



# Agenda

## Planning Decisions Committee

6.30pm, Tuesday 3 May 2022

MICROSOFT TEAMS

## The Planning Decisions Committee

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

## Participating in the Meeting

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

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

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

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

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

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

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

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

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

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

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



## 1. Appointment of Chair

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

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

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

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

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

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

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

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

Anticipated attendees:

### Councillors

Cr Edward Crossland

Cr Anab Mohamud

Cr Bridgid O’Brien

### Council officers

Ally Huynh (Senior Co-ordinator Statutory Planning)

Laura Condon (Senior Statutory Planner)

Cindi Johnston (Governance Officer)

### Municipal Monitor

Yehudi Blacher (Municipal Monitor)

## 4. Declarations of conflict of interest

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

## 5. Confirmation of Minutes

### **RECOMMENDATION**

That the minutes of the Planning Decisions Committee held on Tuesday 12 April 2022 be confirmed.

## 6. Committee business reports

Item		Page	Rec. Page
6.1	PLN21/0074 - 55 - 57 Stewart Street, Richmond	5	59
6.2	PLN21/0625 - 84-104 Johnston Street, Fitzroy - Demolition of the existing building and construction of a multi-storey building, use of the land for dwellings, reduction in the statutory car parking rate and removal of an easement	153	226



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**6.1 PLN21/0074 - 55 - 57 Stewart Street, Richmond**

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## **Executive Summary**

### **Purpose**

1. This report provides the Planning Decision Committee with an assessment of a planning application submitted for 55 to 57 Stewart Street, Richmond. The report recommends approval of the application subject to a number of conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 22.02 – Development Guidelines for sites subject to Heritage Overlay;
  - (b) Clause 22.05 – Interface use policy;
  - (c) Clause 32.04 – Mixed Use Zone;
  - (d) Clause 43.01 – Heritage Overlay;
  - (e) Clause 52.06 – Car Parking

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Policy and strategic support;
  - (b) Land use;
  - (c) Built form, urban design and heritage;
  - (d) Off-site amenity impacts including impacts to nearby green space;
  - (e) Environmentally sustainable design;
  - (f) Car parking and traffic;
  - (g) Bicycle facilities and strategic transport;
  - (h) Objector concerns;
  - (i) Other matters.

### **Submissions Received**

4. 100 objections were received to the application, these can be summarised as:
  - (a) Design (height, scale, bulk, character, lack of setbacks);
  - (b) The removal of light and air easements is not supported by 9 Tennyson Street (beneficiary of the easements);
  - (c) Impacts to 9 Tennyson Street including light spill, daylight access, loss of privacy and visual bulk;
  - (d) Equitable development;
  - (e) Off-site amenity impacts including shadowing to public space;
  - (f) Will obscure views of the Nylex sign;
  - (g) Heritage impacts;
  - (h) Inaccuracies in the consultant planning report such as indicating the site is within the Swan Street Activity Centre and in regard to suggesting there have been recent nearby approvals;
  - (i) No permission to remove the CitiPower substation;

- (j) Traffic and car parking;

5. No letters of support were received to the application.

**Conclusion**

- 6. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
  - (a) The above street wall levels of the building to be set off the eastern boundary by 3 metres south of the core (south of gridline C) and this section of blank wall designed to match the detailing found along the front façade.
  - (b) Levels 4 and above set back 1.5 metres from the western boundary.
  - (c) The above street wall eastern blank boundary wall to incorporate textured panels.

**CONTACT OFFICER:** Julian Larkins  
**TITLE:** Coordinator Statutory Planning  
**TEL:** 92055456



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## 6.1 PLN21/0074 - 55 - 57 Stewart Street, Richmond

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<b>Reference</b>	D22/81041
<b>Author</b>	Julian Larkins - Coordinator Statutory Planning
<b>Authoriser</b>	Manager Statutory Planning

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<b>Ward:</b>	Melba
<b>Proposal:</b>	Full demolition of existing buildings and construction of an eight (8) storey building (plus two levels of basement) for office (permit required for office use) and ground level food and drink premises (no permit required use), removal of easements pursuant to Clause 52.02, variation of bicycle requirements (specifically internal access path to bike storage) and a reduction in the car parking requirements
<b>Existing use:</b>	Double-storey commercial building at 57 Stewart Street CitiPower substation at 55 Stewart Street
<b>Applicant:</b>	Urbis Pty Ltd on behalf of Carbon Development Management
<b>Zoning / Overlays:</b>	Mixed Use Zone (MUZ) Environmental Audit Overlay (EAO) Heritage Overlay Schedule 332 – Richmond Hill Precinct (HO332) Development Contributions Plan Overlay Schedule 1 (DCPO)
<b>Date of Application:</b>	20 December 2021
<b>Application Number:</b>	PLN21/0074

### Planning History

7. There are no previous planning permits relevant to the current application

### Background

#### Planning Scheme Amendments

##### *Yarra Planning Scheme Amendment C191– Swan Street*

8. This Amendment came into operation on 10 February 2022 and implements the recommendations of the Swan Street Activity Centre Built Form Framework and Swan Street Built Form Study Heritage Assessments and Analysis by:
- (a) rezoning properties from the Commercial 2 Zone to Commercial 1 Zone;
  - (b) replaces Design and Development Overlay Schedule 17 with revised schedules 25, 26, 27 and 28 on a permanent basis;
  - (c) updates local policy;
  - (d) corrects a number of mapping errors;
  - (e) applies the Heritage Overlay to 15 properties on a permanent basis;
  - (f) removes the Heritage Overlay from ungraded places; and
  - (g) applies the Environmental Audit Overlay to sites being rezoned to Commercial 1 Zone.
9. More discussion of this amendment is in below sections of this report.

*Yarra Planning Scheme Amendment C269 Rewrite of Local Policies*

10. Amendment C269 proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Planning Strategy and Local Policies within the Planning Policy Framework (PFF), consistent with the structure recently introduced by the State Government.
11. The amendment was on public exhibition between 20 August 2020 and 4 December 2020. Amendment C269 was adopted by Council on 3 August 2021 and was heard at a panel hearing in October 2021. The panel report was released in January 2022 and was considered by Council, at its meeting on Tuesday 19 April 2022.
12. Though the subject application is not a residential application, it is worth noting that the revised local policy seeks to identify areas for minimal, incremental, moderate and high change in respect of accommodating increased density of housing. The subject site and the surrounding Mixed Use Zone (MUZ) land is identified as a 'moderate change area', consistent with the findings of the Yarra Housing Strategy (YHS).
13. In relation to this current planning application, the following clauses of the updated local policy are of most relevance:
  - (a) Clause 11.03-1L – Activity Centres
  - (b) Clause 13.07-1L – Interfaces and Amenity
  - (c) Clause 15.01-1L – Urban Design
  - (d) Clause 15.01-2L – Building Design
  - (e) Clause 15.01-2L – Landmarks
  - (f) Clause 15.02-1L – Environmentally Sustainable Development
  - (g) Clause 15.03-1L – Heritage
  - (h) Clause 17.01-1L – Employment
  - (i) Clause 17.02-1L – Retail
  - (j) Clause 18.02-1L – Sustainable Transport
  - (k) Clause 18.02-4L – Car Parking
  - (l) Clause 19.03-2L – Development Contributions
  - (m) Clause 19.03-3L – Water Sensitive Urban Design (WSUD)
  - (n) Clause 19.03-5L – Waste
14. The above clauses are largely reflected in current planning policy, which is generally not contradictory to the proposed re-write of Clauses 21 and 22.
15. At a Council meeting on 19 April 2022, Council resolved to refer the Amendment to the Minister for approval, with some changes to Council Officer recommendations. These amendments included alterations to wording within *Clause 11.03-1L, Activity Centres*, and *Clause 15.01-2L, Building Design*. The changes do not affect the consideration of this application.

