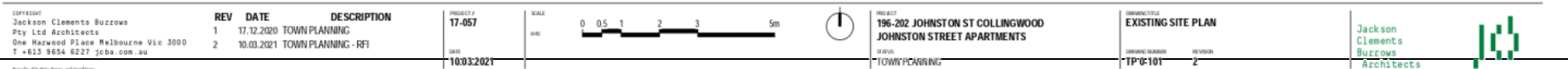
STATUS
TOWN PLANNING

DRAWING TITLE
DRAWING SCHEDULE

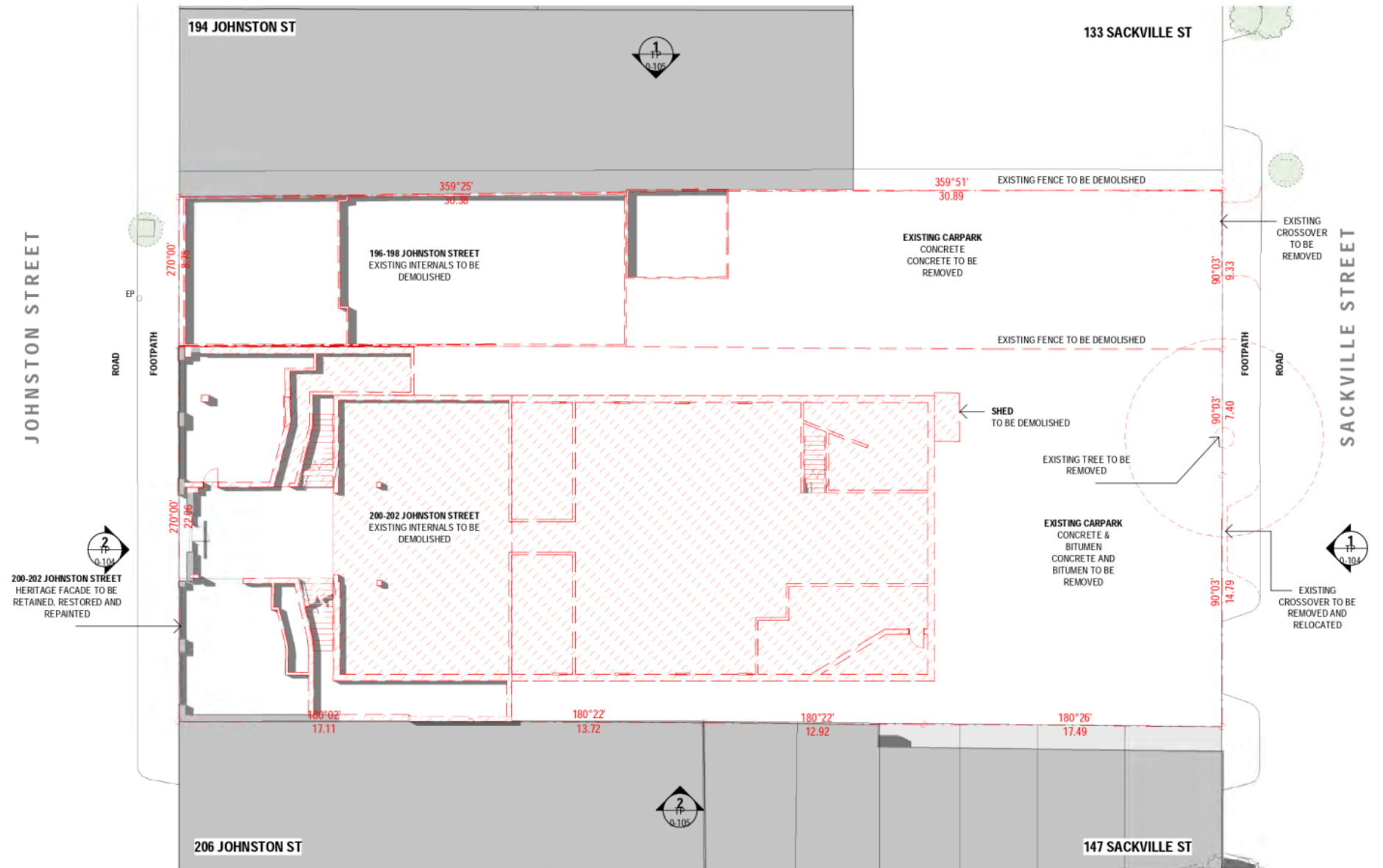
DRAWING NUMBER
TP0000
REVISION
2

Jackson
Clements
Burrows
Architects





Attachment 1 - Advertised Plans



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REV	DATE	DESCRIPTION
1	17.12.2020	TOWN PLANNING
2	10.03.2021	TOWN PLANNING - RFI

PROJECT #
17-057
DATE
10/03/2021



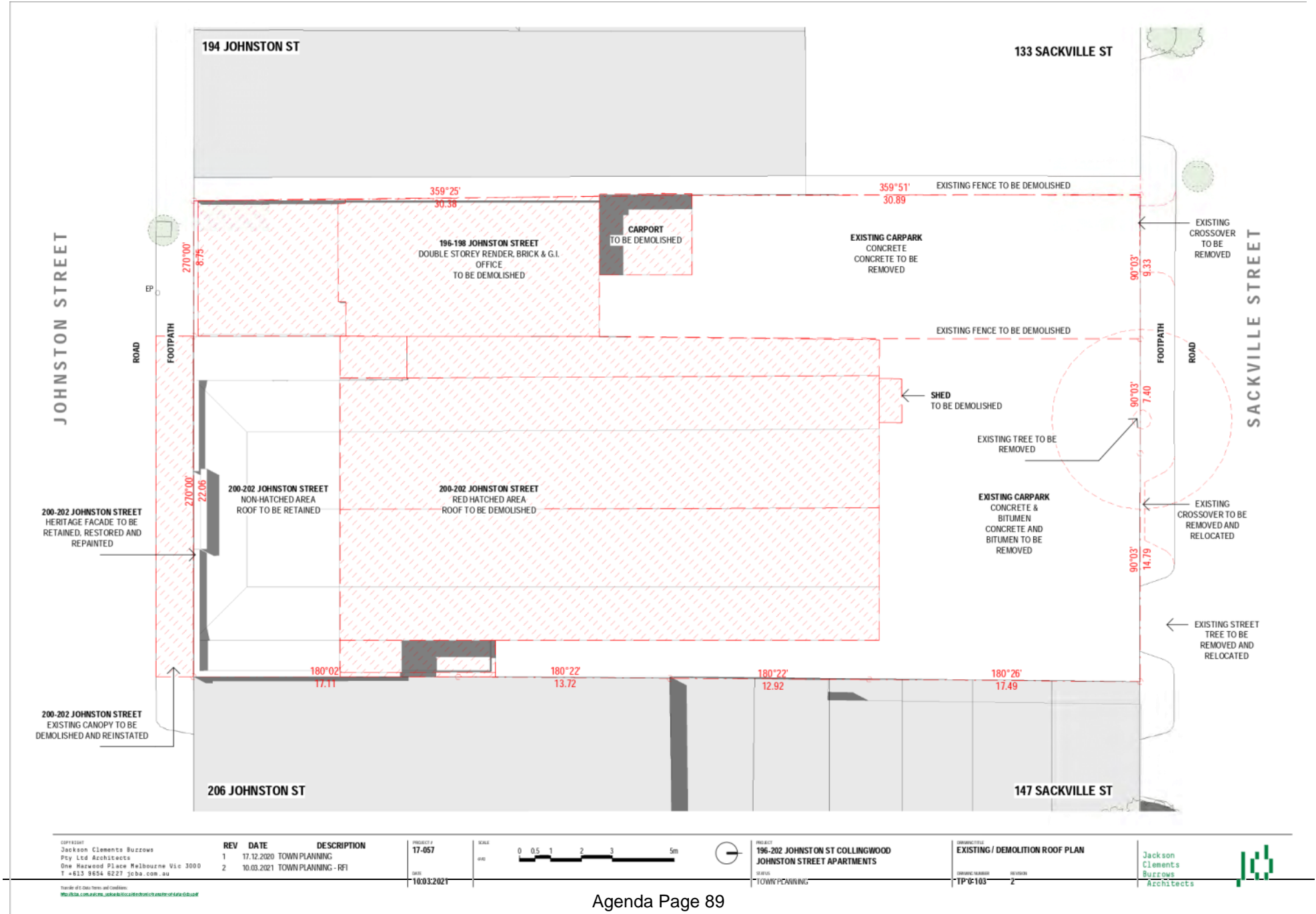
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JOHNSTON STREET APARTMENTS
STATUS
TOWN PLANNING

DRAWING TITLE
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DRAWING NUMBER
TP'0-102
REVISION
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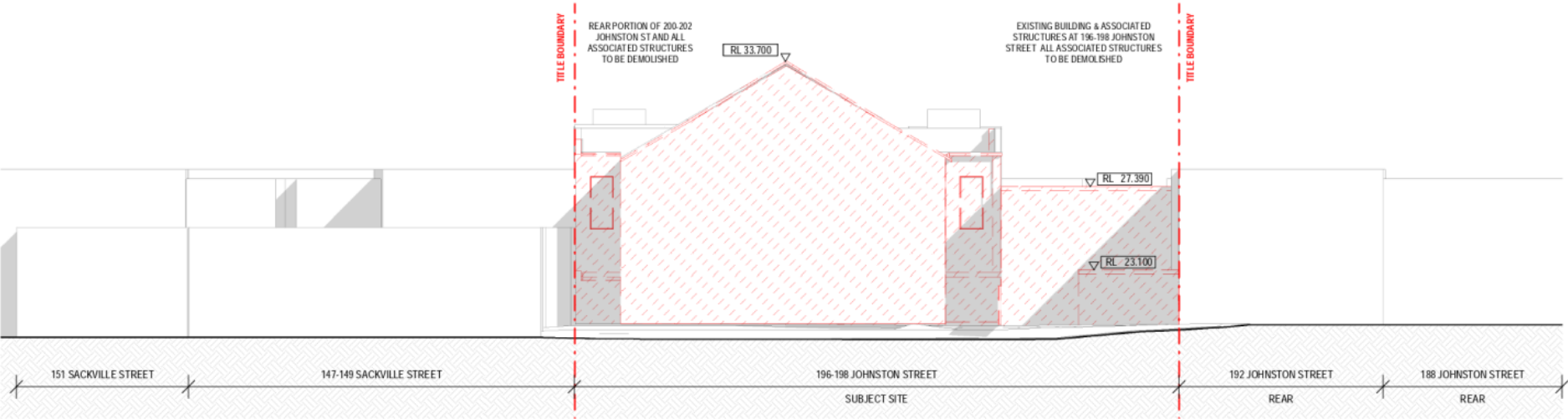
Jackson
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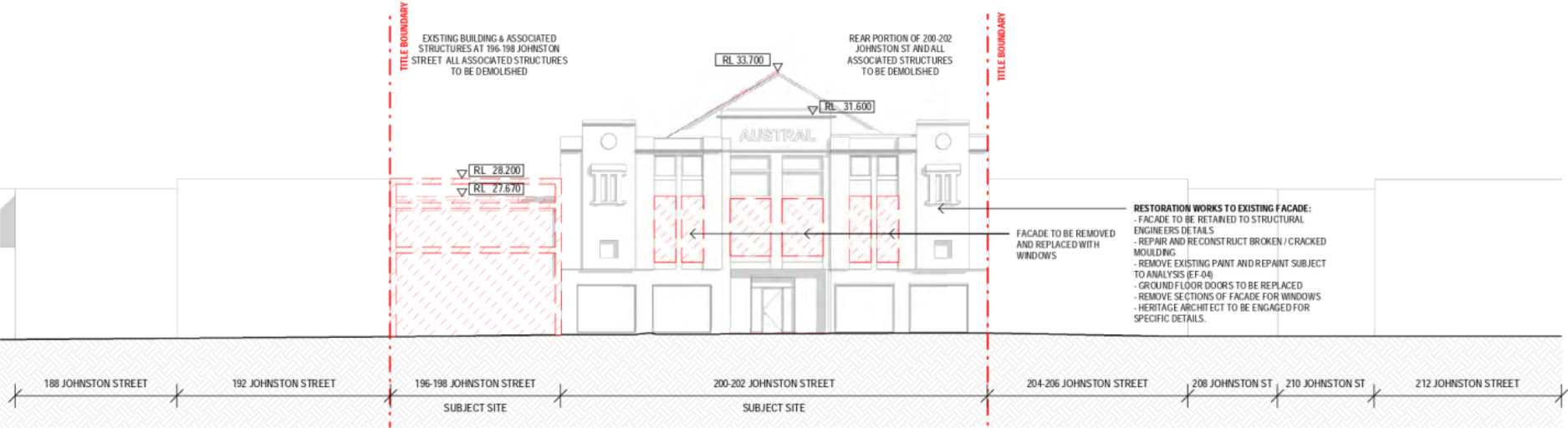
Attachment 1 - Advertised Plans



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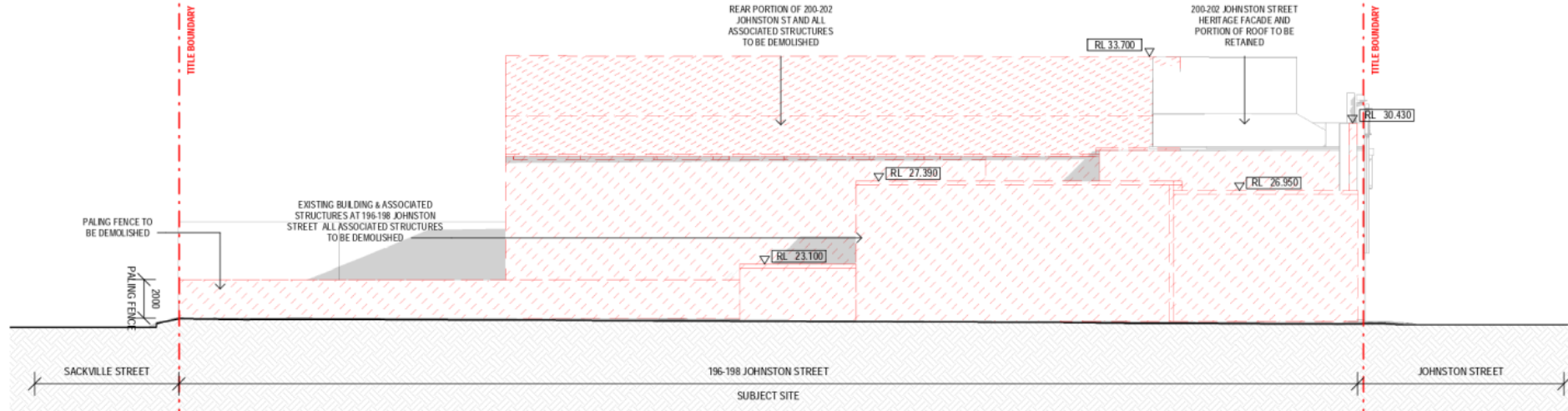
1 Demolition - North Elevation
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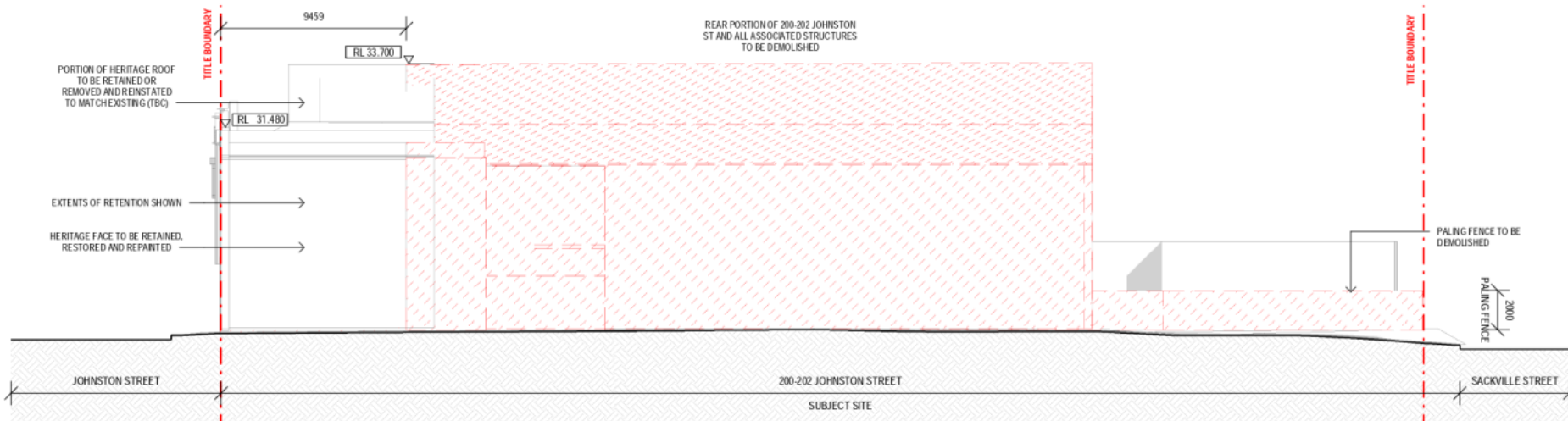
2 Demolition - South Elevation
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	2	10.03.2021	TOWN PLANNING - RF1						
				DATE		STATUS	DRAWING NUMBER	REVISION	
				10.03.2021		TOWN PLANNING	TP0-104	2	

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1 Demolition - West Elevation
1 : 200



2 Demolition - East Elevation
1 : 200

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2	10.03.2021	TOWN PLANNING - RF1

PROJECT #
17-057
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10/03/2021

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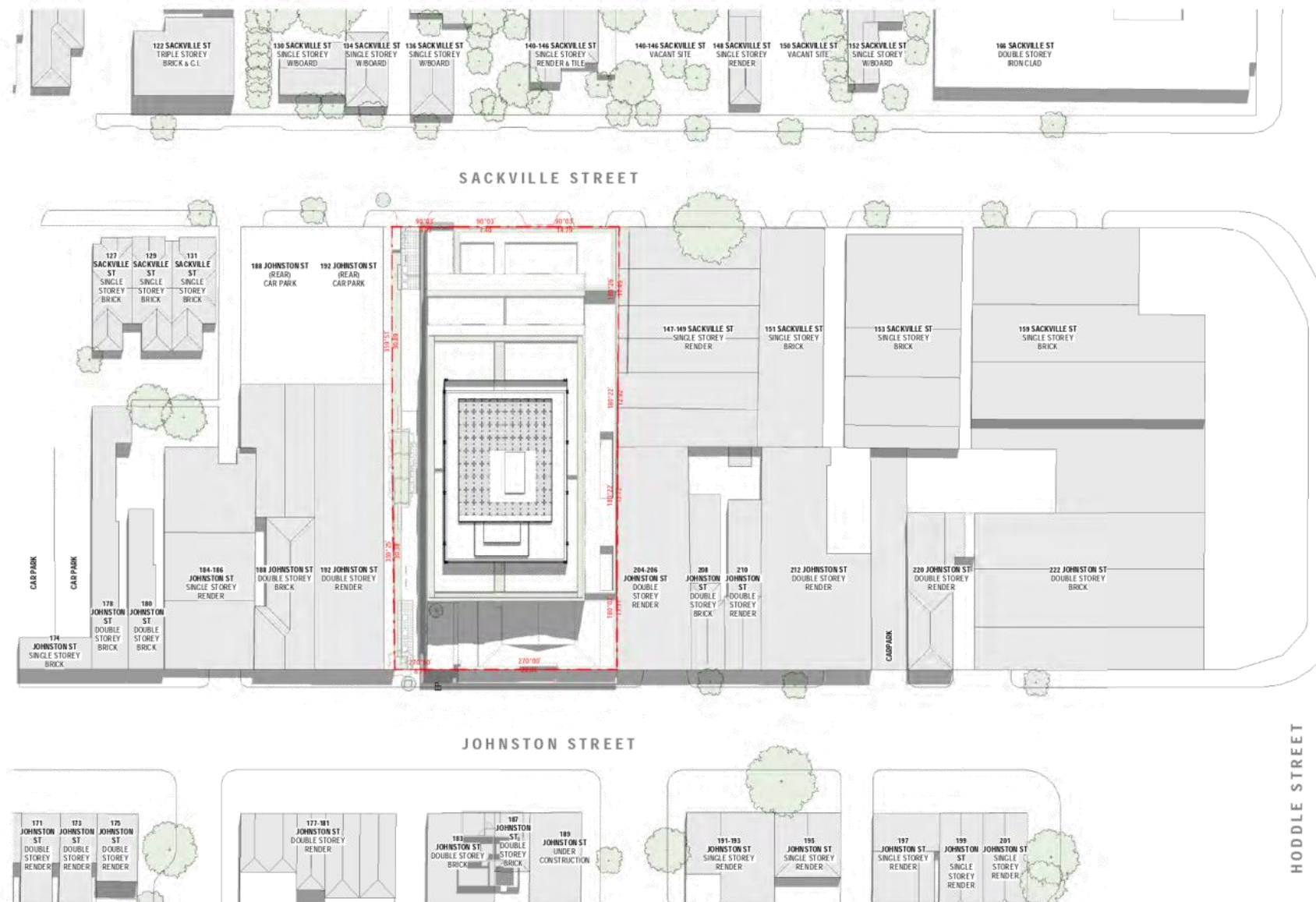
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JOHNSTON STREET APARTMENTS
STATUS
TOWN PLANNING

DRAWING TITLE
EXISTING / DEMOLITION EAST & WEST
DRAWING NUMBER
TP0-105
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PROJECT #
17-057

DATE
10.03.2021

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PROJECT
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JOHNSTON STREET APARTMENTS

STATUS
TOWN PLANNING

DRAWING TITLE
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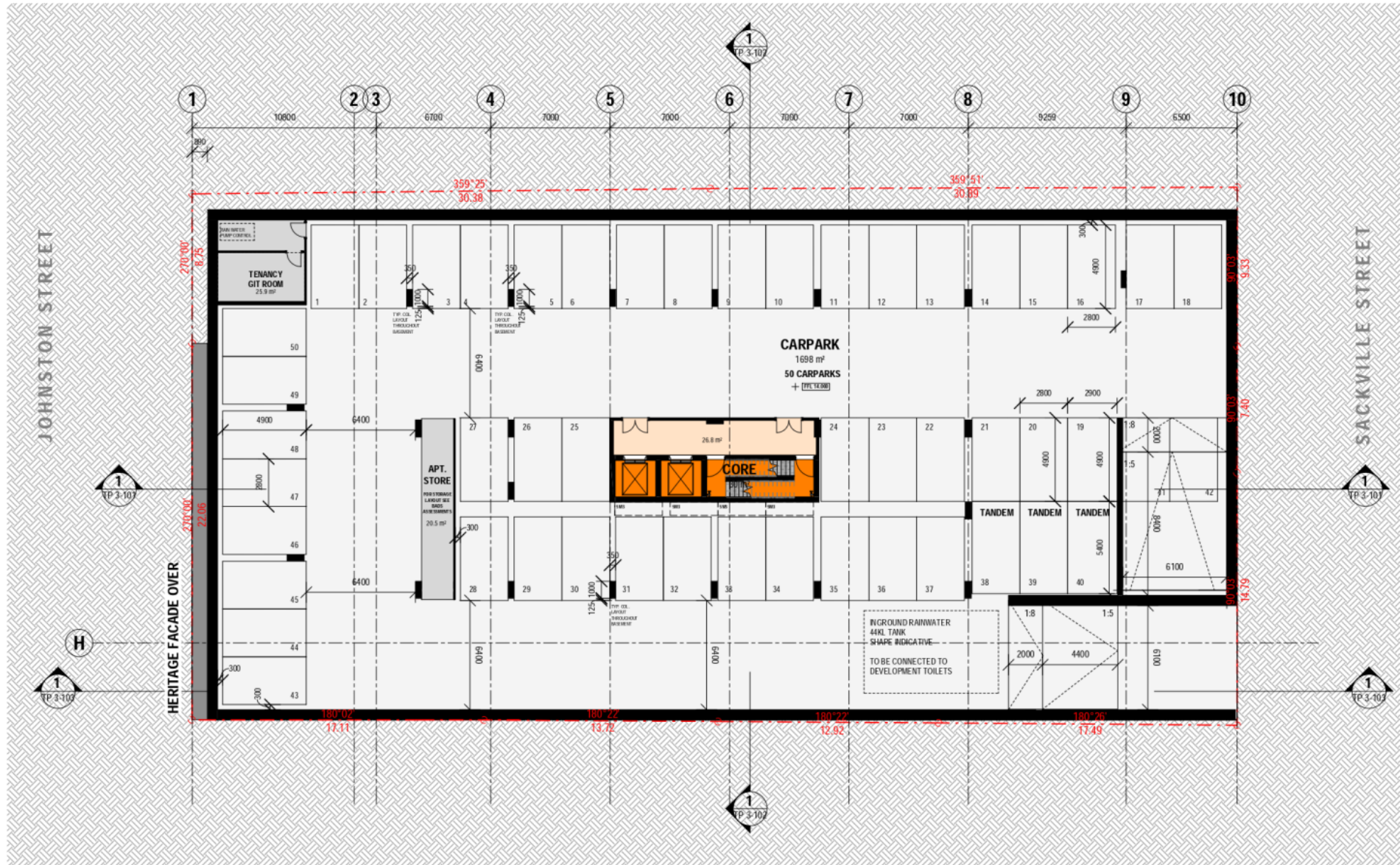
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REVISION
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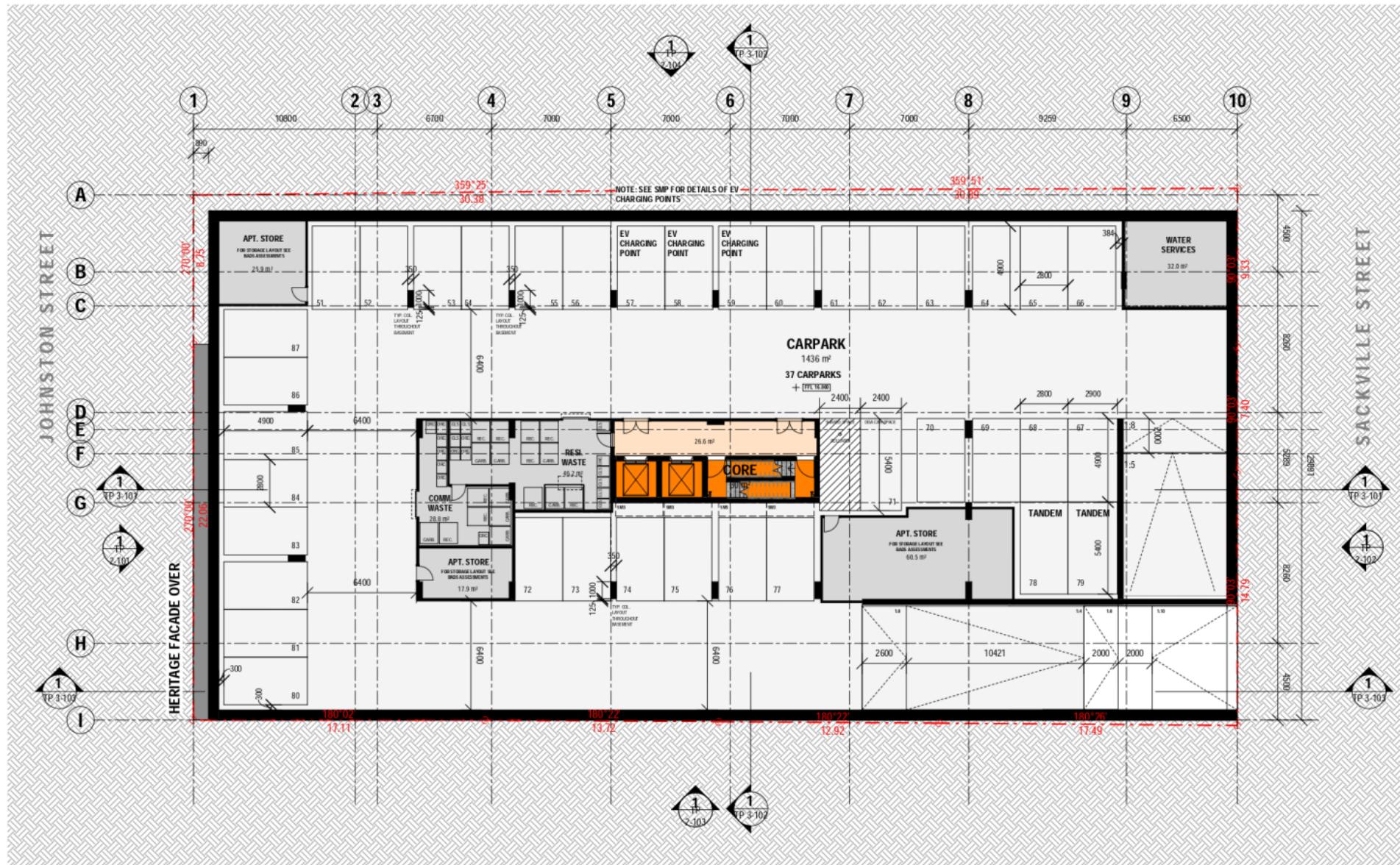


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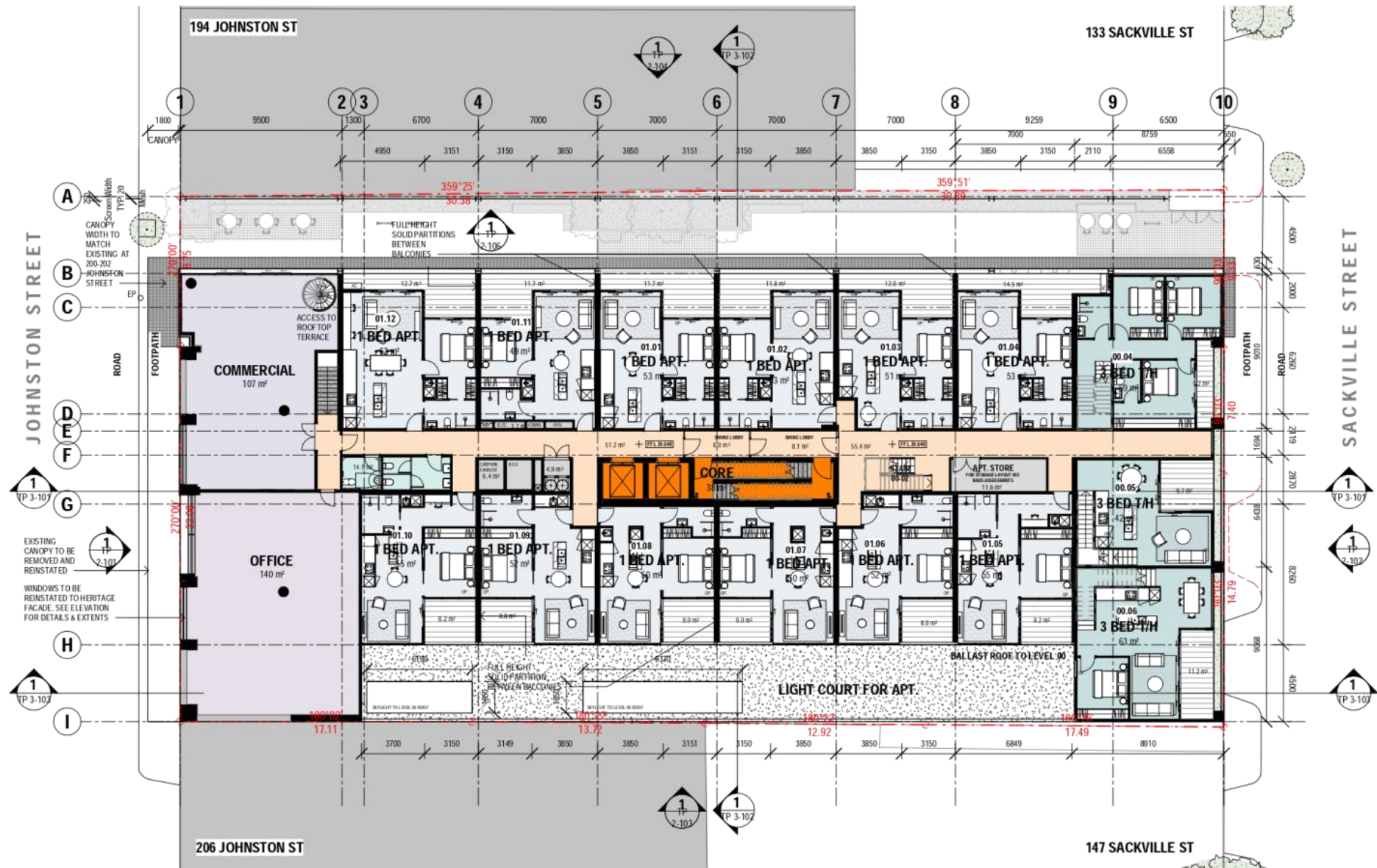
COPY/ISSUE Jackson Clements Burrows Pty Ltd Architects One Hazwood Place Melbourne Vic 3000 T +613 9654 6227 jcba.com.au	REV	DATE	DESCRIPTION	PROJECT #	SCALE		PROJECT	DRAWING TITLE	
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17-057

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10/03/2021

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JOHNSTON STREET APARTMENTS

STATUS
TOWN PLANNING

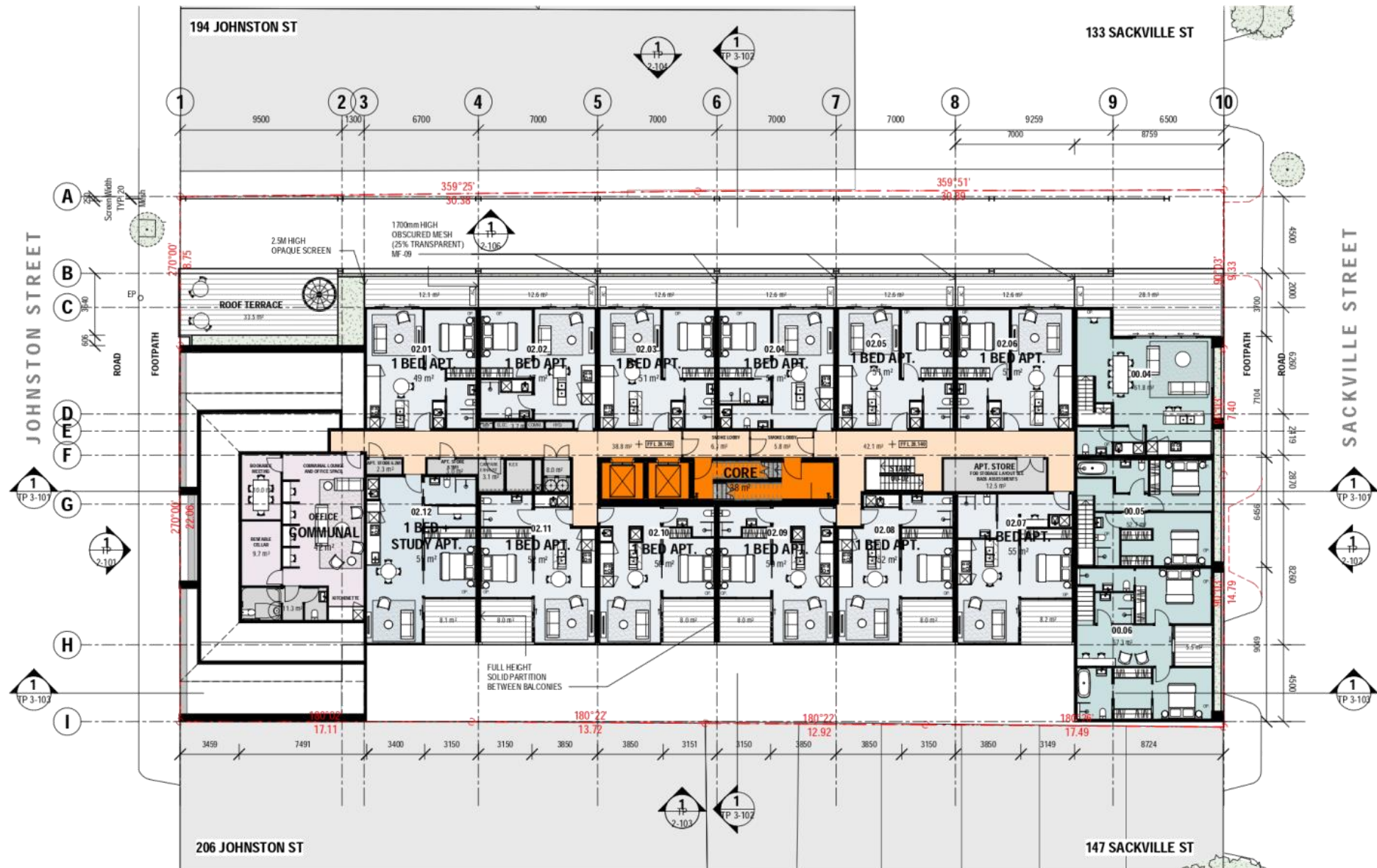
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DRAWING NUMBER
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REVISION
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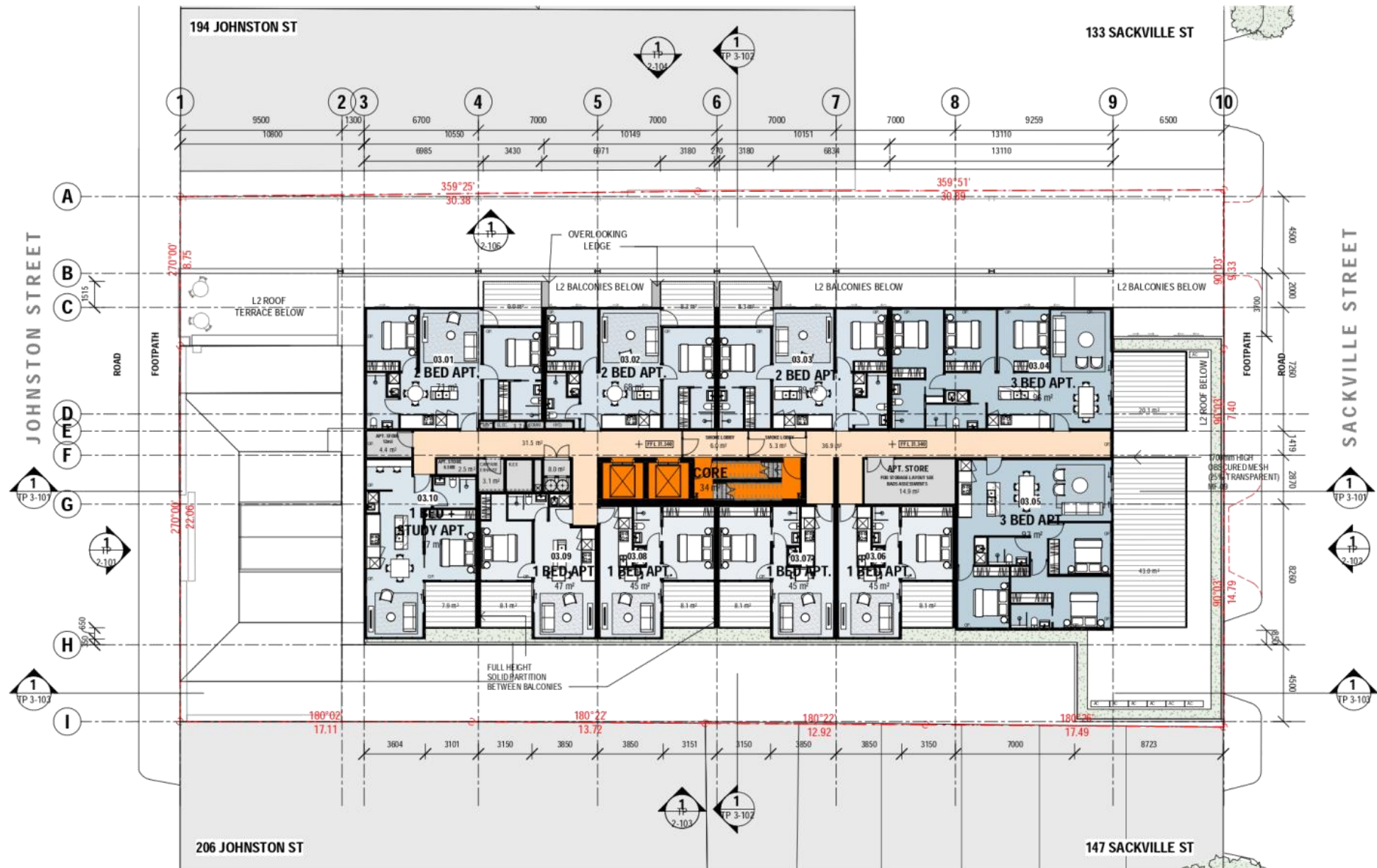
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DRAWING TITLE
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 TP 1-105
 REVISION
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10/03/2021

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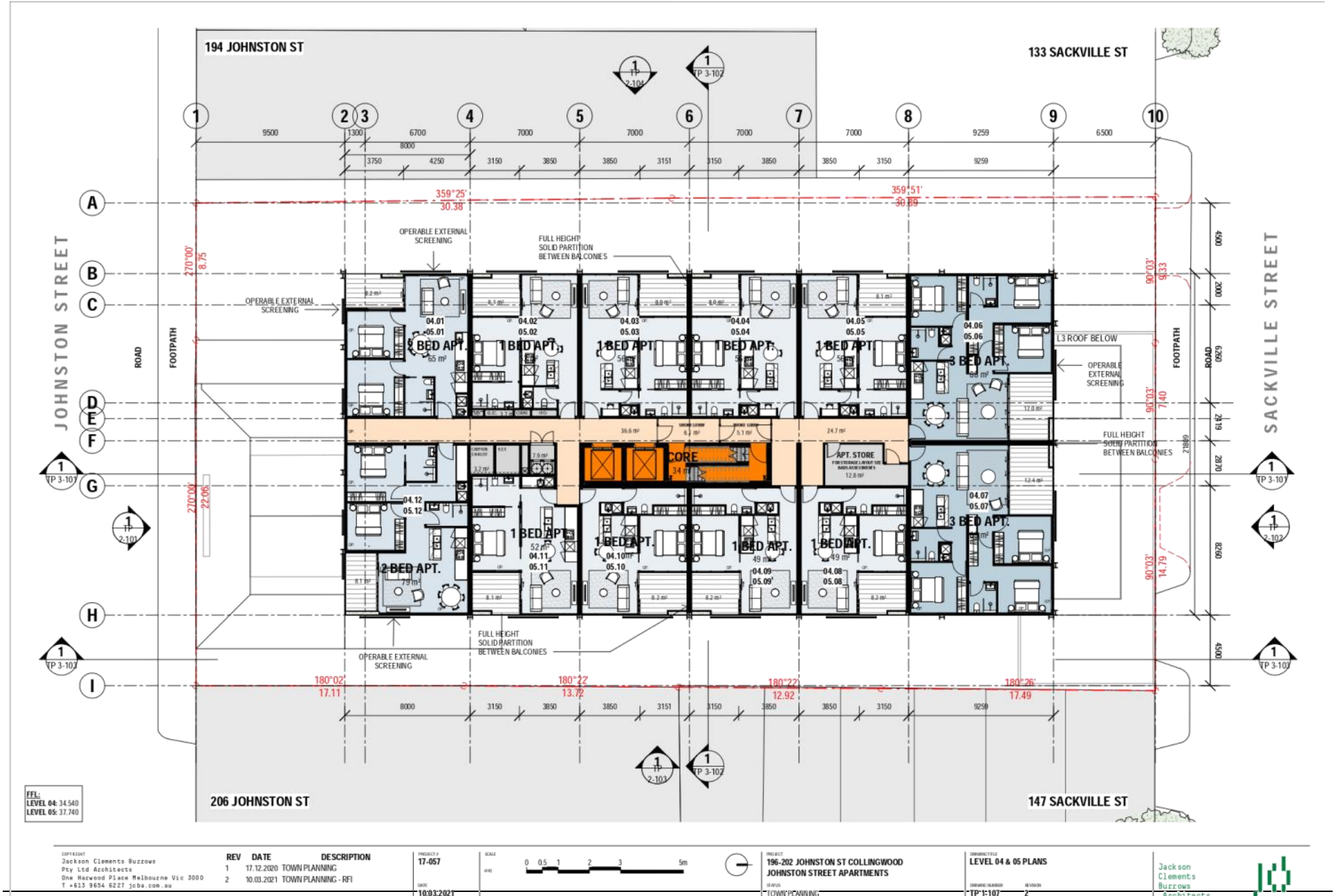
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JOHNSTON STREET APARTMENTS
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DRAWING NUMBER
TP 1-106
REVISION
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PROJECT
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 STATUS
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DRAWING TITLE
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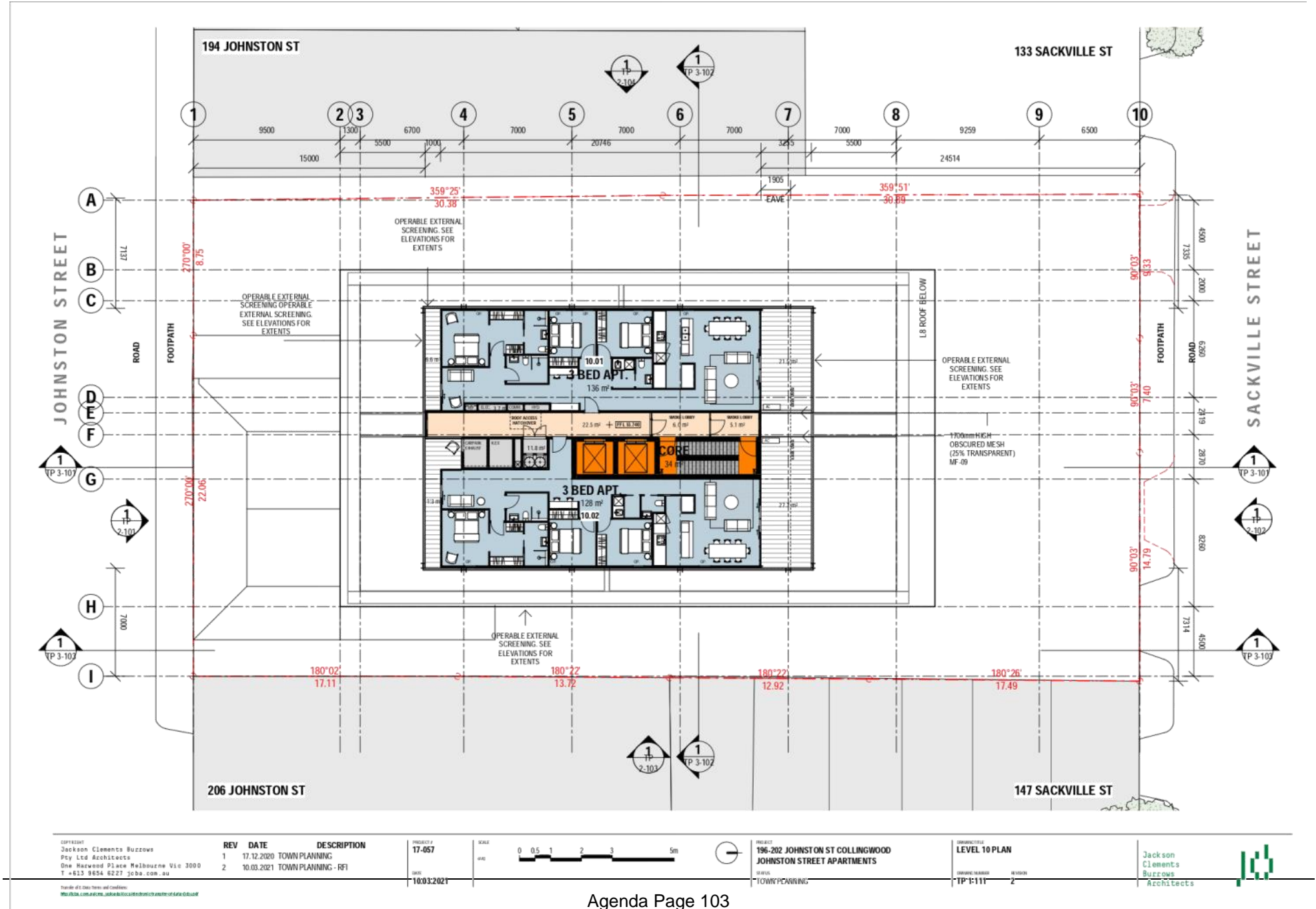
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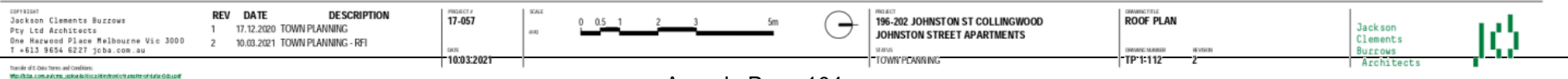