[Lodgement of S57A amendment](#)

16. In response to both objector and Council concerns on 20 December 2021 the applicant lodged a Section 57A Amendment application, revising the plans and associated consultant documentation including the following key changes:
  - (a) Reducing the proposed height of the building from ten to eight storeys (28.5 metres to parapet and 30.9 metres to top of lift overrun);
  - (b) Reduction in office space from 2271sqm to 1974sqm;
  - (c) Increase in Food and Drink from 97sqm to 111sqm;
  - (d) North setback to 9 Tennyson Street reduced from 5900mm to 5700mm;



- (e) New glazed balustrade in between blade walls replacing solid concrete panel to top of podium;
- (f) Tower façade expressed with window wall on expressed slab with blade panels in metal cladding replacing previous curtain wall with fins;
- (g) Tower design extended to Level 8 (roof plant);
- (h) Full height mesh glazing (maximum 25% transparent) in place of 1700mm screening to northern façade;
- (i) New 1700mm high solid masonry screening at Level 3 terrace (northern and portion of western balustrades) to restrict overlooking to 9 Tennyson Street.

17. These plans fully replace the originally advertised plans and are therefore the 'decision plans' for this application.



Image: 3D of south façade of amended development  
Source: Carr Architecture



Image: South façade of original development  
Source: Carr Architecture

## The Proposal

18. The proposal is for full demolition of existing buildings and construction of an eight (8) storey building (plus two levels of basement) for office (permit required for office use) and ground level food and drink premises (no permit required use), removal of easements pursuant to Clause 52.02, variation of bicycle requirements (specifically internal access path to bike storage) and a reduction in the car parking requirements.

### *Removal of Easements*

19. The subject site is affected by two light and air easements (registered as E-11 and E-12 on Plan of Subdivision 444383) which impose height restrictions across the site. It is acknowledged that removal of the easements is required to facilitate the proposed development and as such, are proposed to be removed under Clause 52.02.

### *Demolition*

20. The existing buildings on site will be demolished in their entirety. This includes the double storey rendered warehouse building at 55 Stewart Street and the single storey brick substation building at 57 Stewart Street.

### *Layout*

21. At ground floor, the front façade is set back moderately from the Stewart Street boundary but with five columns built closer to the street edge. The ground floor includes a 111sqm Food and Drink tenancy fronting Stewart Street, providing activation to Stewart Street at the middle of the ground floor, with services either side (booster cupboards and substation).

The tenancy is accessed via an inset main pedestrian building entry at the middle of the Stewart Street frontage which then leads to a 46sqm lobby space and two lifts providing access to all levels. To the rear of the site is the bin room, end of trip facilities including seven showers (1 x DDA), two toilets (1 x DDA), 44 lockers, 22 bicycle spaces (16 x tenant, 4 x visitor) and bicycle repair. At the very rear is a second pedestrian access via the rear laneway / easement. At the western boundary is a car lift / platform and garage door accessed via a 4800mm wide carriage way easement that extends in an east-west direction from Tennyson Street through the adjoining land at 53 Stewart Street / 9 Tennyson Street and to the subject site.

22. Levels 1 and 2 are identical layouts with 325sqm and 327sqm of office space respectively as well as 20sqm and 22sqm of amenities to the north-east corner. The only difference is the 33sqm terrace at Level 1 northern boundary fronting the lightcourt to 9 Tennyson Street. This terrace is clear to the sky with every upper level providing a 2730mm setback to the northern boundary above the terrace. The five columns continue up these levels to provide a consistent uniform street edge. There is also a 3965mm northern setback to the laneway / easement.
23. Level 3 includes 234sqm of office space and introduces a 92sqm terrace to the podium roof top along both the southern and western boundaries. The terrace allows for a 4035mm setback to the front façade and 2050mm setback to the west. The 2730mm setback to the northern boundary fronting 9 Tennyson Street is retained as is the 3965mm setback to the laneway / easement.
24. Levels 4 to 7 are the tower levels and are all identical with 272sqm of office space and 4035mm front setback to Stewart Street but with the columns projecting further forward of the façade. The rear setbacks are the same as the lower levels with the 2730mm northern setback to 9 Tennyson Street and 3965mm to the laneway. Both the western and eastern facades are built to boundary but the western contains full outlook and columns while the eastern is blank wall.
25. Level 8 is the rooftop level with 16 PV panel arrays along with other plant / services and a roof terrace for maintenance.

### *Elevations*

#### South – Stewart Street

26. The south elevation shows a three level (11 metre high) plus 1100mm balustrade street wall that presents to Stewart Street with thick grey off-form concrete framing and columns from the top of the street wall to the footpath. The grey concrete frames 12 x large (4 panels at ground, first and second floor) uniform square panels that are predominantly fully glazed except for the full height metal screening at ground level to obscure the services. The remainder of the ground floor is gull height glass with thin metal framing. At the top of the street wall is the glass balustrade that is also framed by the thick concrete columns.





Image: South elevation  
Source: Carr Architecture



27. The upper levels to the south elevation shows a fully glazed intermediate level 3 (which includes a terrace space with cantilever above along the western boundary) before all remaining upper levels are a consistent language of thick vertical metal columns and horizontal concrete bands between floors. Levels 4 to 7 include identical vertical glass panels between the columns. At the very top level the metal framing continues but with open air and permeable balustrade in lieu of glazing to the service level. The overall height is 28.5 metres to the parapet of the occupied floor space and 30.9 metres to the lift overrun.

### West

28. The west elevation is boundary wall at the podium levels before the glass intermediate level 3 and upper levels of similar design language to the south elevation but inclusive of full height screen glass. Level 3 also shows a masonry balustrade that increases to 1700mm high at the rear of the site. At the very rear is the 2730mm northern setback and the west facing glazing to the amenities on each level beyond. The very top level continues the same language as the south elevation with permeable balustrade and open air in lieu of glazing. Again the overall height is 28.5 metres to the parapet of the occupied floor space and 30.9 metres to the lift overrun.

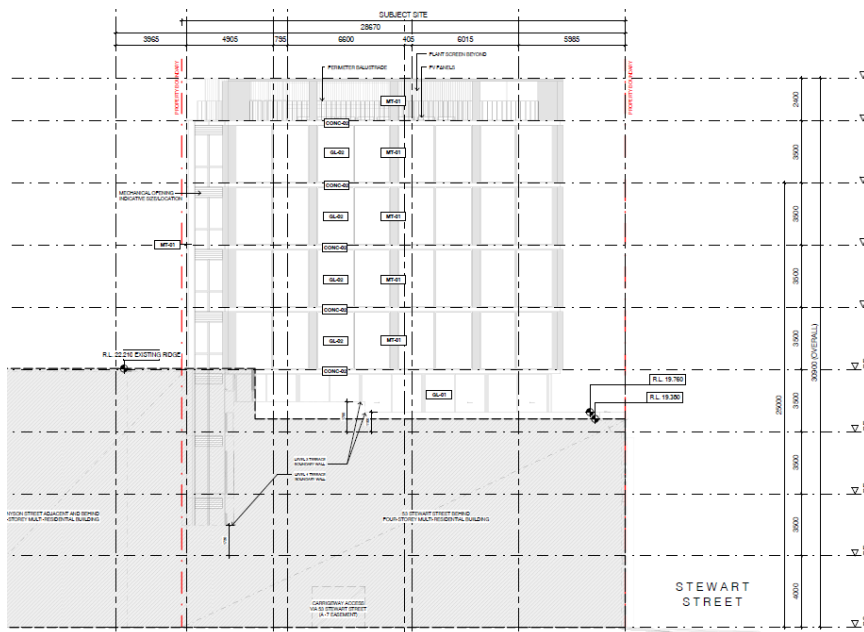


Image: West elevation  
Source: Carr Architecture

## North

29. Most of the north elevation, with the exception of the eastern section of the upper levels where there are narrower glass panels, continues the same design language but shows 25% transparent glazing at all levels including the podium levels. Level 3 shows a masonry screen wall to the terrace with the upper levels cantilevering over this space. At ground level the entry to the bike entry is shown off the unnamed laneway / easement. Again the overall height is 28.5 metres to the parapet of the occupied floor space and 30.9 metres to the lift overrun.

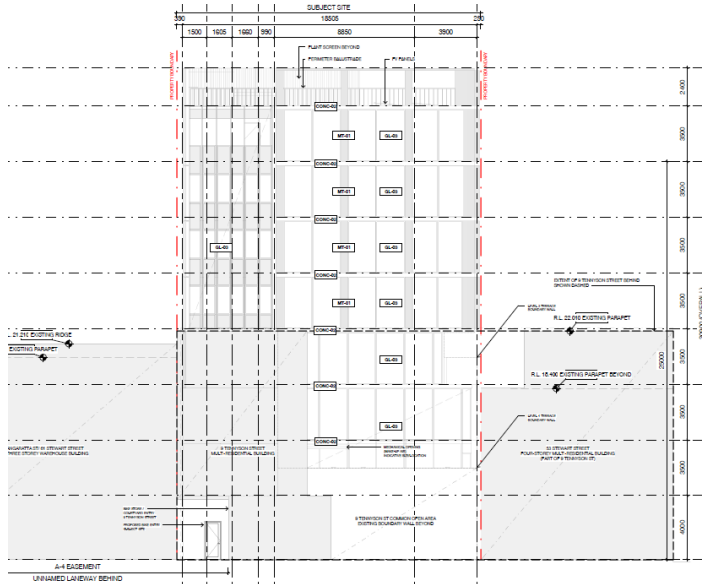


Image: North elevation  
Source: Carr Architecture

## East

30. The east elevation is full boundary wall to podium and tower with pre-cast concrete to the upper floors showing a front setback of 4335mm. Again the overall height is 28.5 metres to the parapet of the occupied floor space and 30.9 metres to the lift overrun.

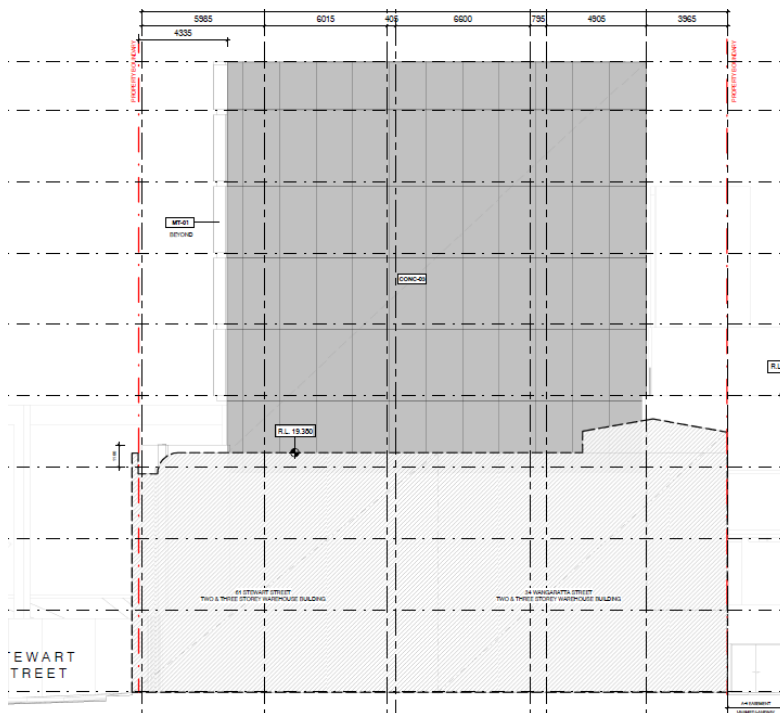


Image: East elevation  
Source: Carr Architecture

## Existing Conditions

### Subject Site

31. The subject site is located on the northern side of Stewart Street, between Tennyson Street and Wangaratta Street in Richmond. Opposite the site to the south is Richmond Railway Station.

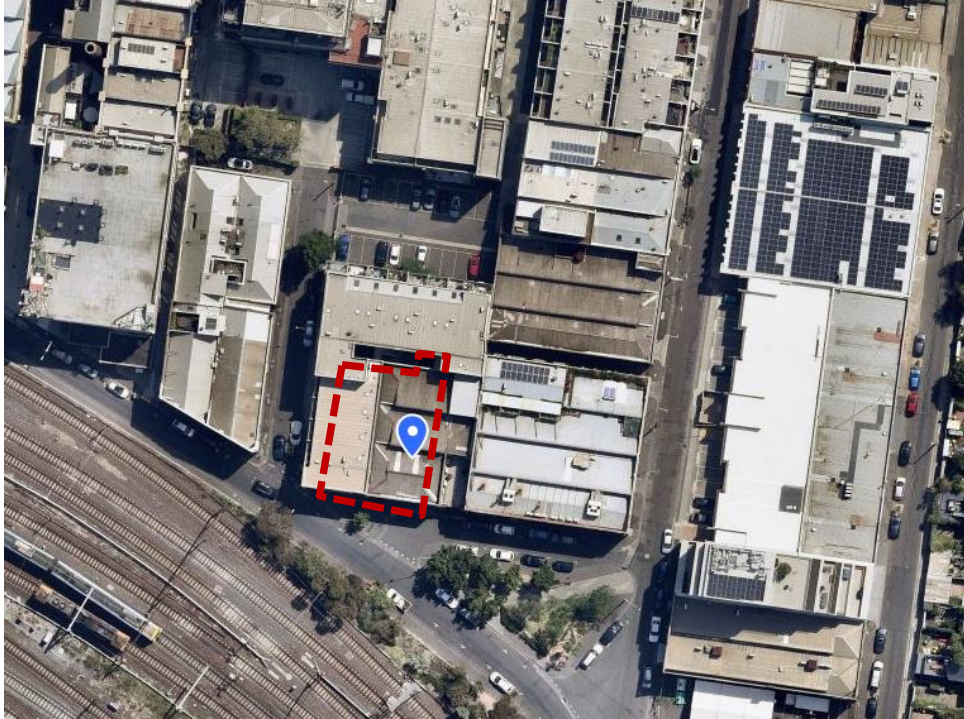


Figure: Aerial photograph of subject site  
Source: NearMap

32. The subject site is two separate lots, which results in an irregularly shaped site, developed with a double storey commercial building to 55 Stewart Street and a single storey building containing a CitiPower substation. The site has width of 18.41m, a depth of predominantly 25.2m (there is a small section at the north-eastern corner), yielding a total site area of 489sqm.