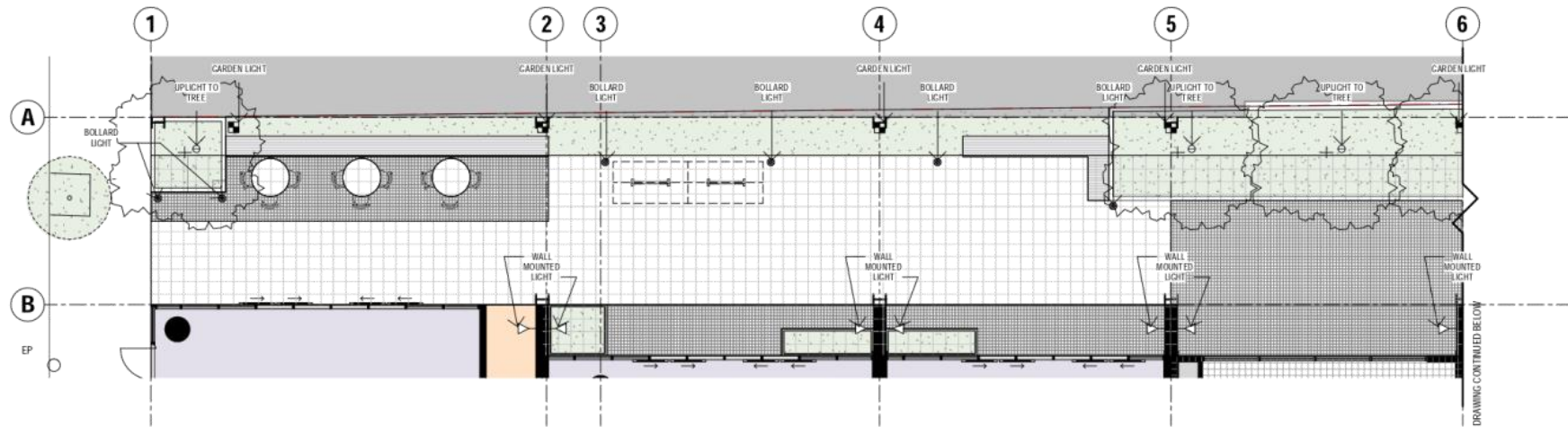


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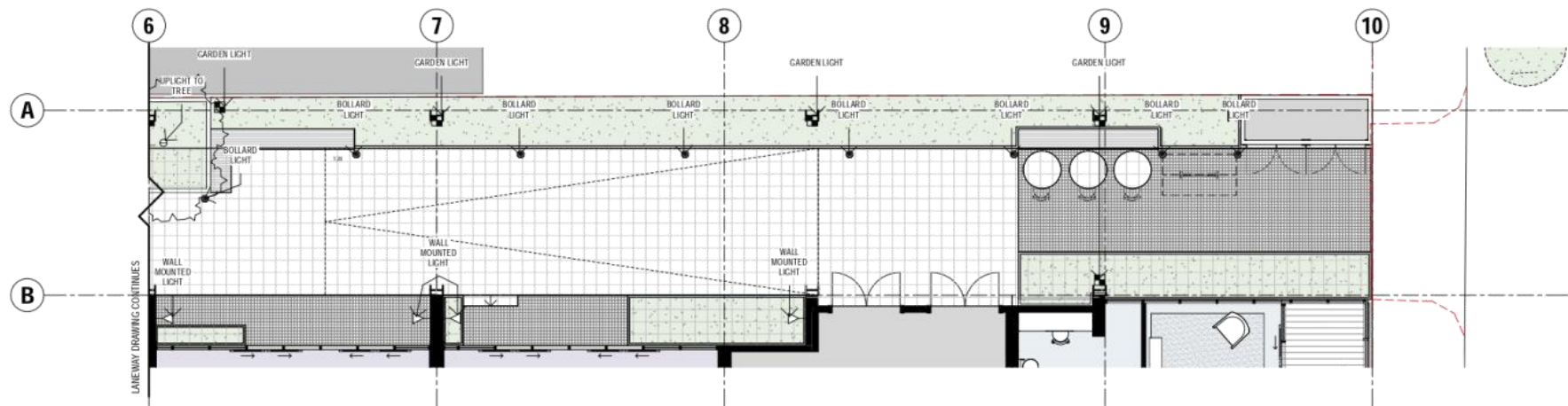




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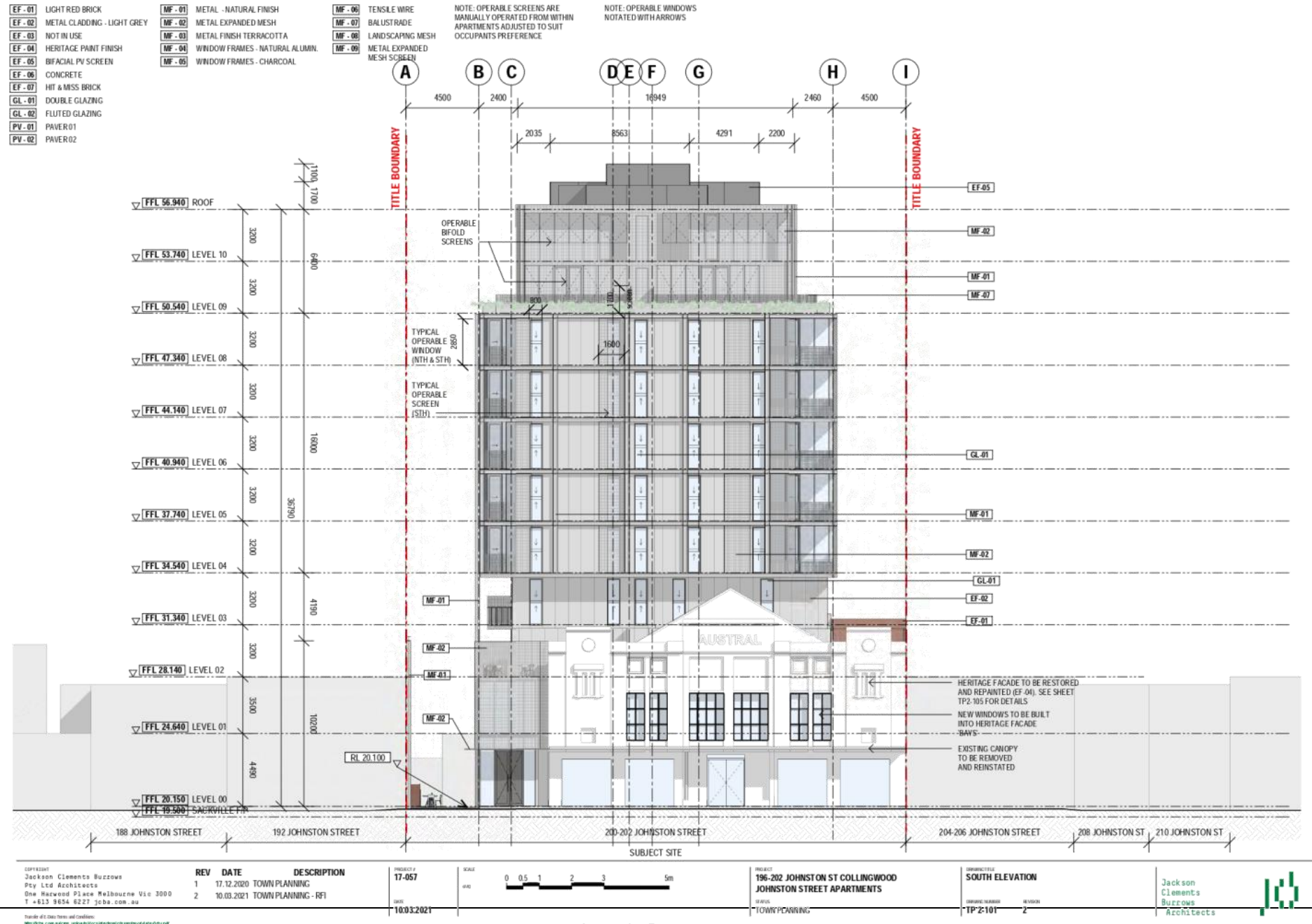
1 Laneway Plan South
1 : 100



2 Laneway Plan North
1 : 100

<p>CLIENT Jackson Clements Burrows Pty Ltd Architects One Macquarie Place Melbourne VIC 3000 T +613 8654 6227 joba.com.au</p>	<p>REV DATE DESCRIPTION 1 10.03.2021 TOWN PLANNING - RFI</p>	<p>PROJECT # 17-057</p>	<p>SCALE 0 0.5 1 2 3 5m</p>	<p>PROJECT 196-202 JOHNSTON ST COLLINGWOOD JOHNSTON STREET APARTMENTS</p>	<p>DRAWING TITLE LANEWAY DETAIL - LIGHTING</p>	<p>Jackson Clements Burrows Architects</p>
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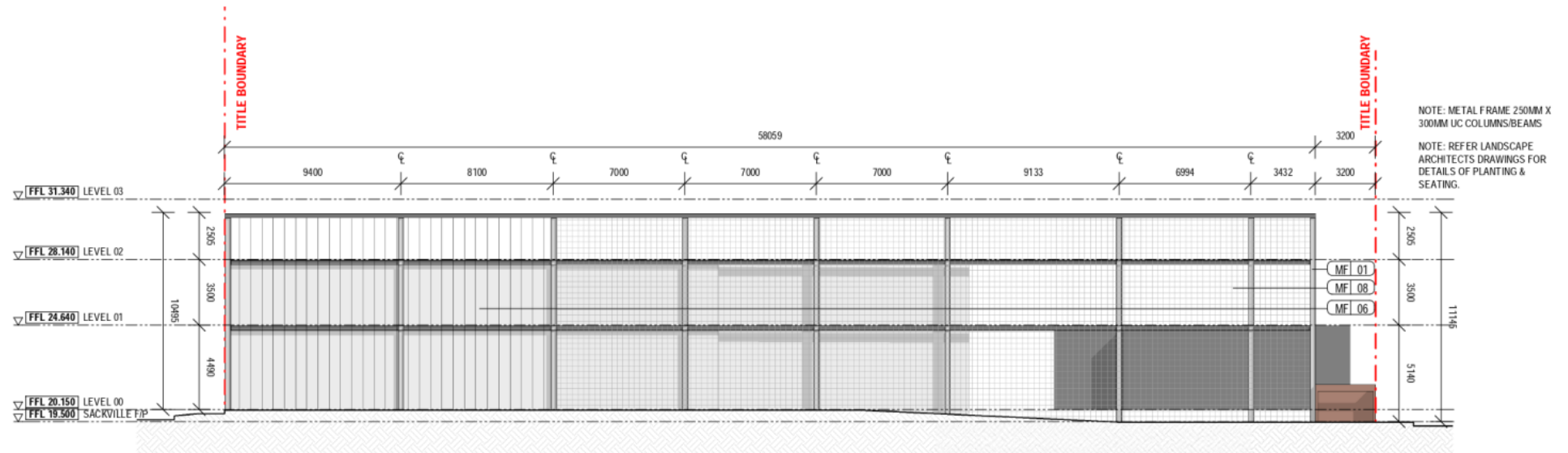
- GENERAL RESTORATION WORKS TO EXISTING FACADE:**
- FACADE TO BE RETAINED TO STRUCTURAL ENGINEERS DETAILS
 - REPAIR AND RECONSTRUCT BROKEN / CRACKED MOULDING
 - REMOVE EXISTING PAINT AND REPAINT SUBJECT TO ANALYSIS (EF-04)
 - GROUND FLOOR DOORS TO BE REPLACED
 - REMOVE SECTIONS OF FACADE FOR WINDOWS
 - HERITAGE ARCHITECT TO BE ENGAGED FOR SPECIFIC DETAILS.



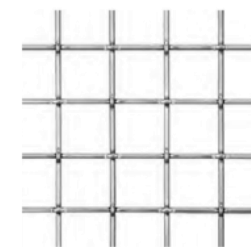
1 South Elevation - Heritage Facade
2-105
1 : 100

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MF-06
TENSILE WIRE
NATURAL FINISH



MF-08
LANDSCAPING GRID MESH
NATURAL FINISH

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1:100



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PROJECT
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JOHNSTON STREET APARTMENTS

STATUS
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DRAWING TITLE
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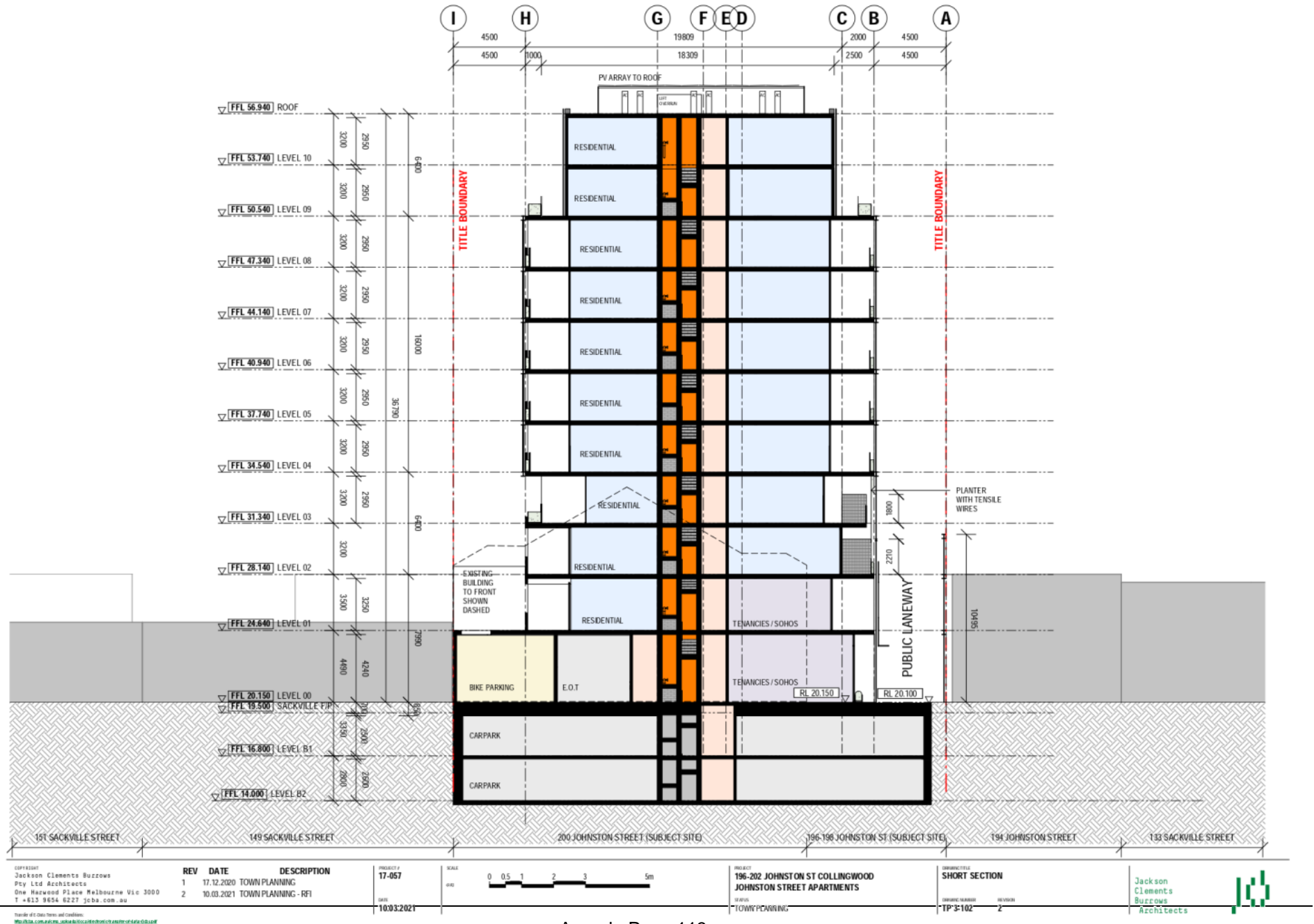
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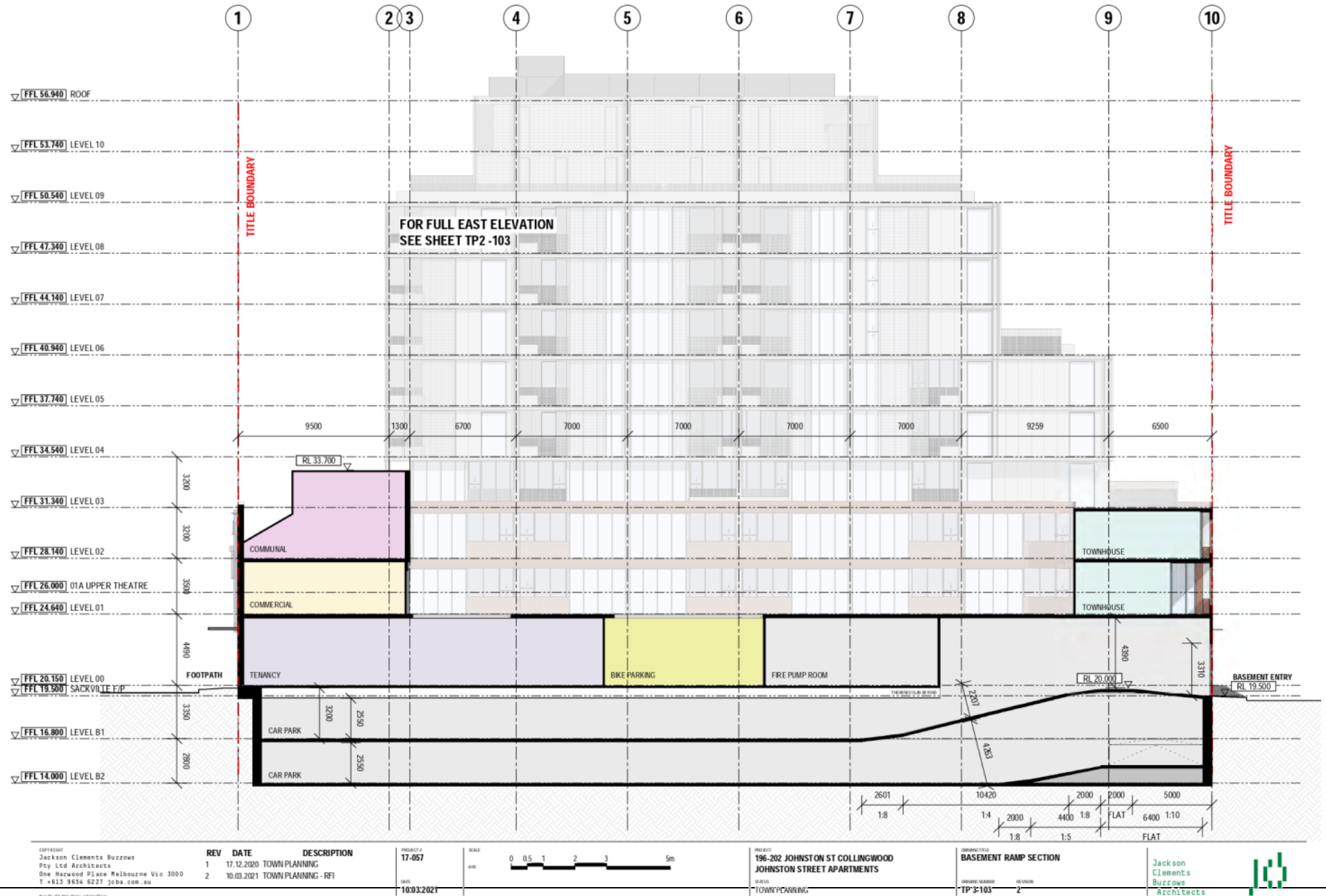


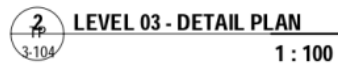
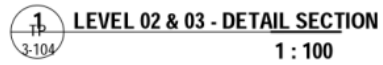


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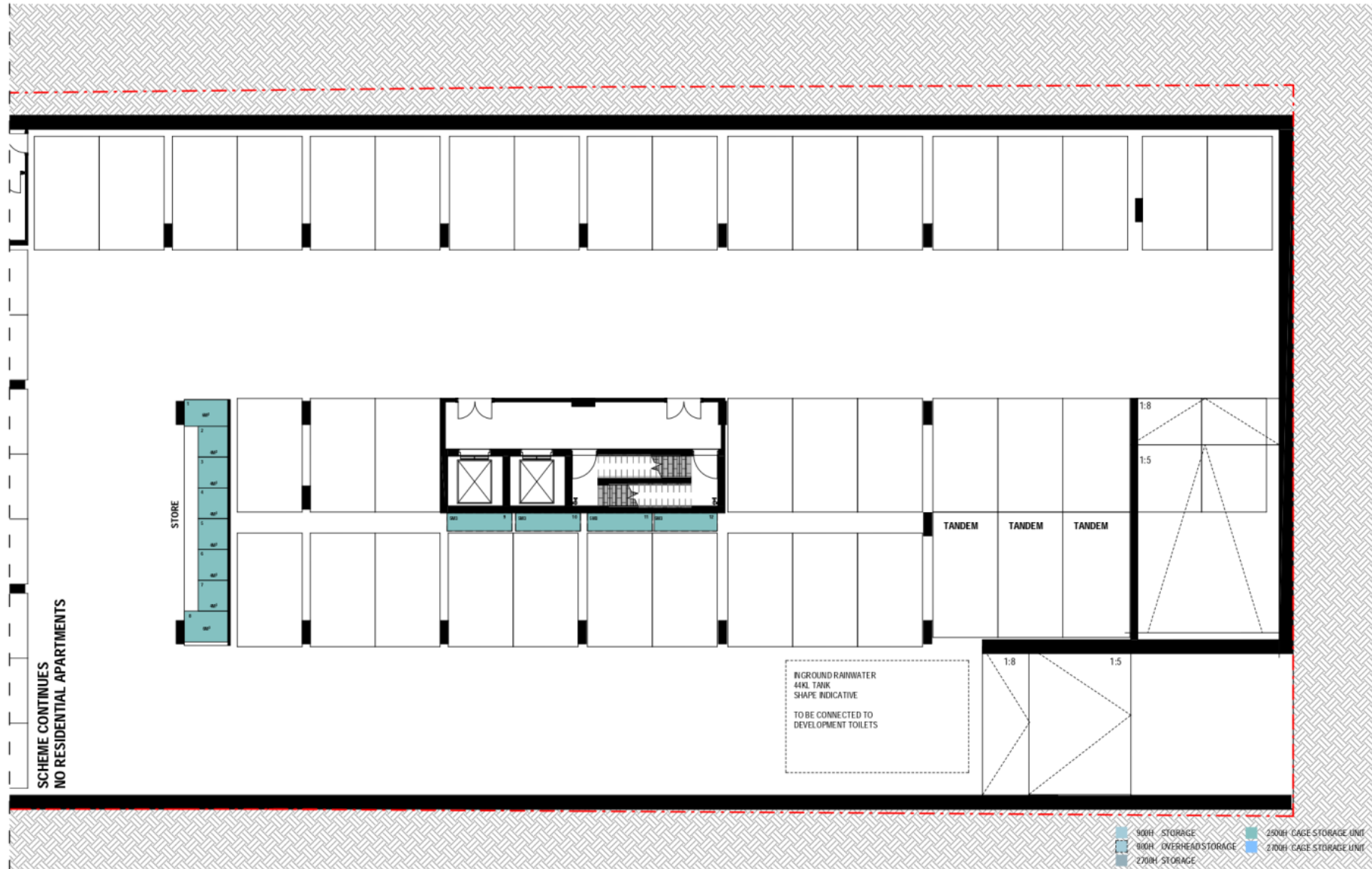




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PROJECT #
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DATE
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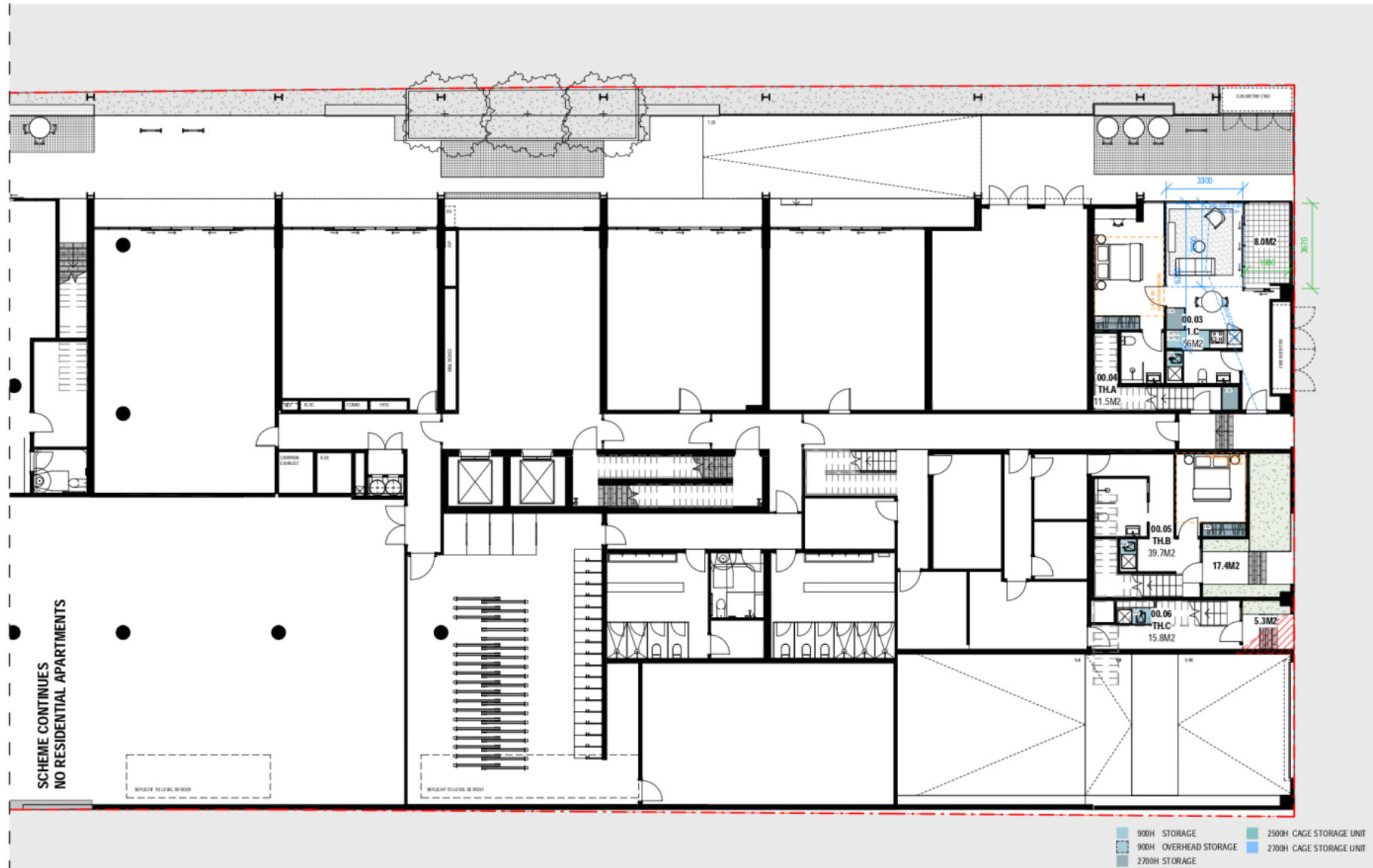
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DRAWING TITLE
BADS ASSESSMENT - LEVEL B1
DRAWING NUMBER
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DRAWING TITLE
BADS ASSESSMENT - LEVEL 00
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DRAWING TITLE
BADS ASSESMENT - LEVEL 02
DRAWING NUMBER
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DOCUMENT TITLE
BADS ASSESSMENT - LEVEL 06
DRAWING NUMBER
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PROJECT
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BADS ASSESSMENT - LEVEL 07 & 08
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PROJECT
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STATUS
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DRAWING TITLE
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DRAWING NUMBER
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900H STORAGE
900H OVERHEAD STORAGE
2700H STORAGE
2500H CAGE STORAGE UNIT
2700H CAGE STORAGE UNIT

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DRAWING TITLE
BADS ASSESSMENT - LEVEL 10
DRAWING NUMBER
TP'S-110
REVISION
2

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REV	DATE	DESCRIPTION
1	17.12.2020	TOWN PLANNING
2	10.03.2021	TOWN PLANNING - RFI

PROJECT #
17-057
DATE
10/03/2021

SCALE
0 0.5 1 2 3 5m



PROJECT
196-202 JOHNSTON ST COLLINGWOOD
JOHNSTON STREET APARTMENTS
STATUS
TOWN PLANNING

DRAWING TITLE
EXISTING SHADOWS - 9AM
DRAWING NUMBER
TP-10-100
REVISION
2

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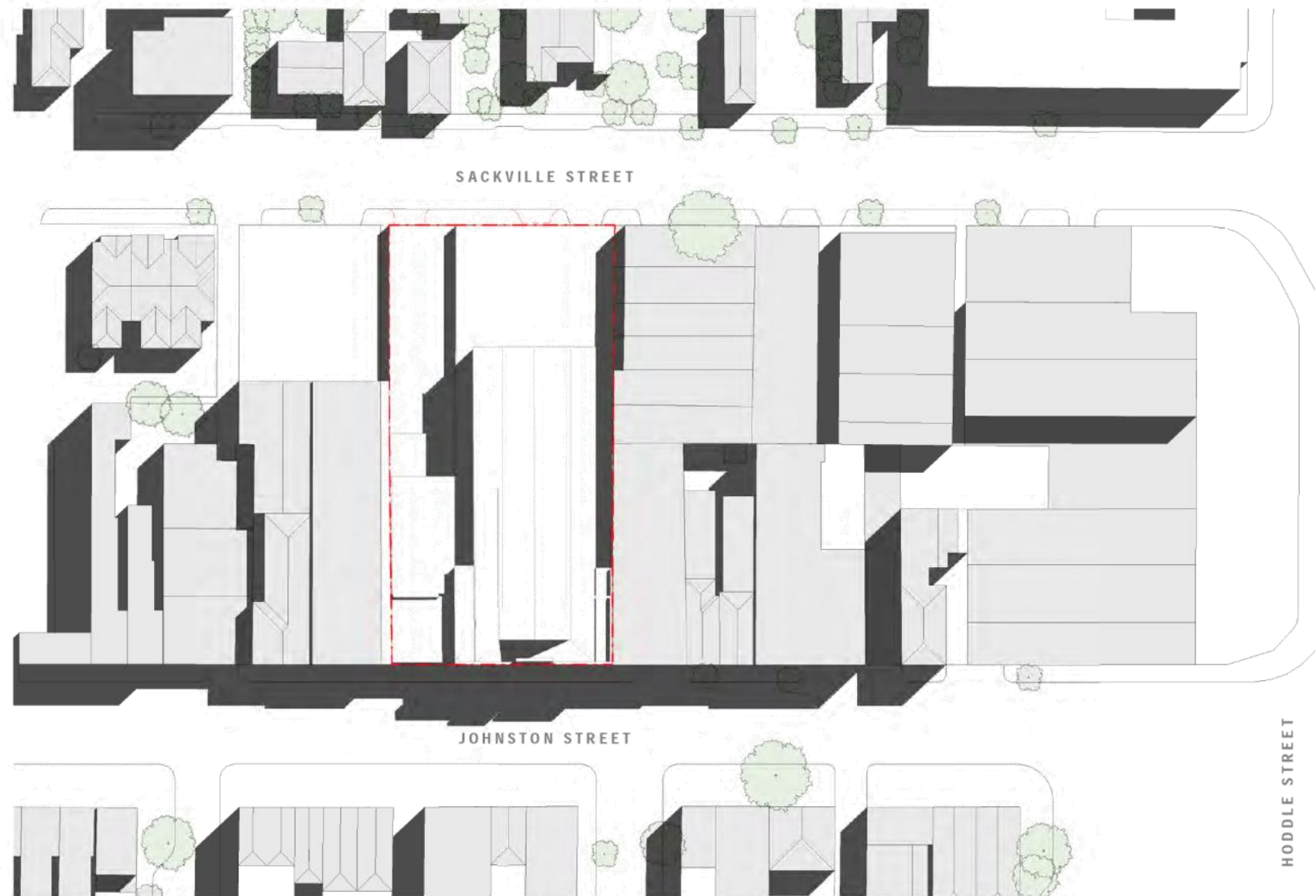


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REV	DATE	DESCRIPTION														
1	17.12.2020	TOWN PLANNING														
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DATE
10/03/2021

SCALE
0 0.5 1 2 3 5m



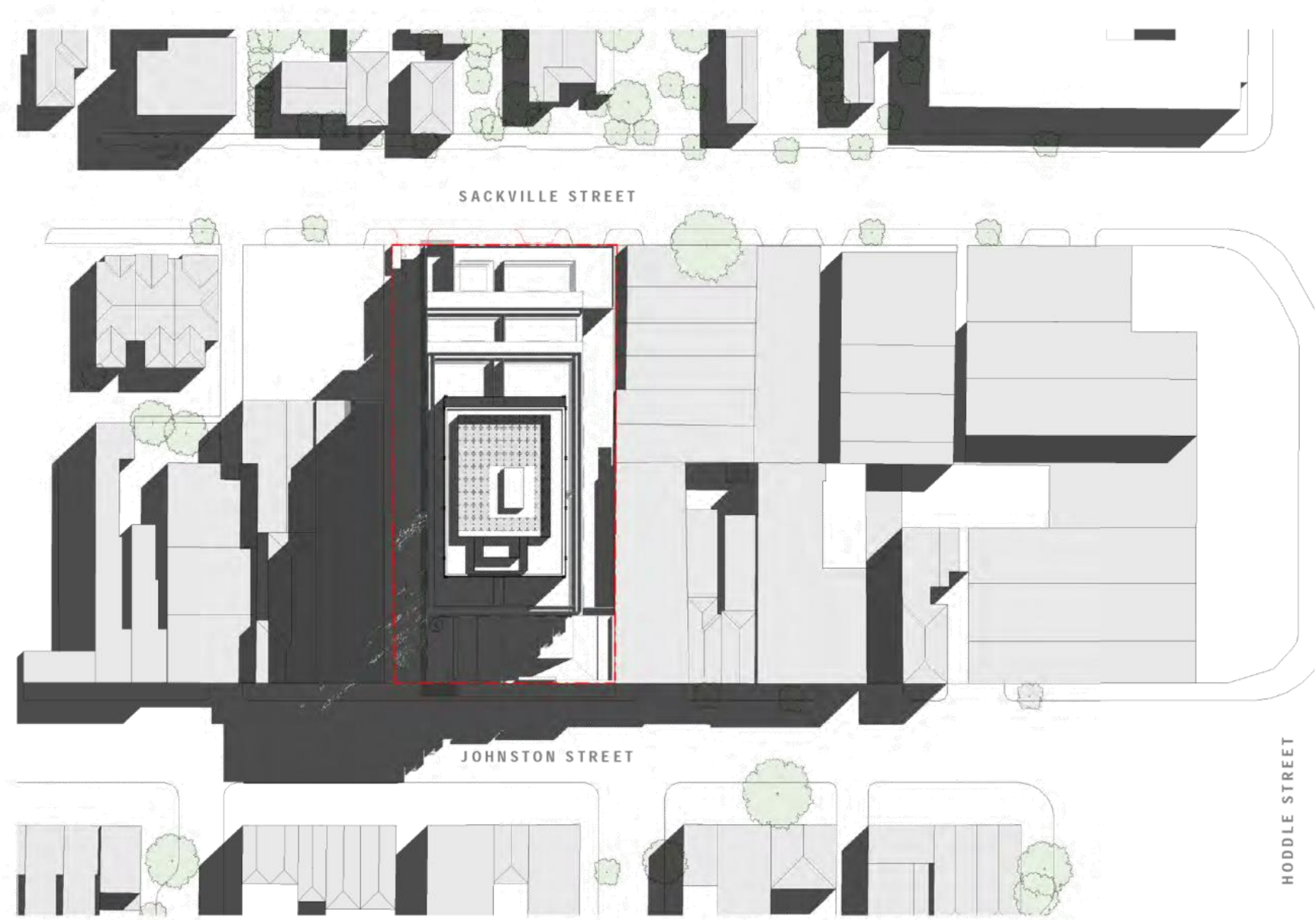
PROJECT
196-202 JOHNSTON ST COLLINGWOOD
JOHNSTON STREET APARTMENTS
STATUS
TOWN PLANNING


DRAWING TITLE
EXISTING SHADOWS - 10AM
DRAWING NUMBER
TP-10-102
REVISION
2

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REV	DATE	DESCRIPTION							
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PROJECT #
17-057
DATE
10/03/2021



PROJECT
196-202 JOHNSTON ST COLLINGWOOD
JOHNSTON STREET APARTMENTS
STATUS
TOWN PLANNING



DRAWING TITLE
EXISTING SHADOWS - 11AM
DRAWING NUMBER
TP-10-104
REVISION
2

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<div>196123007</div> <div>Jackson Clements Burrows Pty Ltd Architects One Macquarie Place Melbourne VIC 3000 T +613 8654 6227 jcb@jcb.com.au</div> <div>Private & Confidential www.jcb.com.au, www.jacksoncllements.com.au/data/00000000</div>	<table><thead><tr><th>REV</th><th>DATE</th><th>DESCRIPTION</th></tr></thead><tbody><tr><td>1</td><td>17.12.2020</td><td>TOWN PLANNING</td></tr><tr><td>2</td><td>10.03.2021</td><td>TOWN PLANNING - RFI</td></tr></tbody></table>	REV	DATE	DESCRIPTION	1	17.12.2020	TOWN PLANNING	2	10.03.2021	TOWN PLANNING - RFI	<div>PROJECT # 17-057</div> <div>DATE 10/03/2021</div>	<div>SCALE 0 0.5 1 2 3 5m</div> <div>WIND </div>	<div>PROJECT 196-202 JOHNSTON ST COLLINGWOOD JOHNSTON STREET APARTMENTS</div> <div>STATUS TOWN PLANNING</div>	<div>DOCUMENT TITLE PROPOSED SHADOWS - 11AM</div> <div>DRAWING NUMBER TP-10-105</div> <div>REVISION 2</div>	<div>Jackson Clements Burrows Architects</div> <div></div>
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PROJECT #
17-057
DATE
10/03/2021

SCALE
0 0.5 1 2 3 5m



PROJECT
196-202 JOHNSTON ST COLLINGWOOD
JOHNSTON STREET APARTMENTS
STATUS
TOWN PLANNING

DRAWING TITLE
EXISTING SHADOWS - 12PM
DRAWING NUMBER
TP-10-106
REVISION
2

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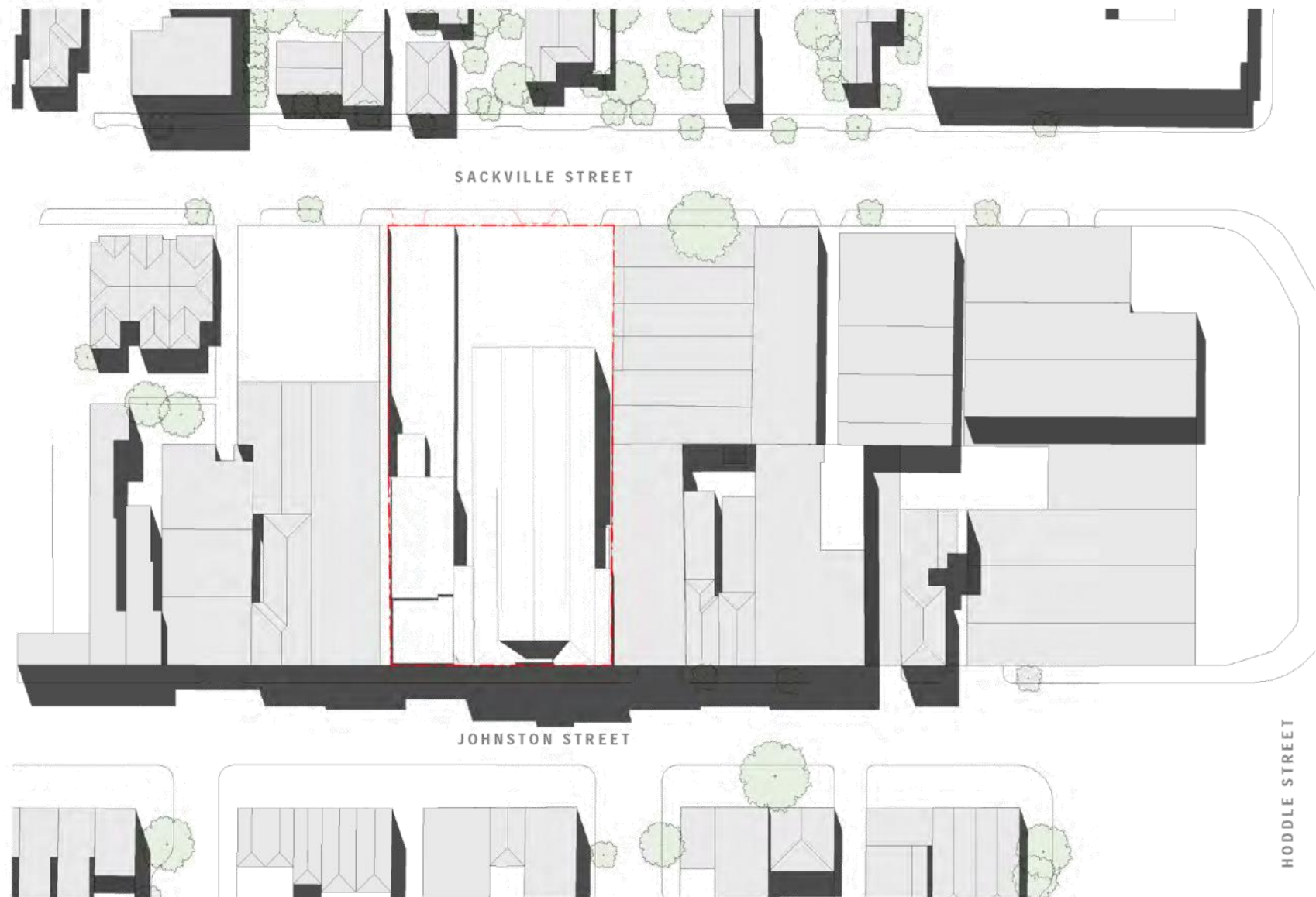






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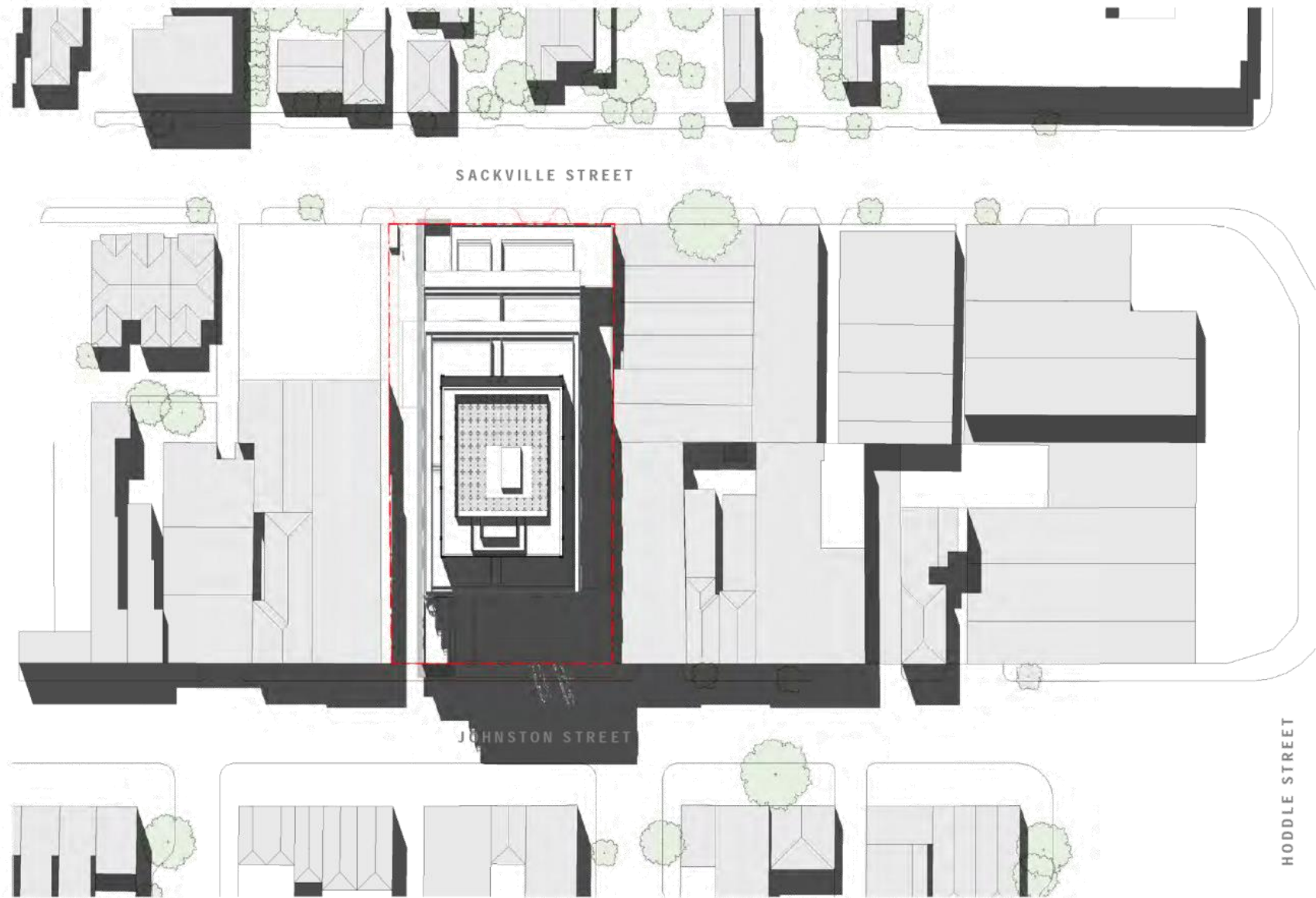
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<small>DATE</small> 10/03/2021																								
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Attachment 1 - Advertised Plans



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REV	DATE	DESCRIPTION
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PROJECT #
17-057
DATE
10/03/2021

SCALE
0 0.5 1 2 3 5m



PROJECT
196-202 JOHNSTON ST COLLINGWOOD
JOHNSTON STREET APARTMENTS
STATUS
TOWN PLANNING

DRAWING TITLE
PROPOSED SHADOWS - 1PM
DRAWING NUMBER
TP-10-109
REVISION
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17-057
DATE
10/03/2021

SCALE
0 0.5 1 2 3 5m



PROJECT
196-202 JOHNSTON ST COLLINGWOOD
JOHNSTON STREET APARTMENTS
STATUS
TOWN PLANNING


DRAWING TITLE
EXISTING SHADOWS - 2PM
DRAWING NUMBER
TP-10-110
REVISION
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REV	DATE	DESCRIPTION													
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17-057
DATE
10/03/2021

SCALE
0 0.5 1 2 3 5m



PROJECT
196-202 JOHNSTON ST COLLINGWOOD
JOHNSTON STREET APARTMENTS
STATUS
TOWN PLANNING

DRAWING TITLE
EXISTING SHADOWS - 3PM
DRAWING NUMBER
TP10-112
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DATE
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SCALE
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PROJECT
196-202 JOHNSTON ST COLLINGWOOD
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STATUS
TOWN PLANNING

DRAWING TITLE
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DRAWING NUMBER
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REVISION
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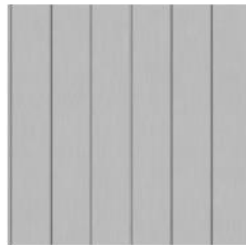
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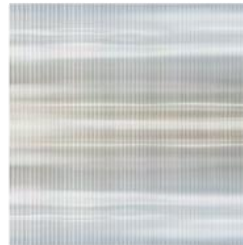
Attachment 1 - Advertised Plans



EF-01
LIGHT RED BRICK



EF-02
METAL CLADDING
LIGHT GREY



GL-02
OBSCURED GLAZING
(25% TRANSPARENT)
FLUTED / DOUBLE GLAZED



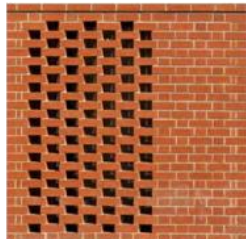
EF-04
HERITAGE PAINT FINISH
GREY / CREAM



EF-05
BIFACIAL PV SCREEN



EF-06
CONCRETE
LIGHT GREY



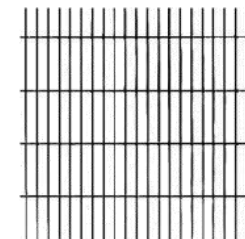
EF-07
LIGHT RED HIT & MISS BRICK
TO MATCH EF-01
(IMAGE INDICATIVE ONLY)