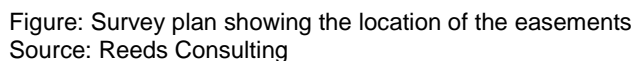
Figure: Subject site  
Source: Urbis planning report



Figure: Existing substation (55 Stewart St)

33. There are multiple easements that affect 55 Stewart Street part of the subject site (specifically Lot A on Plan of Subdivision 444383) either directly or indirectly.
34. The following are easements that affect the subject site:





### Certificates of Title

37. No restrictive covenants nor restrictions are shown on the two certificate of titles provided with the application.

### Surrounding Land

38. In terms of zoning context, the subject site is located in a Mixed Use Zone (MUZ) precinct that is bound by Tanner Street to the north, Punt Road to the west, Botherambo Street to the east and Richmond Railway Station the south. To the south of the MUZ precinct over the Transport Zone 1 of the railway line are strips of Commercial 1 Zone (C1Z) either side of Swan Street, beyond which is substantial area Commercial 2 Zone (C2Z) within Cremorne. To the west of the MUZ precinct over Punt Road, within the Melbourne City Council municipal boundary, are large expanses of Public and Recreation Zone (PPRZ) including Yarra Park, Punt Road Oval, Melbourne Park, Hisense Arena and the MCG. To the north of the MUZ precinct is overwhelmingly NRZ1 until Bridge Road.

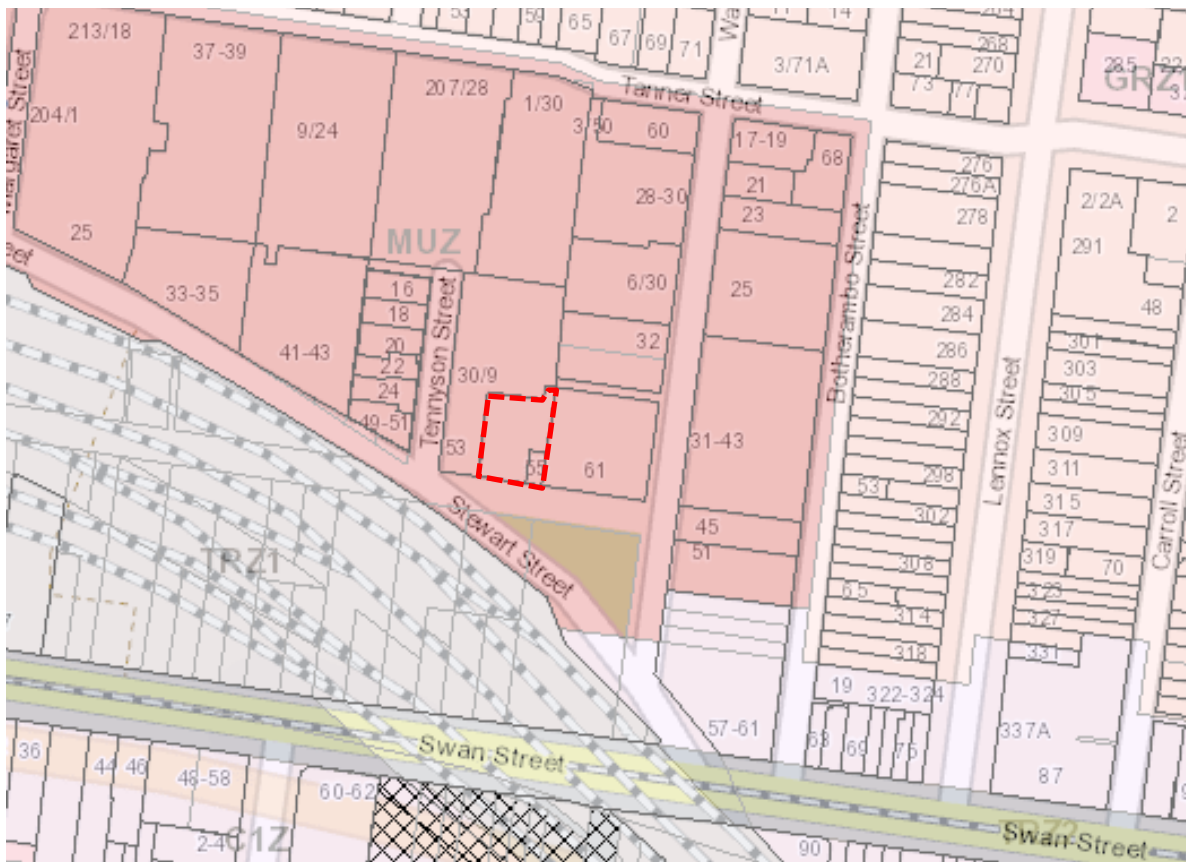


Figure: The subject site and surrounding land shown as MUZ, with C1Z and C2Z to the south and NRZ1 to the north and east.

Source: DELWP

39. The site is located within close proximity of the Swan Street Major Activity Centre (MAC) and is also 530m and 680m of the Church Street and Bridge Road MACs. The inner-city locale ensures the site is well serviced by infrastructure and public transport, with:
- (a) Richmond Railway Station is just 190m to the west of the subject site. It is a major train station with ten platforms that is a junction for eight different line services.
  - (b) Swan Street (75m to the south) serviced by a tram route (#70 –Waterfront City to Wattle Park) which operates throughout the night on weekends;
  - (c) Punt Road (240m west) includes Bus Route 246 accessed from Punt Road; and
  - (d) The CBD is within 1.9km.



40. In terms of built form, the area between Hoddle, Tanner, Wangaratta and Stewart Streets is a discrete former industrial precinct, comprising a number of large former warehouse/factory buildings of heritage significance. Over the years these buildings have been converted into residential apartments and/or offices. Some parts of these buildings are new and others utilise part of the existing heritage building stock. Heights of the newer buildings range between three to seven storeys. The low scale residential area of Richmond Hill is located to the north of Tanner Street and to the east of Botherambo Street.
41. The emerging character is defined by both low-rise predominantly two-storey warehouse/commercial buildings as well as intermittent examples of multi-level newer developments such as at 45 Wangaratta Street to the east of Stewart Street. Notable examples of heritage buildings within the immediate area including the Individually Significant building adjoining to the east and the Individually Significant Australian Knitting Mills to the west at 41-43 Stewart Street.
42. The following recent approvals in the immediate area are of relevance:
- (a) No. 33-35 Stewart Street, Richmond has approval for an 8 storey mixed use commercial building, approved on 7 June 2019 under PLN16/0807. An application to amend the permit went before VCAT (P2192/2019) for the construction of an additional storey to the approved building, which Council refused on 30 October 2019. Of note, the maximum building height approved under the permit was 25.75m high (to roof slab) and the proposal to construct a 9th storey would result in a maximum building height of 28.75m high (to roof slab). Above the retained existing building façade to Stewart St, the approved building envelope is generally setback 2.8m – 3.8m. In an Order dated 20 November 2020 VCAT set aside the decision of Council and allowed for the removal of Condition 1(q):
- Condition 1(q) requires a reduction in the height of the whole building from nine storeys to eight storeys. As proposed, the southern elevation plan shows the nine level building has a height to the roof of 28.75 metres, with glazed rooftop balustrade of 1.2 metres above (to be increased to 1.8 metres by condition) and a lift overrun that brings the total height to 31.736 metres*
43. The development allowed under this permit has not commenced.



Figure: Proposed 9 storey development at 33-35 Stewart St

(Source: Advertised Plan Perspective 1)

- (a) No. 45 Wangaratta Street, Richmond is developed with a 7 storey mixed use commercial building approved on 31 May 2017 and most recently amended on 3 September 2020 under PLN15/1260.02. The building has been constructed as shown below.



Figure: 7 development at 45 Wangaratta St, Richmond  
Source: Google maps

44. It is also noted that:

- (a) Application PLN19/0910 for a nine storey mixed use commercial building at 9-13 Stewart Street, Richmond was recommended to be refused by Council, with VCAT in an Order dated 4 March 2021 affirming this position and directing that no permit be issued.
- (b) Application PLN21/0724 for a 7 storey office building at 17-23 Wangaratta Street was refused by VCAT on 9 March 2021.
- (c) Application PLN19/0483 for 7 and 8 storey development at 25-43 Wangaratta Street was refused at PDC meeting on 11 March 2020 and then later withdrawn.
45. At the time of writing this report, it is understood that the proposed development of a mixed-use office building at 9-13 Stewart Street, Richmond has been referred to DELWP by the Development Facilitation Program for further assessment and consideration of a planning permit application under 20(4) of the Act.
46. The immediate interfaces with the site are outlined below:
- North*
47. Immediately to the north of the site is the large footprint residential apartment building at 9 Tennyson Street, which enjoys direct southern outlook from fourth south facing bedroom windows to the subject site to a height of four storeys serviced by the neighbouring lightcourt immediately abutting the subject site's northern boundary for a length of about 11 metres. 9 Tennyson also adjoins the subject site to the west. Further north is the open air private car park for the 9 Tennyson residents, beyond which is the multi-level residential apartments (converted former industrial) building at 28 and 30 Tanner Street

*East*

48. To the east of the subject site is the Individually Significant double storey commercial/warehouse building at 61 Stewart Street. This building is to the corner of Stewart and Wangaratta Street and also fronts the laneway / ROW providing access to the subject site from Wangaratta Street. The building at 61 Stewart does include commercial windows directly abutting the subject site's eastern boundary.
49. Further east over Wangaratta Street is the 7 storey mixed use development at 45 Wangaratta Street described above, beyond which is established low-scale residential land within the Neighbourhood Residential Zone 1.

*South*

50. To the south of the subject site is Stewart Street, which extends from Punt Road in a south-eastern curved direction to a fork that then continues in two different directions. At the fork Stewart Street both extends in a south-east direction to Swan Street and veers east to Wangaratta with properties from 53 to 61 Stewart Street fronting this small linear east section of the street. In between the fork is a small triangle shaped green space owned by VicTrack. The section of street in front of the subject site can only be accessed via Wangaratta Street.
51. The majority of Stewart Street is narrow width of about 8.5m but the area closest the subject site widens significantly to create an open feel. Though narrow, Stewart Street is a two-way street with on-street parking either side. The westernmost section can only be accessed via Punt Road as there is no entry from the east with vehicles have to continue north along Stewart Place.
52. Over Stewart Street is high walls to the elevated railway line which extends over Swan Street in a south-east direction. Further south over Swan Street is the suburb of Cremorne.

*West*

53. To the west of the subject site is the extension of the large residential apartment building of 9 Tennyson Street (also known as 53 Stewart Street) but unlike the northern interface this part of the adjoining does not enjoy any outlook to the east. Further west over Tennyson Street is the contributory former Henry Bucks Factory building at 49-51 Stewart Street and extending to the northern end of Tennyson Street (16-24 Tennyson Street). The entirety of this two-storey heritage building, including the entire east side of Tennyson Street appears to be used as residential but with some office space, having been converted from industrial/warehouse.
54. Further west is the Individually Significant Australian Knitting Mills and a series of two-storey contributory warehouses until Punt Road.

## Planning Scheme Provisions

### Zoning

*Clause 32.04 – Mixed Use Zone (MUZ)*

55. The purpose of this zone are:
  - (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - (b) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
  - (c) *To provide for housing at higher densities.*
  - (d) *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
  - (e) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

56. Pursuant to Clause 32.04-2 the use of the site for office is a section 2 use and therefore requires a planning permit. The use of the land as Food and Drink does not require a permit as the leasable floor space does not exceed 150sqm.
57. Pursuant to Clause 32.04-9 a permit is required to construct a building or construct or carry out works for a use in Section 2.

### Overlays

#### *Clause 43.01 – Heritage Overlay (Schedule 332 – Richmond Hill Precinct)*

58. Under Clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building, construct a building or construct or carry out works.

#### *City of Yarra Review of Heritage Areas 2007 Appendix 8*

The buildings on the subject site are within Schedule 332 of the Heritage Overlay and are both designated as 'Non-Contributory' buildings pursuant to the incorporated document referenced above.

#### *Clause 45.03 – Environmental Audit Overlay (EAO)*

59. Pursuant to Clause 45.03-1 of the Scheme, this provision only applies to a sensitive use (residential use, child care centre, pre-school centre or primary school) or buildings and works in association with a sensitive use.

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

60. The Development Contributions Plan applies to the proposed commercial uses, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths, as well as community facilities.
61. 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

A planning permit is not required for works under the overlay

### Particular Provisions

#### *Clause 52.02 Easements, restrictions and reserves*

62. Clause 52.02 enables the removal and variation of easements to enable the use or development that complies with the planning scheme.

#### *Clause 52.06 – Car parking*

63. Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under this clause.
64. Pursuant to Clause 52.06-5, Column B of Table 1 applies if any part of the land is identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, August 2018). The subject site is shown as being within the Principal Public Transport Network Area and therefore Column B applies.
65. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard to decision guidelines at Clause 52.06-6 of the Scheme. The provision of car parking is as follows:



Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	1974sqm	3 spaces per 100sqm of net floor area	50	Not specified
Food and drink premises	111sqm	3.5 spaces per 100sqm of leasable floor area	3.5	Not specified
<b>Total</b>			<b>53</b>	<b>8</b>

66. A total of 8 spaces are proposed on site, and therefore the application requires a car parking reduction of 45 spaces.

*Clause 52.34 – Bicycle facilities*

67. Pursuant to Clause 52.34, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces.
68. Under the provisions of Clause 52.34-3 of the 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	1974sqm	1 resident space to each 300sqm of net floor area	7 employee spaces	
		1 visitor space to each 1000sqm of net floor area	2 visitor spaces	
Retail	111 sqm	1 employee space to each 300 sqm of leasable floor area	0 employee spaces	
		1 visitor space to each 1000 sqm of leasable floor area	0 visitor spaces	
Bicycle Parking Spaces Total			7 employee spaces	18 employee spaces
			2 visitor spaces	4 visitor spaces
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	2 showers / change rooms	7 showers / change rooms

69. The development is required to provide seven employee spaces and two visitor spaces. With 18 employee spaces and seven visitor spaces provided within the development, the statutory requirement is exceeded.
70. Clause 52.34-4 provides design standards for bicycle spaces and signage.



*Clause 53.18 – Stormwater Management in Urban Development*

71. 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

*Clause 65 – Decision Guidelines*

72. 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.