GL-01
GLASS
DOUBLE GLAZING



MF-01
METAL
NATURAL FINISH



MF-02 & MF-07
METAL
EXPANDED MESH (NATURAL)



MF-03
METAL FINISH
TERRACOTTA



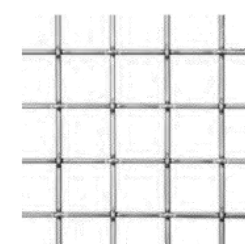
MF-04
METAL WINDOW FRAMES
NATURAL ALUMINIUM



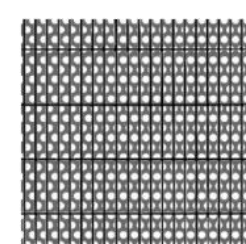
MF-05
METAL WINDOW FRAMES
CHARCOAL



MF-06
TENSILE WIRE
NATURAL FINISH



MF-08
LANDSCAPING GRID MESH
NATURAL FINISH



MF-09
METAL
EXPANDED MESH
WITH 25% OPEN PERFORATED
METAL

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PROJECT
196-202 JOHNSTON ST COLLINGWOOD
JOHNSTON STREET APARTMENTS
STATUS
TOWN PLANNING

DRAWING TITLE
EXTERNAL FINISHES
DRAWING NUMBER
TP-10-201
REVISION
2

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For further details, please refer to the project brief and conditions.
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Attachment 1 - Advertised Plans

DEVELOPMENT SUMMARY

PROJECT
STAGE
DATE
NOTES

200 JOHNSTON STREET COLLINGWOOD
TOWN PLANNING SUBMISSION
17.12.2020



SITE AREA 1910m2

LEVEL	NSA	NIA	NIA R/C	PARK/STORE/SERV	DRG.	CAR	GFA	R/C / DECK	COMMUNAL	BIKES	CARS	2 BED T/H	3 BED T/H	1 BED	1 BED + STUDIO	2 BED	3 BED
LEVEL B2					1744.6	26.5	30	1601.2			50						
LEVEL B1					1647.3	26.6	30	1703.9			37						
LEVEL 00	111.5	672		481.2	172.2	38	1453.9	30.8	209 LANDWAY	104			3	1			
LEVEL 01	686	297		61.3	120.7	59	1253.9	148.8						12			
LEVEL 02	799.7		33.5	32.6	92.9	58	996.7	15.7	73					11	1		
LEVEL 03	642			86.6	79.7	54	730.3	12.9						4	1	3	2
LEVEL 04	741			27.6	73	54	875.8	106.3						8		2	2
LEVEL 05	741			27.6	73	54	875.8	106.3						8		2	2
LEVEL 06	661			14.7	55.7	54	786.4	152.4						6		2	2
LEVEL 07	636			14.7	55.7	54	740.4	86.6						6		2	2
LEVEL 08	636			14.7	55.7	54	740.4	86.6						6		2	2
LEVEL 09	232			14.7	55.7	54	418.4	251.4								4	
LEVEL 10	264			14.7	55.7	54	346.3	67									2
TOTAL	6570.2	919	33.5	490.1	904	447	12785	1326	339	104	87	0	3	62	2	17	14
												0.00%	3.08%	63.27%	2.64%	17.35%	14.29%

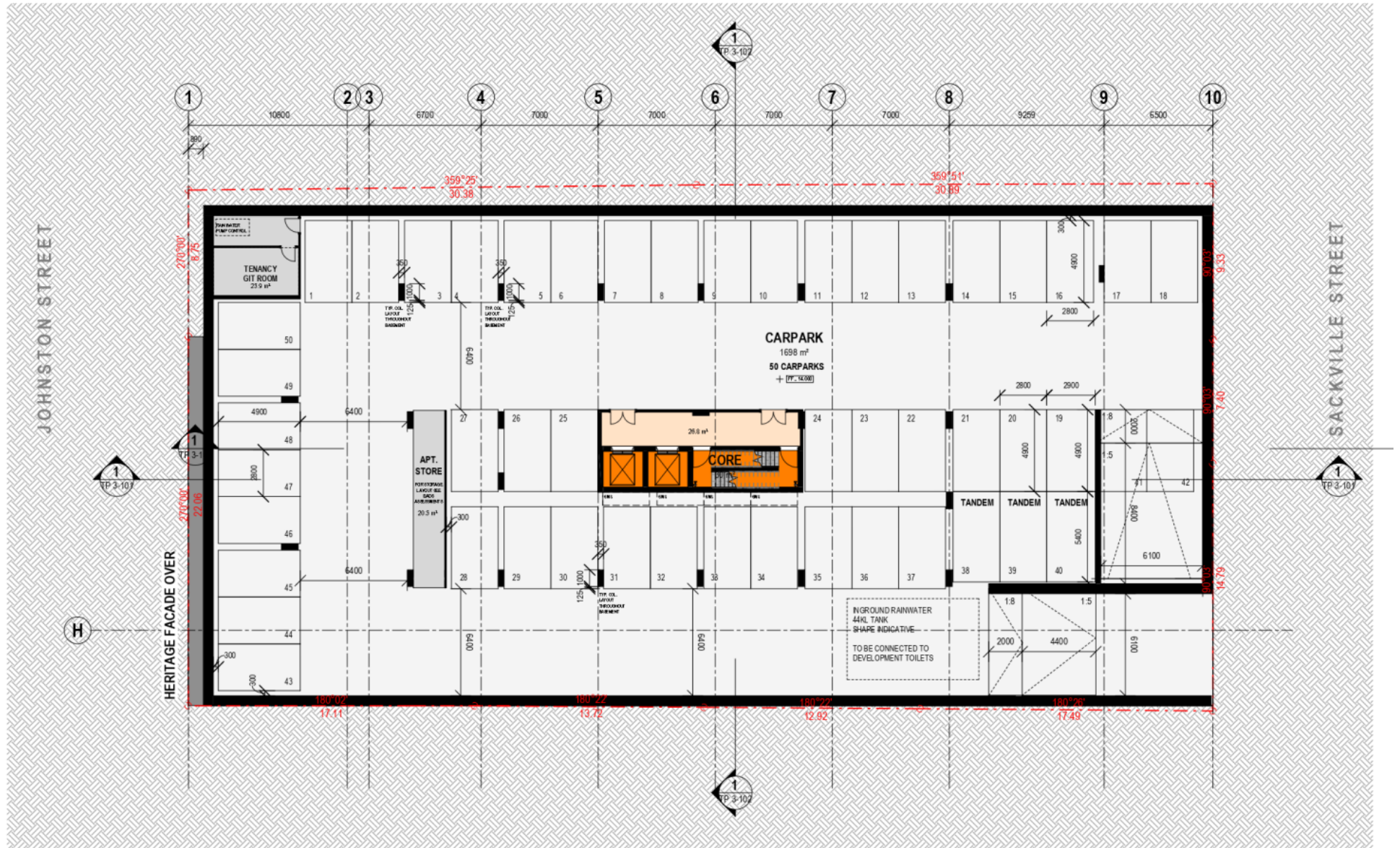
CURRENT SCHEME	
TOTAL NIA	919
TOTAL NSA	6570.2
TOTAL GFA	12785

TOTAL T/H	TOTAL APTS	TOTAL CARS
3	95	87
TOTAL OVERALL		
98		

NOTES AND DISCLOSURES:

1. This scheme has been prepared without planning advice or preliminary meetings with the responsible authorities and as such may not comply with building or other regulatory regulations. It represents a possible development that may be achieved with full consultation and liaison with these government and other relevant authorities. However no warranty is given that the vision of layout will be acceptable to the authorities or other interested parties. Hence JCB presents this information as a possible solution only, subject to council approval.
2. This scheme and landscape have been prepared for preliminary feasibility purposes only. The information herein is based on the limited information available at the time of preparation and is intended to be accepted at the time of preparation involved in the development.
3. The landscape contained herein were prepared without consultation or advice where no allowance has been made at this stage.
4. Changes to the layout and associated figures will be made during the development of the project hence residents must rely on their own enquiries to satisfy themselves in all respects.
5. Accessible areas have been marked in the completion of party and/or boundary walls. Areas do not allow for services, crossovers, or structures.

Attachment 2 - 'Without Prejudice' Sketch Plans



DESIGNED BY
Jackson Clements Burrows
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REV	DATE	DESCRIPTION
1	17.12.2020	TOWN PLANNING
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17-057
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19/08/2021

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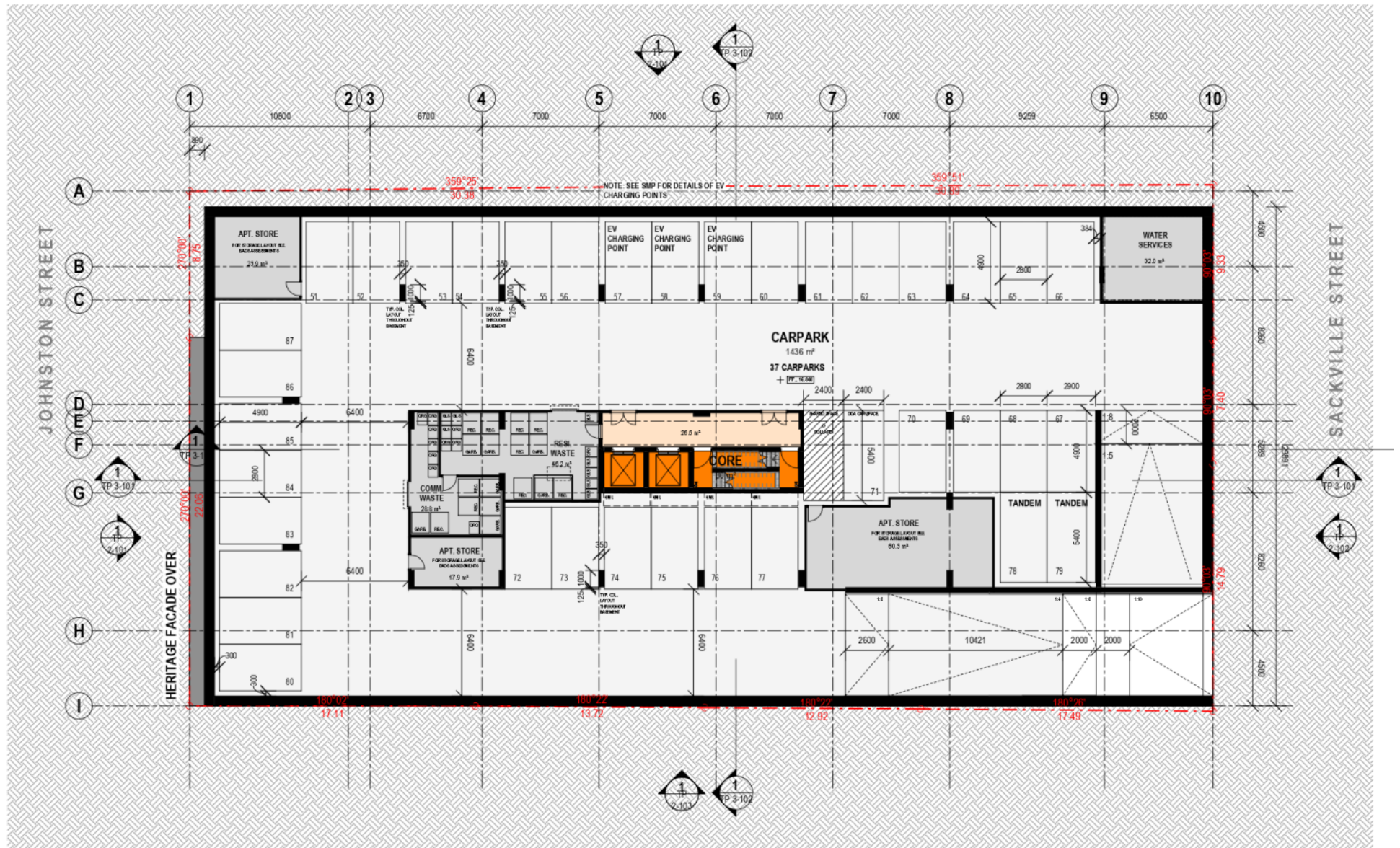
PROJECT
196-202 JOHNSTON ST COLLINGWOOD
JOHNSTON STREET APARTMENTS
REVISION
TOWN PLANNING

DRAWING TITLE
BASEMENT 02 PLAN
DRAWING NUMBER
TP 3-101
REVISION
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SCALE
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PROJECT
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JOHNSTON STREET APARTMENTS
STATUS
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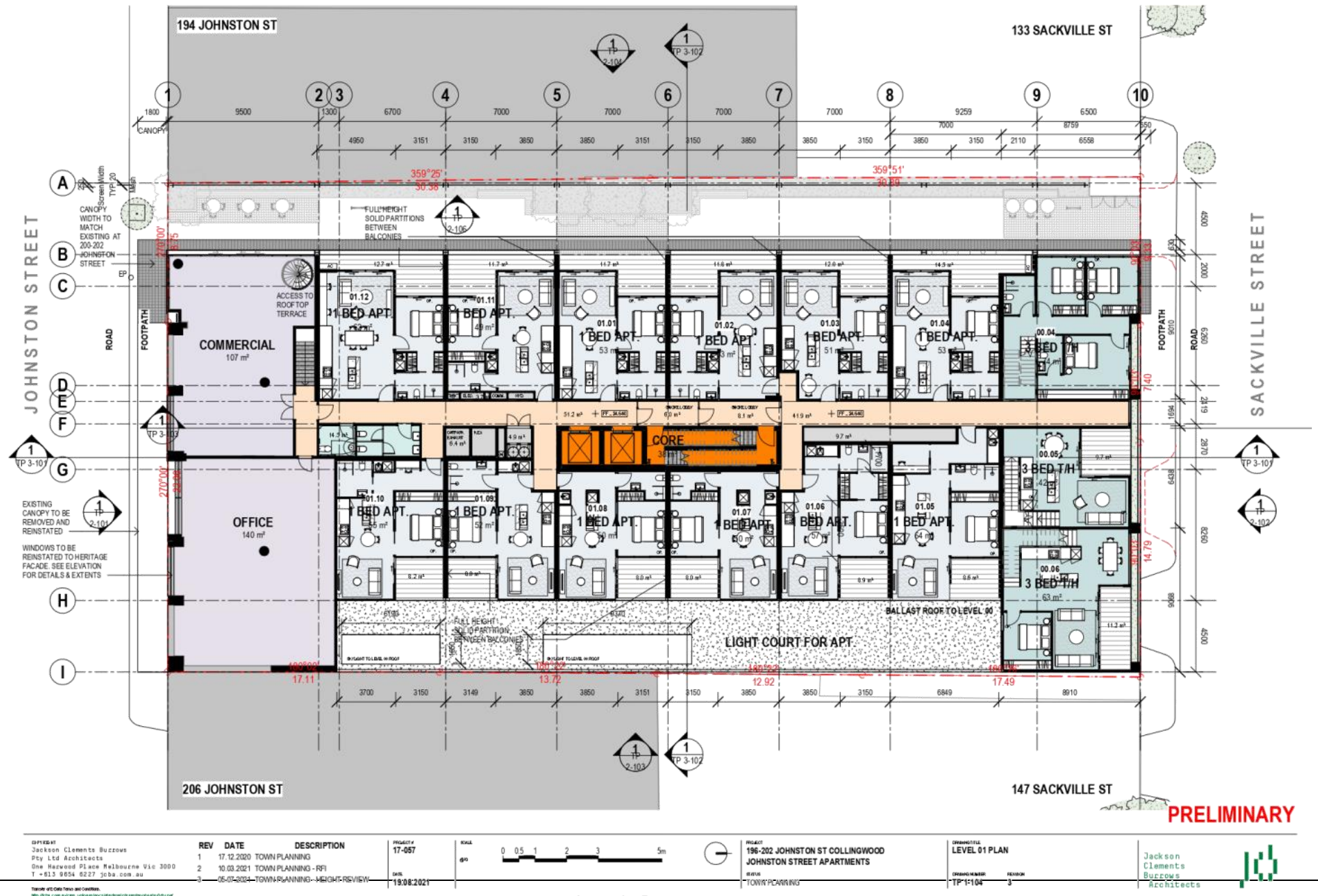
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BASEMENT 01 PLAN
DRAWING NUMBER
TP 1-102
REVISION
2

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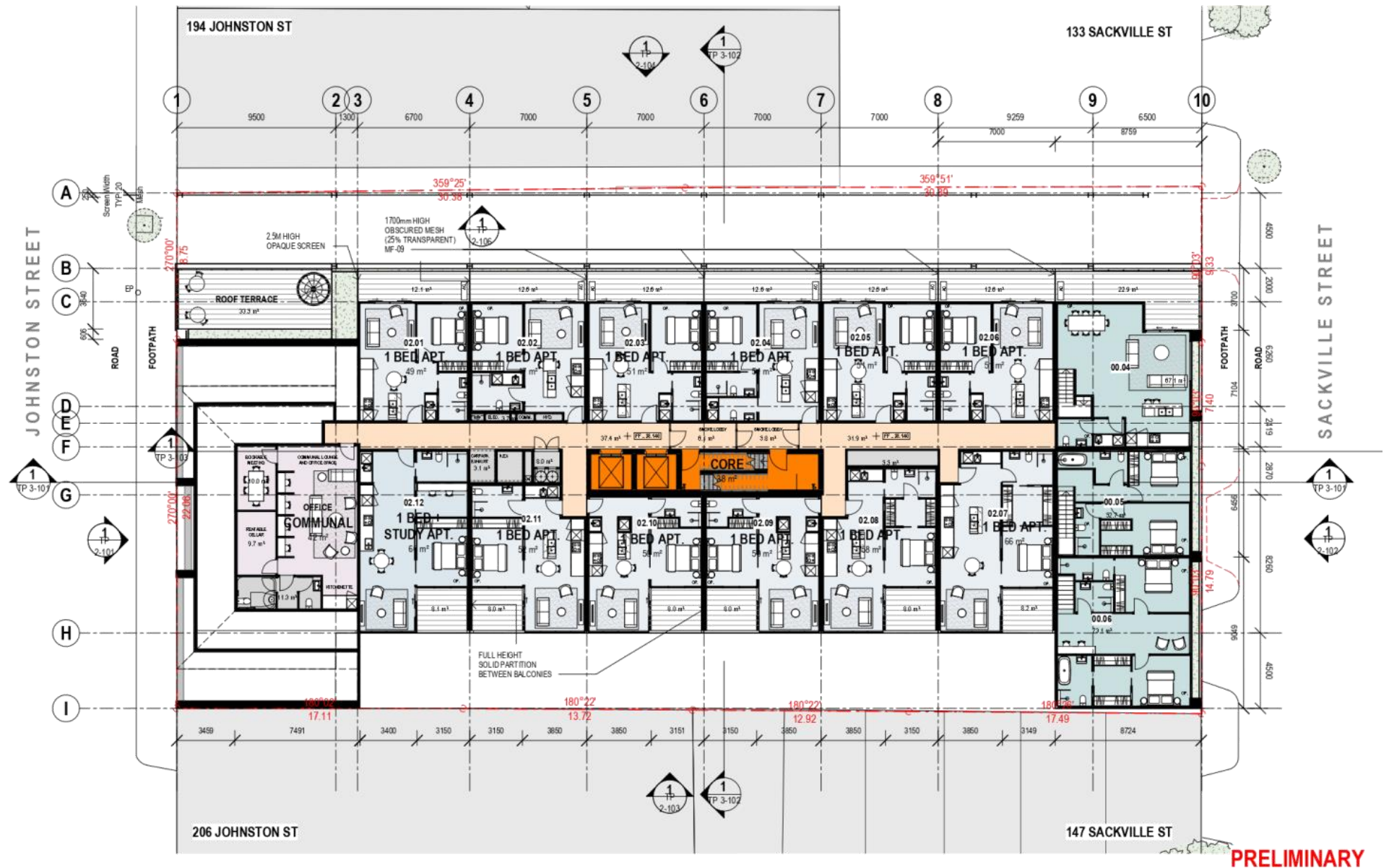




Attachment 2 - 'Without Prejudice' Sketch Plans

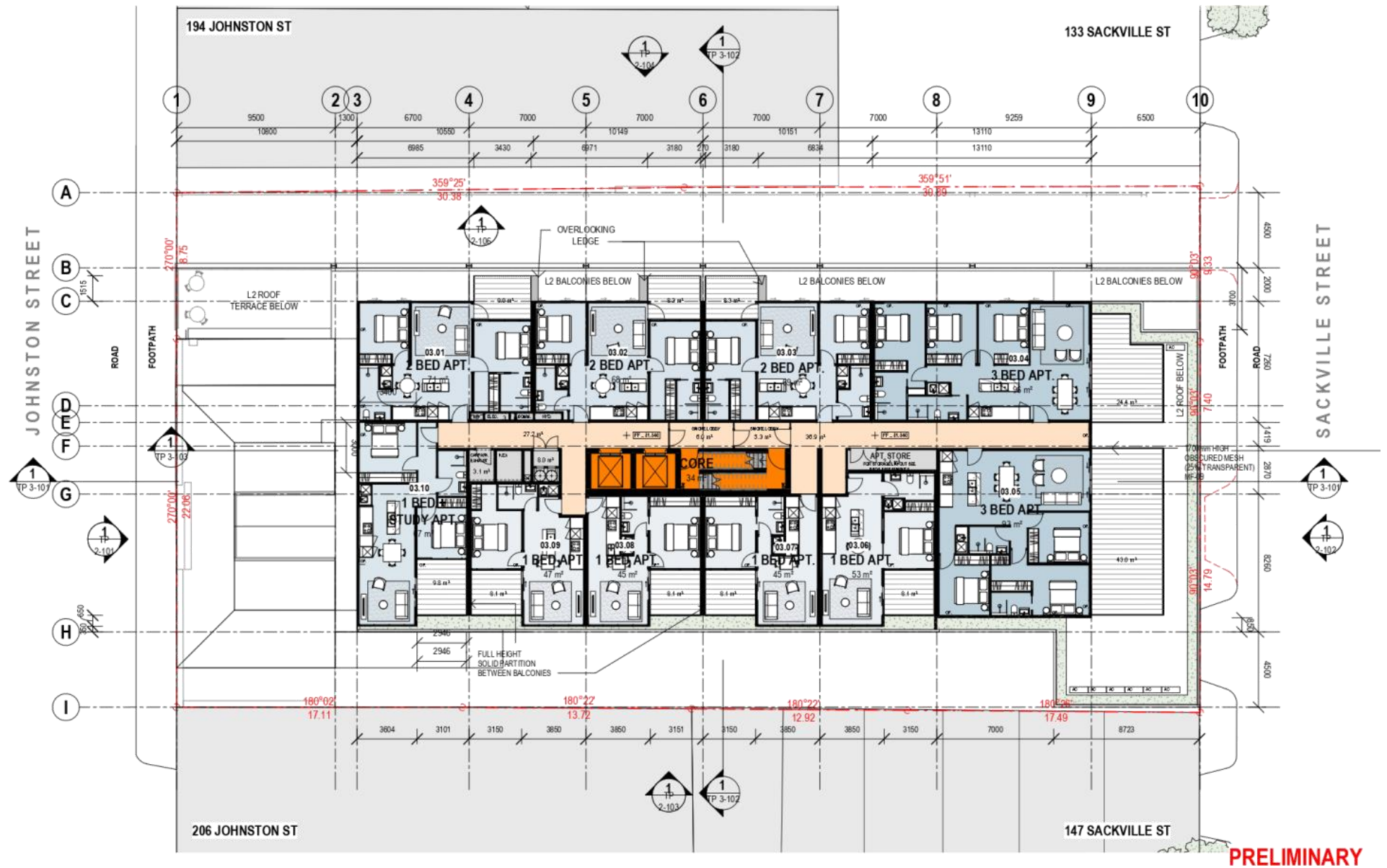




Attachment 2 - 'Without Prejudice' Sketch Plans



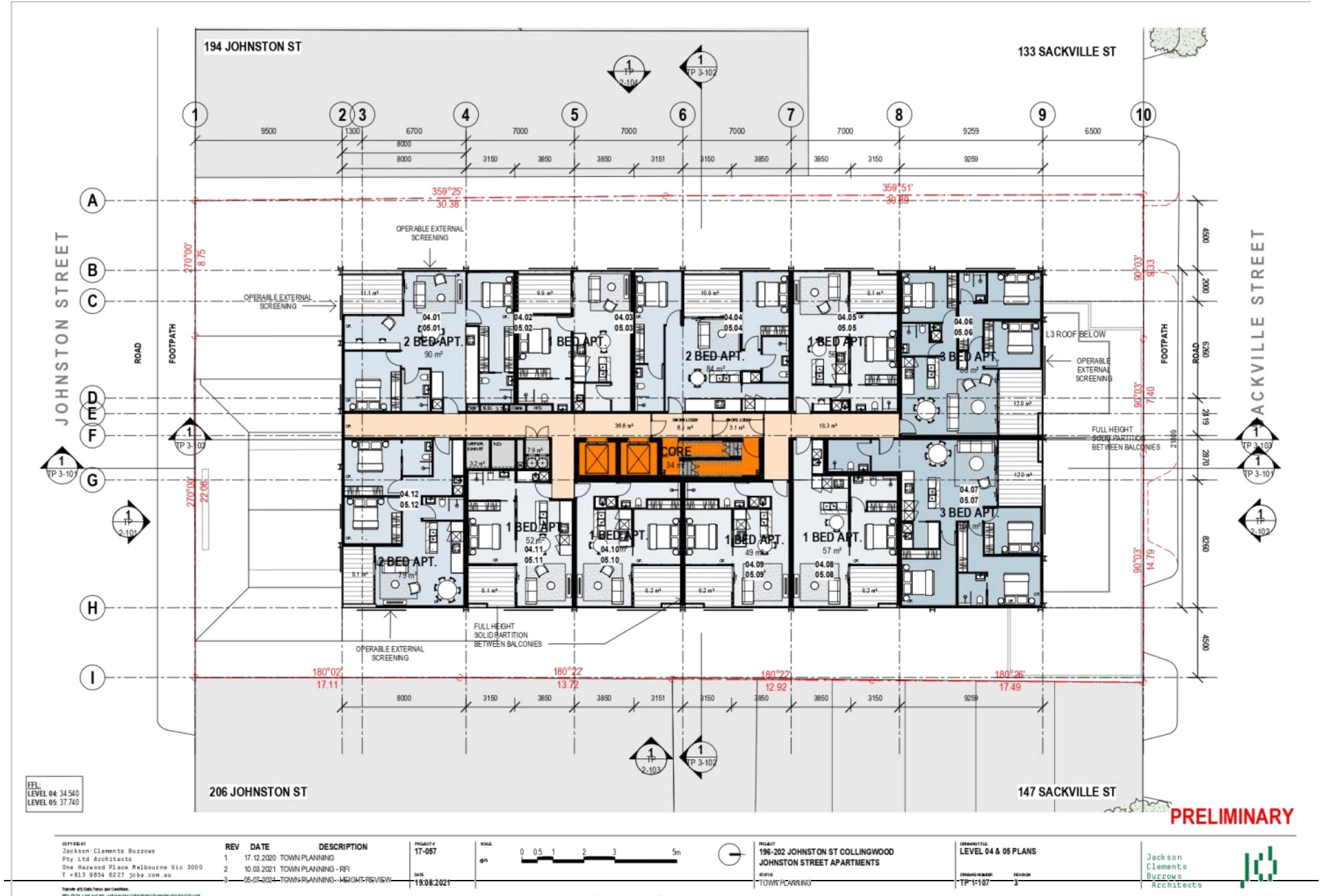
DATEPLOT Jackson Clements Burrows Pty Ltd Architects One Heavood Place Melbourne VIC 3000 T +613 9054 6227 jcb.com.au	<table><thead><tr><th>REV</th><th>DATE</th><th>DESCRIPTION</th></tr></thead><tbody><tr><td>1</td><td>17.12.2020</td><td>TOWN PLANNING</td></tr><tr><td>2</td><td>10.03.2021</td><td>TOWN PLANNING - RFI</td></tr><tr><td>3</td><td>05.07.2024</td><td>TOWN PLANNING - M&G/RV REVIEW</td></tr></tbody></table>	REV	DATE	DESCRIPTION	1	17.12.2020	TOWN PLANNING	2	10.03.2021	TOWN PLANNING - RFI	3	05.07.2024	TOWN PLANNING - M&G/RV REVIEW	<table><tr><td>PROJECT # 17-057</td><td>SCALE 0 0.5 1 2 3 5m</td></tr><tr><td>DATE 19.08.2021</td><td></td></tr></table>	PROJECT # 17-057	SCALE 0 0.5 1 2 3 5m	DATE 19.08.2021		<table><tr><td>PROJECT 196-202 JOHNSTON ST COLLINGWOOD JOHNSTON STREET APARTMENTS</td><td></td></tr><tr><td>STATUS TOWN PLANNING</td><td></td></tr></table>	PROJECT 196-202 JOHNSTON ST COLLINGWOOD JOHNSTON STREET APARTMENTS		STATUS TOWN PLANNING		<table><tr><td>DRAWING TITLE LEVEL 02 PLAN</td><td></td></tr><tr><td>DRAWING NUMBER TP-1-105</td><td>REVISION 3</td></tr></table>	DRAWING TITLE LEVEL 02 PLAN		DRAWING NUMBER TP-1-105	REVISION 3	<table><tr><td>Jackson Clements Burrows Architects</td><td></td></tr></table>	Jackson Clements Burrows Architects	
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DRAWING TITLE LEVEL 02 PLAN																															
DRAWING NUMBER TP-1-105	REVISION 3																														
Jackson Clements Burrows Architects																															

Attachment 2 - 'Without Prejudice' Sketch Plans

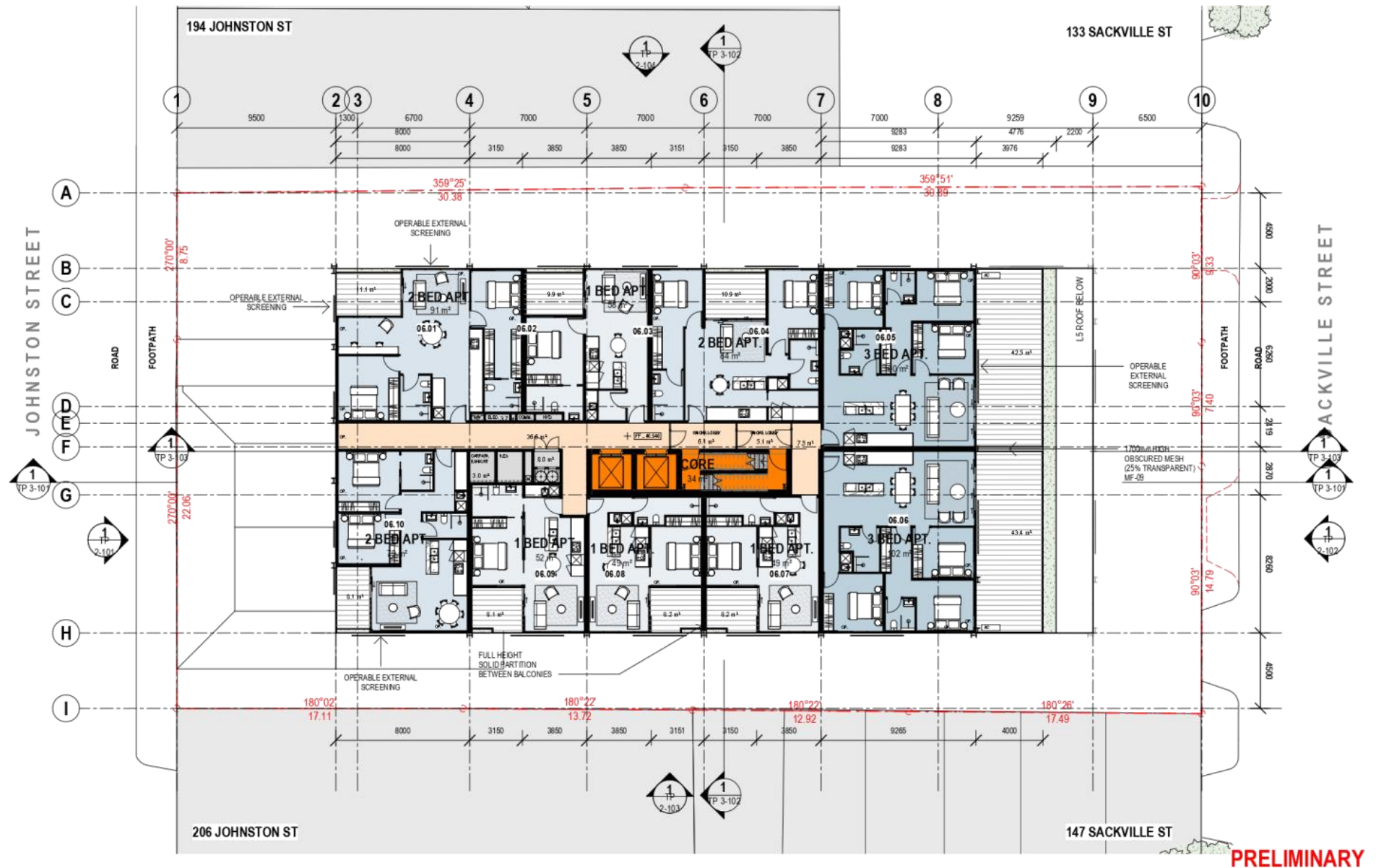


PROJECT Jackson Clements Burrows Pty Ltd Architects One Havelock Place Melbourne Vic 3000 T + 613 9054 6227 jcba.com.au	REV 1 2 3	DATE 17.12.2020 10.03.2021 05.07.2024	DESCRIPTION TOWN PLANNING TOWN PLANNING - RFI TOWN PLANNING - M&G/RV REVIEW	PROJECT # 17-057	SCALE 0 0.5 1 2 3 5m		PROJECT 196-202 JOHNSTON ST COLLINGWOOD JOHNSTON STREET APARTMENTS	DRAWING TITLE LEVEL 03 PLAN	DRAWING NUMBER TP-1-106	REVISION 3	Jackson Clements Burrows Architects	
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Attachment 2 - 'Without Prejudice' Sketch Plans



Attachment 2 - 'Without Prejudice' Sketch Plans



CLIENT
 Jackson Clements Burrows
 Pty Ltd Architects
 One Hawwood Place Melbourne VIC 3000
 T +613 9654 6227 jcb@jcb.com.au

REV	DATE	DESCRIPTION
1	17.12.2020	TOWN PLANNING
2	10.03.2021	TOWN PLANNING - RFI
3	05.07.2024	TOWN PLANNING - M&G/RV REVIEW

PROJECT #
 17-057
 DATE
 19.08.2021



PROJECT
 196-202 JOHNSTON ST COLLINGWOOD
 JOHNSTON STREET APARTMENTS
 STATUS
 TOWN PLANNING

DRAWING TITLE
 LEVEL 06 PLAN
 DRAWING NUMBER
 TP-1-106
 REVISION
 3

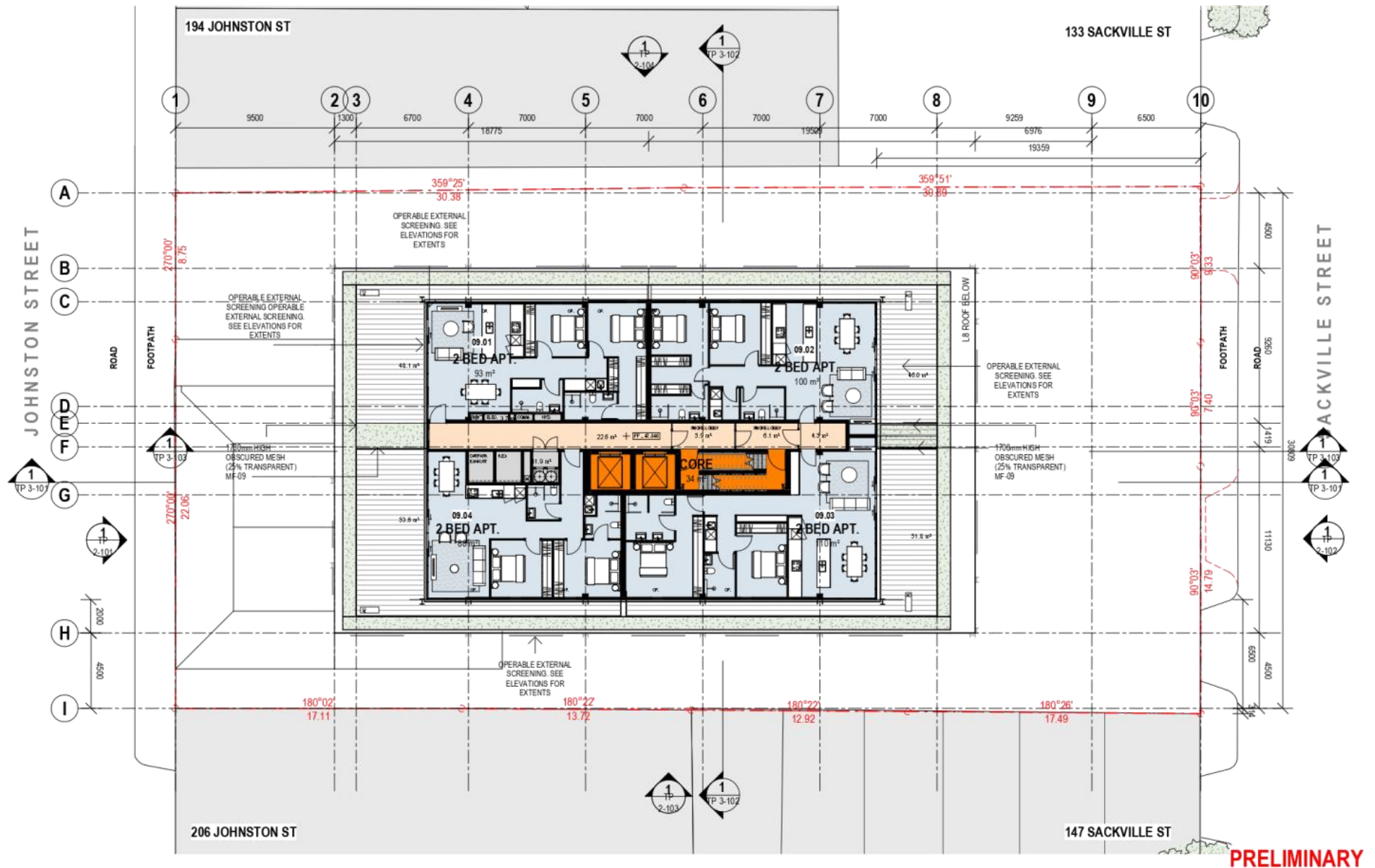
Jackson
 Clements
 Burrows
 Architects



Attachment 2 - 'Without Prejudice' Sketch Plans

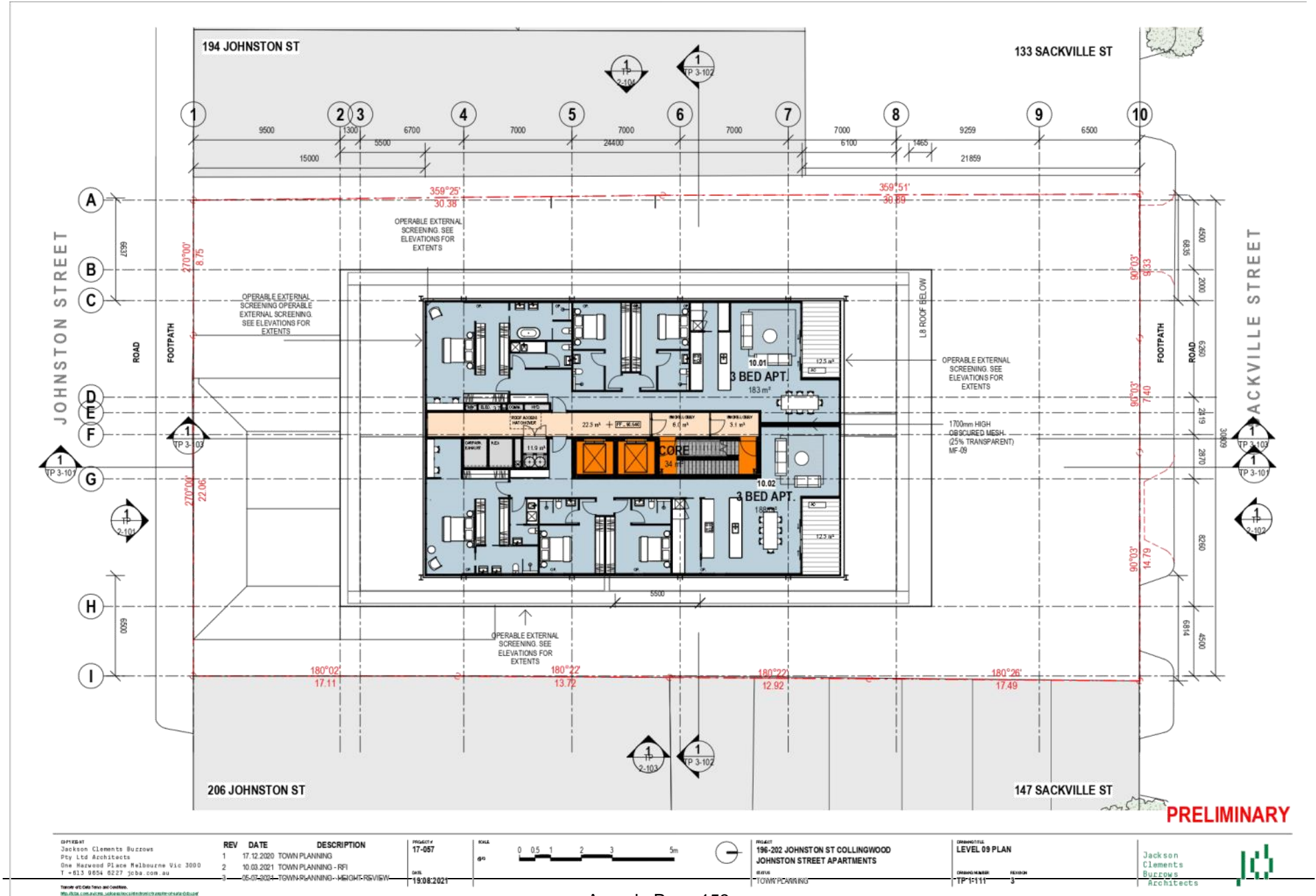


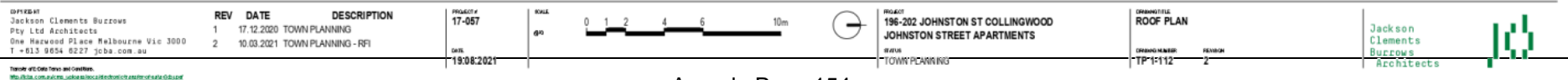
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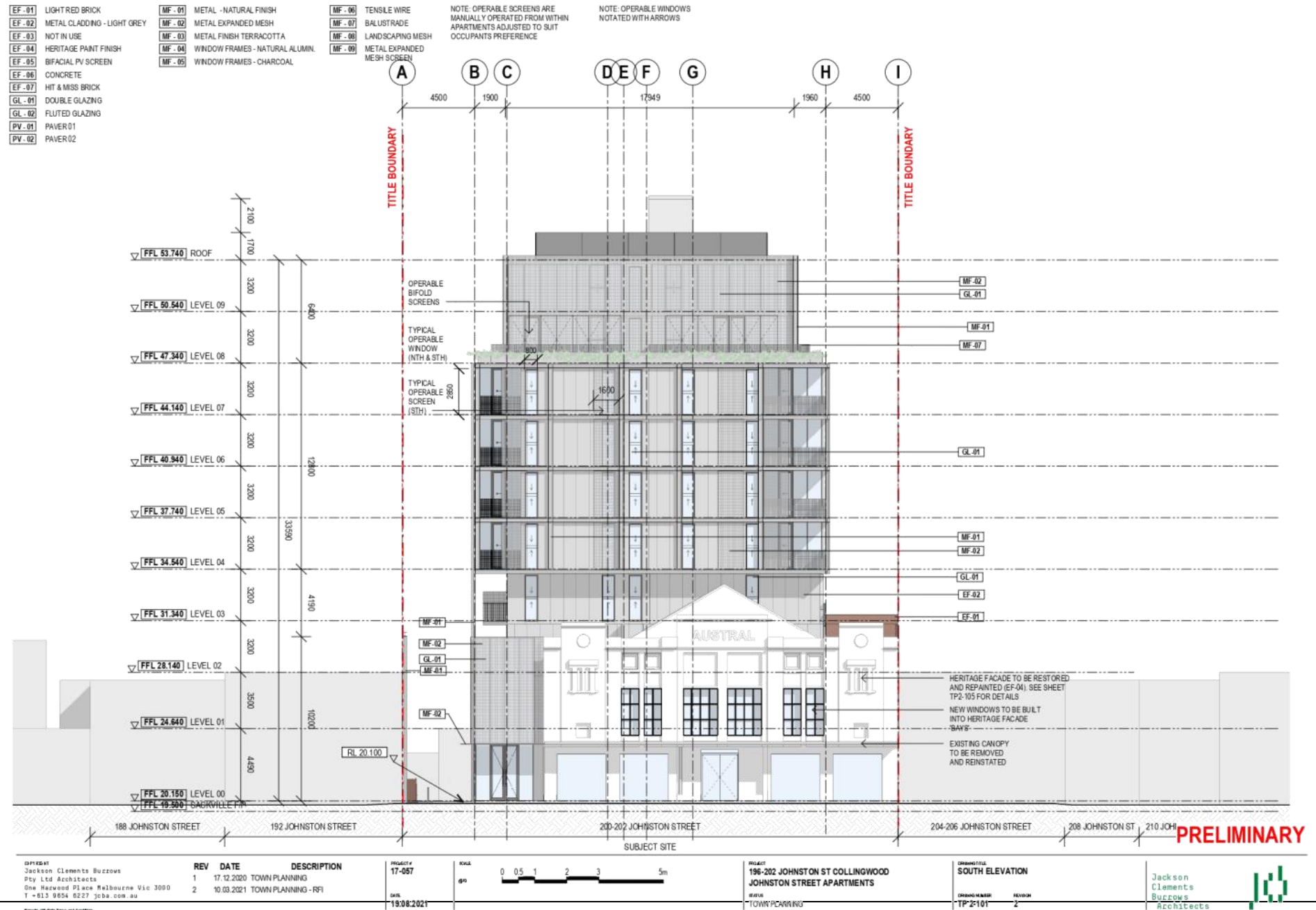
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Attachment 2 - 'Without Prejudice' Sketch Plans





Attachment 2 - 'Without Prejudice' Sketch Plans









Attachment 2 - 'Without Prejudice' Sketch Plans

DEVELOPMENT SUMMARY

PROJECT
STAGE
DATE
NOTES

200 JOHNSTON STREET COLLINGWOOD
TOWN PLANNING SUBMISSION - AMENDMENTS AND ENDORSEMENT
31.08.2021
PRELIMINARY

SITE AREA

1910m2



LEVEL	NSA	NLA	NLA BALC	PARK/STORE/SERV.	CIRC.	CORE	GFA	BALC./DECK	COMMUNAL	BIKES	CARS	2 BED T/H	3 BED T/H	1 BED	1 BED + STUDY	2 BED	3 BED
LEVEL B2				1744	27	30	1801				50						
LEVEL B1				1647	27	30	1704				37						
LEVEL 00	118	672		460	172	38	1461	31	268 LANEWAY	104			3	1			
LEVEL 01	827	247		39	107	39	1259	145						11	1		
LEVEL 02	833		33.5	32	81	38	1018	180	73					11	1		
LEVEL 03	653			22	75	34	784	135						4		4	2
LEVEL 04	765			15	66	34	879	105						6		3	2
LEVEL 05	765			15	66	34	879	106						6		3	2
LEVEL 06	665			15	55	34	769	150						4		3	2
LEVEL 07	640			15	55	34	744	88						4		3	2
LEVEL 08	391			15	39	34	478	200								4	
LEVEL 09	371			15	34	34	453	25									2
ROOF				217		28	245		95.4								
TOTAL	6026	919	33.5	4250	804	441	12474	1185	342	104	87	0	3	47	2	20	12
												0.00%	3.57%	55.95%	2.38%	23.81%	14.29%