Planning Policy Framework (PPF)

73. Relevant clauses are as follows:

*Clause 11 (Settlement)*

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

67. Relevant strategies include:

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

*Clause 11.02 (Managing Growth)*

*Clause 11.02-1S (Supply of Urban Land)*

68. 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)*

69. 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 11.03-1R (Activity centres – Metropolitan Melbourne)*

70. Relevant strategies are:

- (a) Support the development and growth of Metropolitan Activity Centres be ensuring they:*
  - (i) Are able to accommodate significant growth for a broad range of land uses.*
  - (ii) Are supported with appropriate infrastructure.*
  - (iii) Are hubs for public transport services.*

- (iv) *Offer good connectivity for a regional catchment.*
- (v) *Provide high levels of amenity.*

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

71. The relevant objective of this clause is:

- (a) *To ensure contaminated and potentially contaminated land is used and developed safely.*

72. Relevant strategies are:

- (a) *Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.*
- (b) *Protect sensitive uses including a residential use or use as childcare centre, kindergarten, pre-school centre, secondary school or children's playground from the effects of contamination*
- (c) *Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.*

*Clause 13.05-1S (Noise abatement)*

73. The relevant objective of this clause is:

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

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

*Clause 13.07 (Amenity and Safety)*

*Clause 13.07-1S (Land use compatibility)*

75. 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 impacts.*

*Clause 15.01 (Built Environment and Heritage)*

*Clause 15.01-1S (Urban 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) *Require a comprehensive site analysis as the starting point of the design process.*
- (b) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
- (c) *Ensure development responds and contributes to the strategic and cultural context of its location.*
- (d) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (e) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- (f) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*

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

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

- (a) *Urban Design Guidelines for Victoria (UDGV) (Department of Environment, Land, Water and Planning, 2017);*
- (b) *Apartment Design Guidelines for Victoria (ADGV) (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 respecting the:*
  - (i) *Pattern of local urban structure and subdivision.*
  - (ii) *Underlying natural landscape character and significant vegetation.*
  - (iii) *Neighbourhood character 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 17.01-1S – Diversified economy*

82. The objective of this Clause is:

- (a) *To strengthen and diversify the economy.*

83. The relevant strategies of this Clause are:

- (a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- (b) *Improve access to jobs closer to where people live.*

*Clause 17.01-1R – Diversified economy – Metropolitan Melbourne*

84. This Clause includes the following relevant strategy:

- (a) *Plan for the redevelopment of Major Urban-Renewal Precincts in and around the Central City to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses.*

85. *Plan Melbourne 2017-2050* identifies the 'Flinders Street Station to Richmond Station Corridor' as a major urban renewal precinct.

*Clause 17.02-1S – Business*

86. The objective of this Clause is:

- (a) *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*

87. The relevant strategies of this Clause are:

- (a) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- (b) *Locate commercial facilities in existing or planned activity centres.*

*Clause 18.01 (Integrated Transport)*

*Clause 18.01-1S – (Land use and transport planning)*

88. The objective of this clause is:

- (a) *To create a safe and sustainable transport system by integrating land use and transport.*

89. Relevant strategies to achieve this objective include:

- (a) *Develop transport networks to support employment corridors that allow circumferential and radial movements.*
- (b) *Plan urban development to make jobs and community services more accessible by (as relevant):*
  - (i) *Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*
  - (ii) *Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.*
  - (iii) *Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*
- (c) *Integrate public transport services and infrastructure into new development.*

*Clause 18.02 (Movement Networks)*

*Clause 18.02-1S (Sustainable personal transport)*

90. The relevant objective of this clause is:

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

Relevant strategies of this policy are:

- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
- (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
- (c) *Ensure cycling routes and infrastructure are constructed early in new developments.*
- (d) *Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.*
- (e) *Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.*
- (f) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
- (g) *Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.*
- (h) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

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

90. 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)*

91. 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)*

92. 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)*

93. The objective of this clause is:

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

94. 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)

96. The following LPPF provisions of the Scheme are relevant:

- (a) Clause 21 – Municipal Strategic Statement (MSS)
- (b) Clause 21.04 – Land use
- (c) Clause 21.04-2 – Activity centres
- (d) Clause 21.04-3 - Industry, office and commercial
- (e) Clause 21.05-1 – Heritage
- (f) Clause 21.05-2 – Urban design
- (g) Clause 21.06 – Transport
- (h) Clause 21.07 – Environmental sustainability
- (i) Clause 21.08-2 – Burnley, Cremorne South Richmond

*Clause 21.04-2 (Activity Centres)*

97. The relevant objectives of this clause are:

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

Relevant strategies to achieve this objective include:

- (a) *Strategy 5.2 – Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
- (b) *Strategy 5.3 – Discourage uses at street level in activity centres which create dead frontages during the day.*

*Clause 21.04-3 (Industry, office and commercial)*

98. The relevant objective of this Clause is:

- (a) *Objective 8 - To increase the number and diversity of local employment opportunities.*

*Clause 21.05-1 (Heritage)*

99. The relevant objective and strategies of this Clause are:

- (a) *Objective 14 - To protect and enhance Yarra's heritage places.*
  - (i) *Strategy 14.3 - Protect the heritage skyline of heritage precincts.*
  - (ii) *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.*

100. The relevant objectives and strategies of this Clause are:

- (a) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
  - (i) *Strategy 17.01 – ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise character.*
  - (ii) *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 for affordable housing.*
- (b) *Objective 19 - To create an inner city environment with landscaped beauty.*



- (c) *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.*
- (d) *Objective 21 - To enhance the built form character of Yarra's activity centres.*
  - (i) *Strategy 21.1 - Require development within Yarra's activity centres to respect and not dominate existing built form.*

*Strategy 21.3 - Support new development that contributes to the consolidation and viability of existing activity centres*

*Clause 21.06 (Transport)*

101. The relevant objectives and strategies of this Clause are:

- (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.*
  - (i) *Strategy 31.1 - Require new development that generates high numbers of trips to be easily accessible by public transport.*
- (c) *Objective 32 – To reduce the reliance on the private motor car.*
  - (i) *Strategy 32.2 - Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.*
- (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 21.07 (Environmental sustainability)*

102. 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.*
- (b) *Objective 38 – To improve the water quality and flow characteristics of storm water run-off.*

*Clause 21.08-2 (Burnley, Cremorne, South Richmond)*

103. This clause describes the area in the following way (as relevant):

- (a) *This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.*
- (b) *The Swan Street major activity centre lies along the northern boundary of this neighbourhood. Within this major activity centre there are three recognisable precincts.*
  - (i) *The Richmond Station precinct - Richmond Station is a nodal interchange and the largest station outside the City Loop. The precinct represents a major opportunity to improve the amenity of the area and encourage more local use of the Station.*

*Clause 21.12 (Local areas)*

104. The subject site is not shown in a designated precinct of the Swan Street Activity Centre, rather it is shown as an area adjacent to Precinct 1 (Richmond Station) subject to future strategic work.

Relevant Local Policies

105. The following Local Planning Policies are relevant:

- (a) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay
- (b) Clause 22.03 – Landmarks and Tall Structures
- (c) Clause 22.05 – Interface Uses Policy
- (d) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)
- (e) Clause 22.17 – Environmentally Sustainable Development

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

106. This policy applies to all land within a Heritage Overlay. The objectives of the policy include (but not limited to):

- (a) *To retain significant view lines to, and vistas of, heritage places. To preserve the scale and pattern of streetscapes in heritage places.*
- (b) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.*
- (c) *To ensure that additions and new works to a heritage place respect the significance of the place.*

107. At Clauses 22.02-5.1, 22.02-5.7.1, and 22.02-5.7.2 of the Scheme, the policy provides requirements with regard to demolition; new development, alterations and additions; and specific requirements relating to sites comprising commercial and retail heritage places or contributory elements, and specific requirements for garages, ancillaries and services.

*Clause 22.03 – Landmark and Tall structures*

108. This policy applies to all development. It is policy to:

- (a) *Maintain the prominence of Yarra's valued landmark signs.*
- (b) *Protect views to the silhouette and profile of Yarra's valued landmarks to ensure they remain as the principal built form reference.*
- (c) *Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.*

109. The Ball Tower of Dimmeys, Swan Street, is the nearest identified landmark.

*Clause 22.05 – Interfaces Uses Policy*

110. This policy applies to applications within the Mixed Use (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.

111. It is policy at Clause 22.05-3 that:

- (a) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

112. Clause 22.05-4.2 lists design guidelines for non-residential development which overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties. The guidelines will be considered in the assessment section of this report.