CURRENT SCHEME	
TOTAL NLA	919
TOTAL NSA	6026
TOTAL GFA	12474

TOTAL T/H	TOTAL APTS	TOTAL CARS
3	81	87
TOTAL DWELLINGS		
84		

Attachment 2 - 'Without Prejudice' Sketch Plans

APARTMENT TYPE	ROOMS		AREA		ROOM/DWELLING REQUIREMENTS										NUMBER OF DWELLINGS
	BEDROOMS	BATHROOMS	INTERIOR	EXTERIOR	PRIVATE OPEN SPACE	ACCESSIBILITY	NATURAL VENTILATION	MIN. ROOM DEPTH	STORAGE						
									MINIMUM AREA	CLEAR PATH	CROSSFLOW	SINGLE ASPECT	1 BEDROOM DWELLING (10M ²)		
			M ²	M ²	1.8M / 8M ² - 2M / 8M ² - 2.4M / 12M ²	ADAPTABLE BATHROOM / 850mm DOOR OPENING	5-18MPATH	MAX 9m	6M ² INTERNAL	EXTERNAL REQ. (CAGE)	9M ² INTERNAL	EXTERNAL REQ. (CAGE)	12M ² INTERNAL	EXTERNAL REQ. (CAGE)	
196-202 JOHNSTON STREET COLLINGWOOD - RFI UPDATE															
1A	1 BED	1 BATH	53	11.7	✓	✓	x	✓	✓	0.1					1
1B	1 BED	1 BATH	49	11.7	✓	x	x	✓	✓	2.7					1
1C	1 BED	1 BATH	56	8.1	✓	x	✓	✓	✓	1.6					1
1D	1 BED	1 BATH	53	11.8	✓	✓	x	✓	✓	2.1					1
1E	1 BED	1 BATH	51	12.0	✓	✓	x	✓	✓	2.7					1
1F	1 BED	1 BATH	53	14.5	✓	✓	x	✓	✓	0.1					1
1G	1 BED	1 BATH	50	8.0	✓	x	x	✓	✓	3.7					4
1GG (REVISED)	1 BED	1 BATH	66	8.2	✓	x	x	✓	✓	1.3					1
1H	1 BED	1 BATH	52	8.0	✓	x	x	✓	✓						3
1HH (NEW TYPE)	1 BED	1 BATH	64	8.6	✓	✓	x	✓	✓	1.3					1
1I	1 BED	1 BATH	55	1.0	✓	✓	x	✓	✓						1
1II (NEW TYPE)	1 BED	1 BATH	57	8.9	✓	x	x	✓	✓						1
1J	1 BED	1 BATH	49	12.1	✓	✓	x	✓	✓	2.3					1
1K	1 BED	1 BATH	47	12.6	✓	x	x	✓	✓	3.9					1
1L	1 BED	1 BATH	51	12.6	✓	✓	x	✓	✓	1.8					3
1M	1 BED	1 BATH	51	12.6	✓	x	x	✓	✓	3.8					1
1N - NOT IN USE															
1O	1 BED	1 BATH	62	12.7	✓	✓	x	✓	✓						1
1P - NOT IN USE															
1Q (REVISED)	1 BED	1 BATH	66	8.1	✓	✓	x	✓	✓	0.5					1
1R	1 BED	1 BATH	45	8.1	✓	x	x	✓	✓	1.7					2
1RR (NEW TYPE)	1 BED	1 BATH	53	8.1	✓	x	x	✓	✓	1.8					1
1S	1 BED	1 BATH	47	8.1	✓	x	x	✓	✓	3.7					1
1T - NOT IN USE															
1U (REVISED)	1 BED	1 BATH	58	9.9	✓	✓	x	✓	✓	3.1					4
1V	1 BED	1 BATH	56	8.1	✓	✓	x	✓	✓	2.7					2
1W	1 BED	1 BATH	57	8.2	✓	x	x	✓	✓	3.5					8
1WW (NEW TYPE)	2 BED	2 BATH	57	8.2	✓	x	x	✓	✓						2
1X	1 BED	1 BATH	52	8.1	✓	✓	x	✓	✓	0.9					4
2A	2 BED	2 BATH	71	9.0	✓	✓	x	✓			✓	2.9			1
2B	2 BED	2 BATH	68	8.3	✓	x	x	✓			✓	2.6			1
2C	2 BED	2 BATH	69	8.3	✓	x	x	✓			✓	2.6			1
2D (REVISED)	2 BED	2 BATH	90	11.1	✓	✓	✓	✓			✓	3.0			4
2E	2 BED	2 BATH	79	8.8	✓	✓	✓	✓			✓				4
2F (REVISED)	2 BED	2 BATH	82	59.4	✓	x	✓	✓			✓				1
2G (REVISED)	2 BED	2 BATH	93	48.1	✓	✓	✓	✓			✓				1
2H (REVISED)	2 BED	2 BATH	100	46.0	✓	✓	✓	✓			✓	0.6			1
2I (REVISED)	2 BED	2 BATH	85	74.7	✓	✓	✓	✓			✓	2.2			1
2J (NEW TYPE)	2 BED	2 BATH	84	10.9	✓	✓	x	✓			✓				4
2K (NEW TYPE)	2 BED	1 BATH	67	9.8	✓	x		✓			✓	✓			1
3A	3 BED	2 BATH	96	24.4	✓	x	✓	✓					✓	✓ 3.1	1
3B	3 BED	2 BATH	93	43.0	✓	x	✓	✓					✓	✓ 0.9	1
3C	3 BED	2 BATH	88	12.0	✓	x	✓	✓					✓	✓ 5.6	3
3D	3 BED	2 BATH	89	12.1	✓	x	✓	✓					✓	✓ 5.5	1
3DD (NEW TYPE)	3 BED	2 BATH	101	12.0	✓	x	✓	✓					✓		2
3E	3 BED	2 BATH	100	42.5	✓	✓	✓	✓						✓ 3.6	1
3F	3 BED	2 BATH	102	43.4	✓	✓	✓	✓						✓ 3.6	1
3G (REVISED)	3 BED	2 BATH	136	28.1	✓	✓	✓	✓							1
3H (REVISED)	3 BED	2 BATH	128	39.0	✓	✓	✓	✓							1
TH.A	3 BED	2 BATH	142.5	33.3	✓	x	✓	✓							1
TH.B	3 BED	3 BATH	134.4	27.1	✓	x	✓	✓					✓	✓ 1.4	1
TH.C	3 BED	3 BATH	146.1	22.0	✓	x	✓	✓					✓		1
														TOTAL DWELLINGS	84
200 JOHNSTON STREET	NUMBER COMPLIANT	% COMPLIANT	BADS MINIMUM	BADS COMPLIANT											
ACCESSIBILITY	43	51.2%	50.0%	✓											
CROSS VENTILATION	34	40.5%	40.0%	✓											
STORAGE	84	100.0%	100.0%	✓											
PDS	84	100.0%	100.0%	✓											
ROOM DEPTH	84	100.0%	100.0%	✓											

Attachment 3 - 'Without Prejudice' view comparison analysis

196-202 JOHNSTON STREET
COLLINGWOOD

COMPARISON VIEWS
31 AUGUST 2021

WITHOUT PREJUDICE

Jackson
Clements
Burrows
Architects

Attachment 3 - 'Without Prejudice' view comparison analysis

RFI SUBMISSION
JOHNSTON ST. - LOOKING EAST

2



Attachment 3 - 'Without Prejudice' view comparison analysis

REVISED ENVELOPE
JOHNSTON ST. - LOOKING EAST

3



Attachment 3 - 'Without Prejudice' view comparison analysis

RFI SUBMISSION
JOHNSTON ST. - LANEWAY CORNER

4



17-057 200 JOHNSTON STREET COLLINGWOOD
COMPARISON VIEWS
31 AUGUST 2021

Jackson
Clements
Burrows
Architects

Attachment 3 - 'Without Prejudice' view comparison analysis

REVISED ENVELOPE
JOHNSTON ST. - LANEWAY CORNER

5



17-057 200 JOHNSTON STREET COLLINGWOOD
COMPARISON VIEWS
31 AUGUST 2021

Jackson
Clements
Burrows
Architects

Attachment 3 - 'Without Prejudice' view comparison analysis

RFI SUBMISSION
JOHNSTON ST. - ELEVATION

6



Attachment 3 - 'Without Prejudice' view comparison analysis

REVISED ENVELOPE
JOHNSTON ST. - ELEVATION

7



Attachment 3 - 'Without Prejudice' view comparison analysis

RFI SUBMISSION
JOHNSTON ST. - LOOKING WEST

8



Attachment 3 - 'Without Prejudice' view comparison analysis

REVISED ENVELOPE
JOHNSTON ST. - LOOKING WEST

9



Attachment 3 - 'Without Prejudice' view comparison analysis

RFI SUBMISSION
SACKVILLE ST. LANEWAY CORNER

10



Attachment 3 - 'Without Prejudice' view comparison analysis

REVISED ENVELOPE
SACKVILLE ST. LANEWAY CORNER

11



Attachment 3 - 'Without Prejudice' view comparison analysis

RFI SUBMISSION
SACKVILLE ST. ELEVATION

12



Attachment 3 - 'Without Prejudice' view comparison analysis

REVISED ENVELOPE
SACKVILLE ST. ELEVATION

13



Attachment 3 - 'Without Prejudice' view comparison analysis

RFI SUBMISSION
SACKVILLE ST. LOOKING EAST

14



Attachment 3 - 'Without Prejudice' view comparison analysis

REVISED ENVELOPE
SACKVILLE ST. LOOKING EAST

15



Attachment 3 - 'Without Prejudice' view comparison analysis

RFI SUBMISSION
SACKVILLE ST. LOOKING WEST

16



17-057 200 JOHNSTON STREET COLLINGWOOD
COMPARISON VIEWS
31 AUGUST 2021

Jackson
Clements
Burrows
Architects

Attachment 3 - 'Without Prejudice' view comparison analysis

REVISED ENVELOPE
SACKVILLE ST. LOOKING WEST

17



Attachment 3 - 'Without Prejudice' view comparison analysis



Attachment 4 - 'Without Prejudice' Bryce Raworth Heritage + Conservation supplementary statement



5 August 2021

**Statutory Planning
City of Yarra**

To Whom It May Concern:

Re: 196-202 Johnston Street, Collingwood
Permit application PLN20/0950

This letter has been prepared at the request of Contour Consultants Pty Ltd on behalf of the owner of the property at 196-202 Johnston Street, Collingwood. It relates to a current planning permit application for partial demolition of the existing buildings on the site and construction of a multi-storey mixed-use development. The letter is supplementary to that prepared by this office on 17 December 2020, and responds to comments provided by Council's heritage advisor in a report dated 28 May 2021.

The subject site on the north side of Johnston Street is occupied by a double storey c1960s commercial building at 196-198 Johnston Street and the former Austral Theatre constructed in 1921 at 200-202 Johnston Street. As a result of a recent amendment to the *Yarra Planning Scheme*, the whole of the land at 200-202 Johnston Street is included in the mapped extent of HO324. The current incorporated document *City of Yarra Database of Heritage Significant Areas July 2020* identifies the former Austral Theatre as individually significant, and 196 Johnston Street as not contributory.

In a citation prepared for the former Austral Theatre in the *Thematic Study of Theatres in the City of Yarra Stage 2 Report* (Context, September 2017) the facade of the building is described as follows:

The two-storey building with gabled roof has a rendered façade which features a stripped back Greek revival style. The façade is divided into five bays, with 'AUSTRAL' is still visible on the parapet of the central bay between a double moulded cement cornice, obscuring the hipped corrugated iron roof. The inner flanking bays have a pair of square windows inset below the lower cornice moulding. The outer bays have a pair of deep strip openings surmounted by projecting mouldings with an ornate decorative motif (victory wreaths) set above. Small square ventilation openings are set above the cantilevered verandah, continuous across the width of the building. The central entrance bay has been replaced with anodised aluminium glazed entrance doors and is flanked by two large shopfront windows bays.

It is proposed to make six new penetrations in the first floor level of the facade. Council policy at Clause 22.02, in relation to removal of part of a heritage place, is as follows:

Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless...

For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place

Attachment 4 - 'Without Prejudice' Bryce Raworth Heritage + Conservation supplementary statement

The fabric to be removed is conventional wall fabric, devoid of any notable architectural features or decorative elements. Restricting the demolition to the fabric of these panels, while retaining the pilasters, ensures that the division of the facade into bays is maintained. Overall the intactness of the facade will not be impacted to an unacceptable degree by this demolition.

As noted by Council's heritage advisor, no historical documentary or photographic resources have been located that describe or depict the facade of the building. This is despite a search of available resources including trove.com.au, the State Library of Victoria picture collection and the public buildings files and plans held at the Public Records Office of Victoria. As such, the original configuration of window openings at first floor level is unknown. Although window sills are discernible in the central bay, these may not be original and may not reflect the full extent of original glazing.

This said, an understanding of the original first floor windows in terms of their exact dimensions and detailing is not required in order to introduce a new window treatment that is suitably respectful.

From comparison with cinemas in the City of Yarra it is known that first floor windows are a feature of other interwar cinema buildings. As demonstrated in the *Thematic Study of Theatres in the City of Yarra Stage 2 Report*, both the former Burnley Theatre and the former Jubilee Pictures/Adelphi Cinema featured windows to their first floors, the former with pairs of timber sashes and the latter with multi-paned frames (Figure 1 & Figure 2).

The new windows to be introduced to the former Austral Theatre are multi-paned, which is respectful and will not appear at odds with the interwar origins of the building. The dimensions of the windows have been designed to fit between the existing pilasters, maintaining the rhythm of the facade. This accords with policy at Clause 22.02 which encourages the design of alterations to be respectful in terms of their pattern, rhythm and spatial characteristics.



Figure 1 The former Burnley Theatre has paired timber windows at first floor level.
Source: *Thematic Study of Theatres in the City of Yarra*.

Attachment 4 - 'Without Prejudice' Bryce Raworth Heritage + Conservation supplementary statement



Figure 2 The former Jubilee Pictures/Adelphi Cinema has a central bank of multi-paned windows.
Source: Thematic Study of Theatres in the City of Yarra.

The purpose of the Heritage Overlay is not only to conserve heritage places of cultural significance, but also to assist in managing change 'to ensure that development does not adversely affect the significance of heritage places'. The new fenestration is required to facilitate the adaptive reuse of the place, by providing amenity to the commercial tenancies that will occupy the first floor, which would otherwise receive little natural light. Ensuring the ongoing occupation of the building, and thus its ongoing maintenance, in a manner that is largely compatible with its form is a desirable outcome from a heritage perspective.

In conclusion, the proposed partial demolition of the wall fabric for the introduction of the new windows is a modest change that is generally consistent with Council policy. Overall the original design character of the former Austral Theatre and the contribution that it makes to the Johnston Street streetscape will be maintained. Having regard for these matters, the works to the first floor of the facade are supported as a reasonable and considered response to the policy directives found at Clauses 43.01 and 22.02.

Please contact the office if there are any queries in relation to the above.

Fiona Erskine and Bryce Raworth

Attachment 5 - Consolidated Application Referral comments



27 May 2021

Daniel Herrmann
Yarra City Council
PO BOX 168
Richmond VIC 3121

Dear Daniel,

Proposal: Planning permit for development - Partial demolition of the existing buildings, construction of an 11 storey building, use of the land for dwellings and retail/office tenancies

Site location: 196-202 Johnston Street, Collingwood VIC 3066

Melbourne Water reference: MWA-1208454

Council reference: PLN20/0950

Date referred: 23/04/2021

Thank you for your online submission of 23 April 2021 regarding a Planning Permit application referral with the above details.

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:

1. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water 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:

- a) Finished floor levels of Apartments 00.03, 00.05, 00.06 located at the ground floor set no lower than 20.0m to AHD.
- b) Windows and openings to the ground floor apartments shown finished no lower than 20.0m to AHD, demonstrated within the western elevation.
- c) Finished floor levels of the Substation set no lower than 20.0m to AHD.
- d) The northern elevation clearly denoting the apex within the driveway. The 'metal expanded mesh' door must be deleted to reveal the driveway ramp/apex within the elevation.

2. Finished floor levels of the ground floor tenancies (including all dwellings, retail, commercial, services/storage and lift/stair lobbies) must be shown to be constructed no lower than 20.0 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 19.7 metres to AHD.

3. The basement driveway must incorporate a flood proof apex set no lower than 20.0m to AHD, which is 300mm above the applicable flood level of 19.7 metres to AHD.

4. All external doors, windows, vents and openings to the basement car park must be



Attachment 5 - Consolidated Application Referral comments

finished no lower than 20.0m to AHD, which is 300mm above the applicable flood level.

5. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor and surface levels (as constructed) at the entrance ramps/apex, ground floor and any basement openings reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Advice

Flooding Information

The property in question is subject to flooding from breakaway flow from Melbourne Water's Alexandra Parade Main Drain when the capacity of the underground drainage system is exceeded. The applicable 1% Average Exceedance Probability (AEP) flood level for the property is 19.7 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 further enquiries in relation to this application, please contact our Customer Service Centre on 131 722.

Regards,



Emma Tame
Development Planning Services

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City of Yarra Heritage Advice

Application No.: PLN20/0950

Address of Property: 196-202 Johnston Street, Collingwood.

Planner: Daniel Herrmann

Yarra Planning Scheme References: Clauses 43.01, 22.02 DDO15-1B.

Heritage Overlay No.: HO324 **Precinct:** Johnston Street Precinct, Collingwood.
External paint controls apply. There are no internal controls.

Level of significance

No. 200-202 Johnston Street, Collingwood, the Austral Theatre, later Austral Picture Theatre, constructed 1921, is listed as Individually significant in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*. Revised March, 2020. (Incorporated document).

The Austral Theatre site has not been inspected internally for the preparation of this Heritage Advice. Instead I have relied upon the C245 Panel report and associated witness statements (See below).

No. 196 Johnston Street, Collingwood, offices and a showroom, constructed 1960 – 1970, is listed as Not contributory.



Figure 1 Heritage Overlay Map.

The Precinct Statement of Significance in the *Victorian Heritage Database* states, *inter alia*, viz.:

What is significant?

The Johnston Street Heritage Overlay Area, east of Smith Street and west of Hoddle Street, includes land alienated from the Crown in 1839. S A Donaldson acquired the major portion of the area, consisting of lot 52 and part of lots 53 and 68, while George Otter acquired the northern portion consisting of part of

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lot 73. Subdivision commenced in 1848 (lot 73) and 1849 (lots 52 and 53) and, by 1853, almost the whole of the surrounding area was occupied by small timber workers' cottages.

Johnston Street was well established as a major east-west thoroughfare through Collingwood by the 1880s, when the Melbourne Tramway and Omnibus Cos. (known as the Melbourne Tramway Cos. from 1900) began a cable tram service along Johnston Street

...

Other significant buildings include hotels such as the Galloway Arms of 1888 (115 Johnston Street) and the Bendigo Hotel of 1911 (125 Johnston Street); shops like G Mateer's Victoria Bakery 1888 (67 Johnston Street) and Williams' Buildings of 1895 (153-157 Johnston Street) and recreational sites like the former Austral Theatre, later the Austral Picture Theatre, of 1921 (202-204 Johnston Street). (62) [Emphasis added.]

Main development era

The main development period evident in the heritage overlay is that of the Victorian era with a substantial contribution from the Edwardian-period. There is also a contribution from some well preserved inter-war buildings and individually significant places of all eras.

Contributory elements

- Facade parapets, with pitched roofs set behind;
- Two storey wall heights;
- Face brick walls (red, dichrome and polychrome) or stucco walls (typically originally unpainted) with some significant moulded or pressed cement detailing on parapets;

How is it significant?

HO324 Johnston Street Heritage Overlay Area, Collingwood is aesthetically and historically significant to the City of Yarra (National Estate Register [NER] Criteria E1, A4)

Why is it significant?

The Johnston Street Heritage Overlay Area is significant:

- As a good demonstration of mainly Victorian and Edwardian-era commercial and retail development in Collingwood, including hotels, a former theatre, former shops with residences over, small industrial buildings and some residential development, that represents the second and major generation of settlement that occurred in the area in the late nineteenth century, promoted by the establishment of a cable tram service there in 1887;
- For the important architectural elements such as the ornate Italianate or Edwardian details on the upper storey shop facades; and

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- For individually significant buildings and building groups such as the Collingwood Technical School complex, a significant 20th century school design, also
- As the site of the first Collingwood Municipal Reserve and a number of locally historic buildings that evolved around it.

There is an individual place Statement of Significance in the *Victorian Heritage Database* entry but since the Austral Theatre is only covered by the Johnston Street Precinct, its status is as background information. It states *viz.*:

What is significant?

The Austral Theatre, later Austral Picture Theatre at 200-202 Johnston Street, Collingwood was created in 1921 for Winifred Kenny and has other historical associations with persons such as Robert McLeish, C. Hore and John and Maria Lyris. The place has a fair integrity to its creation date (ground level changed; part interior existing). Fabric from the creation date at the Austral Theatre, later Austral Picture Theatre is locally significant within the City of Yarra, compared to other similar places from a similar era. [Emphasis added.]

How is it significant?

The Austral Theatre, later Austral Picture Theatre at 200-202 Johnston Street, Collingwood is historically and architecturally significant to the locality of Collingwood and the City of Yarra.

Why is it significant?

The Austral Theatre, later Austral Picture Theatre is significant as a Greek revival style, rendered theatre facade with a stepped parapet, Victory wreaths on flanking pylon forms. The first owner, McLeish, was linked with the Rivoli and other significant cinemas. It has local social and historic significance as a former long-term public building.

Physical Description 2

Greek revival style, rendered theatre facade with stepped parapet, Victory wreaths on flanking pylon forms (ground level changed; part interior); first owner, McLeish, was linked with Rivoli and other significant cinemas; local social and historic significance as former public building.

Integrity

Fair.

A revised Statement of Significance was included in the *Thematic Study of Theatres in the City of Yarra Stage 2 Report* prepared by Context which is dated 26 September 2017 and which is included at the end of this Heritage Advice.

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Figure 2 The Austral Theatre façade and Nos. 196 – 198 Johnston Street, Collingwood.

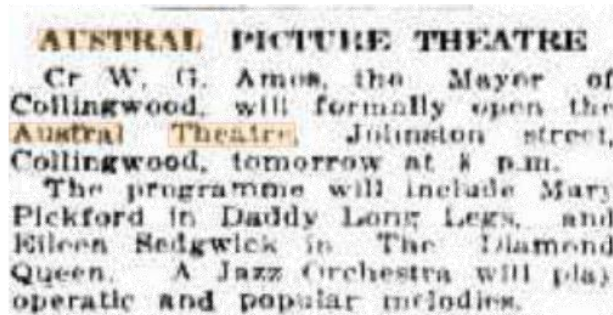


Figure 3 Article from The Herald, 14 September, 1921. p. 11.

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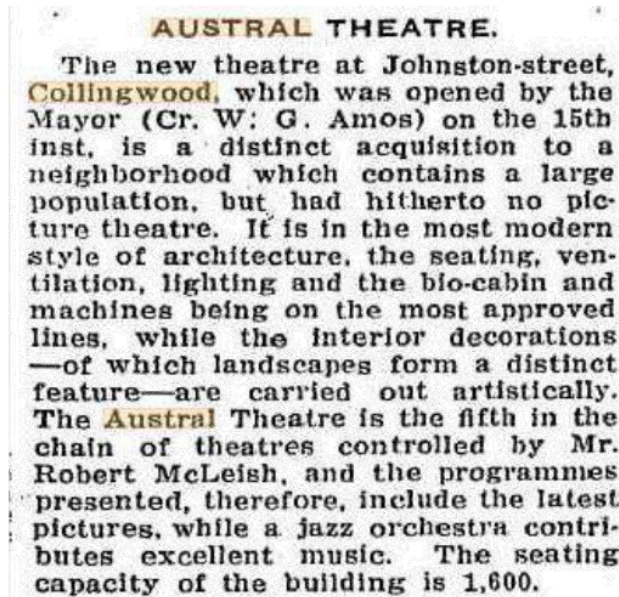


Figure 4 Article from Table Talk, 29 September, 1921. p. 41.

Proposal

Demolition of most of the Austral Theatre building and all of Nos. 196 – 198 Johnston Street, Collingwood and construction of an 11 storey building above a 2-level basement. Removal of panels in the existing upper level presumed window reveals.

Drawing Numbers

Drawings prepared by Jackson, Clements, Burrows Architects, marked Town Planning Submission RFI, mostly Rev. 2. as per Council website.

Letter to Statutory Planning, prepared by Bryce Raworth, Conservation/Heritage, dated 17 December, 2020 as per Council website.

This letter states that "It is noted that the Heritage Overlay to the place at present extends over only the front half of the site in any case, and the rear portions beyond are not subject to the Heritage Overlay".(p. 6) This is not correct – refer to the HO Map.

Context Description

The streetscape is mixed but nevertheless has a strong heritage appearance made up of double- and single-storey Victorian and Edwardian shops, many of which have original façade tiling, shopfront glazing and tiled entrance floors.

In the view from the subject site but located east of the railway line on the south side of Johnston Street is HO 410, No. 247-253 Johnston Street, Abbotsford, St Crispin House,

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which has been redeveloped with a 12 storey, principally unadorned concrete building which dominates the St Crispin site and also No. 265 Johnston Street, Abbotsford and the streetscape.



Figure 5 The St Crispin site has been redeveloped with a 12-storey, principally unadorned concrete building which dominates that site and No. 265 Johnston Street, Abbotsford and the streetscape. It is the only building above say 3 storeys in this part of Johnston Street.

The *Thematic Study of Theatres in the City of Yarra Stage 2 Report* prepared by Context and dated 26 September 2017 recommended that an Individual Heritage Overlay with internal controls be applied to the Austral Theatre (former) 200-202 Johnston Street Fitzroy. (Key Finding, p. v and vi and p. 8.) However the Amendment C245 Panel Report recommended, *inter alia*, abandoning an Individual Heritage Overlay, internal controls and the proposed revised Statement of Significance. (p. iv and pp. 22-35)

The Austral Theatre was inspected internally as part of the Thematic Study (p. 1) and a useful photographic survey is included in Bryce Raworth. *Expert Witness Statement to Panel Amendment C245, Yarra Planning Scheme 200-202 Johnston Street, Collingwood*.

In the *Thematic Study*... Additional Findings (p.v), the following is noted, *viz.*:

- There are 38 known theatre places (extant and demolished) within the City of Yarra
- 17 known theatre places within the City of Yarra have been demolished (see Appendix A.3)

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Two of them have been demolished in recent times i.e. Richmond Cinema, No. 311-317 Bridge Road Richmond (little evidence of a theatre remained) and the Lyric Theatre, Nos. 239 -247 Johnston Street, Fitzroy, (façade damaged and only remnant painted interior decoration survived).

Assessment of Proposed Works

Demolition

The relevant policy to consider is, viz.:

Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.

Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

- That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).
- For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.

There are no issues with the demolition of Nos. No. 196 - 198 Johnston Street, Collingwood.

The exterior of the Austral Theatre (side and rear elevations) comprises utilitarian plain brick walls and the north and west elevations, at least, have had later windows inserted, however they do present a 3-dimensional image as viewed from Sackville Street. While it is concerning that Yarra's theatres are disappearing, but noting the discussion and witness statements before the C245 Panel and the Panel's recommendations, in particular the lack of internal controls due to the state of the interior, there is nothing much else which requires retention and the "removal of part of the building ... [will] not negatively affect the significance of the place". Demolition as proposed is acceptable in this context.

It is not obvious whether the upper level Austral Theatre façade had glazed or blind windows originally or if the existing panels are original. The Raworth report (p. 6) sheds no light on this and no historical photographs of the façade have been located by Bryce Raworth or myself. This part of the façade should be investigated at such time as the panels in the reveals are accessible and the Responsible Authority is to be advised of the outcome before they are removed. (TP 0-104)

Built form (height/setbacks)

The overall height is 36.78 metres. The Preferred maximum building height in Sub-Precinct 1B is 28 metres (DDO15). There is no Mandatory maximum building height specified. The height proposed is excessive in its context.

Basement

There are no issues with the basements.

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Ground floor

The zero setbacks are appropriate including to Sackville Street.

A public laneway will abut the west side of the site.

Level 1

The setbacks at Level 1 are approximately 2 metres on the west side, plus the public laneway below, and 4.5 metres on the east side. The will be concealed in views from Johnston and Sackville Streets.

The north elevation (Sackville Street) will be mostly built to the boundary and with 3 terraces on the boundary.

Level 2

The side setbacks are similar to Level 1.

Along Johnston Street there will be a roof terrace in the south-west corner with no setbacks. In the centre there will be a commercial premises set back from the property line by 3.459 metres, and with a side setback on the east side of 4.5 metres. The setback on the western side between the premises and the roof terrace is 7.101 metres.

The north elevation (Sackville Street) will be built to the boundary and with a terrace on the boundary.

Level 3

The side setbacks are similar to those below. The setback from Johnston Street is a straight 10.8 metres.

The north elevation (Sackville Street) will have a setback of 6.5 metres into which will project 2 terraces set back from the boundary (undimensioned).

Levels 4 and 5

The side setbacks are similar to those below. The setback from Johnston Street is a straight 9.5 metres.

The north elevation (Sackville Street) will have a setback of 6.5 metres. Terraces will be recessed into the built form.

Level 6

Generally as per the levels below.

The north elevation (Sackville Street) will have a setback of 13.5 metres.

Levels 7 and 8

Generally as per the levels below.

The north elevation (Sackville Street) will have a setback of 8.7 metres.

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Level 9

The setback from Johnston Street will be slightly more than 9.5 metres to landscaping (planter?) and 15 metres to the elevation.

The north elevation (Sackville Street) will have a setback of 21.259 to the elevation and 15.75 metres to landscaping (a planter?)

Level 10

The setback from Johnston Street will be 20.5 metres to a terrace which will be 1 metre deep.

The north elevation (Sackville Street) will have a setback of 25.414 metres to the elevation and 21.259 metres to the terrace balustrade.

The setbacks of themselves are generally acceptable.

Design/Colours/materials

The design of the elevations is generally subdued and it is pleasing that all 4 elevations have fenestration and are not left as blank concrete walls, particularly the east and west elevations which will be highly visible in views/vista along Johnston Street. The articulation of the façade into smaller elements is reflective of the fine grain of the streetscape and is appropriate.

The colours and materials palette is generally acceptable but there are concerns with the metal mesh.

MF-02: metal mesh car entrance door. There are numerous examples in Collingwood where this material has been used in this location where it gathers urban detritus or is impacted upon. In both cases its appearance is less than pristine and another more solid material is recommended.

Similarly the cladding to the façade of Nos. 196-198 Johnston Street and the terrace. The façades to Johnston Street are masonry and solid and metal mesh will be alien and out-of-keeping in the streetscape (Refer to an example in Bridge Road). Obscure glazing or masonry is recommended.

Landscaping

I note metal mesh, wires etc. are intended to support landscaping. There needs to be some control such as an Incorporated Landscape Plan, which ensures that the plants grow as intended and are maintained and that their appearance does not become less than acceptable and the wired frames become unsightly elements.

South Elevation Heritage Façade (TP 2.105)

The existing shopfronts are not original and the replacement shopfronts to the Austral Theatre are acceptable other than for the lack of a plinth to the windows. A plinth of say 400 – 500 mm should be installed as this is a strong characteristic of the heritage shops in Johnston Street.

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The proposed street level entrance to the public laneway at Nos. 196 – 198 Johnston Street is acceptable.

Noting comments elsewhere about the panels to the upper level of the Austral Theatre, the proposed fenestration is a major change from the existing façade of an Individually significant heritage place and is unacceptable. Noting further that the tenancies will need some access to daylight, another creative solution should be explored such as creating a side setback on the east side and installing fenestration here and utilising the air space of the public laneway on the west side – there appears to be some sliding window or screen proposed there already (TP 1-104); reduction in the number of fenestration panels.

Canopy

I note on TP 2-101 that the existing canopy is to be removed and reinstated. It is not clear exactly what is intended: remove it and simply put it back, construct another one the same, repair and/or paint it? More details is required.

Conservation/Restoration Work

It is not obvious whether the upper level façade had glazed or blind windows originally. This should be investigated at such time as the panels in the reveals are accessible and the Responsible Authority is to be advised of the outcome before any work to these commences. (TP 0-104)

At this time it is proposed that the façade will be conserved to the extent of any necessary cleaning and repairs to the masonry, render, cornices and decorative elements, as well as repainting in an appropriate colour. A detailed conservation schedule should be required as a condition of any permit issued. (Raworth, p. 6)

I note that TP 0-104 is annotated "Heritage architect to be engaged for specific details". A detailed conservation schedule, not limited to the above works, accompanied by appropriately annotated drawings, including details at 1:50, 1:20 as might be appropriate, must be prepared by a suitably qualified heritage consultant and must be submitted for further endorsement and to the satisfaction of the Responsible Authority.

As external paint colours apply, it is expected that a microscopic analysis will be undertaken and that the original paint colour will be reinstated.

Recommendation / Comments:

Not approved.

Arrange for an internal site inspection of the Austral Theatre site.

The fundamental issue of this proposal is the excessive height in the context of Johnston Street i.e. 8.78 metres in respect of DDO15B. From a heritage perspective a lower building would be more appropriate and would be a more appropriate and respectful transition in scale from the predominantly double-storey Victorian and Edwardian buildings which are approximately 11 – 13 metres in height. The result will be a dominant, overbearing and overwhelming new building which will visually adversely affect the heritage building and the heritage streetscape. This has occurred already on the St Crispin site (12 storeys). On the Austral Theatre site 3 storeys should be deleted leaving 8 storeys.

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Cl. 22.02-5.7 New Development, Alterations or Additions requires, *inter alia*, viz.:

22.02-5.7.1 General

Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Consider the architectural integrity and context of the heritage place or contributory element.

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

Corner Sites and Sites with Dual Frontages .

Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.

Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.

The above policies have not been met.

DDO 15 applies to the Johnston Street Activity Centre.

Included in the **Design Objectives** are:

- To preserve the valued heritage character of the streetscape and ensure that the predominantly two storey Victorian and Edwardian-era heritage street-wall remains the visually prominent built form of Johnston Street west of the railway line bridge.
- To ensure that the overall scale and form of new buildings is mid-rise (5 to 10 storeys) and provides a suitable transition to low scale residential areas.

In Precinct 1B "Buildings should not exceed the preferred maximum building height and must not exceed the mandatory maximum building height specified in Table 1". The overall height is 36.78 metres whereas the Preferred maximum building height in Sub-Precinct 1B is 28 metres (DDO15). There is no Mandatory maximum building height specified.

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There is no requirement to build to any particular building height in this sub-Precinct but there is a clear preference to build to a lower height than is proposed. This site contains an Individually significant building and a reduction in height by 3 storeys would be an improvement and would be more respectful of the Austral Theatre building and the historic streetscape context created predominantly by the double-storey shops and would be in accord with Cl. 22.02-5.7.1 General and Cl. 22.02-5.7.2 Specific Requirements.

Decision guidelines (DDO15)

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The architectural quality of the proposal, which includes the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.
- The profile and impact of development on the vista along Johnston Street.
- How the proposal responds to the presence of heritage buildings either on, or in close proximity to the site and whether an increased upper level setback is required having regard to the heritage significance and contributory features of the site.

In my opinion, while there are some positive aspects of the design and the architectural quality of the new built form, principally the proposed height, is of insufficient standard to meet these Decision Guidelines. The impact of the development in views/vista along Johnston Street will be jarring and adverse and the response to the heritage building is inappropriate and not suitably respectful. There will be a prominent and dominant building which will interrupt the rhythm of the streetscape which will detract from its heritage values.

Investigate the window panels to the upper level façade at such time as the panels in the reveals are accessible and the Responsible Authority is to be advised of the outcome before they are removed.

MF-02: metal mesh car entrance door - another more solid material is recommended.

Obscure glazing or masonry is recommended for the cladding to the façade of Nos. 196-198 Johnston Street and the terrace.

Include an Incorporated Landscape Plan or similar as a Permit condition..

Include a plinth of say 400 – 500 mm beneath the shopfront windows to Jophnston Street

Submit an alternative creative solution to avoid fenestration in the upper level façade of the Individually significant building.

Provide specific details of the works to the existing canopy.

At this time it is proposed that the façade will be conserved to the extent of any necessary cleaning and repairs to the masonry, render, cornices and decorative

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elements, as well as repainting in an appropriate colour. A detailed conservation schedule should be required as a condition of any permit issued. (Raworth, p. 6)

I note that TP 0-104 is annotated "Heritage architect to be engaged for specific details". A detailed conservation schedule, accompanied by appropriately annotated drawings, including details at 1:50, 1:20 as might be appropriate, must be prepared by a suitably qualified heritage consultant and must be submitted for further endorsement and to the satisfaction of the Responsible Authority.

As external paint colours apply, it is expected that a microscopic analysis will be undertaken and that the original paint colour will be reinstated.

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 28 May, 2021.



Figure 6 The rear of the Austral Theatre from Sackville Street.

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Figure 7 The west elevation of the Austral Theatre from Sackville Street.



Figure 8 Adam style decorative plasterwork on the foyer ceiling.

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Figure 9 Photograph of the foyer ceiling in 2019 created by the Collingwood Historical Society. Image No. 48839995827.



Figure 10 Decorative strapwork on the ceiling east of the foyer..

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Individual Place Citation Contained in the *Thematic Study of Theatres in the City of Yarra Stage 2 Report* prepared by Context and dated 26 September 2017.



Former Austral Theatre

Prepared by: Context Pty Ltd

Address: 200-202 Johnston Street, Collingwood

Name: Former Austral Theatre	Survey Date: 2015
Place Type: Commercial	Architect:
Grading: Significant	Builder:
Extent of Overlay: To title boundaries	Construction Date: 1921



The former Austral Theatre, 200-202 Johnston Street, Collingwood (Source: Context Pty Ltd, 2015)

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Part of the plaster ceiling in the main auditorium, 2004
Source: <http://cinematreasures.org/theaters/31537/photos/42277>



The gallery with ornate balcony with plaster festoon decoration, 2004
Source: <http://cinematreasures.org/theaters/31537/photos/42278>

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**Historical Context**

The densely populated inner suburbs of Melbourne that now comprise the City of Yarra enjoyed a vibrant cultural life from their early beginnings in the mid-nineteenth century. Before 1900, there were few purpose-built theatres in the suburbs that make up the City of Yarra. The population of these suburbs immediately north of the central City of Melbourne had easy access to the large range of entertainment and attractions of the metropolis and the 'bright lights' of Bourke Street. Certainly, live theatre, vaudeville and music halls were present, but they are poorly documented and often were temporary and makeshift enterprises, operating out of hotels or private premises for short periods. One of the few public halls available for this purpose in the early period was the Collingwood Assembly Hall in Gertrude Street, Fitzroy (City of Fitzroy, 1992).

The local town halls and private hall buildings were suitably furnished to provide makeshift venues for theatre performances or lantern slide shows. The inner suburbs of the City of Yarra were largely working class and the predominant culture was perhaps more low-brow than high-brow in the early days. Offering cheaper quarters, this part of Melbourne no doubt attracted artists and performers, who often endured somewhat precarious living conditions. High culture, including opera and musical recitals, was reserved for the city's more salubrious premises. By 1914 the first purpose-built picture theatres were operating in Fitzroy (The Star and later Lyric), Richmond and Carlton (Priestley, 1984, 158). By the 1930s there were several new theatres in every suburb.

There was a significant boom in the building of picture theatres during the interwar period. The architecture of the picture palaces loosely followed that of live theatres. Most had a large auditorium, coved ceilings, and decorative plasterwork. Stylistically, many of these theatres drew on the Art Deco style, with nods to Classical and Regency styles. Moderne, Ancient Egyptian symbolism, and other flamboyant and fanciful motifs. As Susan Priestley observed of Melbourne's showplaces, '*architectural flamboyance was expected, even demanded*'. The picture theatres of Melbourne's inner suburbs were no different (Priestley, 1984, 136). Most were large, lavish and highly decorated buildings. Decorative and ornamental themes were often retrospective, focusing on a particular architectural period, and were sometimes playful or fantastical (Context, 2015:5).

The post war period saw the adaption of old theatres for commercial purposes; owing to the large cavernous space they offered, they were adapted as storerooms and warehouses, auction houses and second-hand dealers for example Swan St Auctions (Context, 2015:7).

History

The Austral Theatre, later Austral Picture Theatre at 200-202 Johnston Street, Collingwood was built in 1921 for Winifred Kenny, Picture Proprietor of Northcote. It was operated by Robert McLeish (who is also associated with the Rivoli, Camberwell) and has other historical associations with operators C. Hore and John and Maria Lyris, confectioners (HERMES 10408). The Austral Theatre was the fifth in the chain of theatres across Melbourne controlled by Robert McLeish. The theatre, with a seating capacity of 1600 was opened on September 15, 1921 and closed in 1959 (Catrice, 1991:41) It became an importers storage building, before becoming its current use as a carpet store.

An article in *Table Talk*, 29 September 1921, p. 41 describes the building:

"It is in the most modern style of architecture, the seating, ventilation, lighting and the bio-cabin and machines being on the most approved lines, while the interior decorations – of which landscapes form a distinct feature – are carried out artistically (Austral Theatre, nla.gov.au, accessed 25 May 2017)."

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Note: research undertaken to locate an architect and or tender notice has not been successful. Sources used have been Cinema Files at Prahran Mechanics Institute Library, Miles Lewis Architectural Index and Trove.

Description & Integrity

The former Austral Theatre is located mid-block on the north side of Johnston Street between Gold and Hoddle streets. The two-storey building with gabled roof has a rendered façade which features a stripped back Greek revival style. The façade is divided into five bays, with 'AUSTRAL' is still visible on the parapet of the central bay between a double moulded cement cornice, obscuring the hipped corrugated iron roof. The inner flanking bays have a pair of square windows inset below the lower cornice moulding. The outer bays have a pair of deep strip openings surmounted by projecting mouldings with an ornate decorative motif (victory wreaths) set above. Small square ventilation openings are set above the cantilevered verandah, continuous across the width of the building. The central entrance bay has been replaced with anodised aluminium glazed entrance doors and is flanked by two large shopfront windows bays. The building has rear access and a carpark accessible from Sackville Street.

Interior

The original plaster chandelier above the entrance and decorated ceiling in a Neo-Baroque highly ornate style are visible as you enter the building's foyer, with stair leading from this space to the gallery. The original men's toilets are intact with urinals and sinks. The vaulted auditorium is largely intact with the ornately decorated ceiling with regularly placed round cameo vents and arches over the entire auditorium. The foyer retains its form and detail in plaster decoration, as does the auditorium. The balcony to the gallery or circle is 'swag-bellied' and highly decorated with plaster festoons. The space of the auditorium with its large span arched ceiling can be appreciated.

The Austral is currently in use as a carpet retail store, 'Carpet World' which provides some access to the public. The following description of the interior is provided by Robert Mann.

The entrance foyer and ground level shop fronts are very much intact. The original plaster chandelier above the entrance and decorated ceiling (in a Neo-Baroque highly ornate style) are visible as you enter the building.

The original women's and men's toilets are still intact with urinals and sinks boarded up and out of harm's way.

.....the ornately decorated ceiling with regularly placed chandeliers and round cameo vents arches over the entire auditorium. Along the side walls of the auditorium are regularly placed panels which are flanked by fluted Corinthian columns which rise to support the decorated ceiling.

The original circle is also intact minus the seating. The outer face of the balcony there is highly ornate and is covered in plaster swirls and fern-like decorations.

The proscenium is not visible as an apartment has been built over it, however I was told that large parts of it are intact. The only part that was visible was the large panels which flank the stage, they are decorated with reclining classical Greek figures and are flanked by columns and topped with decorative friezes.

This theatre is remarkably intact and is a wonderful example of the type of theatre that was once so common in Melbourne. (Cinema Treasures, contributed by Robert Mann)

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Comparative Analysis

The picture palaces that began showing silent movies and later the 'talkies' and finally the post-war technicolour blockbusters are identified as one of four themes that are associated with theatres in the City of Yarra.

The picture palace of the interwar period is a building typology that is now threatened. Picture palaces demonstrated particular characteristics during the interwar period, associated with the advent of 'talkies'. Their characteristics include large open internal spaces to assist view lines to the screen, vaulted ceilings, mezzanine levels and bio boxes over a ground level entry. Picture places generally exhibited a neo-classical and art deco styling reflecting in a sense of the place being a 'cathedral for entertainment' — as a special part of the community sense of place at the time when entertainment was a luxury.

The City of Yarra had many picture theatres, both those purpose built and those that operated in converted premises. There are few surviving buildings or sites that are directly connected with the early history of theatres and live performance. There are six picture palaces remaining in Yarra of which four retain some internal spaces, decorative detail and early finishes (San Remo Ballroom, Austral, Burnley and the Richmond Cinema). Of these four only the San Remo retains its use as a venue. A fifth theatre, the National is now a highly adapted external envelope although quite like the Austral in its external street elevation. The Merri Palais de Danse is only a façade (Context, 2015).

The thematic study of theatres has shown that these buildings are increasingly rare and contain highly adaptable spaces leading to their frequent use for other purposes. The study has also shown that the retention of the interior decoration of theatres is quite rare. The interior of the Austral Theatre retains its auditorium space, gallery and proscenium, foyer stairs and toilets. The layout is highly discernible and many of the decorative elements exist.

Assessment Against Criteria

Criteria referred to in *Practice Note 1: Applying the Heritage Overlay*, Department of Planning and Community Development, revised July 2015, modified for the local context.

CRITERION A: Importance to the course or pattern of the City of Yarra's cultural or natural history (historical significance).

The former Austral Theatre at 200-202 Johnston Street is historically significant as one of several suburban picture palaces in the City of Yarra. Picture palaces were immensely popular in the interwar period as places of entertainment. The picture palace and purpose-built theatres built from about 1914 provided entertainment for the working classes where live theatre had traditionally and previously catered for the middle and upper classes. The Austral theatre is historically significant for its association with Robert McLeish who operated five venues across Melbourne including the fashionable Rivoli in Camberwell.

CRITERION B: Possession of uncommon, rare or endangered aspects of the City of Yarra's cultural or natural history (rarity).

The former Austral Theatre is one of only six picture palaces surviving in the City of Yarra and one of four with surviving interiors. Others include the San Remo Ballroom (former Jubilee Theatre), Burnley Theatre and the Richmond Cinema.

CRITERION C: Potential to yield information that will contribute to an understanding of the City of Yarra's cultural or natural history (research potential).

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NA

CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

The former Austral Theatre is historically significant as it demonstrates particular characteristics of the picture palace associated with the advent of 'talkies'. This includes large open internal spaces to assist view lines to the screen, vaulted ceilings, mezzanine levels and bio boxes over a ground level entry. These picture places generally exhibited a neo-classical and art deco styling reflecting in a sense of the place being a 'cathedral for entertainment' — as a special part of the community sense of place at the time when entertainment was a luxury.

CRITERION E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

The former Austral theatre is aesthetically significant for its stripped back Greek revival style demonstrated by the articulated cement-rendered façade with applied mouldings and stepped parapet. The interior is significant for the layout including the foyer with stairs to the gallery (circle), toilets, and the main auditorium space. The foyer, swag-bellied balustrade, auditorium ceiling, walls and the proscenium are aesthetically significant for their ornate plaster detailing incorporating a variety of classical motifs including columns, figures and festoons. The history and use of the building a picture palace is best demonstrated by the interior volume, form and interior decorative elements.

CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).

NA

CRITERION G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

This criterion has not been assessed, however it is likely that there are people who remember attending the Austral Theatre prior to its closure. The place may hold a special attachment for them and be socially significant to a particular group.

CRITERION H: Special association with the life or works of a person, or group of persons, of importance in the City of Yarra's history (associative significance).

NA

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**Existing Statement of Significance**

The Austral Theatre, later Austral Picture Theatre at 200-202 Johnston Street, Collingwood is historically and architecturally significant to the City of Yarra.

It was created in 1921 for Winifred Kenny and has other historical associations with persons such as Robert McLeish, C. Hore and John and Maria Lyris. The place has a fair integrity to its creation date (ground level changed; part interior existing). Fabric from the creation date at the Austral Theatre, later Austral Picture Theatre is locally significant within the City of Yarra, compared to other similar places from a similar era.

The Austral Theatre, later Austral Picture Theatre is significant as a Greek revival style, rendered theatre facade with a stepped parapet, Victory wreaths on flanking pylon forms. The first owner, McLeish, was linked with the Rivoli and other significant cinemas. It has local social and historic significance as a former long-term public building.

Revised Statement of Significance**What is Significant?**

The former Austral Theatre at 202 Johnston Street Collingwood including the interior foyer and auditorium is significant.

How is it significant?

The former Austral theatre is historically and aesthetically significant to the City of Yarra. It has rarity value as a 'picture palace'.

Why is it significant?

The former Austral Theatre at 200-202 Johnston Street is historically significant as one of several suburban picture palaces in the City of Yarra. Picture palaces were immensely popular in the interwar period as places of entertainment. The picture palace and purpose-built theatres built from about 1914 provided entertainment for the working classes where live theatre had traditionally and previously catered for the middle and upper classes. The Austral theatre is historically significant for its association with Robert McLeish who operated five venues across Melbourne including the fashionable Rivoli in Camberwell. (Criterion A)

The former Austral Theatre is one of only six picture palaces surviving in the City of Yarra and one of four with surviving interiors. Others include the San Remo Ballroom (former Jubilee Theatre), Burnley Theatre and the Richmond Cinema. (Criterion B)

The former Austral Theatre is historically significant as it demonstrates particular characteristics of the picture palace associated with the advent of 'talkies'. This includes large open internal spaces to assist view lines to the screen, vaulted ceilings, mezzanine levels and bio boxes over a ground level entry. These picture places generally exhibited a neo-classical and art deco styling reflecting in a sense of the place being a 'cathedral for entertainment' — as a special part of the community sense of place at the time when entertainment was a luxury. (Criterion D)

The former Austral theatre is aesthetically significant for its stripped back Greek revival style demonstrated by the articulated cement rendered façade with applied mouldings and stepped parapet. The interior is significant for the layout including the foyer with stairs to the gallery (circle), toilets, and the main auditorium space. The foyer, swag-bellied balustrade, auditorium ceiling, walls and the proscenium are aesthetically significant for their ornate plaster detailing incorporating a variety of classical motifs including columns, figures and festoons. The history and use of the building a picture palace is best demonstrated by the interior volume, form and interior decorative elements. (Criterion E)

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**Grading and Recommendations**

Recommended for internal controls in the Schedule to the Heritage Overlay of the Yarra Planning Scheme as an individually Significant place.

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Yarra Planning Scheme:

External Paint Colours <i>Is a permit required to paint an already painted surface?</i>	No
Internal Alteration Controls <i>Is a permit required for internal alterations?</i>	Yes
Tree Controls <i>Is a permit required to remove a tree?</i>	No
Victorian Heritage Register <i>Is the place included on the Victorian Heritage Register?</i>	No
Incorporated Plan <i>Does an Incorporated Plan apply to the site?</i>	No
Outbuildings and fences exemptions <i>Are there outbuildings and fences which are not exempt from notice and review?</i>	No
Prohibited uses may be permitted <i>Can a permit be granted to use the place for a use which would otherwise be prohibited?</i>	No
Aboriginal Heritage Place <i>Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?</i>	No

Identified By

Included as a significant place in HO324, Johnston Street Precinct

References

Catrice, Daniel, 1991. 'Cinemas in Melbourne, 1896–1942'. MA in Public History thesis, Monash University
 City of Fitzroy. 'The Story of Fitzroy', typescript, [c.1992?], available online through Yarra Library Local History page: <http://www.yarracity.vic.gov.au/Libraries/Local-history/>
 Context, 2015, City of Yarra Thematic Study of Theatres, prepared for the City of Yarra National Library of Australia website, <http://nla.gov.au/nla.news-article146317739>
 CinemaTreasures website: [http://cinematreasures.org/theaters/australia/victoria/melbourne/HERMES 10408](http://cinematreasures.org/theaters/australia/victoria/melbourne/HERMES%2010408)
 Priestley, S., 1984, *Making Their Mark*

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City of Yarra Heritage Advice – Amended Proposal

Application No.: PLN20/0950

Address of Property: 196-202 Johnston Street, Collingwood.

Planner: Daniel Herrmann

I provided advice on 28 May, 2021. in relation to the application. This advice responds to the amended plans and supplementary information. As both sets of advice are intended to be read in conjunction information contained in the earlier advice is not necessarily included here.

Yarra Planning Scheme References: Clauses 43.01, 22.02, DDO15-1B.

Heritage Overlay No.: HO324 **Precinct:** Johnston Street Precinct, Collingwood.
External paint controls apply. There are no internal controls.

Level of significance

No. 200-202 Johnston Street, Collingwood, the Austral Theatre, later Austral Picture Theatre, constructed 1921, is listed as Individually significant in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*. Revised March, 2020. (Incorporated document).



Figure 1 The Austral Theatre façade and Nos. 196 – 198 Johnston Street, Collingwood.

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Proposal

Demolition of most of the Austral Theatre building and all of Nos. 196 – 198 Johnston Street, Collingwood and construction of a 10 (previously 11) storey building above a 2-level basement. Removal of façade panels in the existing upper level presumed window reveals.

Drawing Numbers

Drawings prepared by Jackson, Clements, Burrows Architects, Rev. 2, 3 and 4.

Letter to Statutory Planning, prepared by Bryce Raworth, Conservation/Heritage, dated 5 August, 2021.

Assessment of Proposed Works

My previous conclusions were viz.:

"The fundamental issue of this proposal is the excessive height in the context of Johnston Street i.e. 8.78 metres in respect of DDO15B. From a heritage perspective a lower building would be more appropriate and would be a more appropriate and respectful transition in scale from the predominantly double-storey Victorian and Edwardian buildings which are approximately 11 – 13 metres in height. The result will be a dominant, overbearing and overwhelming new building which will visually adversely affect the heritage building and the heritage streetscape. This has occurred already on the St Crispin site (12 storeys). On the Austral Theatre site 3 storeys should be deleted leaving 8 storeys".

Height and Setbacks

My previous concern was, viz.:

"The overall height is 36.78 metres. The Preferred maximum building height in Sub-Precinct 1B is 28 metres (DDO15). There is no Mandatory maximum building height specified. The height proposed is excessive in its context". This is self-evident from the "Height Options July 2021".

The height to the roof now is 33.59 metres and now containing 10 levels with Level 7 having been removed. The difference is infinitesimal in any views from the public realm and the revised building envelope will still be dominant and out-of-scale in its context.

I note the Height Options Analysis but the dimensions of the setbacks are insufficient to alleviate the dominance of the height of the upper levels in all views but particularly in oblique views along Johnston Street.

My opinion still is that 3 storeys should be deleted leaving 8 storeys, preferably with the increased setbacks as included in the amended plans/Height Options Analysis.

Demolition

There are no issues with the demolition of Nos. No. 196 - 198 Johnston Street, Collingwood. In the context of the C245 Panel and the Panel's recommendations the "removal of part of the building ... [will] not negatively affect the significance of the place demolition as proposed is acceptable.

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Façade

My previous comment was to the effect that:

It is not obvious whether the upper level Austral Theatre façade had glazed or blind windows originally or if the existing panels are original. The original Raworth report (p. 6) did not shed any light on this and it is common ground that no historical photographs of the façade have been located. This is one reason to investigate the façade further before any demolition work commences.

and

The proposed fenestration *in lieu* of panels is a major change from the existing façade of an Individually significant heritage place and is unacceptable.

The subsequent Raworth report (5 August, 2021), states viz.:

The fabric to be removed is conventional wall fabric, devoid of any notable architectural features or decorative elements. Restricting the demolition to the fabric of these panels, while retaining the pilasters, ensures that the division of the facade into bays is maintained. Overall the intactness of the facade will not be impacted to an unacceptable degree by this demolition. (p. 2)

The point is not that the relevant fabric is as described above, and notwithstanding the retention of the pilasters, there is no information to hand as to whether or not the panels were solid originally (probably if they backed onto the auditorium), or were windows (possibly if they backed onto a foyer) and that further demolition might change the original solid to void aesthetic of the façade, in which case the "intactness of the facade will not be impacted to an unacceptable degree by this demolition".

The subsequent Raworth report also states viz.:

...an understanding of the original first floor windows in terms of their exact dimensions and detailing is not required in order to introduce a new window treatment that is suitably respectful. (p.2)

While an understanding of dimensions might not be required at this state but at the Working Drawings stage, the point now is that there is a lack of clarity as to what the original configuration is/was. This is another reason to investigate the façade before demolition occurs. This is not negated by comparisons with other Yarra Theatres which have windows (different architects, different plan forms etc.) – it is fundamental to get this right, in accord with *Burra Charter* principles, and make a decision accordingly.

The *Burra Charter* is a Policy Guidelines at Cl. 15.01-3S. The following is relevant viz.:

Article 3. Cautious approach

3.1 Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible.

3.2 Changes to a place should not distort the physical or other evidence it provides, nor be based on conjecture.

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Note: The traces of additions, alterations and earlier treatments to the fabric of a place are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding.

Article 22. New work

22.1 New work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place.

Note: New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

It is still my opinion that this part of the façade should be investigated at such time as the panels in the reveals are accessible and the Responsible Authority is to be advised of the outcome before they are removed or any work occurs. (TP 0-104)

Design/Colours/materials

I still have concerns about MF-02: metal expanded mesh to the façade (and vehicle entrance door) because the façades to Johnston Street are masonry and solid and metal mesh will be alien and out-of-keeping in the streetscape (Refer to an example in Bridge Road). Obscure glazing or masonry is recommended.

South Elevation Heritage Façade (TP 2.105) – Shopfront plinths.

It is still my strong recommendation that a plinth of say 400 – 500 mm should be installed to the shopfronts as this is a strong characteristic of the heritage shops in Johnston Street.

Canopy

Clarification is still required as to whether the existing canopy is to be removed and reinstated (TP 2-101) e.g. remove it and simply put it back, construct another one the same, repair and/or paint it?

Conservation/Restoration Work

A detailed conservation schedule should be required as a condition of any permit issued and as set out in my previous advice.

Signed:

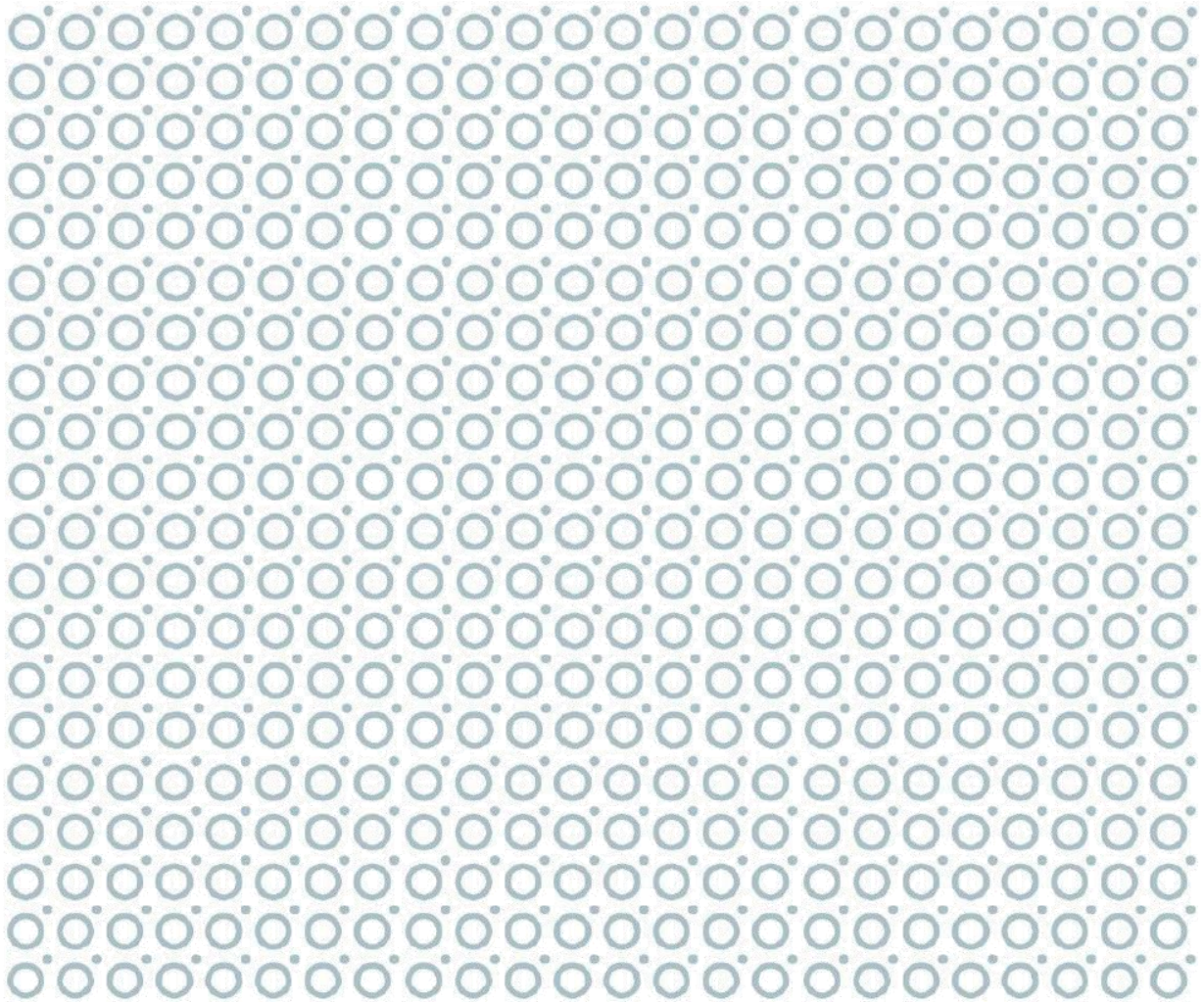


Robyn Riddett

Director – Anthemion Consultancies

Date: 25 August, 2021.

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Urban Design Review

Proposed mixed-use development, 196-202 Johnston Street, Collingwood
Collingwood (PLN20/0950)

Prepared by Simon McPherson, for City of Yarra

02 June 2021

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4.0 Conclusion

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1.0 Introduction

1.1 Process and involvement

On 26 April 2021 I was asked by Yarra City Council officers to prepare a report comprising urban design review and advice, regarding the proposed mixed-use development at 196-202 Johnston Street, Collingwood.

In preparing this review, I have:

- Obtained and reviewed the following advertised Permit Application documents:
 - Architectural Plans (Jackson Clements Burrows, March 2021);
 - Town Planning Report and BADS assessment (Contour, December 2020);
 - Urban Context Report (Jackson Clements Burrows, December 2020);
 - Landscape Architectural Concept (Etched Projects, December 2020);
 - Heritage assessment memo (Bryce Raworth, 17 December 2020).
- Reviewed the applicable provisions of the Yarra Planning Scheme relating to urban design as listed below;
- Visited the subject site and surrounding area on 14 May 2021. The photographs in this report are my own, except where specified.

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1.2 Qualifications and experience to prepare this Review

1.2.1 Qualifications and registrations

- (1) My academic qualifications are as follows:
 - o **Executive Masters (MSc) in Cities**, inaugural programme (September 2016 - completed February 2018), London School of Economics and Political Sciences (LSE Cities), UK;
 - o **Master of Science (MSc): Built Environment - Urban Design** (Distinction), The Bartlett School, University College London, 2005-06, UK;
 - o **Bachelor of Architecture (BArch)** (First Class Honours), The University of Melbourne, 1996-97;
 - o **Bachelor of Planning and Design (BPD) (Architecture)**, The University of Melbourne, 1992-94.
- (2) My professional registrations and memberships are as follows:
 - o **Registered Architect**, Architects Registration Board of Victoria: individual registration number 15838;
- (3) I am engaged on the following professional organisations:
 - o Member, **Victorian Design Review Panel**;
 - o Member, **Design Review Panel for South Australia**;
 - o Member, Latrobe University Design Review Panel;
 - o Global Advisor, United Nations Global Compact – Cities Programme (discontinued);
 - o Member, Built Environment Task Force, Smart Cities Council – Australia/New Zealand (discontinued).

1.2.2 Experience

Professional experience

- (4) I hold over 15 years of dedicated professional experience in urban design, including:
 - o Urban Designer, Victorian State Government (2002-2007, including study leave);
 - o Director, SJB Urban (2007-2016);
 - o Director, Global South (2016-present).
- (5) I hold approximately 5 years of prior experience in architectural practice, in Australia and the UK.

Project experience

- (6) My urban design experience includes the following projects:
 - o Policy and guidelines:
 - Author/contributor, *Better Placed*, NSW Architecture and Urban Design Policy, Government Architect NSW (2016-17). Benchmark design policy, winner Australia Award for Urban Design 2017;
 - Contributor (State Government employee), *Design Guidelines for Higher Density Residential Development, Activity Centre Design Guidelines*;
 - Contributor, *SA Medium-Density Design Guidelines*;

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- Lead consultant, Urban Design Guidelines, Bowden, SA (SJB Urban, 2015);
- Urban Design Advice:
 - Eden/Haven/Sanctuary on the River, Abbotsford, for HAMPTON (complete), (SJB Urban, 2010). High-density, mid-rise (9-11 storeys) permeable courtyard development, winner UDIA President's Award, High-Density Housing Award (National, Victoria), Masterplanned Development Award (Victoria);
 - Richmond Plaza redevelopment, for Coles (SJB Urban, 2014);
 - Grocon FCAD redevelopment, Footscray Station Precinct (SJB Urban, 2011).
- Independent reviews:
 - Regular independent reviews of permit applications, for Councils including Melbourne, Yarra, Port Phillip, Banyule, Brimbank, Manningham and Casey.
- Strategic plans, structure plans and Urban Design Frameworks:
 - Footscray Built Form Review 2020, for Maribyrnong City Council;
 - Tarneit Major Town Centre: Economic Impact Assessment and Design Review 2018, for Wyndham City Council;
 - Oakleigh Activity Centre Transport Precinct: Design Review 2018, for Monash City Council;
 - 1160 Sayers Road, Tarneit, Structure Plan for Wyndham City Council (landowner) (SJB Urban 2014-15). Innovative, integrated plan for high-density, walkable precinct in greenfield setting;
 - Footscray Station Precinct Planning and Urban Design Framework (SJB Urban, 2008-09). Winner, PIA Transport Planning Award 2008;
 - Brighton Toyota Site UDF, for LEFTA Corporation;
 - Frankston Transit Interchange Precinct UDF and Master Plan, for DPCD (SJB Urban 2009-2012);
 - Wise Foundation 'Wellness Village' UDF, Mulgrave, for landowners (SJB Urban, 2015-16).
- Master Plans and Concept Designs
 - Caulfield Village Master Plan, for Beck Property / Probuild (SJB Urban, 2012);
 - Greensborough Activity Centre Concept Master Plan, for Banyule City Council (2017);
 - 433 Smith Street (Fitzroy Gasworks) Master Plan, for Places Victoria (SJB Urban, 2015);
 - Master Plan, Binks Ford Site and over-rail deck, Footscray, for Places Victoria (SJB Urban, 2012);
 - Caulfield-Dandenong corridor concept/feasibility studies, for VicTrack (SJB Urban, 2015).

Experience preparing expert evidence

- (7) I have presented evidence at VCAT and Planning Panels Victoria on numerous occasions.

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2.0 Context

2.1 Strategic context

2.1.1 Zoning

The land is situated within the **Commercial 1 Zone (C1Z)**. The purposes of this Zone include:

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

Johnston Street is identified as a **Neighbourhood Activity Centre**.

2.1.2 Design and Development Overlay

The subject land falls within **Design and Development Overlay 15 (DDO15): Johnston Street Activity Centre**, in Sub-Precinct 1B.

Design objectives

The design objectives of DDO15 include:

- *To preserve the valued heritage character of the streetscape and ensure that the predominantly two storey Victorian and Edwardian-era heritage street-wall remains the visually prominent built form of Johnston Street west of the railway line bridge.*
- *To ensure that the overall scale and form of new buildings is mid-rise (5 to 10 storeys) and provides a suitable transition to low scale residential areas.*
- *To protect the operation of the state significant Collingwood Arts Precinct from unreasonable loss of amenity through visual bulk, overshadowing of open space areas and vehicle access.*
- *To activate the street edge, provide passive surveillance opportunities, accommodate commercial activity at the lower levels of buildings and protect footpaths and public spaces on the southern side of Johnston Street from loss of amenity from overshadowing.*
- *To provide for equitable development outcomes through built form design that responds to the development opportunities of neighbouring properties, and through the consolidation of finer grain sites.*

Building height

Sub-Precinct 1B carries a preferred maximum building height of 28m. Some other Sub-Precincts carry a mandatory maximum height, but this does not apply to Sub-Precinct 1B.

DDO15 states that *a permit should only be granted to exceed the preferred maximum building height if the following criteria are met:*

- *The building elements permitted by the proposed variation satisfy the design objectives of Clause 1.0 and the provisions of Clause 21.12-1.*
- *The proposal will achieve each of the following:*
 - *Housing for diverse households types.*
 - *Universal access.*
 - *Communal or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.*

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- *Excellence for environmental sustainable design measured as a minimum BESS project score of 70 per cent or 5 Star Green Star Standard.*
- *Greater building separation than the minimum requirement in this schedule.*
- *No additional amenity impacts to residential zoned properties, beyond that which would be generated by a proposal that complies with the preferred maximum building height.*

Overshadowing

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.

Street wall height

For Sub-Precinct 1B, the preferred maximum street wall height to Sackville Street is 11m, and the mandatory maximum street wall height to Johnston Street is 11m.

West of the railway bridge, the street-wall height should match the parapet height of a neighbouring heritage building, where present, for a minimum length of 6 metres from the heritage building.

Setbacks

A mandatory mid-level setback of 6m applies to the Johnston Street frontage. A preferred mid-level setback of 6m applies to the Sackville Street frontage.

The preferred front upper-level setback is 45 degrees above 11m. The preferred rear upper-level setback is 45 degrees above 11m.

2.1.3 Heritage Overlay

The subject land is predominantly within precinct Heritage Overlay HO324 – Johnston Street Precinct, Collingwood (excluding the rear portion of 196-198 Johnston Street, in the north-west part of the subject land).

2.1.4 Planning Policy Framework

The following clauses are applicable to the subject site and proposal. Relevant content from these clauses is raised below in the context of my assessment of the proposal.

Clause 15 Built Environment discusses Urban Design objectives and strategies:

- **15.01-1S Urban Design** provides strategies for safe, healthy, functional and enjoyable urban environments. Strategies include:
 - *Require development to respond to its **context in terms of character, cultural identity**, natural features, surrounding landscape and climate.*
 - *Ensure development **contributes to community and cultural life** by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
 - *Ensure development **supports public realm amenity and safe access** to walking and cycling environments and public transport.*
 - *Ensure that the design and location of **publicly accessible private spaces**, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
 - *Ensure that development provides **landscaping** that supports the amenity, attractiveness and safety of the public realm.*

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- **15.01-2S Building design** guides buildings which contribute positively to context and enhance the public realm, including responding to the strategic and cultural context of the location.
- **15.01-4R Healthy neighbourhoods - Metropolitan Melbourne** seeks to create a city of 20-minute neighbourhoods;
- **15.01-5S Neighbourhood character** seeks to ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place, including by emphasising the heritage values and built form that reflect community identity.
- **15.02-1S Energy and resource efficiency** promotes consolidation of urban development and integration of land use and transport.
- **15.03-1S Heritage conservation** encourages *appropriate development that respects places with heritage values*, and seeks to ensure *an appropriate setting and context for heritage places is maintained or enhanced*.

Clause 17.02-1S Business encourages *development that meets the community's needs for retail, entertainment, office and other commercial services*. Strategies include *ensuring commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure; and locating commercial facilities in existing or planned activity centres*.

2.1.5 Local Planning Policy Framework

Yarra's Local Planning Policy Framework includes the following clauses applicable to the subject site and proposal. I have not exhaustively reproduced every policy below.

Clause 21.03 Vision states that *Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks, and that all new development will demonstrate design excellence*.

Clause 21.04-3 Industry, office and commercial seeks to *increase the number and diversity of local employment opportunities*, including *commercial and office use in existing industrial areas*.

Clause 21.05-1 Heritage seeks to protect and enhance Yarra's heritage places, and supports the restoration of heritage places. Heritage is not my area of expertise, and so this review does not address heritage directly.

Clause 21.05-2 Urban Design includes the following objectives and strategies:

- *To ensure that new development contributes positively to Yarra's urban fabric.*
- *Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
- *To enhance the built form character of Yarra's activity centres.*
- *Require development within Yarra's activity centres to respect and not dominate existing built form.*
- *Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.05-3 Built form character seeks to improve the built form character of transport corridors.

Clause 21.08-5 Neighbourhoods - Collingwood identifies that much of Collingwood is industrial in character, with residential precincts surrounded by or interspersed with industrial buildings.

The Neighbourhood Map: Collingwood requires improving the on-street pedestrian and cycle links on Johnston Street to open space. The Built Form Character Map identifies the

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rear (northern) part of the subject land in Area 3 (non-residential areas), requiring improvement of the interface of development with the street.

Clause 21.12-1 Local Areas – Johnston Street Activity Centre (east of Smith Street) applies to the subject land, which is within Precinct 1: Johnston Street Central.

The Precinct Vision states that the heritage character will remain the prominent feature of the streetscape west of the railway line, with taller built form set back, and that 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.

This Clause provides further implementation guidance for land use and character, access and amenity, and equitable development.

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay encourages the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- *Be visually recessive and not dominate the heritage place.*
- *Be distinguishable from the original historic fabric.*

Clause 22.10 Built Form and Design Policy seeks to:

- *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.*
- *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
- *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
- *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
- *Create a positive interface between the private domain and public spaces.*
- *Encourage environmentally sustainable development.*

This Clause then provides extensive guidance for urban design outcomes.

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2.2 Built form context

2.2.1 Site location and local context

The subject land is located on the northern side of Johnston Street, approximately 100m west of the Hoddle Street corridor, and extends through to Sackville Street, which runs parallel to Johnston Street.

The site is generally rectangular in shape, and measures approximately 30.8m wide at the Johnston Street frontage, and 61.3m long.

Public Transport

The site is located within 300m walk from Victoria Park train station, and in close proximity to various bus services along Johnston Street and Hoddle Street.

It achieves a 'Walk Score' of 95 ('Walker's Paradise') and a Walk Score 'Transit Score' of 83 (Excellent Transit).

2.2.2 On-site built form

The subject site is occupied by a large 2-3 storey heritage warehouse building (Austral) with a rendered façade, brickwork side and rear walls and pitched roof, and a smaller 2-storey modern office building. Both buildings have open servicing space at the rear, fronting Johnston Street.

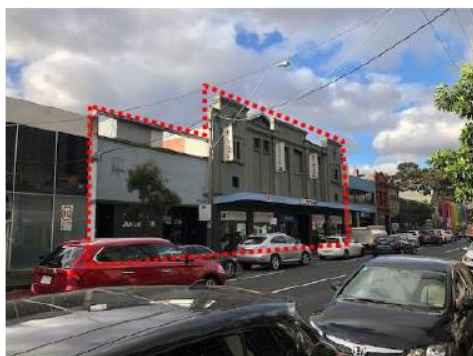


Figure 01: Subject site (red outline), Johnston Street frontage, looking east.



Figure 02: Subject site, Johnston Street frontage.

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Figure 03: Subject site, Sackville Street frontage (at right).



Figure 04: Subject site, Sackville Street frontage.



Figure 05: Aerial view of the subject land (centre, red marker) looking north-east, across Johnston Street (image source: Google).

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Figure 06: Aerial view of the subject land (centre, red marker) looking south-west across Johnston Street (image source: Google).

The site's immediate interfaces comprise:

- **North:** Sackville Street, which comprises commercial/warehouse properties on the south side, and generally low-scale housing on the north side.
- **East:** 2-storey commercial building at 204-206 Johnston Street.
- **South:** Johnston Street, with built form as described below, and a row of 2-storey terrace buildings used for retail/commercial opposite the subject land.
- **West:** 2-storey commercial building at 192 Johnston Street.



Figure 07: Built form opposite the subject land on the northside of Sackville Street.



Figure 08: Built form opposite the subject land on the south side of Johnston Street, between Francis Street (left) and Little Francis Street (right), with the Hoddle Street public housing tower behind.

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Figure 09: West interface: 2-storey commercial building with glazed frontage at 192 Johnston Street (far left).



Figure 10: East interface: 2-storey commercial building at 204-206 Johnston Street (blue building at left).

2.2.3 Surrounding built form

Johnston Street corridor

Johnston Street comprises predominantly low-scale (1-2 levels, or approximately 3-storeys equivalent in some buildings), traditional fine-grain development, with a prevailing heritage character of ornate buildings, positioned at the street frontage and built to side boundaries.



Figure 11: Johnston Street looking east towards the subject land.



Figure 12: Johnston Street south side, looking east.

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Figure 13: Johnston Street south side, looking west.



Figure 14: Johnston Street north side, looking west from opposite the subject land.

Higher scale development

Several higher-scale contemporary developments exist within the Johnston Street corridor, reflecting an emerging built form context of mid-rise built form. These new buildings generally have quite substantial, robust, visually strong appearances, as shown below.



Figure 15: Johnston Street looking east, towards development at 249-259 Johnston Street, Abbotsford (11 storeys, approx. 270m east of the subject land).



Figure 16: Recent development at 8 Gold Street, viewed from Johnston Street (6-7 storeys, approx. 200m west of the subject land).

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Figure 17: 'The Lyric' development, 338 Gore Street / 239-249 Johnston Street, Fitzroy, near Smith Street (10 storeys, approx. 670m west of the subject land).



Figure 18: Development at 2 Johnston Street, Fitzroy, near Smith Street (6 storeys).



Figure 19: Commercial development under construction at 1 Sackville Street, just east of Smith Street (9 storeys approx.).



Figure 20: View from Johnston Street to developments close to Smith Street.

Sackville Street

Sackville Street has a diverse character, comprising low-scale heritage houses on the northern side as well as prominent heritage warehouse buildings, and varied, low-scale commercial buildings along the southern edge, typically with zero (0m) setbacks.

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Figure 21: Sackville Street south side, looking west,



Figure 22: Sackville Street north side, looking west.



Figure 23: Low-scale houses and heritage warehouse buildings on Sackville Street, north side, approx. 70m west of the subject land.



Figure 24: Sackville Street north side, looking west.

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2.3 The proposal

2.3.1 Configuration

The proposal is for an 11-storey building configured as follows:

- Basement (2 levels): car parking, services, storage.
- Ground Floor: New public laneway between Johnston and Sackville Streets, Commercial office tenancies (6 no., including 2no. fronting Johnston Street), entrance lobby, bicycle storage, apartments fronting Sackville Street, services.
- Level 1: Commercial office tenancies (2 no.), apartments.
- Level 2: Apartments, communal lounge/office.
- Levels 3-10: Apartments, private open spaces.

The development includes retention of the existing front facade of 200-202 Johnston Street, but with additional windows.

2.3.2 Heights

The overall building height is dimensioned as 36.8m from Sackville Street to roof parapet level South Elevation (drawing TP2-101), and 37.5m from Johnston Street in the North Elevation (drawing TP2-102).

Floor to floor heights are 5.19m at Ground Floor, 3.5m at Level 1, and 3.2m across other levels.

The street wall height at Johnston Street is that of the existing facade, being 10.2m (excluding gable), and 12.3m at Sackville Street.

2.3.3 Profiles

The proposed front and rear profiles exceed the DDO15 recommended profiles of 45 degrees from 11m at the street wall, as shown in the Long Section on drawing TP3-101 (excerpt below).

However, there appears to be a potential error in the way that the preferred profiles are drawn in this section, as shown below.

At the Johnston Street frontage, the DDO8 profile 45 degree line appears to commence from 11.5m above ground level, and outside the site boundary. It should commence from 11m at the street boundary.

At the Sackville Street frontage, the profile (orange lines) also commences outside the boundary, does not commence at 11m as it should, and includes a horizontal section before the 45 degree line commences.

I am not clear on the reasoning for this.

2.3.4 Johnston Street frontage

This frontage profile comprises two (2) main 'steps' in the façade above the street wall.

The Ground Floor, Level 1 and Level 2 occupy the full extent of the site (except for the proposed public laneway), while Level 2 comprises an angled recess or partial front setback behind the retained heritage façade to Johnston Street.

Levels 4-8 are set back 9.5m from the front boundary, while Levels 9-10 are set back 16.28m from the boundary (excluding the Level 9 balcony space and screening).

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Sackville Street frontage

This frontage profile comprises three (3) main 'steps' in the façade above the 3-storey street wall.

Levels 3-5 are set back 6.5m (excluding the Level 3 balcony space and screening) from the boundary. Levels 6-8 are set back 13.5m (excluding the Level 6 balcony space and screening) from the boundary. Levels 9-10 are set back 21.26m from the boundary (excluding the Level 9 balcony space and screening).

Figure 1: Building envelope requirement - Heritage building

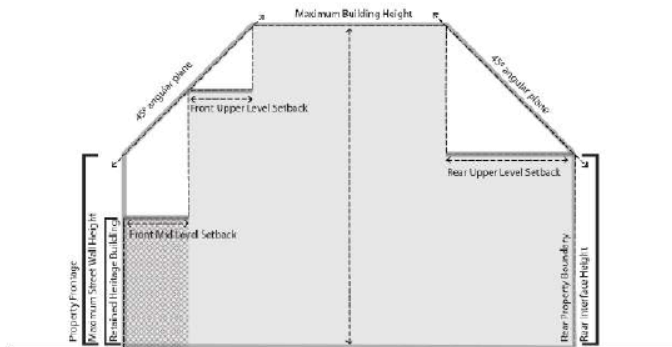


Figure 25: Excerpt from DDO15: Building envelop requirements for heritage buildings.

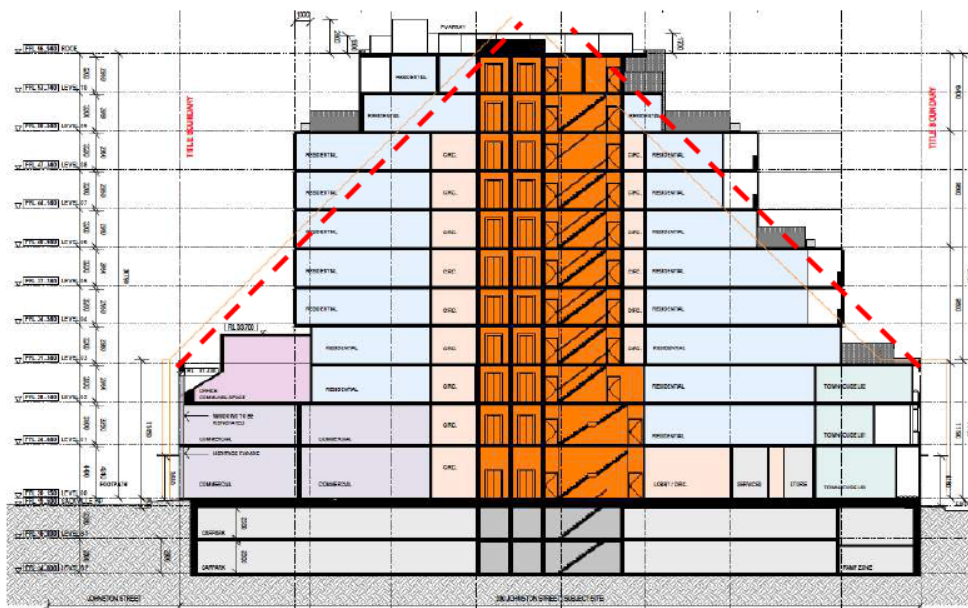


Figure 26: Excerpt from drawing TP3-101: Long Section, showing proposed profiles and orange lines which I assume to represent the DDO15 envelope requirements, but appear to be incorrect. The red lines indicate my understanding of the DDO15 preferred envelope requirements, commencing from 11m above ground level at each site boundary.

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3.0 Review of the proposed development

3.1 Is the built form siting appropriate?

3.1.1 Guidance

DDO15 encourages street walls to both street frontages, up to 11m in height, and requires buildings to activate the street edge. It states that *new development should be built to the front property boundary on sites without a heritage building along Johnston Street and Sackville Street.*

A decision guideline in DDO15 is *whether the proposal provides an active street interface to Johnston Street and contributes positively to the pedestrian environment and other areas of the public realm.*

Clause 21.05-2 Urban Design includes the following objectives and strategies:

- *To enhance the built form character of Yarra's activity centres.*
- *Require development within Yarra's activity centres to respect and not dominate existing built form.*

15.01-2S Building design guides buildings which contribute positively to context and enhance the public realm.

15.01-5S Neighbourhood character seeks to ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place.

Clause 22.10 Built Form and Design Policy seeks to *ensure that new development positively responds to the context and respects the scale and form of surrounding development, and creates a positive interface between the private domain and public spaces.*

3.1.2 Assessment

By retaining the existing heritage facade to the Johnston Street frontage and building up to the Sackville Street boundary, the proposal occupies the full length of the site, but provides a new public laneway along the western boundary of the site, of 4.5m in width (increasing slightly in width at the northern end).

Zero (0m) setbacks at street frontages are a clear characteristic of both the Johnston Street and Sackville Street frontages, and so it is appropriate to extend this condition.

The retention of heritage facade contributes to retaining the established character of the Johnston Street interfaces.

While DDO15 does not specifically call for through-block linkages, the existing block between Gold Street to the west and Hoddle Street to the east is over 300m in length, with no public pedestrian links between Johnston Street and Sackville Street.

I consider that a new laneway will be beneficial to the public/pedestrian experience, but increasing permeability and providing an alternative to walking along Hoddle Street which is inhospitable to pedestrians. The proposed laneway's alignment with Little Francis Street to the south supports legibility and wayfinding

I am therefore supportive of the proposed siting of the development.

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3.2 Is the proposed land use appropriate?

3.2.1 Guidance

The **Commercial 1 Zone (C1Z)** seeks to *create vibrant mixed use commercial centres 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.*

Clause 15.01-1S Urban Design seeks to *ensure development contributes to community and cultural life by improving the quality of living and working environments, and supports public realm amenity and safe access.*

Clause 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne seeks to *create a city of 20-minute neighbourhoods, bringing homes within 20-minute access to employment, education, community infrastructure and other regular destinations*

Clause 15.02-1S Energy and resource efficiency promotes consolidation of urban development and integration of land use and transport.

Clause 17.02-1S Business encourages *development that meets the community's needs for retail, entertainment, office and other commercial services, including locating commercial facilities in existing or planned activity centres.*

Clause 21.04-3 Industry, office and commercial seeks to *increase the number and diversity of local employment opportunities.*

Clause 21.05-2 Urban Design supports *new development that contributes to the consolidation and viability of existing activity centres.*

3.2.2 Assessment

Commercial Office

Commercial office space is appropriate in the Commercial 1 Zone, and the proposed office spaces, will contribute to the established mix of land uses and commercial activity in this locality close to a Major Activity Centre, and to daytime activation and passive surveillance opportunities, while supporting employment outcomes. The multiple smaller tenancies targeted to smaller businesses will contribute to a vibrant mix of businesses.

Residential

Higher density residential is also encouraged in the Commercial 1 Zone, and is suitable in this well-located and accessible Neighbourhood Activity Centre location.

Communal lounge and office space

This facility is also appropriate within a higher density development, because it provides for workspaces and meeting room to support increased levels of working from home.

I therefore consider the proposed land uses to be responsive to the zoning and context.

However, I consider that this development would benefit from the provision of a communal outdoor open space, such as a rooftop terrace or similar, to provide additional amenity options for residents.

While most of the proposed dwellings face east or west, and some face north, and so will receive reasonable sunlight access, a communal space would offer additional recreational and social opportunities, as appropriate to this type and scale of development. The stepped form of the building may accommodate this inclusion of a communal open space.

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Recommendation 1:

Provide a communal open space within the development, for resident access.

3.3 Is the building height and massing appropriate?

3.3.1 Building height guidance

DDO15 specifies a preferred maximum building height for Sub-Precinct 1B of 28m, with no mandatory maximum height specified.

It states that *a permit should only be granted to exceed the preferred maximum building height if the following criteria are met:*

- *The building elements permitted by the proposed variation satisfy the design objectives of Clause 1.0 and the provisions of Clause 21.12-1.*
- *The proposal will achieve each of the following:*
 - *Housing for diverse households types.*
 - *Universal access.*
 - *Communal or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.*
 - *Excellence for environmental sustainable design measured as a minimum BESS project score of 70 per cent or 5 Star Green Star Standard.*
 - *Greater building separation than the minimum requirement in this schedule.*
 - *No additional amenity impacts to residential zoned properties, beyond that which would be generated by a proposal that complies with the preferred maximum building height.*

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay encourages the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- *Be visually recessive and not dominate the heritage place.*
- *Be distinguishable from the original historic fabric.*

3.3.2 Building height assessment

The proposed building height of 36.8m – 37.5m exceeds the preferred height of 28m in this Sub-Precinct under DDO15, by 8.8m - 9.5m, or 24% - 25% approximately. Therefore, it is necessary to assess the proposal against the DDO15 design objectives, and the stated criteria in DDO15 for exceeding preferred heights.

Assessment against the design objectives:

By retaining the heritage front wall to Johnson Street the proposal, and clearly visually separating the new upper-level from the street wall, the proposal contributes to **preserving the heritage character of the streetscape**. In considering the renders of the proposal at pages 44, 46 and 48 of the Urban Context Report, I consider that, while the proposed tower form is

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visually prominent, the **street wall remains visually prominent**, as required by this design objective.

I consider the overall scale of 11 storeys to be 'mid-rise' but note that it exceeds the stated range of 5-10 storeys. Given the substantial setbacks to the uppermost levels, I consider that this part of the design objective is achieved. The proposal does provide a **transition to the residential area** to the north. This profile is less gradual than the DDO15 envelope requirement, and while the drawings are unclear in showing the extent of this exceedance as shown above, I estimate it to be approximately:

- One full floor level 'above the line' at Level 5 (set back 6.5m from frontage);
- Two floor levels at Levels 7 and 8 (set back 13.5m);
- 1.5 floor levels at Levels 9 and 10 (set back 21.26m).

The Urban Context Report states that the preferred 45-degree profile *creates a pyramid or wedding cake style massing*. I do not agree with this, and the DDO15 envelope diagram shown above indicates massing with larger steps in the profile (which the proposal includes).

On balance, I consider that the Sackville Street interface to residential areas to the north is adequately recessive, based on the setback distances for each incremental step in the building, and in the context of an established commercial character on the south side of Sackville Street with larger lots and larger-scale commercial buildings. Therefore I consider that the proposal satisfies this design objective.

The proposal does **activate the street edge and provide passive surveillance opportunities** at both street frontages, through commercial and residential activity at Ground Floor and upper levels. It incorporates **commercial activity at the lower levels**, and the southern footpath of Johnston Street is not **overshadowed** at the equinox.

The proposal incorporates the **consolidation** of two sites, and does provide side setbacks which address **equitable development opportunities** for neighbouring sites. This aspect is discussed in detail below.

I therefore consider that the proposed development meets the design objectives of DDO15.

Assessment against Clause 21.12-1

The proposal does **protect the heritage streetscape character**, while also incorporating a prominent, contemporary tower form above (and set back from) the heritage street wall. The proposal **adaptively re-uses** the existing heritage façade.

The range of small office tenancies and communal office space for residents appears to **foster new business opportunities and creative industries, and provide employment and business opportunities, to strengthen the commercial role of Johnston Street, and generate street activity and pedestrian engagement**.

The proposal **accommodates a growing population** through provision of 98 new dwellings, comprising:

- 64 no. 1-bedroom apartments (including 2 no. with study) (65%);
- 17 no. 2-bedroom apartments (17%);
- 14 no. 3-bedroom apartments (14%);
- 3 no. 3-bedroom townhouses (3%).

The proposal **improves pedestrian amenity on Johnston Street** through well-designed frontages and active uses, and **improves the Sackville Street interface** through improved building design and an active frontage.

I therefore consider that the proposed development meets the criteria of Clause 21.12-1.

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Assessment against other DDO15 criteria for additional building height:

The proposal provides housing for diverse household types, by providing various 1-, 2- and 3-bedroom dwellings.

Universal access is beyond my expertise and not an urban design consideration.

Private open spaces are provided to all dwellings and appear to exceed the minimum requirements for balcony sizes in Clause 58.05-3, Standard D19, but noting that I have not exhaustively checked all dwellings.

Environmentally sustainable design is beyond my expertise and not directly an urban design consideration.

For **building separation**, DDO15 specified minimum 4.5m setbacks from side boundaries above the street wall where habitable rooms are proposed. The proposal provides for 4.5m side setbacks at upper levels.

Levels 4-8 have 4.5m side setbacks to both side boundaries, with slightly larger setbacks at Level 3 which acts as a 'shadow line' level. Levels 9 and 10 have greater side setbacks of 7.1m-7.3m to the glass/wall line (4.5m to planter balcony edge at Level 9). Therefore the provision for building separation generally meets the minimum stated in DDO15, rather than providing greater separation.

The proposal does not create additional (or any) **amenity impacts to residential zoned properties**.

I therefore consider that the proposal meets the various criteria for additional building height.

Visual assessment

Having addressed the policy provisions for additional height, it is also pertinent to assess the visual implications of the proposed building height.

In responding to Clause 22.02, the upper-level form of the proposal is clearly contemporary and visually distinct from the retained heritage façade and wider heritage streetscape. It creates a lightweight and 'thin' aesthetic through steel framing, mesh operable screens, metal cladding and metal window frames, in contrast to the masonry of the retained Johnston Street façade and proposed brickwork street wall to Sackville Street. I support this approach, but consider that further information and detail is required, as explained below.

Viewed from Johnston Street, the proposal incorporates 5-6 visible levels in the upper form (with limited visibility to the two uppermost levels), which are set back by 9.5m, in relation to the 2-3-storey (equivalent) heritage street wall (see Urban Context Report, page 46-48).

These views demonstrate that the upper-level form is visually recessive and not dominant over the heritage place, in my opinion.

The vertical articulation of the upper-level Johnston Street facades visually corresponds with that of the retained heritage facade, through alignment of vertical elements, as shown in the South Elevation (TP2-101).

The creation of a new public laneway that is open-to-sky, the new brickwork street wall/podium to Sackville Street, the use of red brickwork and metal windows which reference the former industrial setting and heritage streetscape, also contribute to respecting the heritage place.

The simple, rectilinear form of the building with inset balconies and lightweight materials, also contribute to a visual lightness and layered expression, which contrasts to the more grounded, robust visual mass of the heritage streetscape.

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The South Elevation shows that the tower form has an overall vertical proportion as a result of its height being greater than its width. However, the primary central form spanning Levels 4-8 has more 'square' or horizontal proportions., and the significant setbacks mean that this verticality will not be readily apparent from the public realm.

Based on this visual assessment of the proposal, I consider the proposed building height to be acceptable.

3.3.3 Building setback guidance

DDO23 nominates a preferred setback profile to both street frontages of 45 degrees from 11m frontage heights, as discussed above.

3.3.4 Building setback assessment

Upper level rear setbacks (Sackville Street)

I have accepted the proposed Sackville Street (north-facing) profile, above.

Upper level front setbacks (Johnston Street)

The proposal exceeds the preferred DDO15 profile, while I reiterate that the drawings are unclear or potentially incorrect in demonstrating this.

The upper five (5) floor levels exceed the 45-degree line, but are set back 9.5m (Levels 6-8) and approximately 14m (Levels 9-10) from the front boundary.

I have accepted the visual implications of this profile, above.

While I recognise the extent of departure from the DDO15 envelope requirements, this departure occurs at the upper levels which are more distant from the public realm, and are considered in the context of the robust character of Johnston Street (but also recognising its heritage value).

In this context, I consider the front profile to be acceptable.

Side setbacks (north)

As explained above, the proposal achieves the minimum 4.5m side setbacks to habitable room windows and balconies, specified in DDO15, with increased side setbacks to the two uppermost levels.

I consider this condition to be acceptable because it meets the stated provisions, and supports 9m building separation, if neighbouring sites were to be redeveloped.

Based on the above analysis and assessment, I consider the building height and massing to be acceptable.

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3.4 Are the public realm interfaces / frontages appropriate?

3.4.1 Guidance

DDO15 encourages activated street edges and passive surveillance opportunities, and commercial activity and the lower levels.

Clause 15.01-1S Urban Design seeks to *ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*

Clause 15.01-2S Building design guides buildings which *contribute positively to context and enhance the public realm.*

3.4.2 Assessment

Interface to Johnston Street

The Ground Floor frontage to Johnston Street comprises two commercial tenancies and the entrance to the public laneway, which is fronted by four (4) additional office tenancies and the entry lobby. At Level 1, two further offices front Johnston Street.

The heritage façade is proposed to contain four large windows and a central glazed door, with several large windows inserted at Level 1.

While commercial activity is expected to mainly accommodate activity during daytime hours, this is expected to be offset by movements of residents and visitors during evening hours., in terms of street activation.

Interface to Sackville Street

The frontage to Sackville Street incorporates three townhouses and an apartment, across Ground Floor and Levels 1-2, within the 3-storey street wall configuration, which also includes the vehicle entrance and a services cupboard at the street frontage.

The dwellings at this frontage with their entrances, balconies and windows will provide appropriate activation and passive surveillance opportunities, through direct interfaces with the streetscape.

While technical servicing requirements are beyond my expertise, the vehicle entrance and services cupboards appear to be minimised in terms of their streetscape impact.

The Ground Floor 1-bedroom apartment which fronts Sackville Street and the proposed laneway is perhaps challenging as a residential frontage to a narrow public thoroughfare, but I consider it acceptable as an 'urban' character dwelling.