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

113. This policy applies to new buildings and extensions to existing buildings which are 50sqm in floor area or greater. Clause 22.16-3 requires development to improve the quality and reduce the flow of water discharge to waterways; manage the flow of litter being carried off-site in stormwater flows; and encourage the use of green roofs, walls and facades in buildings where practicable.

*Clause 22.17 – Environmentally Sustainable Design*

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

Other relevant documents

*Plan Melbourne 2017-2050*

115. 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.
116. The 'Flinders Street Station to Richmond Station Corridor' is identified as a Major Urban Renewal Precinct which 'will play an important role in accommodating future housing and employment growth and making better use of existing infrastructure.' The 'Richmond - Swan Street' area is identified as a Major Activity Centre. Activity centres are identified as playing an important role in delivering more housing closer to jobs and transport.

*Urban Design Guidelines*

117. Clause 15.01-2S requires consideration to be given to this document, as relevant.
- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)*

*Swan Street Structure Plan*

118. The Swan Street Structure Plan was adopted by Council at its meeting on 17 December 2013 and is relevant to the site.

119. This led to the development of Amendment C191 for the activity centre. A panel report was released on this amendment in October 2020 and the Minister for Planning approved Amendment C191 with the Amendment coming into operation when notice of its approval was published in the Victoria Government Gazette on 10 February 2022.
120. The Structure Plan includes (amongst other matters) built form guidelines and preferred maximum building heights for the precinct. The site falls within the Richmond Station Precinct in an area which recommends building height at 7-10 storeys high (a maximum height of 30m).

## Advertising

121. The original application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 799 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received 100 objections including a number of pro forma objections, the grounds of which are summarised as follows:
- (a) Design (height, scale, bulk, character, lack of setbacks);
  - (b) The removal of light and air easements is not supported by 9 Tennyson Street (beneficiary of the easements);
  - (c) Impacts to 9 Tennyson Street including light spill, daylight access, loss of privacy and visual bulk;
  - (d) Access through 9 Tennyson Street to utilise the current private garage will require a complex engineering resolution (removal of foundational walls) and impact on access and safety of this building's residents;
  - (e) Impact on apartment skylights near the western boundary of subject site at to 9 Tennyson Street;
  - (f) Equitable development;
  - (g) Off-site amenity impacts including shadowing to public space;
  - (h) No demand for office / café use;
  - (i) Development needs to create more landscaping to improve amenity and reduce heat island effects;
  - (j) Will obscure views of the Nylex sign;
  - (k) Heritage impacts;
  - (l) Inaccuracies in the consultant planning report such as indicating the site is within the Swan Street Activity Centre and in regard to suggesting there have been recent nearby approvals;
  - (m) Adjoining window have right of light access;
  - (n) No permission to remove the CitiPower substation;
  - (o) Traffic and car parking including cumulative effect from 45 Wangaratta Street;
  - (p) Impact on services such as sewerage;
  - (q) Construction impacts such as traffic, pollution and noise;
  - (r) Impact on climate change;
  - (s) Loss of views; and
  - (t) Devalue property prices.

122. The Section 57A amended plans were formally re-advertised to all original objectors and adjoining owners and occupiers (143 letters in total). There were no additional objections though ten objectors provided additional comments, the grounds of which are summarised as follows:
- (a) The impacts to south orientated dwellings at 9 Tennyson still unreasonable, noting the building is 200mm closer than original with a reduction of separation from 5900mm to 5700mm;
  - (b) The glazing of windows will not prevent loss of privacy;
  - (c) There are window openings on level 2 of 9 Tennyson Street as there is a kitchen window not shown;
  - (d) The impacts from light spill still a significant concern with the Cobild Building located in Cremorne Street highlighted as an example of impacts even though it is hundreds of metres away;
  - (e) Impacts from Level 3 balcony including noise, light spill and loss of privacy to nearby dwellings;
  - (f) Size and form still not consistent with character and too impactful on nearby sites and heritage place and will cause precedent;
  - (g) Setbacks remain inadequate;
  - (h) Discrepancy in height of building with 25m mentioned in the documentation but 30.9m online;
  - (i) Discrepancy in car parking demand with applicant's information wrong in regard to floor area;
  - (j) Errors of fact relating to site being in Swan Street Activity Centre and to recent approvals, such as 17-23 Wangaratta Street;
  - (k) Concerns in regard to CitiPower and how the application could remove substation;
  - (l) Concerns that applicant information infers 'in principle support' from planning and support' from heritage advisor;
  - (m) Stewart / Wangaratta Street Reserve in shadow for majority of daylight hours;
  - (n) Height still obscures views of landmarks and skyline; and
  - (o) Unreasonable parking and traffic impacts.

## Referrals

### External Referrals

123. The application was not required to be referred to external authorities.

### Internal Referrals

124. Initial referral comments were based on the originally advertised plans and then further referral comments were sought based the decision plans from the following units:
- (a) Heritage Advisor;
  - (b) Urban Design Unit (public realm only);
  - (c) Open Space Unit;
  - (d) Environmentally Sustainable Design (ESD) Advisor;
  - (e) Streetscapes and Natural Values Unit;
  - (f) City Works Unit;
  - (g) Engineering Services Unit;
  - (h) Strategic Transport Unit;

- (i) Strategic Planning Unit;

External Consultants

- (a) Urban Design (MGS Architects);
- (b) Acoustics (SLR Consultants); and
- (c) Wind Consultant (MEL Consultants)

## OFFICER ASSESSMENT

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

- (a) Policy and strategic support;
- (b) Land use;
- (c) Built form, urban design and heritage;
- (d) Off-site amenity impacts including impacts to nearby green space;
- (e) Environmentally sustainable design;
- (f) Car parking and traffic;
- (g) Bicycle facilities and strategic transport;
- (h) Objector concerns;
- (i) Other matters.

Policy and Strategic Support

126. The proposal satisfies various land use and development objectives within the PPF and LPPF, and is considered to provide a positive strategic opportunity for development and use within a well-resourced inner-urban environment.
127. State and local planning policies are consistent in outlining that the subject land is located in an area where an increased intensity of development is encouraged. The context of the site; within the MUZ, its close location to the Swan Street Major Activity Centre (MAC), Richmond Railway Station and proximity to the CBD, creates an excellent opportunity for increased commercial densities and higher built form.
128. The proposal enjoys strategic policy support for the following reasons:
- (a) an office development will complement the mixed-use function of the locality, consistent with a purpose of the MUZ;
  - (b) State policy encourages the concentration of development in and around activity centres and intensifying development on sites well connected to public transport and existing infrastructure (Clauses 11.01-1S, 11.01-1R, 11.02-1S, 11.03-1S and 17.01-1R);
  - (c) *Plan Melbourne* identifies the 'Flinders Street Station to Richmond Station Corridor' as a Major Urban Renewal Precinct which is to play an important role in accommodating future employment growth. The proposal to provide 1974sqm of leasable office floor area will further this objective;
  - (d) commercial development and associated activities that generate high numbers of trips are encouraged to locate in highly accessible activity centres or close to high quality public transport reports (Clauses 11.03-1S, 17.02-1S, 18.02-2S and 21.06). The site's location proximate to the Swan Street Activity Centre, opposite Richmond Train Station providing strong support for a larger office development;
  - (e) the proposal provides bicycle parking and facilities in excess of the statutory requirements, furthering State and Local policy objectives to encourage sustainable transport use (Clauses 11.01-1S and 21.06); and