I therefore support the public realm interfaces as proposed.

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3.5 Is the architectural expression appropriate?

3.5.1 Guidance

Clause 15.01-1S Urban Design requires development to *respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*

Clause 15.01-2S Building design guides buildings which contribute positively to context and enhance the public realm.

Clause 21.05-2 Urban Design includes the following objectives and strategies:

- *To ensure that new development contributes positively to Yarra's urban fabric.*
- *Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
- *Support new development that contributes to the consolidation and viability of existing activity centres.*

3.5.2 Assessment

The retention of the existing Johnston Street facade allows the proposal to retain this part of the local character and the resultant industrial/heritage aesthetic at the main street frontage.

As discussed above, the use of steel framing and metal mesh screens and cladding panels in the tower element create visual contrast to the heritage streetscape through visual lightness and thinness of elements, but also references the traditional metal windows and structural elements of heritage industrial buildings.

However, I consider that further information and detail is required regarding the external materials and finishes, to demonstrate an appropriate level of design resolution, visual quality/cohesion and durability. The elevations include a range of materials including:

- Metal – natural finish (MF-01) (to steel frame);
- Metal expanded mesh (MF-02);
- Metal finish terracotta (MF-03);
- Tensile wire (MF-06);
- Balustrade (MF-07) (also metal mesh, with same external finish image as MF-02 on drawing TP10-201-2);
- Landscaping mesh (MF-08);
- Metal expanded mesh screen (MF-09).

While these finishes are indicated in the External Finishes schedule (TP10-201-2), the rendered views of the building are illustrative/sketch-like rather than 'photo-realistic'.

I am supportive of the use of a metal palette, but the extensive use of metal cladding (type not defined) and mesh screens requires consideration of durability (against corrosion, for example), details (edges and intersections, such as handrails to mesh balustrades) and maintenance, to ensure these finishes to no degrade or gather dirt over time.

While these are quite detailed requirements, they align with the accurate representation of the building's appearance in the streetscape, which is an essential factor.

Recommendation 2:

Provide further detail and explanation of proposed materials and finishes to the tower element, addressing the above considerations.

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The use of red brickwork, with varied patterning, and a robust, substantial form at the Sackville Street frontage references the rear of the existing building on the site and other large heritage buildings nearby, while also re-establishing a robust, solid and visually 'grounded' podium, in contrast to the lighter expression of the upper levels.

The regular rhythm and restrained expression of the tower form reflects a considered, refined design approach, and the use of lightweight mesh screens creates a delicate, 'filigree' appearance, again in contrast to the more robust forms and materials elsewhere.

Also as noted above, the consistent rectilinear framing and form of the upper levels, with inset balconies and expressed framing, is also considered appropriate, and creates a simple, elegant expression.

The integration of façade planting provides for visual softening, which is also supported.

I therefore consider the external expression to be appropriate responsive to the context.

3.6 Are equitable development opportunities provided?

As noted above, the provision of 4.5m side setbacks, with increased setbacks to the uppermost levels, meets the minimum provisions in DDO15 for building separation, and therefore provides for equitable development opportunities, towards minimum 9m separation between habitable rooms or balconies.

I therefore consider that the proposal appropriately provides for equitable development potential on the adjoining sites to the east and west.

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4.0 Conclusion

I consider the proposed development at 196-202 Johnston Street, Collingwood to be an appropriate response to Collingwood's evolving urban context, and to the parameters of the subject site and its interfaces.

While the proposed height substantially exceeds the preferred maximum height established by the applicable DDO15, the design meets all of the applicable criteria for additional height, and the visual implications of the proposed upper-level form has been assessed as acceptable from an urban design perspective.

The external expression reflects a refined, considered design, which is expected contribute positively to the experience of this location, subject to the provision of further detail and information.

While I support the proposed communal office space, I have also recommended the inclusion of a communal open space within the development, to support recreational and social activity and increased access to sunlight for residents.

I therefore consider that this proposal warrants support from an urban design perspective.

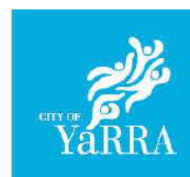
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MEMO



To: Daniel Herrmann (Statutory Planning)

From: Hayley McNicol (Urban Design)

Date: 1 June 2021

Site Address: 196-202 Johnston Street, Collingwood

Application No: PLN20/0950

Description: Partial demolition of the existing buildings
Construction of an 11 storey building
Use of the land for dwellings (permit required) and shop / food and drink premises / office (no permit required)
87 car parking spaces provided within a two level basement
98 bicycle spaces provided internally at ground level and 6 spaces provided externally along the proposed public laneway

COMMENTS SOUGHT

Urban Design comments have been sought on following matters:

- Impact on the public realm interface
- Ground plane
- Through block link
- Whether there are any capital works approved or proposed within the area of the subject site.

These comments are provided on the Landscape Plans (Etched, December 2020), as well as the Architectural Plans (JCB, 10 March 2021). The extent of this review is limited to the proposed development's integration with the streetscape and public realm and excludes landscaping within the building and rooftop landscapes. Some comments are provided on the landscaping within the new laneway and should be read alongside comments from the Open Space team.

COMMENTS SUMMARY

This proposal is supported in principle, subject to the improvements outlined over the following pages, including:

- Improvements to the design of the new laneway to improve its function, safety and amenity.
- Replacement of the street tree on Johnston Street to align and compliment the tree planting of the laneway.

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- Provision of new street tree on Sackville Street to mitigate loss of on-street and on-site trees.

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

Additional Information Required

The following details are required on the landscape plans:

- Dimensions of footpaths and unobstructed pedestrian access along laneway
- The exact location of the existing streetscape fixtures, including trees and street light poles
- On-street parking bays
- Drainage including any side entry pits
- Surface materials
- Lighting
- Any additional fixtures such as bins and signage
- Cross-sections through the laneway

Additional details required on the drawings are set out in the relevant sections below.

Details on the requirements for landscape plans can be found on Council's website [here](#).

URBAN DESIGN COMMENTS

Johnston Street

1.	<p>Ground Floor Interface and pedestrian/vehicle access</p> <ol style="list-style-type: none"> Johnston Street is designed as the principal frontage with ground floor commercial units fronting the street. This is supported. It is not clear if the tenancy on the corner of Johnston Street and the new laneway is intended for commercial or food and beverage (the landscape and architectural plans have different uses marked). Food and beverage would be preferred in terms of supporting the adjacent outdoor tables and chairs on the laneway. There appear to be some recesses along the ground floor building frontage, further detail is required on the surface treatment and level for these. We note that the recess at the existing door has a step – the design should ensure step-free access is provided into this ground floor tenancy from Johnston Street. A set of doors at the corner tenancy open outwards onto Johnston Street, which is not supported. It appears that the ground floor windows would be retained, which are full height windows that extend to the ground. It is noted that this style of window doesn't always work with commercial uses, and sometimes tenants must resort to blinds/window coverings to obscure views of equipment/furniture, which have a negative impact on the street interface. Therefore, it is important to consider the internal fit out for a commercial use and how this will work with full height windows.
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2.	Street trees <ol style="list-style-type: none"> The street tree near the laneway is not shown correctly on the landscape plans. The existing street tree on Johnston Street would be impacted by the new tree in the laneway. Refer to comments under No. 10b for a recommended solution that will better integrate the tree planting along the laneway and the street.
3.	Existing conditions <ol style="list-style-type: none"> The existing street light pole and cables should be marked on the drawings. Would the canopy on Johnston Street interfere with this? Footpath dimension need to be marked on Johnston Street.
4.	Street furniture and footpaths <ol style="list-style-type: none"> Opportunity for cycle hoop along frontage for visitor parking, depending on footpath width. Location of cycle hoop to consider entrances and adjacent car parking (door opening zones). Opportunity for footpaths to be re-sheeted along length of frontage, to provide a consistent surface treatment.

Sackville Street

5.	Ground Floor interface and pedestrian/vehicle access <ol style="list-style-type: none"> The car park access is from Sackville Street which is supported. This frontage is well balanced with some vehicle access/service cabinets and dwellings fronting the street. The service cabinets appear to be integrated into the façade of the building which is supported.
6.	Street trees <ol style="list-style-type: none"> Footpath trees are to be shown accurately on Sackville Street. The canopy of one of the trees to be removed has not been shown. The existing on-site tree on the northern boundary provides significant canopy and positively contributes to the street. Given that this will be removed, and an existing footpath tree will also be removed, we require a contribution for at least one street tree to be located along the site's Sackville Street frontage.
7.	Surface treatments <ol style="list-style-type: none"> Drawings should annotate that redundant crossovers on Sackville Street will have footpath and kerbs reinstated.

New laneway link

8.	<p>The offer of a new north-south link connecting Johnston and Sackville Streets is welcomed and will help to improve permeability in this area as well as providing greenery and places to sit off busy Johnston Street. Review of the design has brought up several issues relating to the function, safety and amenity of this new publicly accessible space. These are listed below and</p>
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	are required to be addressed to make the proposal acceptable from an Urban Design perspective.
9.	It would be helpful to have some cross-sections through the laneway, particularly where there are level changes, raised planters, seats, trees, and reduced laneway width. It would also assist with some of the requests for clarification/details below.
10.	<p>Laneway trees and landscaping (read alongside any comments from Open Space team)</p> <ul style="list-style-type: none"> a. Four trees are located along the new laneway, which are planted in raised planters over a basement car park. In terms of the two suggested species, the Native Frangipane may be more appropriate for the laneway space as it is a slimmer taller tree (compared to Chinese Elm). However further details are required to demonstrate that the soil volume of the planters would support this type of tree. b. The tree at the southern end of the laneway would interfere with the existing street tree on Johnston Street (which is incorrectly marked on the landscape plans) and would greatly narrow the entrance of the laneway. To provide a more generous entrance to the laneway and improve ease of access and views, we suggest that this tree and planter could be relocated further to the north on the other side of the tables and chairs. This would also create an opportunity to replace the current street tree on Johnston Street with a Native Frangipane (which are a tree species on Johnston Street), and reposition it slightly so that it lines up with the trees along the laneway. c. The elevation on the landscape plans should show all relevant laneway and street trees, including the canopy for the proposed species. It should be demonstrated that the height of the tree canopies/landscaping ensure clear views at eye level along the laneway to minimise hiding spaces. d. A green wall is proposed on the west side of the laneway. This appears to be a separate structure – we are keen to know how this would work with the adjacent site to ensure that it is a long-term solution (i.e. would this have to be removed if the adjacent site is developed?). Further details are required to clarify how the design of the mesh/wire prevents people climbing the frame.
11.	<p>Furniture and fixtures</p> <ul style="list-style-type: none"> a. It is not clear if the tables and chairs at the northern end of the laneway are associated with a tenant. Given that it doesn't sit directly next to any café type use, and it significantly narrows the laneway at this point, we suggest that these are removed. There could be potential for other tables and chairs to be located at points along the laneway if they are tied with a particular tenant. However this would need to be appropriately managed to ensure adequate pedestrian access is maintained along the laneway. b. Clarification is required if the tables and chairs are fixed or movable. If they are movable, then will they go inside at night? c. A number of new seats are proposed on along the new laneway. Encourage new seats to offer some with backrests and armrests for accessibility. d. One of the seats is located on the ramp and the elevation shows that the height of the seat changes. What is the height of the seat at its northern end and is it still usable as a seat? e. The bike hoops next to the raised garden beds sit out on their own and create an obstruction and clutter. We recommend that the bike hoops are better integrated with the layout of raised garden beds. For example, if the southern laneway tree is moved further north (as suggested in No. 10b), the bike hoops could sit directly north or south of this raised planter. It is also recommended that the bike hoop at the northern end of the

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	<p>laneway is moved away from the entrance to declutter this space, and again this should be integrated with the layout/alignment of the planters.</p> <p>f. Is there any signage proposed to identify businesses along the laneway or to name the laneway itself? If so, this should be marked on the landscape plans.</p> <p>g. Will there be bins provided along the laneway and if so who will maintain/empty them?</p>
12.	<p>Lighting</p> <p>a. Lighting is shown on the architectural plans but not on the landscape plans – landscape plans should be updated with all lighting.</p> <p>b. It appears that the lighting would include a series of bollard lights, lighting in garden beds, up lighting to trees and lights attached to the building. It is not clear what types of lights are proposed, what lighting levels are achieved along the laneway, and if there will be any dark spots/corners. Given this will be a publicly accessible space, it is important for the lighting to meet relevant standards and adopt best practice.</p> <p>c. Clarification is needed if the lights will be on/activated after hours, as it is important for the laneway to feel well lit and safe at night.</p> <p>d. A series of bollard lights are positioned along the laneway which are not supported as they create clutter – we recommend that these lights are integrated with the raised garden beds/planters.</p>
13.	<p>Access along laneway</p> <p>a. There is a substation accessed from the new laneway. It is not clear if vehicle access would be required to the substation via the laneway. This would not be supported, as vehicle access would compromise the safety and amenity of this pedestrian link, particularly as vehicles would need to reverse in/out of the laneway.</p> <p>b. A series of tenancies are accessed from the laneway which is supported and will help to activate this new link. The individual entrances of these tenancies are recessed which may create hiding places along the laneway. Do the entrances need to be recessed? If so, can there be landscaping included to minimise hiding spots on either side of the dividing walls?</p> <p>c. How will the laneway prevent access by motorised scooters?</p> <p>d. Clarification needed on how commercial units along laneway will be serviced and accept deliveries, ensuring that vehicle access is prevented along laneway.</p> <p>e. There is a stairwell from the laneway which provides access to the first floor commercial units and residential apartments. It is recommended to provide a gate or door to this stairwell to prevent it being used as a hiding spot.</p> <p>f. Further detail needed to confirm length of ramp along laneway (does it meet standards) and show how it interfaces with the recessed entries for the commercial tenancies. Spot levels and cross-sections would be helpful.</p>
14.	<p>Surface materials</p> <p>a. Details of the paving should be marked on the drawings and there should be a seamless transition between the footpaths and laneway in terms of levels and surface finishes.</p> <p>b. Clarification needed on whether the surface materials along the laneway will meet slip resistance standards.</p>

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15.	Drainage a. How will drainage be addressed? Drainage to be integrated in design, and any details to be assessed by the Civil Engineering team.
16.	Operation / management a. Who will maintain the laneway? b. How do we guarantee that the laneway will be kept open for public access?

Capital Works

17.	There are no planned capital works along the site frontages led by the Urban Design team.
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MEMO

To: Daniel Hermann
From: Mark Pisani
Date: 28 May 2021
Subject: Application No: PLN20/0950
 Description: Mixed Use Development
 Site Address: 196-202 Johnston Street, Collingwood

I refer to the above Planning Application received on 30 March 2021 in relation to the proposed development at 196-202 Johnston Street, Collingwood. Council's Engineering Referral team provides the following information:

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
JCB Architects	TP 0-101 <i>Existing Site Plan</i>	2	10 March 2021
	TP 1-101 <i>Basement 02 Plan</i>	2	10 March 2021
	TP 1-102 <i>Basement 01 Plan</i>	2	10 March 2021
	TP 1-103 <i>Level 00 Plan</i>	2	10 March 2021
	TP 1-104 <i>Level 01 Plan</i>	2	10 March 2021
	TP 2-101 <i>South Elevation</i>	2	10 March 2021
	TP 2-102 <i>North Elevation</i>	2	10 March 2021
	TP 3-101 <i>Long Section</i>	2	10 March 2021
	TP 3-102 <i>Short Section</i>	2	10 March 2021
	TP 3-103 <i>Ramp Section</i>	2	10 March 2021
	TP 10-202 <i>Development Summary</i>	2	10 March 2021
Traffix Group	<i>Traffic Engineering Assessment report</i>	B	21 December 2020
Terrain Consulting Group	17221D01s <i>Title Re-establishment, Feature & Level Survey</i>	2	13 September 2018

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CAR PARKING PROVISION

Proposed Development

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

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	64	1 space per dwelling	64	44
Two-bedroom dwelling	17	1 space per dwelling	17	17
Three-bedroom dwelling	17	2 spaces per dwelling	34	17
Office	140 m ²	3.0 spaces per 100 m ² of net floor area	4	1
Shop/Food and Drink/Bar/Restaurant	779 m ²	3.5 spaces per 100 m ² of leasable floor area	27	8
Total			146 spaces	87 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 the One- and Three-Bedroom Dwellings</i>	<p>The one-bedroom dwellings would be provided with on-site parking at a rate of 0.69 spaces per dwelling, whereas the three-bedroom dwellings would each have one on-site space.</p> <p>To determine the likely parking demand for the one- and three-bedroom dwellings, Traffix Group has sourced car ownership data from the 2016 ABS Census, specifically for 'flats, units or apartments'. The ABS Census data indicates that one-bedroom dwellings in Collingwood have an average car ownership of 0.6 cars per household, with some 44% of one-bedroom dwellings own no cars. The average car ownership for three-bedroom dwellings is one car per household. Some 23% of three-bedroom dwellings do not own a car.</p> <p>The parking rates provided for the one- and three-bedroom dwellings are fairly consistent with statistical trends for car ownership in Collingwood. It is also recognised that there is a market for inner suburban dwellings to contain little or no parking, having regard to good access to public transport, facilities, shops, places of employment etc. The proposed on-site parking provision the dwellings is considered appropriate.</p>

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Parking Demand Consideration	Details
<i>Parking Demand for Office Use</i>	<p>For the likely parking demand of the office, Traffix Group has sourced journey to work data from the 2011 and 2016 ABS Census for travel modes of employees who work in the Collingwood area. The data indicates that some 47% of employees travelled to their workplace as a driver only (compared to 56% in 2011). In the 2016 census, public transport and cycling accounted for 24% and 6% respectively. It is evident from the ABS Census data that there is a trend for increasing sustainable transport usage and less reliance on private motor vehicles when commuting to and from workplaces in Collingwood.</p> <p>The office tenancy would be providing one on-site space, which equates to 0.71 spaces per 100 square metres of floor area. Council has approved office developments throughout the municipality with reduced on-site parking rates. The proposed on-site parking rate is considered appropriate.</p>
<i>Parking Demand for the Shop/Food and Drink/Bar/Restaurant Use</i>	<p>For this commercial use, Traffix Group adopted a staff parking demand rate of 1.0 space per 100 square metres of floor area. Applying this rate would equate to seven to eight spaces. Customers and patrons to this use would park off-site. The provision of eight spaces for the use is considered appropriate.</p>

- **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:
 - Hoddle Street buses – 180 metre walk
 - Victoria Park railway station – 340 metre walk
- **Multi-Purpose Trips within the Area.** Clients and customers to the office and shop might combine their visit by engaging in other activities or business whilst in the area.
- **Convenience of Pedestrian and Cyclist Access.** The site is very well positioned in terms of pedestrian access to public transport nodes and other nearby businesses. The site has good access to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- **Availability of Car Parking.** On-street parking in this part of Collingwood is very high during business hours. The area surrounding the subject site is blanketed in time based parking restrictions. The high parking demand in the surrounding streets would be a disincentive for employees to drive.
- **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.
- **Car Parking Deficiency associated with Existing Land Use.** Traffix Group has indicated that the existing use of the land comprises office, warehouse and retail uses, which would have a parking generation of some 58 spaces (based on rates in column A of Table 1 in Clause 52.06-5), with an estimated 24 on-site spaces. Therefore, the sit would have a parking deficiency of 34 spaces. This parking credit could potentially be transferred to the new development.
- **Other Relevant Considerations.** Residents of the development would not be eligible to apply for on-street parking residential and visitor permits.

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Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking associated with the resident and commercial uses is considered appropriate in the context of the development and the surrounding area. The on-site parking provision rates for the various uses are not dissimilar to those that have adopted for other developments throughout the municipality. Employees who do not have access to on-site parking would make other travel arrangements to commute to and from the site, such as take public transport or ride a bicycle. The operation of the development should not adversely impact on the existing on-street parking conditions in the area.

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

TRAFFIC IMPACT

Trip Generation

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

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential (78 dwellings*)	4 trips per dwelling each day. Peak hour traffic is 10% of daily traffic volume	312	31	31
Commercial Uses (9 on-site spaces)	0.5 trips per space in each peak hour	Not provided	5	5
Total			36 trips	36 trips

* Dwellings with on-site car parking.

Directional Splits and Traffic Distribution Assumptions

Traffix Group has adopted the residential traffic peak hour directional splits as follows:

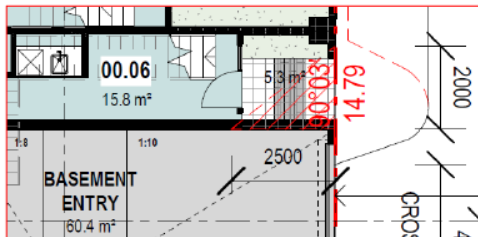
- AM Peak Hour: 20% IN (6 trips) and 80% OUT (25 trips)
- PM Peak Hour: 40% OUT (12 trips) and 60% IN (19 trips)

For the commercial uses, the directional split adopted is 100% IN during the AM peak hour and 100% OUT during the PM peak hour.

The traffic generated by the site is expected to be evenly distributed between east and west. The volumes of traffic generated by this site are not unduly high and should not adversely impact the traffic operation of the surrounding road network.

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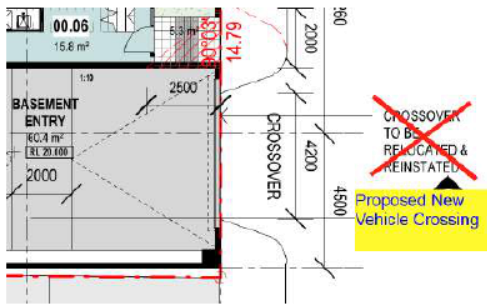
DEVELOPMENT LAYOUT DESIGN Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance – Sackville Street	The doorway width of the development entrance has not been dimensioned.
Visibility	<p>A pedestrian sight triangle has been superimposed at the exit lane of the development entrance; however, it appears that visibility is obstructed at the entrance of dwelling 00.06, as shown below:</p> 
Headroom Clearance	Headroom clearances of no less than 2.2 metres have been provided and satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Internal Ramped Accessways	Internal ramps have wall-to-wall widths of 6.1 metres and satisfy AS/NZS 2890.1:2004.
Car Parking Modules	
At-grade Parking Spaces	The dimensions of the parking spaces (2.8 to 2.9 metres by 4.9 metres) satisfy <i>Design standard 2: Car parking spaces</i> of Clause 52.06-9.
Spaces 17 and 41 Basement 02 Plan	It is agreed that spaces 17 and 41 should be re-line marked to have widths of 2.9 metres in order to satisfy parking space clearance requirements of <i>Design standard 2</i> .
Accessible Parking Space	The dimensions of the accessible parking space and shared area (each 2.4 metres by 5.4 metres) satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009.
Aisles	The 6.4 metre wide aisles satisfy <i>Table 2: Minimum dimensions of car parking spaces and accessways</i> of Clause 52.06-9.
Column Depths and Setbacks	Columns are set back from the aisles by 125 mm and have depths of 1000 mm. Since the bays have widths of no less than 2.8 metres, the positions of the columns satisfy <i>Diagram 1 Clearance to car parking spaces</i> of Clause 52.06-9.
Clearances to Walls	Spaces have been provided with clearances in accordance with <i>Diagram 1</i> .
Gradients	
Ramp Grade for First 5.0 metres inside Property	The grade of the entrance ramp for the first 5.0 metres inside the property is an upward grade of 1 in 10, which satisfies <i>Design standard 3: Gradients</i> .
Ramp Grades and Changes of Grade	The grades and changes of grade satisfy <i>Table 3 Ramp Gradients</i> of Clause 52.06-9.

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Attachment 5 - Consolidated Application Referral comments

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Item	Assessment
Other Items	
Vehicle Crossing – Sackville Street	The vehicle crossing width does not fully span the development entrance width.
Loading Arrangements	The retail/restaurant use would rely on small commercial vehicles or vans to deliver goods to the site. These vehicles would utilise on-street parking when transporting goods or foodstuffs to the site. There is no objection to this arrangement.
Swept Path Assessment Waste Collection Vehicle G25929-01* Sheet No. 01/01	The swept path diagrams for a 6.345 metre long waste collection vehicle circulating the basement car park and undertaking a turn-out movement are considered satisfactory.
Existing Road Hump and Street Tree – Sackville Street	The existing road hump and street tree outside the property's Sackville Street frontage have not been depicted in the drawings.
Vehicle Crossing Ground Clearance	A vehicle crossing ground clearance check is to be undertaken by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out (Please see under 'Engineering Advice for Design Items to be Addressed by the Applicant' section).
Annotation on Drawings	<p>The annotation 'Crossover to be Relocated & Reinstated' must be deleted and replaced with 'Proposed New Vehicle Crossing', as shown below:</p> 
Canopy on Johnston Street	The proposed canopy on Johnston Street has not been dimensioned.

* Traffix Group swept path diagram drawing number.

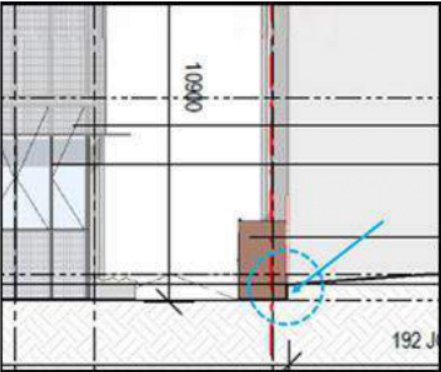
Attachment 5 - Consolidated Application Referral comments

Engineering Advice for Design Items to be Addressed by the Applicant

Item	Details
Development Entrance	The doorway width of the development entrance must be dimensioned on the drawings.
Vehicle Crossing	The width of the vehicle crossing must match the width of the development entrance.
Visibility	As indicated earlier, visibility at the exit lane of the development appears to be obstructed at the entrance of dwelling 00.06. The applicant is to confirm an exiting motorist can clearly view pedestrians within the sight triangle and that visibility is not obstructed.
Existing Road Hump and Street Tree – Sackville Street	The existing road hump and street tree outside the property's Sackville Street are to accurately be depicted on the drawings.
Vehicle Crossing Ground Clearance	<p>To assist the applicant, a Vehicle Crossing Information Sheet has been appended to this memo. The ground clearance check requires the applicant to obtain a number of spot levels out on site which includes the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement – in this case, Sackville Street.</p> <p>These levels are to be shown on a cross sectional drawing, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access into and out of the development.</p> <p>Providing the ground clearance check early in the design phase can also determine whether further modification works are required, such as lowering the finished floor level inside the property or making any adjustments to Council's footpaths or road infrastructure.</p>
Canopy on Johnston Street	For the new canopy, the vertical clearance above the footpath and the setback from the kerb must comply with the <i>Building Regulations</i> 2018 for projections beyond the street alignment.

Attachment 5 - Consolidated Application Referral comments

INFRASTRUCTURE ITEMS AND CONSTRUCTION ACTIVITIES

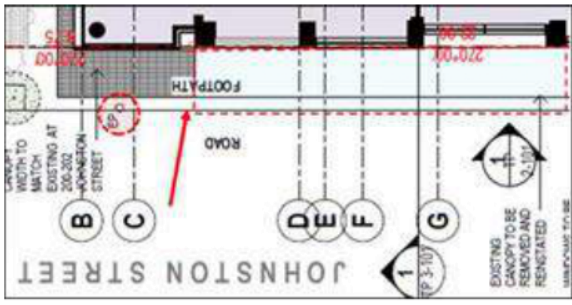
Item	Details
General	
Impact on Council Road Assets	<p>The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.</p> <p>It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for employees, visitors and other users of the site.</p>
Footpaths along Johnston Street and Sackville Street Frontages	
Footpath Reconstruction	<p>The demolition of the existing building, the construction of the new building and the occupation of the footpath by plant and heavy equipment will impact on the footpath and deteriorate its condition.</p> <p>The footpaths along the property's Johnston Street and Sackville Street frontages are to be reconstructed. In undertaking these works, the existing kerbs are to be retained (fixed control points). The new footpaths must have a cross-fall (the slope between the kerb and the property line) of no steeper than 1 in 33 or unless otherwise specified by Council. In providing the new footpaths, the finished floor levels at the development's pedestrian entries must be readjusted to match the new footpath levels.</p>
Grade along Johnston Street Footpath	<p>A check of the Johnston Street elevation indicates that there appears to be a sudden level change in the longitudinal grade of the footpath near the east and west property boundaries. The longitudinal grade of the footpath must not be altered unless agreed upon with Council. Please see <i>Figure 1</i> appended to this memo.</p>
Grade along Sackville Street Footpath	<p>At the site's western boundary along the Sackville Street footpath, there appears to be a significant level difference in the footpath at the interface with the neighbouring property. The longitudinal grade of the footpath must not be altered unless agreed upon with Council. The level difference is shown in the diagram below:</p> 

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Item	Details
Sackville Street	
Flood Analysis for Sackville Street	<p>The applicant must undertake a flood analysis along Sackville Street to determine the expected depth of overland flow at the property interface. Computations and details are to be provided to Council for assessment. The following must be achieved:</p> <ul style="list-style-type: none"> ▪ The ground finished floor level (FFL) must provide a minimum of 300mm freeboard above the determined flood level. ▪ The apex level within the basement entry must provide a minimum of 150mm freeboard above the determined flood level.
North-South Aligned Internal Laneway (Private)	
Laneway	Although publicly accessible, the proposed north-south aligned laneway within the property is a private laneway and will not be under Council control. On the drawings, the annotation 'Public Laneway' is to be deleted and replaced with 'Private Laneway (Publicly Accessible)'.
Substation within Laneway	The applicant needs to consult with the relevant power authority in relation to the location of the substation within the laneway and whether it satisfies the requirements of the power authority.
Lighting within Laneway	The applicant is to ensure that the private laneway is adequately lit during night time hours. Once the development is completed, the maintenance of the laneway lighting would be the responsibility of the building manager/owners corporation of the site.
Adjustment of Levels for Laneway	Given the adjusting of existing levels to achieve the finished floor levels along the public laneway, the applicant is to confirm if it is proposed to install a retaining structure along the western boundary with 194 Johnston Street. If so, details of a retaining structure are to be forwarded to Council for assessment.
Drainage	
Capture and Discharge of Stormwater from Development	<ul style="list-style-type: none"> ▪ The stormwater discharge from the development must be directed to the VicRoads owned culvert beneath the Johnston St kerb and channel. The applicant must obtain approval in writing from VicRoads and provide a copy of the correspondence to Council. ▪ Remove all existing drainage discharge locations along the kerbs adjacent to the property boundary and/or connections to pits. All pipes and kerb adaptors within the road reserve must be decommissioned and removed. Reinstatement of the affected area will require replacement of full panels/sections of footpath and/or kerb and channel i.e. from joint to joint. ▪ Runoff from all ground floor surface areas must be captured within the property and redirected to the allocated legal point of discharge. ▪ The stormwater captured on the proposed canopy along Johnston Street must be redirected through the property to the allocated legal point of discharge.

Attachment 5 - Consolidated Application Referral comments

Item	Details
Other Items	
Canopy – Johnston Street	<p>The proposes to extend the canopy along the footpath as indicated in the diagram below. Due to the position of the existing electricity pole (circled in red), the canopy will need to be reduced in width from the property boundary. As mentioned earlier, the setback must satisfy the <i>Building Regulations 2018</i>.</p> 

ENGINEERING CONDITIONS

Civil Works

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

- The footpaths along the property's Johnston Street and Sackville Street frontages must be reconstructed and satisfy the following:
 - All footpaths adjacent to the property must be reconstructed in asphalt in accordance with Council standards;
 - The footpath must be constructed in compliance with DDA requirements: maximum crossfall – 1 in 33 for asphalt and 1 in 40 for concrete (at the vehicle crossing);
 - Internal finished floor levels (FFL) must be aligned to the proposed DDA compliant footpath levels at the interface with the property boundary;
 - The alignment and level of existing kerb and channel is not to be altered unless agreed upon with Council;
 - The longitudinal grade of the footpath abutting the property and on the approaches must not be altered unless agreed upon with Council;
 - Existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades; and
 - The footpaths are to be reconstructed at the Permit Holder's cost.
- All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.
- All redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.

Attachment 5 - Consolidated Application Referral comments

- A suitably qualified consulting engineer is to undertake a flood analysis of Sackville Street to determine the expected depth of the overland flow at the property interface. The following must be achieved:
 - The ground finished floor level (FFL) must provide a minimum of 300 mm freeboard above the determined flood level;
 - The apex level within the basement entry must provide a minimum of 150 mm freeboard above the determined flood level.

Vehicle Crossing

Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be designed and constructed:

- In accordance with any requirements or conditions imposed by Council.
- Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- At the Permit Holder's cost; and
- To the satisfaction of Council.

Road Asset Protection

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

Construction Management Plan

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

Impact of Assets on Proposed Development

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

Discharge of Water from Development

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

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
- Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

Attachment 5 - Consolidated Application Referral comments

- 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.

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

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

Attachment 5 - Consolidated Application Referral comments

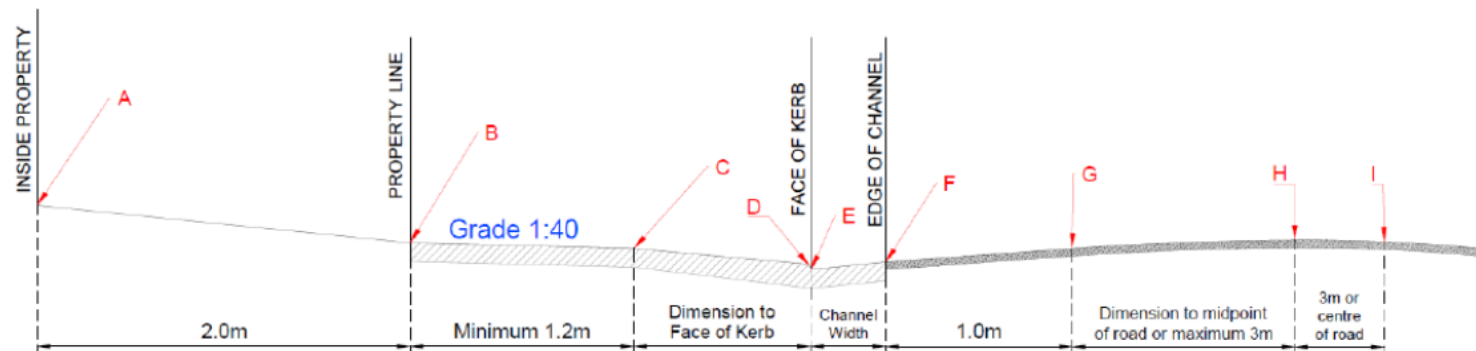
Vehicle Crossing – Cross Section



The designer is to submit a 1:20 scale cross section for each proposed vehicle crossing showing the following items:

- | | |
|--|--|
| A. Finished floor level 2.0 metres inside property | E. Surface level at the bottom of the kerb |
| B. Property line surface level | F. Surface level at the edge of channel |
| C. Surface level at change in grade (if applicable) | G. Road level 1.0 meter from the edge of channel |
| D. Bullnose (max height 60mm) – must be clearly labelled | H., I. Road levels |

- o Please note the cross section must be fully dimensioned. As shown in the sketch below.
- o Please show both the existing and proposed surface.
- o The maximum allowable cross-fall between points B and C is 1:40 (2.5%).
- o A bullnose (max 60mm) is permitted at point D, however not compulsory.
- o The levels shown must be exact reduced levels, to three decimal points. Interpolation of levels is not acceptable.
- o The designer must demonstrate that an 85th or 99th percentile vehicle profile can traverse the design cross section as per the Australian/New Zealand Standard ground clearance template (AS/NZS 2890.1:2004).
- o Significant level changes to the existing footpath level B to C will require additional level design either side of the proposed crossing.
- o Please include any additional levels or changes in grade that are not shown in the diagram.



Attachment 5 - Consolidated Application Referral comments

Figure 1 – Longitudinal Grade of Johnston Street Footpath



The applicant is to clarify the sudden grade changes along the Johnston Street footpath, as shown in the figure above.

Attachment 5 - Consolidated Application Referral comments



Planning Referral

To: Daniel Herrmann
From: Chloe Wright
Date: 10/05/2021
Subject: Strategic Transport Comments
Application No: PLN20/0626
Description: Part demolition of existing buildings, construction of an 11 storey building, use of the land for dwellings, shop / food and drink premises and office.
Site Address: 196 - 202 Johnston Street, Abbotsford

I refer to the above Planning Application and the accompanying Traffic report prepared by Traffic Group in relation to the proposed development at 196 - 202 Johnston Street, Abbotsford. Council's Strategic Transport unit provides the following information:

Access and Safety

No access or safety issues have been identified.

Bicycle Parking Provision

Statutory Requirement

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	140sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	0 employee spaces	
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	0 visitor spaces	
Dwellings	98	1 resident space per 5 dwellings	20 resident space	
		1 visitor space per 10 dwellings for visitors	10 visitor spaces	
Retail	779 sqm	1 employee space to each 300 sqm of net floor area	3 employee spaces	
		1 visitor space to each 500 sqm of net floor area	2 visitor spaces	
Bicycle Parking Spaces Total			23 resident / employee spaces	98 resident / employee spaces
			12 visitor spaces	6 visitor spaces
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	0 shower / change room	6 showers / change rooms

Attachment 5 - Consolidated Application Referral comments

Adequacy of visitor spaces

The following comments are provided in relation to provision of visitor spaces:

- Six visitor bicycle spaces are provided, which does not meet the statutory requirement of 12 visitor spaces or Council's best practice rate¹ which generates a recommendation of 26 visitor spaces. It is recommended that an additional 2 bicycle hoops are provided at Johnston Street, which would provide a total of 10 visitor spaces at the ground level.
- The provision of bicycle hoops at Johnston street should be as per the attached Urban Design bike hoop detail.
- All visitor bicycle spaces are provided as a horizontal at-grade space and appear to be in accordance with access and clearance requirements of AS2890.3.
- It is understood that Council's Urban Design unit has recommended the 3 bike hoops within the public laneway be relocated to better integrate with the layout of raised garden beds to reduce clutter / obstructions. This recommendation is supported.

Adequacy of resident / employee spaces

Number of spaces

98 resident / employee spaces are provided, which meets Council's best practice rate² recommendation of 98 resident spaces.

Design and location of resident / employee spaces and facilities

The following comments are provided in relation to the location and design of resident / employee bike parking:

- 98 resident / employee spaces are provided at the ground level within a secure facility, with access via the public laneway and lobby entrance at Johnston Street.
- 16 bicycle spaces are provided as bicycle hoops and 72 spaces are provided as two-tier bicycle racks, which satisfies the AS2890.3 requirement for at least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces.
- Dimensions of bicycle spaces are noted on the plans and demonstrate that the layout of bicycle parking is in accordance with access and clearance requirements of AS2890.3.
- An end of trip facilities area is located adjacent to the employee bicycle parking and includes six shower / change rooms for employees, which is well above the statutory and best practice recommendations.

Electric Vehicles

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). To allow for easy future provision for EV charging, it is recommended that all car parking bays should be electrically wired to be 'EV ready'. This does not mean car parking bays must be fitted with chargers, but that the underlying wiring infrastructure is in place to allow future owners and tenants to easily install a charger. For this purpose, the following should be installed:

- a) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
- b) A scalable load management system. This will ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand. Building electrical peak demand calculations can therefore be undertaken using the assessment methodology (AS/NZS3000:2018, clause 2.2.2.b.i), thus not increasing building electrical peak demand requirements beyond business as usual.

¹ Category 6 of the Built Environment Sustainability Scorecard (BESS) recommends "Residential developments should provide 0.25 visitor spaces per dwelling" and 1 visitor space to each 500sqm of office floor space.

² Category 6 of the Built Environment Sustainability Scorecard (BESS) offers the following for best-practice guidance for resident bicycle parking rates: "As a rule of thumb, at least one bicycle space should be provided per dwelling for residential buildings" and the following guidance for employee office rates: "Non-residential buildings should provide spaces for at least 10% of building occupants." Assuming a floor-space occupancy of 1 staff member to 10sqm (which is the maximum rate allowed under the National Construction Code for fire safety), providing bicycle spaces for 10% of occupants results in a rate of 1 space per 100sqm of floor area.

Attachment 5 - Consolidated Application Referral comments

Recommendations

The following should be shown on the plans before endorsement:

1. A minimum of 10 visitor bicycle spaces provided at a location easily accessible to visitors of the site. All visitor spaces should be a horizontal at-grade bike hoop and in accordance with access and clearance requirements of AS2890.3 or otherwise to the satisfaction of the responsible authority.
2. Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
 - a. One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
 - b. A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.

Regards

Chloe Wright

Sustainable Transport Officer
Strategic Transport Unit

Attachment 5 - Consolidated Application Referral comments



Memo

To: Daniel Herrmann

Cc: Julia Mardjuki;

From: Kevin Ayrey

Date: 22nd April 2021

Subject: PLN20/0950 – 196-202 Johnston Street, Collingwood.

Dear Daniel,

I have reviewed the landscape concept plans by Etched (december 2020) for the above planning application.

Landscaping and planting is shown on the ground level (laneway & North edge), Levels 1, 2, 3 & 6. The architectural plans show planting on level 9, but this isn't included in the landscape concept package.

In general, the information provided is acceptable in terms of a proposal. Further detail would be required as part of the planning permit (outlined below). Items to consider are –

Weed species – *Prunus lusitanica* is listed as an 'environmental weed' in the Advisory list of environmental weeds in Victoria. This should not be used.

Growing media requirements – the planters will need to be sized to provide adequate growing media for the various plants proposed. This will be considered when further detail on plant location and planter sizes is provided.

Suitable landscape plans would need to be provided as part of the planning permit requirements and need to include the following information -

- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants – as a planting plan with a plant schedule;
- (b) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
- (c) provide information on the proposed method for irrigation and drainage;
- (d) detail the maintenance schedule following construction (duration, tasks, regime);
- (e) show the materiality of the proposed spaces;
- (f) further detail on any sustainable treatments and water harvesting methods ;and

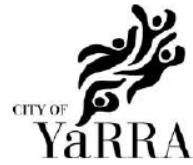
Load bearing weights for the building need to be checked and confirmed by suitably qualified structural engineers against the saturated bulk density of soil media, planter box and plant mass proposed. Please feel free to contact me if you would like me to clarify my comments (ph. 9205 5770).

Sincerely,

Kevin Ayrey

Landscape Architect - **Open Space Planning & Design**

Attachment 5 - Consolidated Application Referral comments



Memo

To: Daniel Herrmann

Cc: Glen Williams

From: Justin Bates

Date: 20 April 2021

Subject: PLN20/0950 – 196-201 Johnson St Collingwood

diverse

vibrant

exciting

inclusive

Hi Daniel,
I have reviewed the TMP (Tree Management Plan) from Tree Logic, all look to be in order.
(although one small typo in 1.1 background, it mentions Wellington St)
As mentioned in the plan, TPZ protection is required as per AS-4970, I will undertake some
minor pruning in Sackville St once the development is about to commence

Please feel free to contact me should you have any questions.

Regards
Justin .

6.2 PLN17/0626.04 - 60-88 Cremorne St, Cremorne - Section 72 Amendment to Planning Permit PLN17/0626 to allow for new terraces to the building at levels 4 and 5.

Executive Summary

Purpose

1. This report provides Council with an assessment of the proposed amendment application to construct west-facing terraces to level 04 and level 05 of the approved office development. The report recommends approval with the addition of a new condition (requirement for a development contribution levy) to the existing permit.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 22.05 – Interface uses policy; and
 - (b) Clause 22.10 – Built form and design policy.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Built form;
 - (b) Off-site amenity impacts; and
 - (c) Objector concerns.

Submissions Received

4. Eleven objections were received to the application, these can be summarised as:
 - (a) Overlooking;
 - (b) Noise impacts;
 - (c) Overshadowing of private open space;
 - (d) General amenity impact (unspecified);
 - (e) Departure from the original VCAT decision;
 - (f) Light projection at night;
 - (g) Impact on the heritage value of the area; and
 - (h) The property adjoins a residential zone and should have Neighbourhood Residential Zone usage restrictions.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to conditions changes which apply the development contributions levy.

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

6.2 [PLN17/0626.04 - 60-88 Cremorne St, Cremorne - Section 72 Amendment to Planning Permit PLN17/0626 to allow for new terraces to the building at levels 4 and 5.](#)

Reference	D21/118759
Author	Erryn Megennis - Statutory Planner
Authoriser	Senior Coordinator Statutory Planning

Ward:	Melba
Proposal:	Section 72 Amendment to Planning Permit PLN17/0626 to allow for new terraces to the building at levels 4 and 5
Existing use:	Mixed Use – Food and Drink Premises and Office
Applicant:	Contour Consultants Australia Pty Ltd
Zoning / Overlays:	Commercial 2 Zone Development Contributions Plan Overlay
Date of Application:	16 April 2021
Application Number:	PLN17/0626.04

Planning History

6. Planning Permit PLN17/0626 was issued at the direction of the Victorian Civil and Administrative Tribunal (the Tribunal) on 21 June 2018 for the following:
In accordance with the endorsed plans:
 - (a) *The construction of a building or construction or carrying out of works under clauses 34.02-4 and 43.02-2;*
 - (b) *The use of the land for 'indoor recreation facility' under clause 34.02-1;*
 - (c) *The use of the land for 'food and drink premises (café)' as the floor area exceeds 100m² under clause 34.02-1; and*
 - (d) *A reduction in the number of car parking spaces under clause 52.06-3.*
7. On 19 February 2019, Council issued an amendment (PLN17/0626.01) to the permit for the purpose of deleting the electrical wiring requirements from the civil works plan condition (condition 28).
8. On 21 February 2019, Council approved a secondary consent amendment for façade and material changes, a reduction in building footprint and internal reconfigurations (amongst others).
9. On 08 May 2020, Council approved a secondary consent amendment for changes to the internal landscape plan. On the same day, Council endorsed public realm, external landscape and civil drawings associated with conditions 21, 27 and 28 of the permit.
10. On 12 June 2020, a secondary consent amendment was approved to allow for updates in the provision of street trees along Blanche Street.
11. On 27 August 2020, Council approved a secondary consent amendment to allow for minor reconfigurations at ground floor as well as a widened accessway for vehicles.
12. On 17 November 2020, Council issued an amendment (PLN17/0626.02) to the endorsed plans to allow for the introduction of a west-facing terrace to level 05 of the development.

13. On 15 March 2021, Council issued an amendment (PLN17/0626.03) to the permit for the purposes of deleting the Indoor Recreation Facility use and replacement with a food and drinks premises, amendment to the permit preamble to remove reference to the Indoor Recreation Facility, deletion of permit conditions 6, 7 and 8, amended permit condition 5 to include the third food and drinks premises and amended plans to allow for ground floor façade changes along the east elevation.

Background

14. The applicant confirmed via e-mail correspondence on 11 August 2021 that while terraces to level 04 and level 05 have been constructed, the terraces are currently used for building maintenance purposes only. This amendment seeks to make the terraces accessible to office staff, through the introduction of doors and balustrades.

Planning Scheme Amendments

Amendment C238

15. Amendment C238 was introduced into the Yarra Planning Scheme on 01 February 2021 and inserts Clause 45.06 (Development Contributions Plan Overlay) with Schedule 1 into the Scheme. This overlay applies to all land in the City of Yarra (note: there are some exempted sites including schools, DHHS properties and public hospitals) and it applies to all new development where there is an increase in the number of dwellings and/or an increase in retail, commercial and industrial floor space. The overlay requires a monetary contribution from the developer.

Amendment C269

16. 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.
17. Amendment C269 was adopted by Council on 3 August 2021 and will proceed to a panel hearing in October 2021. In relation to this current planning application, the following clauses are of most relevance:
- 13.07 – 1L – Interfaces and Amenity;
 - 15.01 – 1L – Urban Design; and
 - 15.01 – 2L – Building Design
18. The above clauses are largely reflected in current planning policy and will not be contradictory to the proposed re-write of Clauses 21 and 22.

The Proposal

19. The amendment application is for the introduction of west-facing terraces to level 04 and level 05 of the approved office development. More specifically:

Level 04 terrace

- (a) The level 04 terrace will have a size of 65sqm;
- (b) The balustrading of the terrace (height 1.1m) would be set behind the approved external façade 'shell';
- (c) The terrace would be set back from the western boundary between 9.07m and 17.08m; 48.7m from the northern boundary and a minimum of 12.54m (scaled using Objective Trapeze computer program) from the southern boundary.

Level 05 north-west terrace

- (a) The level 05 north-west terrace will have a size of 30sqm and will be located north of the approved level 05 terrace. The total terrace area will consequently be 60sqm;

- (b) The balustrading of the terrace (height 1.1m) would be set behind the approved external façade 'shell'; and
- (c) The terrace would be set back from the western boundary between 12.454m and 12.7m; and 14.77m from the northern boundary (scaled using Objective Trapeze computer program)

Level 05 south-west terrace

- (a) The level 05 south-west terrace will have a size of 45sqm;
- (b) The balustrading of the terrace (height 1.1m) would be set behind the approved external façade 'shell'; and
- (c) The terrace would be set back from the western boundary 12.969m, 16.37m from the southern boundary and 53.64m from the northern boundary.

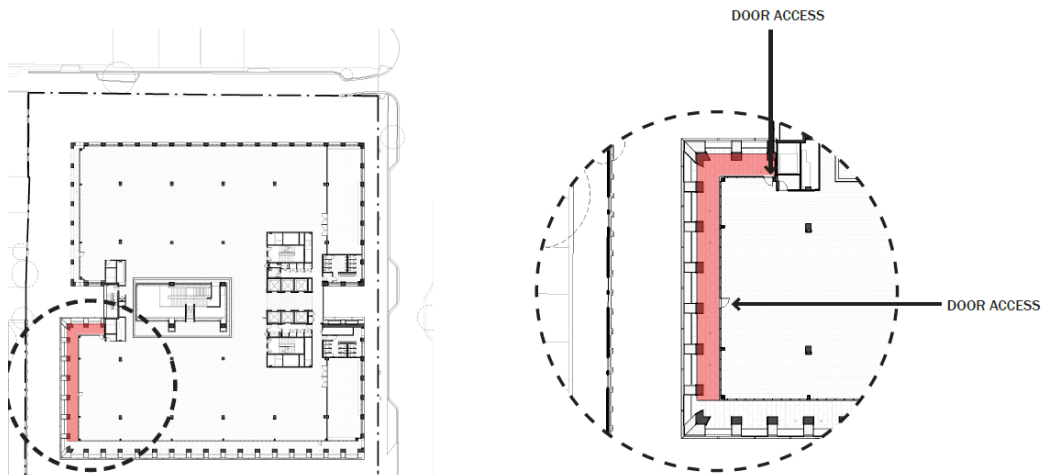


Figure 1: The location of the proposed level 04 terrace (left), high level detail plan (right)

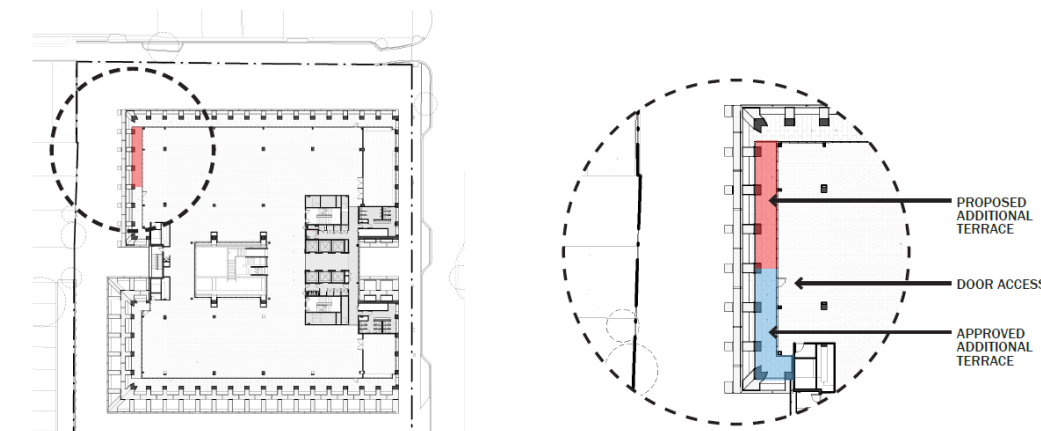


Figure 2: The location of the proposed level 05 north-west terrace (left), high level detail plan (right)

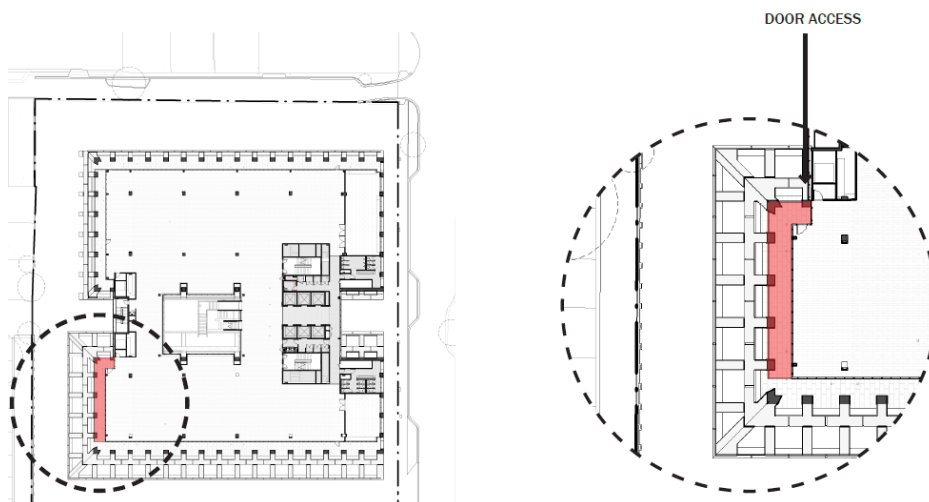


Figure 3: The location of the proposed level 05 south-west terrace (left), high level detail plan (right)

Existing Conditions

Subject Site

20. The site is located on the west side of Cremorne Street in Cremorne. The site comprises three separate titles and is bound by Blanche Street to the north, Parkins Lane to the south and a laneway for part of the western boundary. The site is a regular shaped allotment, has a frontage to Cremorne Street of approximately 88.66m and a depth of approximately 76.54m, yielding an overall site area of approximately 6734sqm.
21. The site was formerly used as an at-grade car park as per Planning Permit PLN11/0404 and was leased by the Epworth Hospital. The approved office development (under Planning Permit PLN17/0626) is currently under construction.
22. The site is legally described as Land in Plan of Consolidation 376532E and the copy of title submitted with the application shows that there are no restrictive covenants affecting the site. A Section 173 Agreement is listed on the title, which details requirements for sections of the ground floor pedestrian areas fronting Cremorne Street and Blanche Street within the title boundaries to be made available for public access at all times. The proposed amendment does not contradict the agreement.
23. The site now consists of a seven storey, development comprised of food and drink premises and offices approved under planning permit PLN17/0626. The building has pedestrian entries from Cremorne Street and Blanche Street, and vehicle access to a basement car park on Cremorne Street. The planning permit is still current, with works required to be completed by 21 June 2022.

Surrounding Land

24. As stated in the previous officer report (PLN17/0626.03) the surrounding land is described as follows (with no change to the context):
25. *The site is located within a transitional area where the Commercial 2 Zoned land abuts residential land to its immediate west. Further to the east, the Commercial 2 Zone land continues beyond Church Street with the exception of some residentially zoned pockets. To the south is land within the Comprehensive Development Zone and further to the north is the Swan Street Major Activity Centre (MAC) and the associated Commercial 1 Zone land. This varied zoning has resulted in development in the wider area being mixed, resulting in diverse built form.*



Figure 4: Nearmap aerial imagery of the subject site and surrounds (July 2021)

26. The zoning context of the surrounding land is shown at figure 5 below:

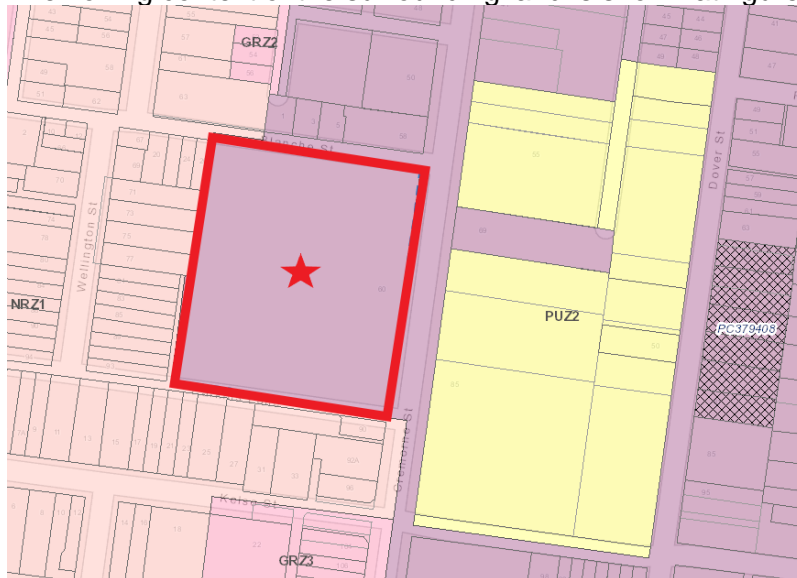


Figure 5: Zoning context of the surrounding land (purple = Commercial 2 Zone, light pink = Neighbourhood Residential Zone, Yellow = Public Use Zone, dark pink = General Residential Zone)

27. *The immediate interfaces with the subject site are described in the following paragraphs. These will focus on the southern, northern and western interfaces only as the amendment makes no change to the eastern interface.*

North

28. *To the north of the site is Blanche Street which is a one-way street accessed from Wellington Street. Nos. 1, 3 and 5 Blanche Street are a row of three, similarly constructed dwellings (existing use rights unknown for Nos. 1 and 5 Blanche Street) with minimal front setbacks (covered by a verandah), built to their side boundaries and private open space to the north. Nos. 1 and 5 are single storey, however No. 3 Blanche Street has a first floor extension. To their east at No. 58 Cremorne Street is a large single storey warehouse and office used by a fabric company. It has vehicular access from Blanche Street.*
29. *To the north-west are the residential streets of Jessie, Wellington and Huckerby Streets which are occupied by dwellings ranging between single and triple storeys in height. To the north-east are warehouses and offices ranging up to seven storeys in height.*

South

30. *Along the southern boundary of the subject site is Parkins Lane which is approximately 3m in width. Parkins Lane consists of the rear of properties facing Kelso Street or the sideage of dwellings fronting Wellington Street with walls, rear fences, sheds/outbuildings and roller doors. These properties all have high site coverage. The majority of properties along Kelso Street are single storey to Kelso Street however some have rear double storey extensions including No. 17 and 23 Kelso Street. There is a mixture of rear setbacks from their northern boundaries with some being as little as 5m, and others 16m.*
31. *To the south-west of the subject site are the side of single storey dwellings fronting Melrose Street and Gough Place. These dwellings are within the Neighbourhood Residential Zone (Schedule 1). To the south-east of the subject site is a row of single storey Victorian era terraces. These dwellings are located within the Commercial 2 Zone (existing use rights unknown).*

West

32. *To the west of the site are dwellings which front Blanche and Wellington Streets.*
33. *No. 26 Blanche Street is a three-storey dwelling (which is part of an attached row of three) and is directly to the west of the subject site. This dwelling includes a three-storey on-boundary wall which also acts as a wing wall to the dwelling's north-facing balconies. Each of the dwellings between Nos. 22-26 Blanche Street have ground floor car park access, as well as first and second floor north-facing balconies. Each has a small courtyard at ground floor in the south-east corner of their site.*
34. *Further to the west, No. 20 Blanche Street is a three-storey dwelling setback from its northern boundary to provide for car park access and a first floor balcony.*
35. *At the south-eastern intersection of Blanche and Wellington Streets are two modern dwelling warehouse conversions. No. 67 Wellington Street is a large, three storey dwelling whilst to its south is No. 69 Wellington Street which contains four floors and has south-facing private open space. To their south are dwellings facing Wellington Street.*
36. *Nos. 71 – 77 Wellington Street all directly abut the subject site with Nos. 79 - 93 Wellington Street being separated by the width of Parkins Lane (4m). The majority of dwellings are single storey to the street with the exception of No. 75 Wellington Street which has a first floor terrace as part of its frontage. Some dwellings include first floor extensions with No. 73 Wellington Street also having a first floor deck towards its rear. The majority of the dwellings are built deep into the site with minimal rear setbacks. No. 77 Wellington Street also has access to the laneway to its south with a large concreted area at the rear of the dwelling. Nos. 79, 83, 85, 91 and 93 Wellington Street have sheds/outbuildings along their rear boundary abutting the lane. Nos. 79 - 93 Wellington Street form part of an attached row of dwellings.*
37. *Further to the west are residences along Wellington Street and Punt Road.*

Planning Scheme Provisions

[Zoning](#)

Clause 34.02 - Commercial 2 Zone

38. Pursuant to clause 34.02-1 of the Yarra Planning Scheme, use of the land as an office does not require a planning permit.

39. Pursuant to clause 34.02-4 of the Yarra Planning Scheme, a planning permit is required to construct a building or construct or carry out works.

Overlays

Clause 45.06 - Development Contributions Plan Overlay (Schedule 1) (DCPO1)

40. The subject site is affected by the Development Contributions Plan Overlay (Schedule 1). This overlay requires developers to pay a contribution towards essential city infrastructure like roads and footpaths, as well as community facilities. The overlay is applicable to the proposed development as it results in an increase to the floor area of an existing commercial building.

Particular Provisions

Clause 52.06 (Car Parking)

41. Pursuant to Clause 52.06-5, the applicable car parking rate for an 'office' within the Principal Public Transport Network is 3 per 100sqm of floor area. The proposed terraces have a combined area of 140sqm. The required number of car parks to be provided is therefore 4. There are no additional car parking spaces proposed.
42. Pursuant to Clause 52.06-3, a planning permit is not required to reduce the required number of car parking spaces if the following requirements are met:
- (a) *The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone;*
 - (b) *The gross floor area of the building is not increased;*
 - (c) *The reduction does not exceed 10 car parking spaces; and*
 - (d) *The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.*
43. Gross floor area is defined under Clause 73.01 of the Scheme as: "The total floor area of a building measured from the outside of external walls or the centre of party walls, and includes all roofed areas". As the terrace floor space is not roofed, and given the site is in the Commercial 2 Zone, combined with the reduction required is only for 4 cars and the site is not within the Parking Overlay, a planning permit is not required for the car parking reduction.

General Provisions

44. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is offered in further detail in this report.

Planning Policy Framework (PPF)

45. The following clause is relevant to the amendment:
- (a) Clause 13.05-1S – Noise Abatement
 - (b) Clause 15.01 – Built Environment

Local Planning Policy Framework (LPPF)

46. Relevant clauses to the amendment are as follows:

- (a) Clause 21.04-3 – Industry, office and commercial;
- (b) Clause 21.05-2 – Urban design;
- (c) Clause 21.05-3 - Built form character; and
- (d) Clause 21.08-2 – Neighbourhoods (Burnley, Cremorne and South Richmond).

Relevant Local Policies

47. Relevant clauses to the amendment are as follows:

- (a) Clause 22.05 – Interface uses policy; and
- (b) Clause 22.10 – Built form and design policy.

Legislative Provisions

48. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act 1987* (the Act). Section 72 of the Act states:

(1) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*

(2) *This section does not apply to—*

- (a) a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
- (b) a permit issued under Division 6.*

49. The planning permit was issued on 21 June 2018. The Tribunal has not directed that the responsible authority must not amend the permit, nor was the permit issued under Division 6 of the Act.

50. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

Advertising

51. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 224 letters sent to surrounding owners and occupiers. Council received 11 objections, the grounds of which are summarised as follows):

- (a) Overlooking;
- (b) Noise impacts;
- (c) Overshadowing of private open space;
- (d) General amenity impact (unspecified);
- (e) Departure from the original VCAT decision;
- (f) Light projection at night;
- (g) Impact on the heritage value of the area; and
- (h) The property adjoins a residential zone and should have Neighbourhood Residential Zone usage restrictions.

Referrals

52. There was no requirement to refer the application to any external party under the Yarra Planning Scheme. Given the limited scope of change to within the approved building envelope, the application was not referred to internal Council departments.

OFFICER ASSESSMENT

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

- (a) Built form;
- (b) Off-site amenity impacts;
- (c) Objector concerns; and
- (d) Other Matters.

Built form

54. This section of the report is guided by the decision guidelines (as relevant) of the Commercial 2 Zone at Clause 34.02-7, and local built form and design policy at Clause 22.10.

55. Clause 34.02-7 of the Yarra Planning Scheme sets out the following decision guidelines in relation to building and works (to be considered as appropriate):

- (a) *The movement of pedestrians and cyclists and vehicles providing for supplies, waste removal, emergency services and public transport;*
- (b) *The provision of car parking;*
- (c) *The streetscape including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road;*
- (d) *Defining the responsibility for the maintenance of buildings, landscaping and paved areas;*
- (e) *The availability of and connection to services;*
- (f) *Any natural or cultural values on or nearby the land;*
- (g) *Outdoor storage, lighting and stormwater discharge; and*
- (h) *The design of buildings to provide for solar access.*

56. Under the Section 72 amendment application, only those changes being made can be assessed. The changes proposed are limited to the introduction of west-facing terraces at level 04 and level 05 of the approved development. Therefore, many of the above decision guidelines are not relevant.

57. Similar to planning application PLN17/0626.02 which introduced a new terrace to level 5 (northern portion), the new terraces have been designed to sit within the external 'shell' of the approved development and will therefore not result in any tangible change to the overall architectural form. This is demonstrated by the three-dimensional images and sections provided below at figures 6 and 7.

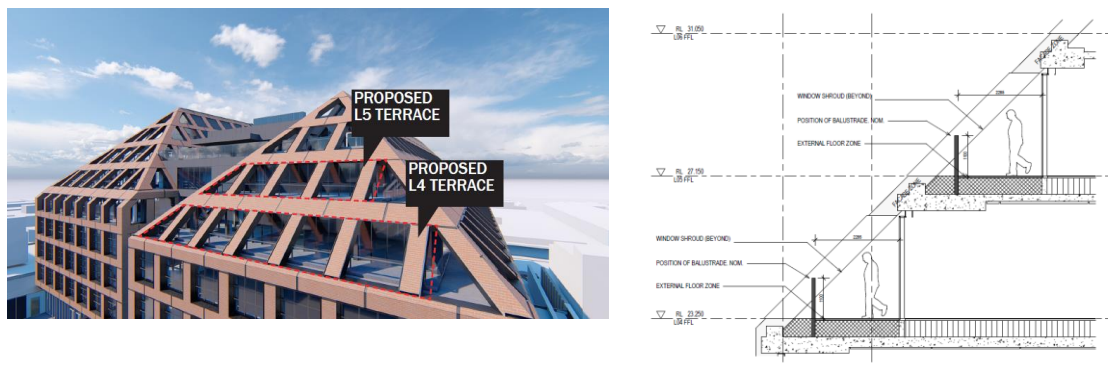


Figure 6: Three-dimensional image of the western façade and sectional detail of the proposed south-west terraces

Overlooking

61. This amendment application introduces a new terrace at level 04 and two new terraces at level 05 of the approved development. As such, there is the potential to introduce new overlooking impacts to the residentially zoned dwellings located to the west, southwest and northwest of the subject site. Whilst not applicable (given the subject development is an office building and the following standard applies to residential), Standard B22 of Clause 55 (ResCode) states the following:

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.

62. Using the above as a guide to test for overlooking, the nearest areas of secluded private open space are those associated with Nos. 71 – 93 Wellington Street, and Nos. 22-26 Blanche Street to the west. The proposed terrace at level 04 will be set back from the western boundary a minimum 9.07m. The proposed terraces at level 05 will be setback a minimum 12.454m from the western boundary. As such the proposed terraces, whilst unscreened, would comply with the Standard with the distance greater than the 9m radius. This is demonstrated by figure 9 below:

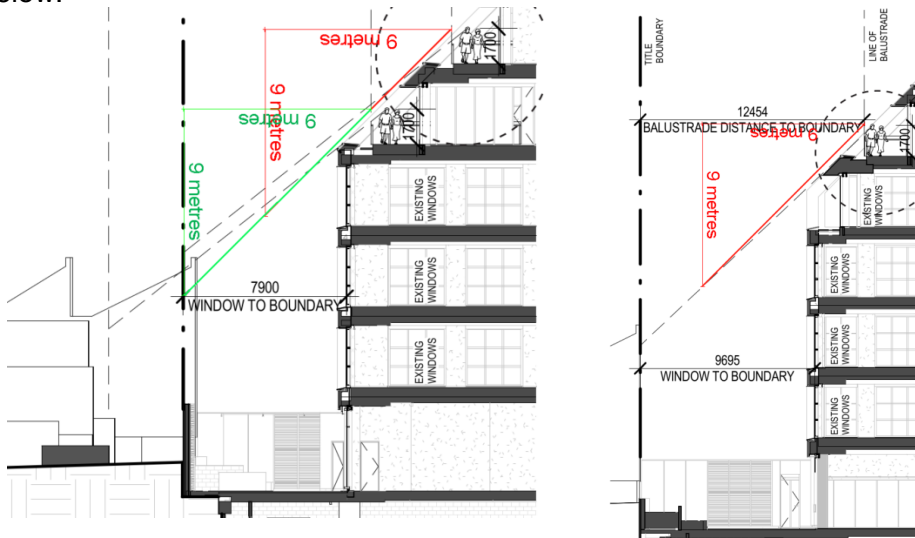


Figure 9: Section of terraces on level 04 and level 05 demonstrating compliance with the Overlooking objective. Source: Decision Plans Part 2 of 2, measured in Objective Trapeze computer program

63. As stated in the previous officer report (PLN17/0626.02);

Finally, overlooking was considered by the Tribunal in the original VCAT decision for the subject site, Arthur Land Pty Ltd v Yarra CC, 2017 [P2854], where the Tribunal stated (paragraph 135):

All windows in the proposed office are set back more than 9 metres from the rear boundaries of land to the west. If adopting clause 55 as a guide, and if the building was used for residential purposes, no screening would be required. While we appreciate that there will be a perception of overlooking, the outcome is acceptable because of the separation distance.

64. As stated earlier, the proposed terraces will be set back a minimum of between 9.07m-12.45m from the residential properties to the west, 14.77m from the northern boundary and 12.54m from the southern boundary. As such, and given the Tribunal's position on overlooking impacts remains relevant to the proposed amendment application, the proposed terraces will not result in unreasonable overlooking.

Noise Impacts

65. The proposed terraces would not result in any unreasonable noise impacts to nearby dwellings, particularly given that terraces have already been approved at level 5 (30sqm) and the level above (410sqm). The terraces at level 06 are more likely to generate noise impacts than the smaller, narrow terraces proposed at level 04 and level 05.
66. Furthermore, the proposed terraces relate to the approved office use which does not require a planning permit. As such, noise will be managed through the EPA Victoria.

Overshadowing

67. The proposed amendment will not result in any increase in overshadowing due to the proposed terrace being located within the external 'shell' of the approved development.

Objector concerns

68. Objector concerns have been addressed throughout this report as follows:
- (a) Overlooking impacts – this has been discussed at paragraphs 61-64;
 - (b) Noise Impacts – this has been discussed at paragraphs 65-66;
 - (c) Overshadowing – this has been discussed at paragraph 67;
 - (d) Heritage - the subject site is not located within a Heritage Overlay. Assessment against the relevant heritage policies of the Scheme (Clause 43.01 and Clause 22.02) is therefore not required. Further, as discussed at paragraph 57, the terraces have been designed to sit within the external 'shell' of the approved development and will therefore not result in any tangible change to the overall architectural form, particularly when viewed from the public realm.
 - (e) General amenity impact – while not specified in the objection, amenity impacts have been discussed at paragraphs 60-67;
 - (f) Departure from the original VCAT decision – the *Planning & Environment Act 1987* (the Act) allows for amendments to planning permits, including those that were issued at the direction of the Tribunal. The Tribunal Order associated with the original decision did not mandate that the planning permit could not be amended. As such, an amendment to the original planning permit must be considered and assessed under the planning controls. This amendment application was advertised to affected parties and has been considered in the report against the Planning Scheme.
 - (g) Light projection at night – The terraces will not be illuminated. The office land use is as-of-right under the Commercial 2 Zone and does not trigger a planning permit. Offices will continue to be lit however, residents have the ability to close curtains and blinds at night time to minimise any light-spill from the building.
 - (h) The property adjoins a residential zone and should have neighbourhood residential zone usage restrictions – Design objectives at clause 22.10-3.8 aim to limit the impact of new development on the amenity of surrounding land, particularly residential land, by ensuring that development does not prejudice the rights of adjoining land users. These objectives are largely designed to reduce off-site amenity impacts to land within a residential zone where they interface with commercial zones.

Underlining this, it is noted that the decision guidelines for buildings and works in Clause 34.02 do not refer to consideration of impacts on residential uses more generally but rather of *the interface with adjoining zones, especially the relationship with residential areas* (emphasis added).

This issue has been discussed in many Tribunal decisions within Commercial 2 Zones (formerly Business 3 Zones) including the following case:

W Huczek & D Starkiewicz v Yarra CC [1999] VCAT 45 (31 August 1999)

[97] Neither the zone purpose, nor the decision guidelines, indicate an intention that residential amenity should be an issue in this zone, or residential standards of amenity applied within it.

[108] It is not for the Tribunal to refuse a commercial development which complies with the zone requirements in a "Business" zone on the basis that if residential standards of amenity are applied, it would have an adverse impact on a non-conforming residential use. Such assertions would render the planning controls unwieldy, cumbersome and unpredictable, and would lead to a reduction in confidence in those particular planning controls.

The vision for the area under the current zoning and Council's strategic planning is for increased development to contribute to accommodating employment growth supporting the economic viability and enhancing the commercial precinct. The terraces associated with the as-of-right office use are therefore consistent with the strategic vision and land use objectives of the Commercial 2 Zone.

Other Matters

Development Contributions Plan Overlay

69. The subject site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06-1, *a permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.*
70. The requirement for a Development Contributions Levy is only applicable to the additional 140sqm of floor area under this amendment. As such a new condition and advisory note will be included to require the development contributions to be met prior to commencement of the amended development as follows:

New Condition 58 to read:

Prior to the commencement of the amended development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

With the Time Expiry condition (existing Condition 58) subsequently renumbered to Condition 59.

New note to read:

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

Conclusion

71. Based on the above report, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.

RECOMMENDATION

1. That a Notice of Decision to Grant an amended Planning Permit PLN17/0626.04 be issued for, *in accordance with the endorsed plans, the construction of a building or construction or carrying out of works under clauses 34.02-3 and 43.02-2, the use of the land for 'food and drinks premises (café)' as the floor area exceeds 100sqm under clause 34.02-1, and a reduction in the car parking spaces under clause 52.06-3 at 60 – 88 Cremorne Street Cremorne VIC 3121 generally in accordance with the plans noted previously as the "decision plans" with no changes to the permit preamble and subject to the following changes to conditions:*

Include new Condition 58 to read:

Prior to the commencement of the amended development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

With the Time Expiry condition (existing Condition 58) subsequently renumbered to Condition 59.

New note to read:

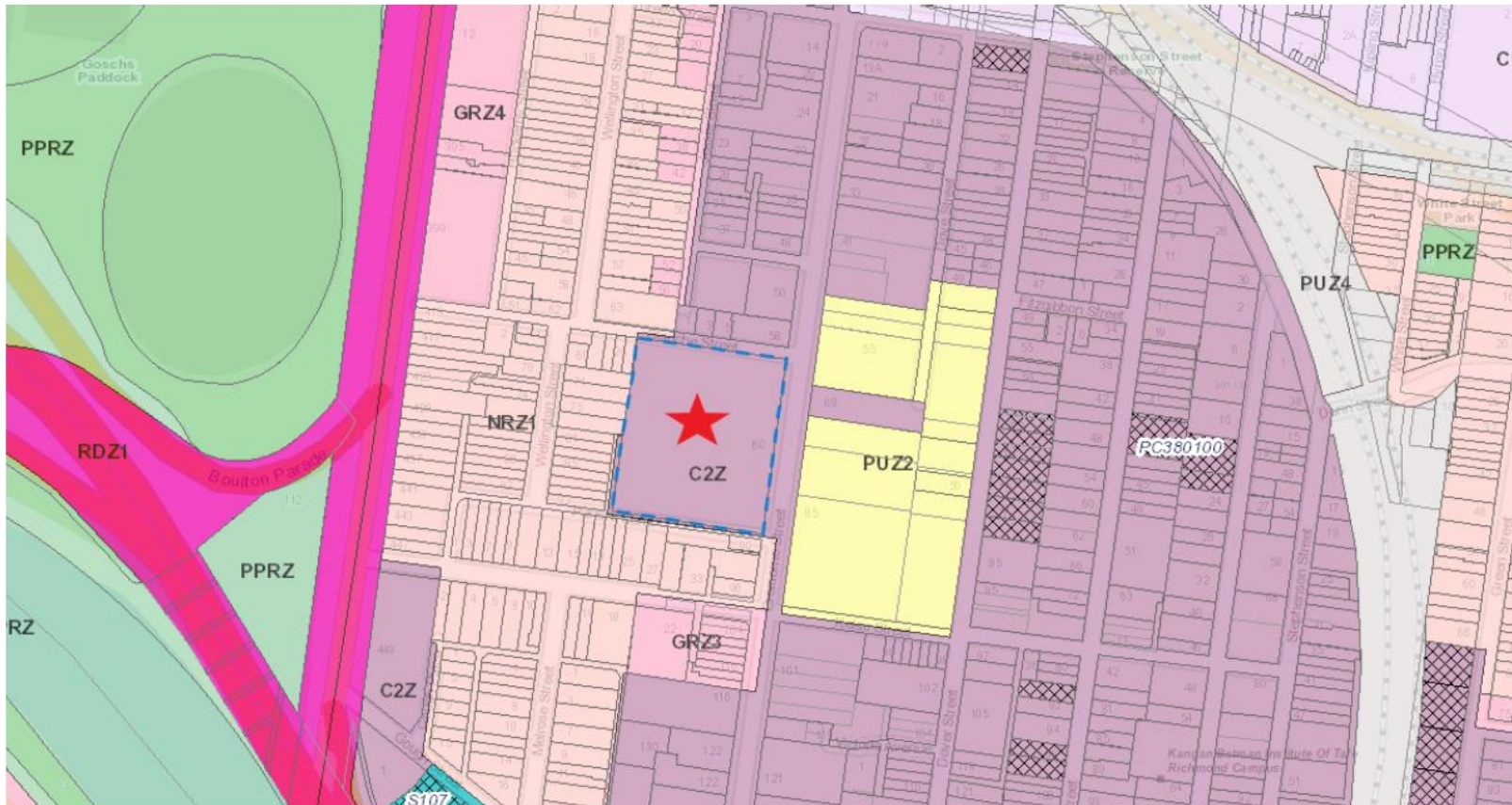
Prior to the issue of a building permit for the amended development allowed by this permit, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Attachments

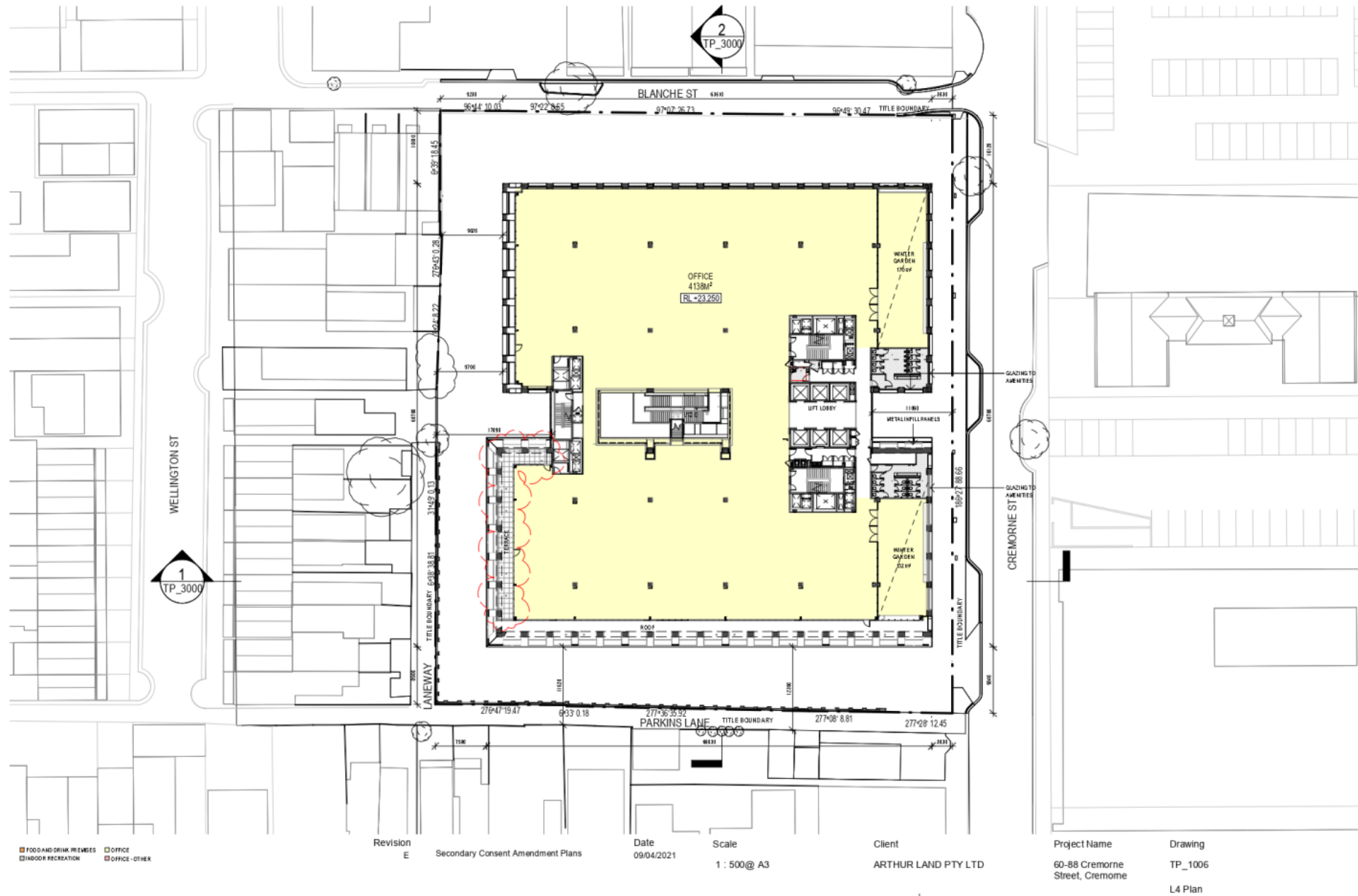
- 1 PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Locality Map
- 2 PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Decision Plans Part 1 of 2
- 3 PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Decision Plans Part 2 of 2
- 4 PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Advertising S52 - Existing Planning Permit

Attachment 1 - PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Locality Map

PLN17/0626.04 – 60-88 Cremorne Street, Cremorne – Locality Map

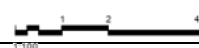


Attachment 2 - PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Decision Plans Part 1 of 2

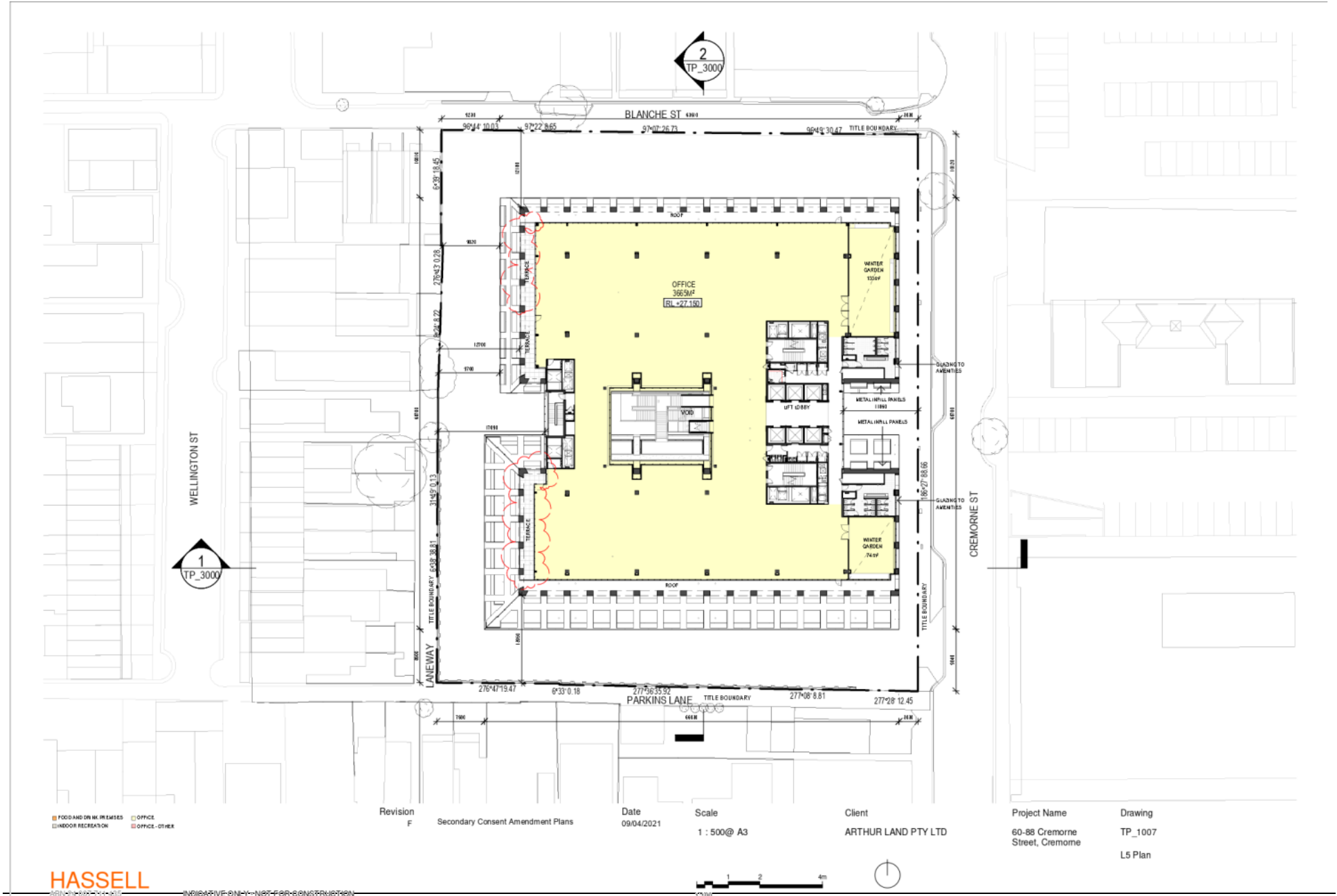


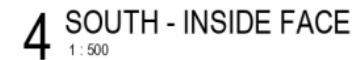
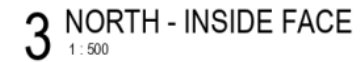
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INDICATIVE ONLY - NOT FOR CONSTRUCTION



Attachment 2 - PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Decision Plans Part 1 of 2



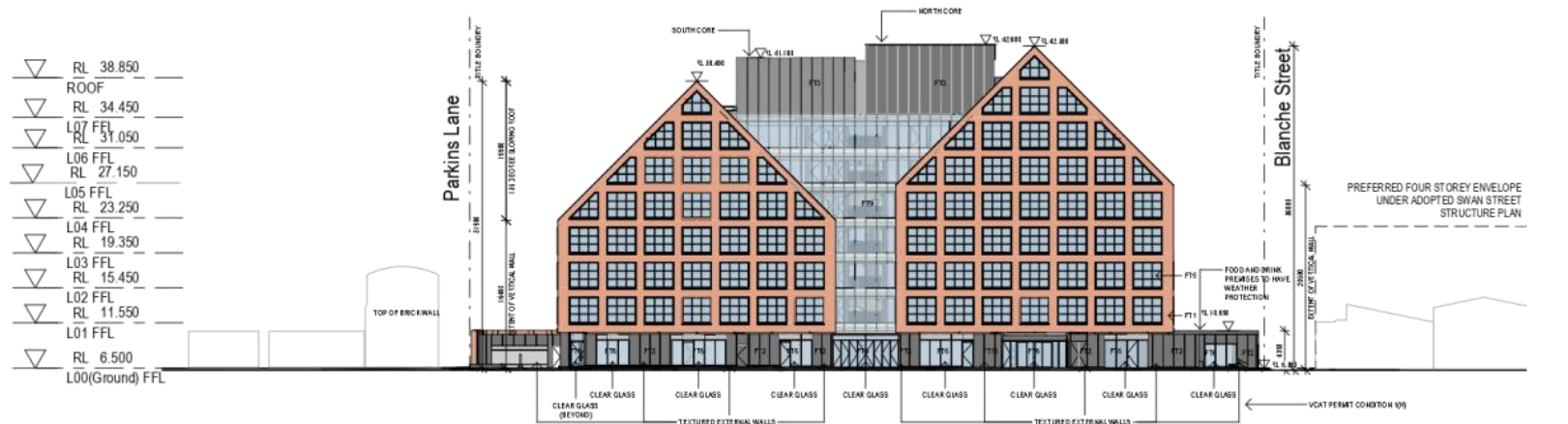


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Elevations

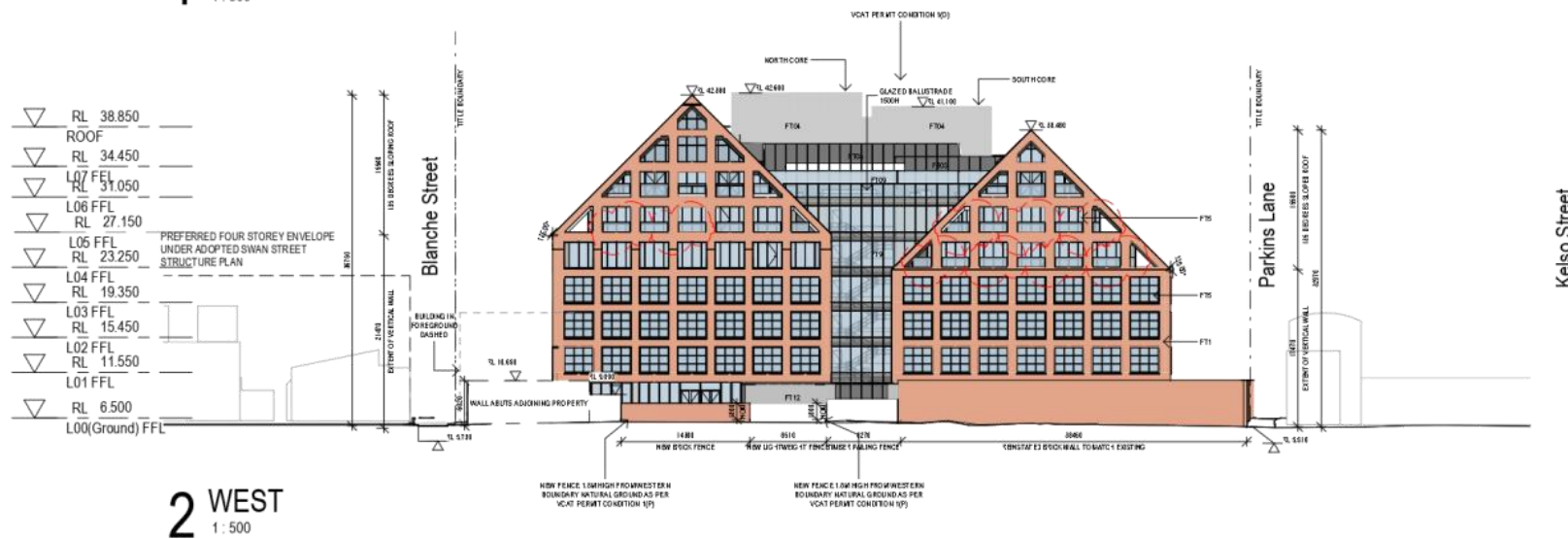
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Attachment 2 - PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Decision Plans Part 1 of 2



1 EAST
1:500



2 WEST
1:500

Revision
G Secondary Consent Amendment Plans

Date
09/04/2021

Scale
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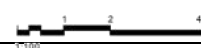
Client
ARTHUR LAND PTY LTD

Project Name
60-88 Cremorne
Street, Cremorne

Drawing
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Elevations

HASSELL

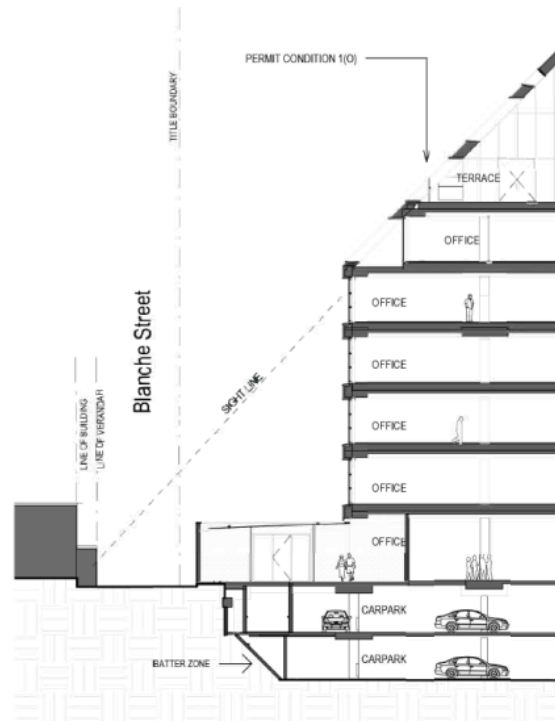
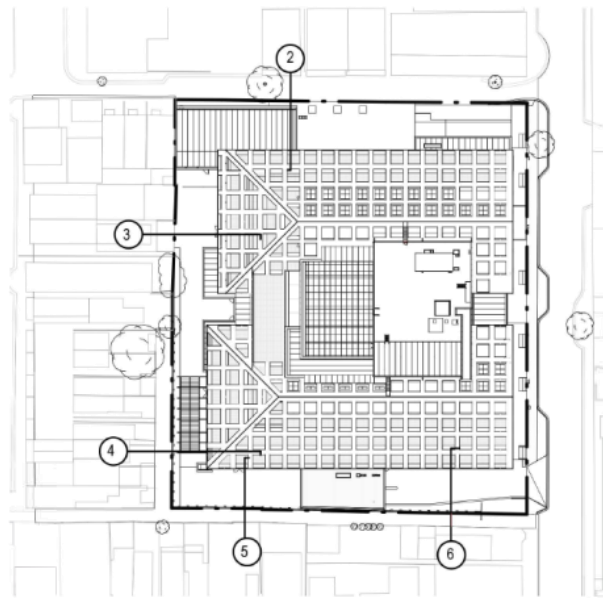
INDICATIVE ONLY - NOT FOR CONSTRUCTION





Drawing
TP_3000
Sections

Attachment 2 - PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Decision Plans Part 1 of 2



1 KEY PLAN
1:1000

2 NORTH INTERFACE
1:300

3 WEST INTERFACE 1
1:300

Revision
F Secondary Consent Amended Plans

Date
09/04/2021

Scale
As indicated @ A3

Client
ARTHUR LAND PTY LTD

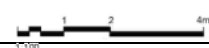
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Drawing
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Interface Sections

HASSELL

INDICATIVE ONLY - NOT FOR CONSTRUCTION



60 CREMORNE STREET WESTERN TERRACES

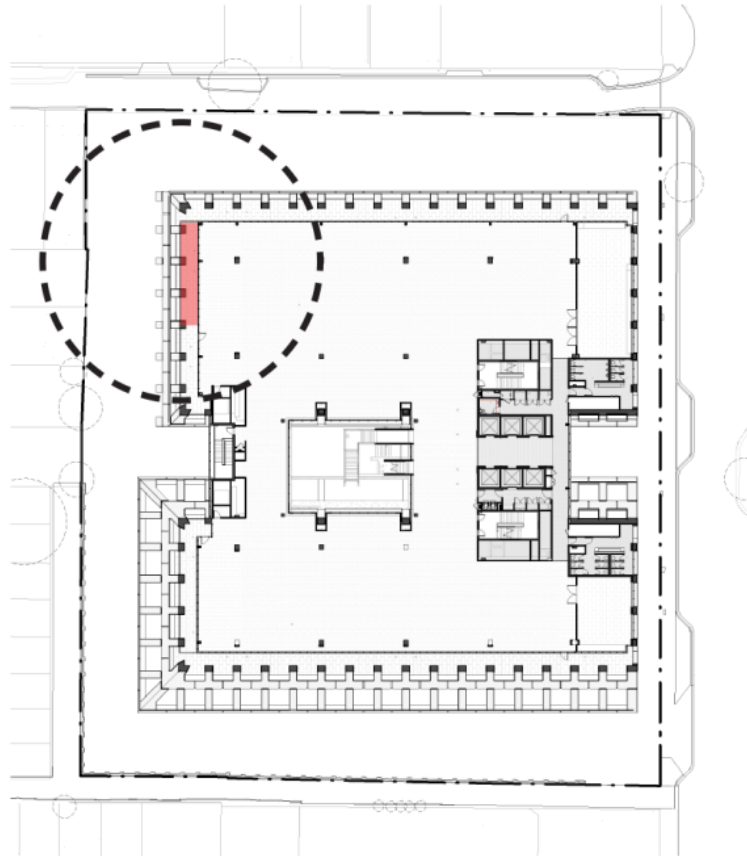
CONTENTS

01. L5 NORTH-WESTERN ADDITIONAL TERRACE.

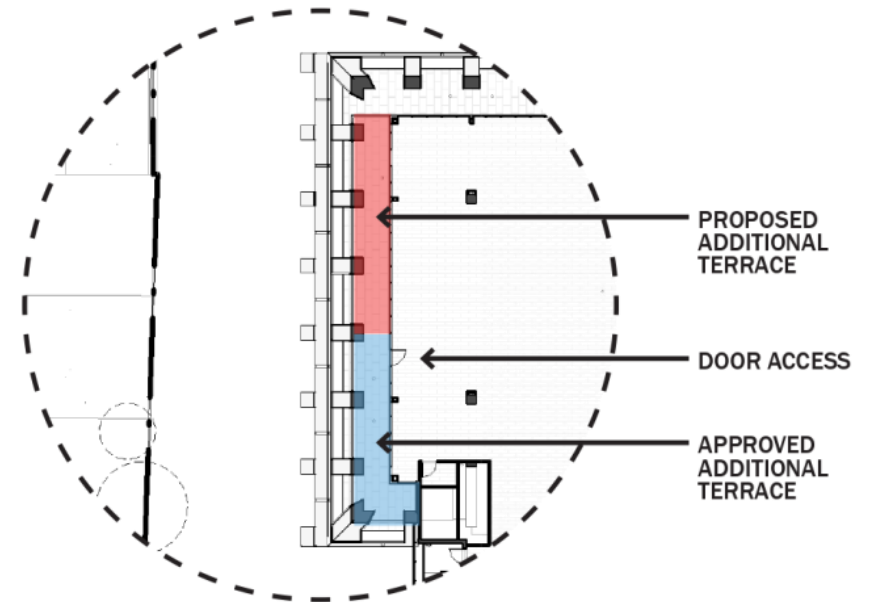
**02. L4 SOUTH-WESTERN ADDITIONAL TERRACE +
L5 SOUTH-WESTERN ADDITIONAL TERRACE.**

Attachment 3 - PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Decision Plans Part 2 of 2

01.



1_L5 NORTH KEY PLAN



ADDITIONAL (RED) L5 NORTH BARN EXTERNAL TERRACE AREA ~30M²

APPROVED (BLUE) L5 NORTH BARN EXTERNAL TERRACE AREA ~30M²

TOTAL L5 NORTH BARN EXTERNAL TERRACE AREA ~60M²

2_ENLARGED KEY PLAN

01.

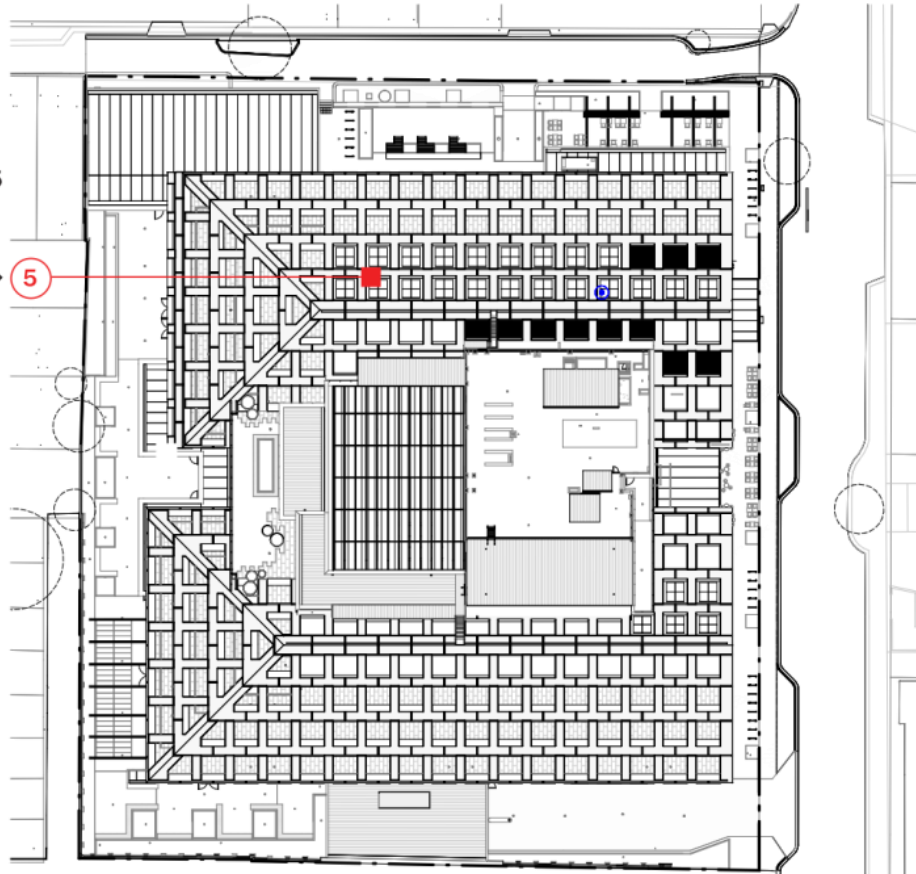


3_NORTH WESTERN ELEVATION RENDER HIGHLIGHTING PROPOSED + APPROVED L5 BALUSTRADE

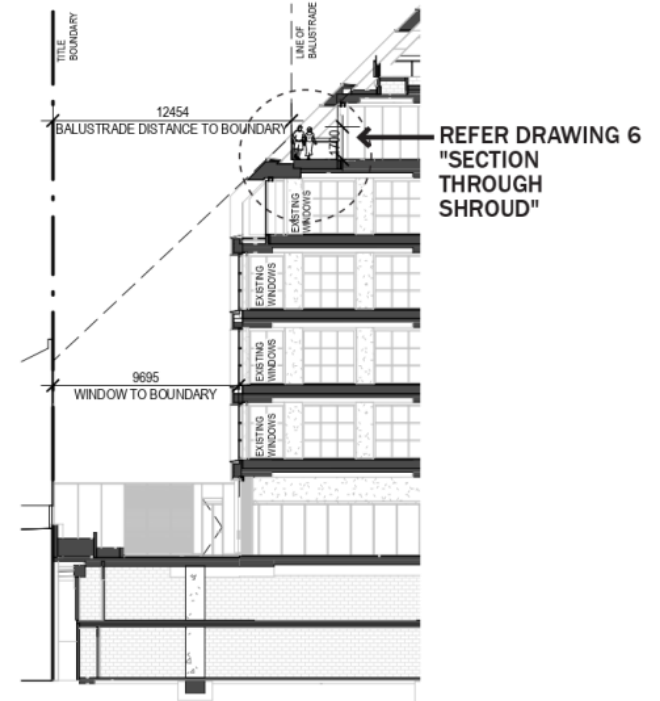
Attachment 3 - PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Decision Plans Part 2 of 2

01.

REFER DRAWING 5
- "INTERFACE
SECTION"



4_KEY PLAN

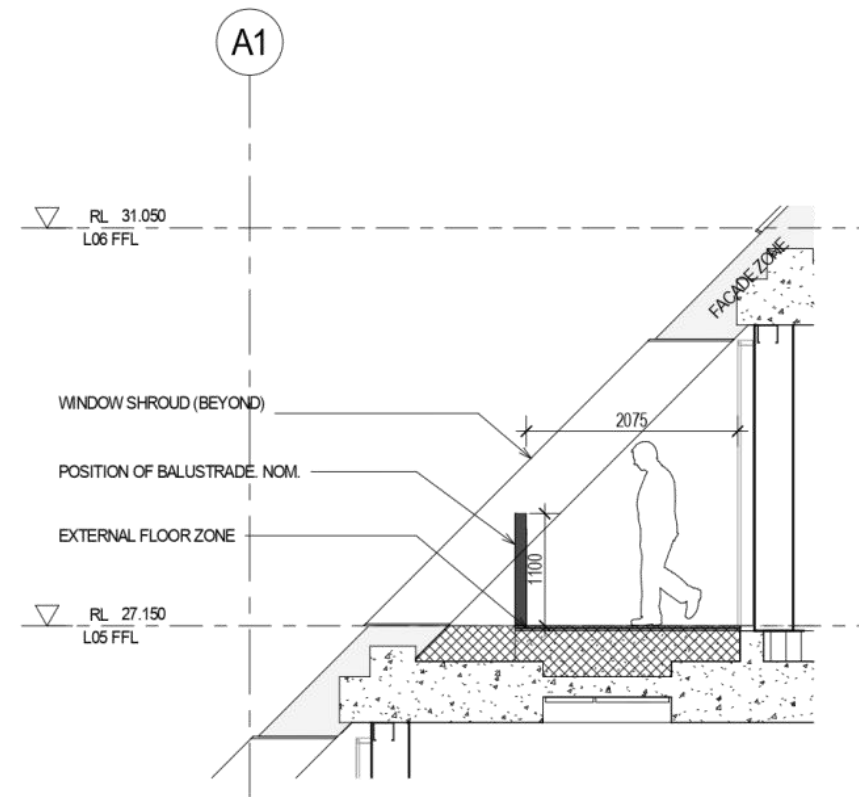


REFER DRAWING 6
"SECTION
THROUGH
SHROUD"

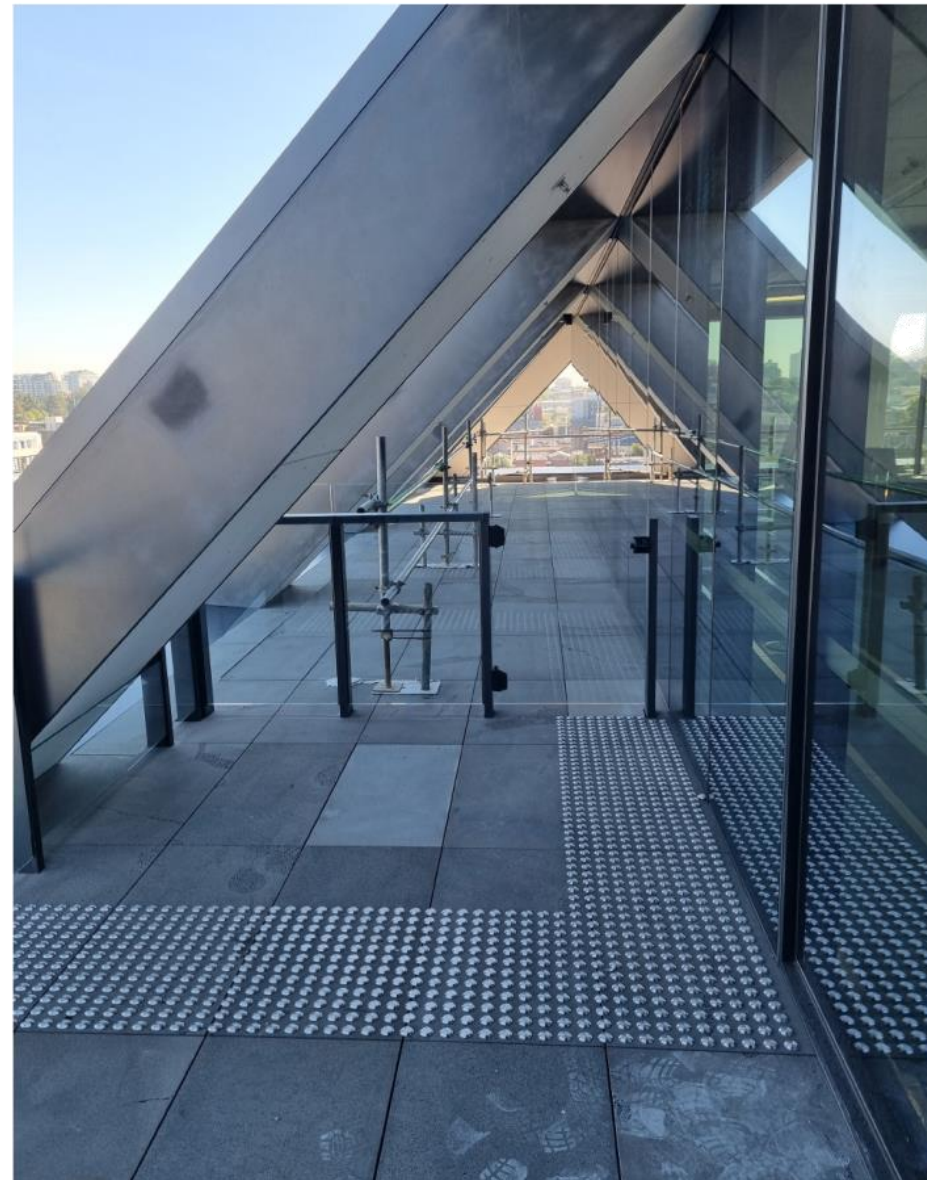
5_INTERFACE SECTION

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01.



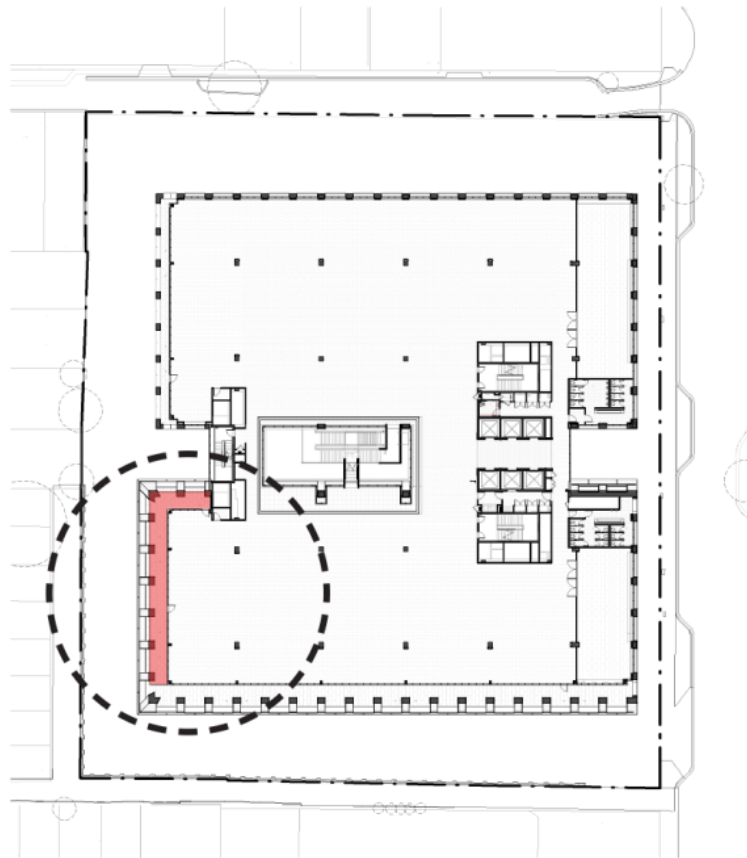
6_SECTION THROUGH SHROUD



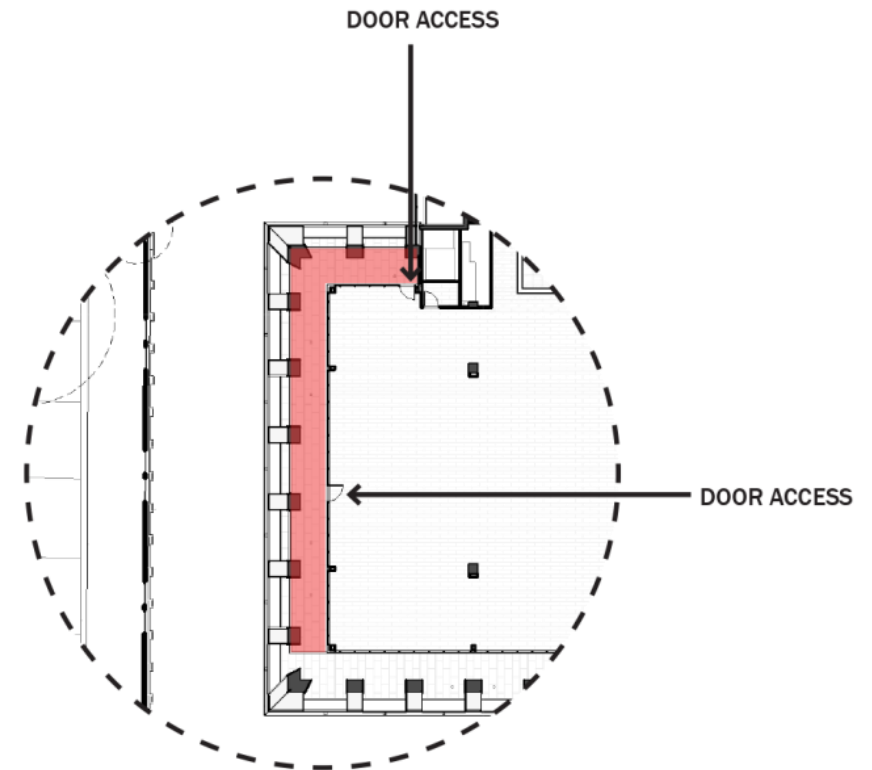
7_L5 NORTHERN TERRACE - LOOKING NORTH.

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02.



8_L4 KEY PLAN

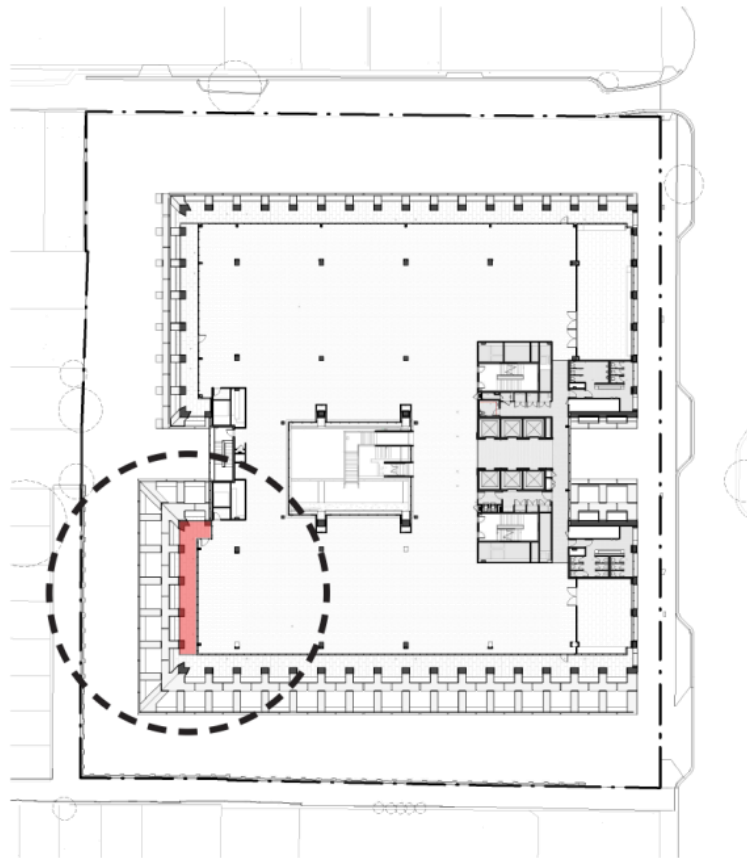


ADDITIONAL L4 EXTERNAL TERRACE AREA - 65M²

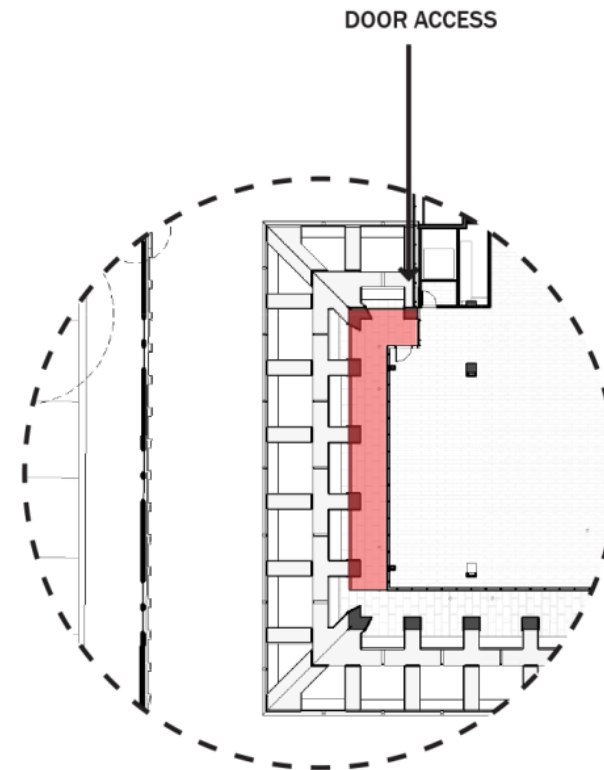
9_ENLARGED KEY PLAN

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02.



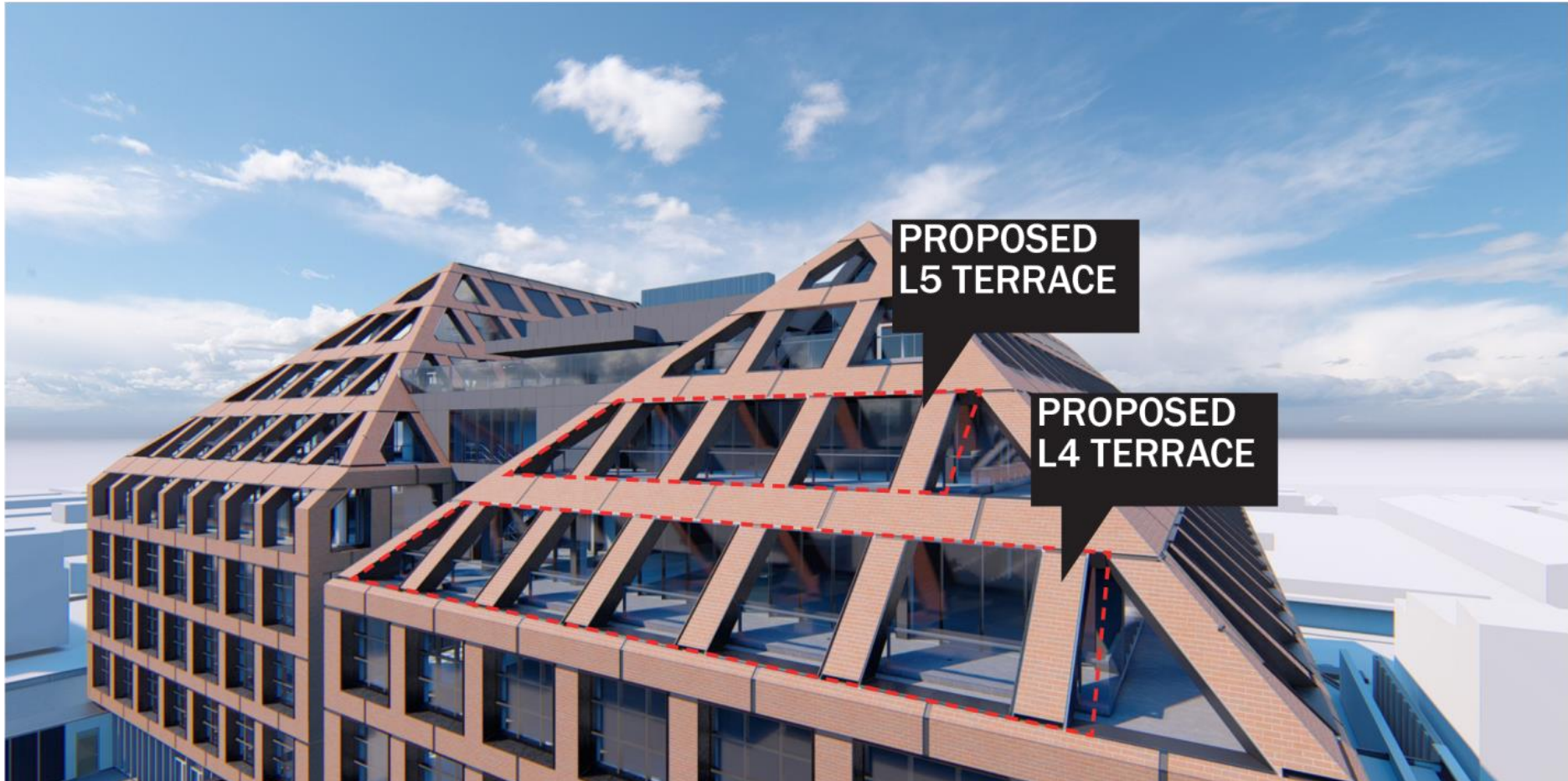
10_L5 KEY PLAN



ADDITIONAL L5 EXTERNAL TERRACE AREA - 45M²

11_ENLARGED KEY PLAN

02.

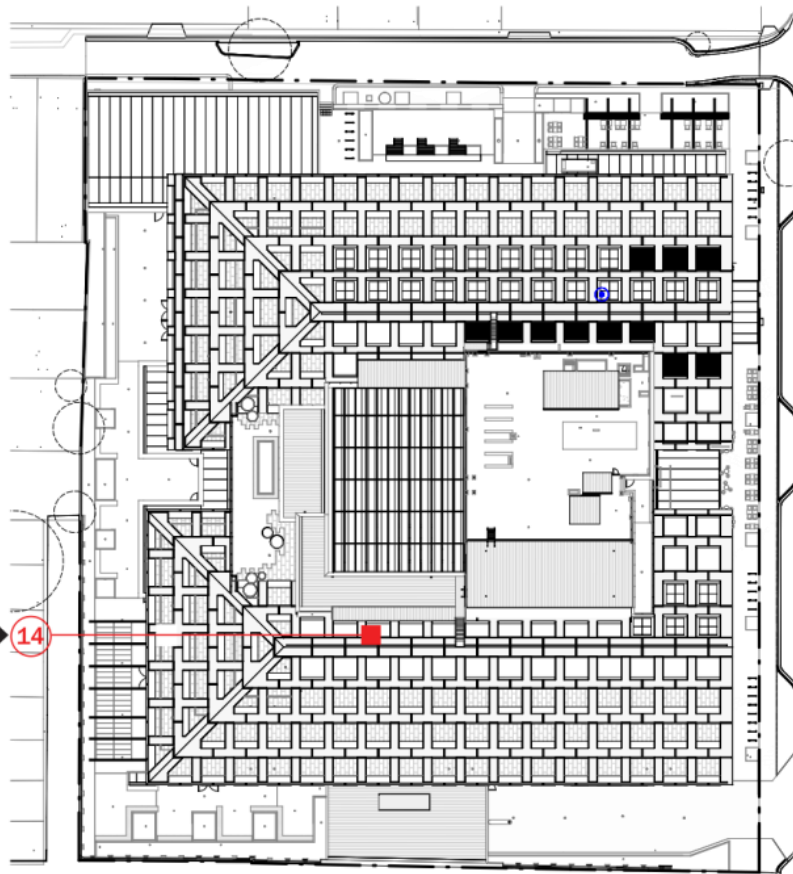


12_SOUTH WESTERN ELEVATION RENDER HIGHLIGHTING PROPOSED L4 BALUSTRADE

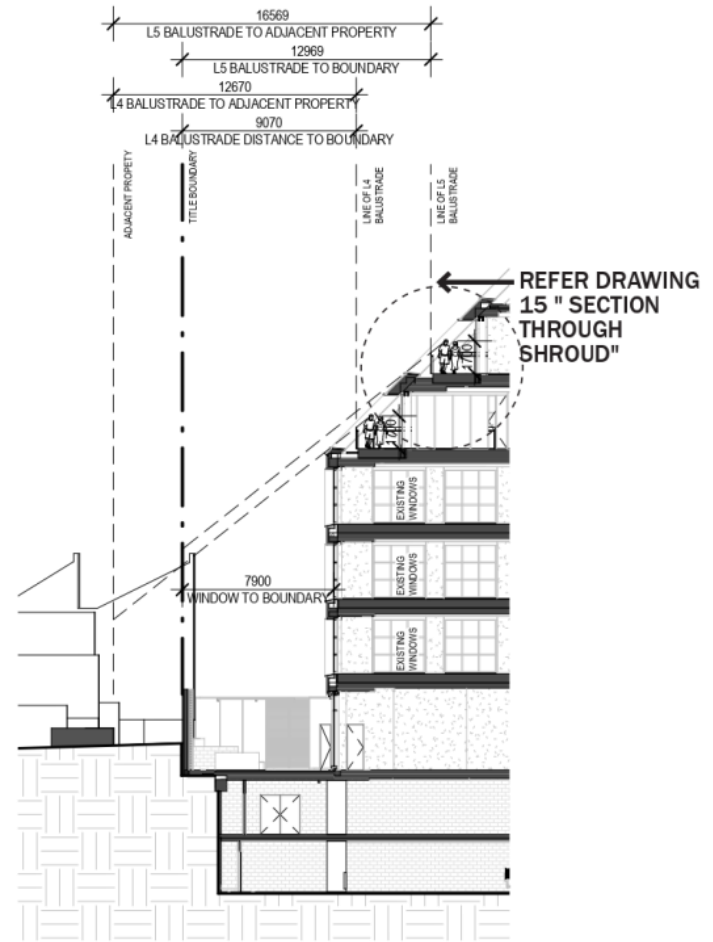
Attachment 3 - PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Decision Plans Part 2 of 2

02.

REFER DRAWING
14 - " INTERFACE
SECTION"



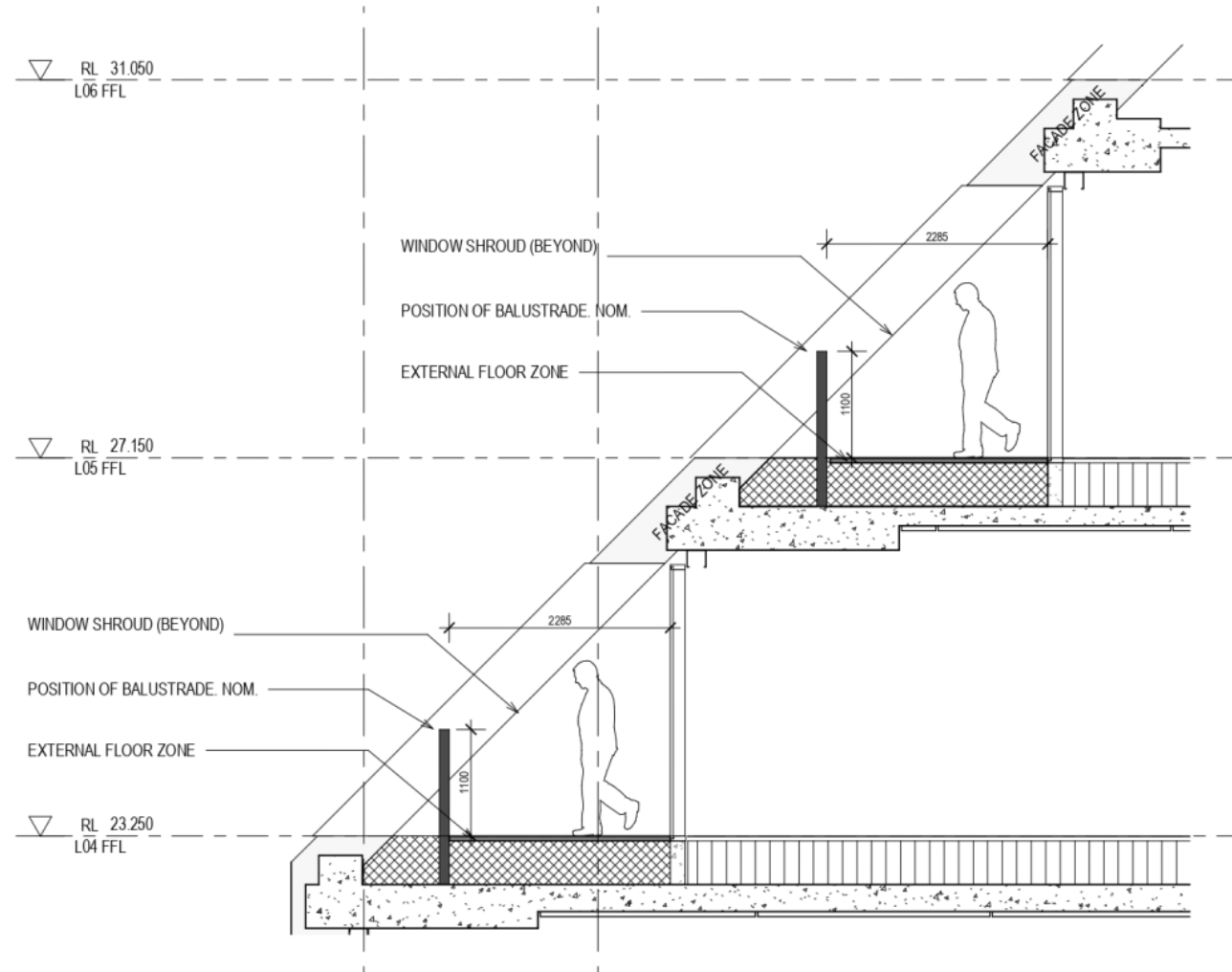
13_KEY PLAN



14_INTERFACE SECTION

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02.



15_SECTION THROUGH L4 + L5 SHROUDS

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02.



16_L4 SOUTHERN TERRACE - LOOKING WEST TOWARD CITY.

Attachment 4 - PLN17/0626.04 - 60 - 88 Cremorne Street Cremorne - Advertising S52 - Existing Planning Permit

Helping you understand your planning needs



PLANNING PERMIT (Amended)

Permit No: PLN17/0626

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

ADDRESS OF THE LAND:

60 – 88 Cremorne St Cremorne VIC 3121

THE PERMIT ALLOWS:

For the purpose of the following, in accordance with the endorsed plan(s).

In accordance with the endorsed plans:

- The construction of a building or construction or carrying out of works under clauses 34.02-4 and 43.02-2;
- The use of the land for 'food and drink premises (café)' as the floor area exceeds 100m² under clause 34.02-1; and
- A reduction in the number of car parking spaces under clause 52.06-3.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

- 1 Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the prepared plans by Hassell Studio Revision B "VCAT Amended Plans" but modified to show:
 - (a) the start of the car park entry ramp leading between Ground Floor and Basement Level 1 relocated 3.0 metres to the west;
 - (b) the ground floor slab and landscape area overhanging the carpark entry ramp is required to be cut back at least 1.75 metres to accommodate a minimum headroom clearance of 2.2 metres;
 - (c) a minimum headroom clearance of 2.4 metres to be provided above the accessible car spaces and shared zones;
 - (d) the sightline triangle on the north side of the driveway entrance superimposed and dimensioned on the ground floor plan;

Date: 21 June 2018

Danielle Connell

Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64 64A and 86

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- (e) the position of columns for two spaces along the south side of Basement Level B2 to be reviewed/rectified to comply with clause 52.06-9 of the Yarra Planning Scheme;
 - (f) the numbering of car parking spaces;
 - (g) dimensions of the loading dock including minimum headroom clearance of 4.25 metres;
 - (h) revised ground floor material treatment to Cremorne Street facade which is to include glazing with minimal tint and textured external walls;
 - (i) removal of splays in the Cremorne Street car parking bays to extend the car parking area to accommodate 6 car parking spaces;
 - (j) the landscape area adjacent to the boundary of Nos. 71-73 Wellington Street increased to a depth of 3 metres from the common boundary with the subject land with consequential changes to the ground floor and basement to implement the landscape plan required by condition 20;
 - (k) screening of plant and equipment at the upper levels of the building (on elevations);
 - (l) any requirement of the endorsed Sustainable Management Plan (condition 9) (where relevant to show on plans);
 - (m) any requirement of the endorsed Waste Management Plan (condition 12) (where relevant to show on plans);
 - (n) any requirement of the endorsed acoustic report (condition 15) (where relevant to show on plans);
 - (o) any requirement of the endorsed wind report (condition 18) (where relevant to show on plans); and
 - (p) any requirement of the endorsed landscape plan (condition 20) (where relevant to show on plans).
- 2 The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Confirmation of Architect

- 3 As part of the ongoing consultant team, Hassell or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- oversee design and construction of the development; and
 - ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Food and Drink Premises (café)

- 4 Except with the prior written consent of the Responsible Authority, the café uses authorised by this permit may only operate between the hours of 7am and 7pm, seven days per week.
- 5 Except with the prior written consent of the Responsible Authority, no more than the following maximum number of patrons are permitted on the land at any one time:
- Tenancy 1 – 120.
 - Tenancy 2 – 30.
 - Tenancy 3 - 100

Indoor Recreation Facility

- 6 *DELETED*
- 7 *DELETED*
- 8 *DELETED*

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Sustainable Management Plan

- 9 Prior to endorsement of plans pursuant to condition 1 of this permit, a Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will form part of this permit. The Sustainable Management Plan must confirm that the development will achieve the following performance standards, as set out at page 9 of the Environmentally Sustainable Design Performance Assessment prepared by Ark Resources (27 April 2018):
 - 5 Star Green Star Design & As Built rating;
 - 5 Star NABERS Energy rating;
 - Compliance with the Urban Stormwater Best Practice Environmental Management Guidelines.
- 10 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 11 Within 18 months of occupation of the development approved under this permit, or such other time period as agreed by the Responsible Authority, a report from the author of the Sustainable Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.


Waste Management Plan

- 12 Prior to endorsement of plans pursuant to condition 1 of this permit, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design Pty Ltd, dated 9 August 2017.
- 13 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 14 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic Report

- 15 Prior to endorsement of plans pursuant to condition 1 of this permit, an Acoustic Report to the satisfaction of the Responsible Authority 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 be generally in accordance with the Acoustic Report prepared by ARUP on 3 August 2017, but modified to include (or show, or address):
 - noise impacts including noise from ventilation shafts and consideration of hours of use from ground floor outdoor areas; and
 - further details of any outdoor fencing.
- 16 Within three (3) months of the occupation of the building, an updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer. The report must be submitted to and approved by the Responsible

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Authority. When approved, the updated post-occupation Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must address the following:

- a) Confirm that the recommendations of the endorsed acoustic report required as part of condition 15 have been implemented;
- b) Assess mechanical plant noise to SEPP N-1; and
- c) If non-compliance with Condition 16b) is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.

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

Wind Assessment Report

- 18 Prior to endorsement of plans pursuant to condition 1 of this permit, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.
- 19 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan (internal to the site's title boundaries)

- 20 Prior to endorsement of plans pursuant to condition 1 of this permit, a Landscape Plan relating to landscape within the title boundary only 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 be generally in accordance with the Landscape Plans TP02 to TP08 and TP12, Rev E and prepared by Jack Merlo Design and Landscape and dated 10 April 2018, but modified to include (or show):
 - (a) The existing tree to be retained and protected during construction in Cremorne Street identified as a *Lophostemon confertus* rather than a *Tristanopsis* to reflect the existing tree species;
 - (b) the low planting in the Cremorne Street kerb extensions, shown as *Lomandra fluviatilis* 'Shara' to be substituted for the *Lomandra* 'Tanika';
 - (c) Any changes required by condition 1 of this permit;
 - (d) Treatment to the western boundary as it interfaces with Nos. 71-77 Wellington Street, Cremorne, to be generally in accordance with 'Detail Study – Western Boundary 71-77 Wellington Street – Option C' prepared by Jack Merlo Design and Landscape and dated 28 May 2018 (save to the extent that the fence is located within any tree protection zone), but modified to include, or show the following:
 - (i) in relation to Nos. 71-73 Wellington Street, the landscape bed adjacent to the common boundary widened to 3 metres by the addition of low level planting east of the 1.2 metre planter box provided for canopy trees and consequential modifications to planter boxes abutting the plant room wall;
 - (ii) in relation to Nos. 71-75 Wellington Street, the following interface treatment:
 - 1.8m high fence as measured from the ground level on the west side of the boundary with the subject land;
 - Light weight fence treatment for the boundary fence with No. 75 Wellington Street;

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- Recycled red brick (not brick facing) fence treatment for the boundary fence with Nos. 71 and 73 Wellington Street with a 1.2m high planter box constructed within the subject land;
 - Plant species within the planter box to the extent of No. 71 Wellington Street to be a Japanese Maple with a maximum height at maturity of 3m or to be maintained at a height of no more than 3m;
- to the satisfaction of the Responsible Authority.

External Landscape Plan (external to the site's title boundaries)

- 21 Prior to occupation, an External Landscape Plan relating to landscape along Cremorne Street and Blanche Street, directly outside the title boundary only, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the External Landscape Plan will be endorsed and will form part of this permit. The External Landscape Plan must be generally in accordance with Landscape Plan TP09, Rev E and prepared by Jack Merlo Design and Landscape and dated 10 April 2018.
- 22 The External Landscape Plan must be implemented in accordance with condition 21 prior to occupation of the building. This condition will not apply if:
- After the Responsible Authority has endorsed the External Landscape Plan pursuant to condition 21, the permit holder, in writing, requests the Responsible Authority to provide its consent to the permit holder undertaking landscaping on the Responsible Authority's land, in accordance with the External Landscape Plan endorsed pursuant to condition 21 of this permit; and
 - The Responsible Authority does not provide its consent, in writing, within 60 days of the written request.


The landscaping established pursuant to this condition must be maintained by the Responsible Authority.

- 23 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the Landscape Plan endorsed under condition 20 must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan (not the External 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;
 - (c) replacing any dead, diseased, dying or damaged plants; and
 - (d) pleaching (removal of lower branches) of trees located at the interface with 71 and 73 Wellington Street must not occur above the fence height,
- to the satisfaction of the Responsible Authority.

Street Tree

- 24 Before the development commences, the permit holder must make a one-off contribution of \$15,861 to the Responsible Authority to be used for:
- the cost of supply, planting and establishment maintenance of all new street tree and understorey planting that are required as a result of the development;
 - compensation for the *Lophostemon confertus* tree; and

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- reinstating the planting in the middle kerb extension outside of No. 1 Blanche Street.

Tree Management Plan

25 Prior to endorsement of plans pursuant to condition 1 of this permit, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must be generally in accordance with the Tree Management Plan TP10, dated 10 April 2018, Rev E and prepared by Jack Merlo Design and Landscape but modified to make recommendations for:

- (a) the protection of any Council owned or privately owned trees adjacent to the site (rear of Wellington St properties, Blanche St and Cremorne St);
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
- (b) the provision of any barriers;
- (c) any pruning necessary;
- (d) watering and maintenance regimes;

to the satisfaction of the Responsible Authority.

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

Public Realm Works

27 Subject to condition 31, before the public realm works commence or by such later date as approved in writing by the Responsible Authority, a public realm works plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the public realm works plan will be endorsed and will form part of this permit. The public realm works plan must be in accordance with the External Landscape Plan endorsed pursuant to condition 21 of the permit.


Civil Works

28 Subject to condition 31, before the public realm works commence, the owner of the site must submit detailed civil works drawings associated with the public works plan to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner and include (but not be limited to):

- the full reconstruction of Blanche Street covering the area of Blanche Street from Cremorne Street to the western boundary of the subject site;
- the provision of a new road pavement for the shared zone (covering the area of Blanche Street from Cremorne Street to the western boundary of the subject site);
- ~~*deleted*~~;
- provision of drainage infrastructure within Blanche Street (covering the area of Blanche Street from Cremorne Street to the western boundary of the subject site); and
- alignment for underground services to be clear of tree root zones.

29 Subject to condition 31, all works associated with the public realm works as shown on the endorsed plans and the Civil Works drawings (referred to in conditions 26 and 27) must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority.

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Timing of Works

- 30 Subject to condition 31, before the building is occupied, all works associated with the public realm works plan and civil works drawings as shown on the plans endorsed under conditions 27 and 28 must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.
- 31 The public realm works must be implemented in accordance with conditions 27 – 30, unless the Responsible Authority advises in writing that it does not consent to or does not require these works to be undertaken within 60 days of a written request from the permit holder to the Responsible Authority requesting that the Responsible Authority provide its consent to the public realm works being undertaken on the Responsible Authority's land.

Section 173 Agreement (widening of Blanche and Cremorne Streets)

- 32 Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
 - (a) At the time of occupation and thereafter, the Owner must provide unfettered 24 hour public access over that part of the land within the owner's title boundary to be used for the widened Blanche and Cremorne Streets.
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 32(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council.
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 32 (a).
- 33 The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Road Infrastructure

- 34 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the two existing junction pits within the new vehicle crossing must be adjusted such that the lids are made flush with the surface of the new vehicle crossing and the pit lids must be replaced with solid heavy duty cover lids (Gatic lids or equivalent):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 35 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing electrical pole within the area of the new vehicle crossing (west side of Cremorne Street, just north of Parkins Lane) must be relocated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority and the relevant power authority.
- 36 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and

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- (c) to the satisfaction of the Responsible Authority.
- 37 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 38 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any roads, footpaths and other road related infrastructure adjacent to the development site damaged as a result of the construction works, including trenching and excavation for utility service connections along Cremorne Street must be reconstructed and re-sheeted for the full width (with any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 39 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Cremorne Street road frontage must be re-constructed:
 - (a) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
- 40 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel immediately outside the property's Cremorne Street road frontage must be profiled and re-sheeted:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 41 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Car Parking

- 42 Before the building is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
 - (a) the number of car parking spaces allocated to each tenancy and that each space is allocated generally in accordance with Section 7.2 of Mr Stephen Hunt's evidence in VCAT Ref No P2854/2017;
 - (b) details of way-finding, cleaning and security of end-of-trip bicycle facilities;
 - (c) policing arrangements and formal agreements;

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- (d) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, and pay parking system;
 - (e) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by condition 12; and
 - (f) details regarding the management of loading and unloading of goods and materials.
- 43 The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 44 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (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.
- 45 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Bike Parking

- 46 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, bike parking for the development must be implemented and complied with to the satisfaction of the Responsible Authority and be in accordance with the endorsed Bike Parking Detail Plan.

Green Travel Plan

- 47 Before the building is occupied, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 1 August 2017, but modified to include or show:
- (a) the location in the context of alternative modes of transport;
 - (b) the provision of real time passenger information displays for nearby stops within each lobby;
 - (c) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (d) details of bicycle parking and bicycle routes;
 - (e) details of GTP funding and management responsibilities; and
 - (f) include provisions to be updated not less than every 5 years.
- 48 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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Lighting

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

General

- 50 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 51 The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from the land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (d) the presence of vermin;
- to the satisfaction of the Responsible Authority.
- 52 The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 53 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.
- 54 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 55 All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 56 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7am or after 6pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9am or after 3pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

- 57 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;

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- (c) remediation of any damage to road and other infrastructure caused by the works permitted;
- (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 (including consideration of ground water and soil vapour);
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
 - (vi) any site-specific requirements.

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must comply with Environment Protection Authority guidelines;
- (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (s) vehicle borne material must not accumulate on the roads abutting the land;
- (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and

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- (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Time expiry

58 This permit will expire if:

- (a) the development is not commenced within three years of the date of this permit; or
- (b) the development is not completed within five years of the date of this permit; or
- (c) the use has not commenced within six 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:

The removal of the existing street tree in front of the proposed vehicle crossing in Cremorne Street requires approval from Council's Open Space unit prior to endorsement of the drawings.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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

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

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense after seeking approval from the relevant authority.

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

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

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.

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath. The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

The developer needs to ensure that the basement car park and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.

In the event that any contaminated groundwater seeps through the walls of the basement, this water must not be discharged into Council's stormwater drainage system under any circumstances. Any contaminated groundwater that is present within the site must be treated and disposed of in accordance with a Trade Waste Agreement and as per EPA guidelines and Melbourne Water/City West Water guidelines.

It is also the Permit Holder's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures should be in place to prevent backwash from entering the property.

THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:

Date of Order

21 June 2018 Planning Permit PLN17/0626 was issued in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P2854/2017.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
19 February 2019	Section 72 Amendment to amend Condition 28 to delete the requirement to underground electrical cables.
17 November 2020	Pursuant to Section 75 of the <i>Planning & Environment Act 1987</i> , endorsed plans amended to allow for the introduction of a west-facing terrace to level 05 of the development.
15 March 2021	Pursuant to Section 74 of the <i>Planning & Environment Act 1987</i> : <ul style="list-style-type: none"> • Deletion of Indoor Recreation Facility use and replacement with a third food and drinks premises tenancy. • Permit preamble amended to remove reference to the Indoor Recreation Facility. • Deletion of permit conditions 6, 7 and 8. • Permit condition 5 amended to include the third food and drinks premises tenancy. • Plans amended to allow for ground floor façade changes along the East Elevation.

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	<ul style="list-style-type: none">• Waste Management Plan, Car Parking Management Plan and Green Travel Plan amended.
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PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

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**Attachment 3 - Attachment 3 - Engineering Unit comments on without prejudice VCAT
amended plans - PDF**