- (f) the site's connectivity to a range of public transport options and bicycle networks provides strong support for a reduced car parking provision on the site, helping to further State and Local policy objectives to reduce the number of motorised trips (Clause 11.03-1S, 18.02-2S, 18.02-2R and 21.06).
  - (g) Clause 11.01 states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and social facilities.
129. Furthermore, the metropolitan planning strategy *Plan Melbourne* seeks to create 20-minute neighbourhoods, where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or via public transport. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists.
130. The site fulfils this criteria, with the Richmond Railway Station less than 200m away, tram routes along Swan Street and public transport options within a radius of approximately 1 kilometre abundant around the site as identified within the site surrounds section of this report. The proposal encourages the use of alternative modes of transport to and from the site rather than encouraging the reliance on motor vehicles through the provision of bicycle parking and end-of-trip facilities. This is encouraged by clauses 18.02 – Movement Networks; 21.06-3 – The Road System and Parking; and 21.03 – Vision of the Scheme.
131. Pursuant to State policy at clause 17, economic development is to be fostered by '...providing land, facilitating decisions and resolving land use conflicts, so that each region may built on its strengths and achieve its economic potential'. At a local level, the Municipal Strategic Statement at Clause 21.04-3 seeks to 'increase the number and diversity of local employment opportunities'. The proposal will support economic opportunities in a highly accessible, service-rich area by increasing employment opportunities in both hospitality and office sectors.
132. Overarching State policy at clause 15.01-1S (urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. This is reinforced at clause 15.01-2S (building design) which encourages '...building design outcomes that contribute positively to the local context and enhance the public realm.' Council's Municipal Strategic Statement seeks to 'ensure that new development contributes positively to Yarra's urban fabric' (Objective 20) and also 'maintain and strength the identified character of each type of identified built form within Yarra.' (Objective 23).
133. Having regard to the above, the proposed re-development of the site for commercial uses is considered to have strategic planning support, however regard must be had to the off-site amenity impacts given the proximity to residents to the north and west and 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 with regard to policies including clauses 22.05 and 22.10.
134. Although the strategic context of the site provides support for a large scale commercial development, this is not without constraint. As the Tribunal said in *ACCC Pty Ltd tas AWC Property v Yarra CC (includes Summary) (Red Dot)* [2012] VCAT 1180 [ACCC Pty] relating to the 10-11 storey proposal above the nearby 5 & 9-13 Stewart Street, Richmond:

*The State and local planning policies are consistent in their message that the subject land is located in an area where an intensity of development is encouraged. Based on the local planning policy framework, it is our finding that the subject land is within the Swan Street Major Activity Centre. The recent inclusion of the Richmond Station precinct in State planning policy that encourages high scale and high density mixed residential and commercial developments further identifies the area around the station as one where an intensity of development is encouraged.*

*However, this does not create a 'free-for-all' situation in regard to the height and form of development that is acceptable for this land. There are other considerations that come into play through the planning policies and controls that are relevant in this case.*

*The subject land is a site with constraints as it is within a Heritage Overlay in a discrete industrial sub-precinct; and it has interfaces with a number of other properties and adjoins a major railway station, Richmond Station. This is an area where heritage is clearly manifest in its built form.*

135. Whilst the proposal in ACCC Pty was for a residential development nearly 8 years ago and jobs growth has become a much more heightened theme in State policy, it is clear the Tribunal's assessment of the strategic context of the site was one of policy support for a higher scale development, however this does not override the need for the proposed built form to be respectful of the heritage and surrounding context. The Tribunal's comments about the strategic context of the site are equally relevant today.

#### Land use

136. The proposed office use requires planning permission under the zone but not the food and drinks premise. Under the MUZ, there are no decision guidelines for considering an office use.
137. As already outlined, there is strong strategic support for the establishment of an office use on the site. The proposed office, will complement the mixed-use function of the locality being consistent with the purpose of the zone. Having a Food and drink premises at ground level will also help to activate the street frontage, consistent with Clause 21.04-2 to avoid creating dead frontages during the day in activity centres.
138. Council has received objections to the application that there is not sufficient demand for an office building of this scale or retail space in this location. Perceived lack of need for a particular use is not a relevant planning reason for refusal. In *Development of Nicholson Street Fitzroy North Pty Ltd ATF Development of Nicholson Street Fitzroy North Discretionary Trust v Yarra CC* [2019] VCAT 1154 a similar argument was put to the Tribunal about "lack of need" for an office building in the location proposed and the Tribunal went on to say (quoting from another decision):

*[74] Although the question of need is frequently raised in disputes about planning permit applications, need does not have to be demonstrated to support this permit application. Case law is that a demonstrated need for a facility or use may be a relevant factor in a decision but lack of a need will rarely, if ever, be a ground for refusing to grant a planning permit.*

139. In considering whether the proposed office and retail uses are compatible with the surrounding land uses, Clause 22.05 (Interface Uses Policy) requires new non-residential use and development within the MUZ to be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.
140. Given that the MUZ is a residential zone and not a commercial zone, the off-site amenity impacts from a commercial use on residential amenity needs to be carefully managed. Relevantly, Clause 22.05 (Interface Uses Policy) states:

*In order to maintain the viability of industrial and business areas there is a need to ensure that new residents do not have unrealistic expectations of the level of amenity that can be achieved. .... There is also a need to ensure that commercial and industrial activities are well managed having regard to their proximity to residential uses.*

141. It is acknowledged that the purpose of the MUZ encourages a mix of uses to co-locate and therefore residents' amenity expectations need to be tempered that this is not a pristine residential neighbourhood. But in the same vein, commercial operations may need to be tempered for successful co-location with residential uses.
142. The proposed office use is largely considered to generate minimal potential off-site amenity impacts, with the use contained within the building except for three outdoor terrace areas at Levels 1 and 3 and the modest operating hours from 8am to 8pm. The applicant's acoustic report has not addressed potential noise impacts from these terraces.
143. Typically, in comparable examples of office use within MUZ a condition would require that use of the outdoor terraces not occur after 10pm or before 7am on any day. This is the relevant time period where sleep disturbance is assessed under the statutory requirements of the Victorian Environment Protection Authority. However, the proposed hours of 8am to 8pm mean this condition is not required, a condition on permit will however restrict the office use between 8am to 8pm as applied for by the application.
144. The issue of light spill is another pertinent issue that a number of objectors have raised. This specific issue has been addressed in recent VCAT and Council decision-making in the immediate area. Further, it is also noted that at the 12 April 2022 Planning Decisions Committee meeting the Councillors included a condition to further restrict lighting after hours to only emergency lighting and for cleaning for the nearby office use proposal (PLN21/0666) at 25-29 and 31-43 Wangaratta Street, Richmond.
145. In *17 Wangaratta Street Pty Ltd v Yarra CC* [2020] the issue of lighting was considered where the member outlined:
- [50] Whilst understanding the residents' concerns, normal activities of people coming and going to an office and shop are part and parcel of an everyday experience within a MUZ. Similarly, in my view, the luminescence of office lighting that may operate into the evening hours is unlikely to extend beyond background visibility, which in the context of an inner city site such as this, is a reasonable expectation. I am unpersuaded that there are any unreasonable amenity implications that will arise for the luminescence of office lighting.*
146. Though, the VCAT decision provides very relevant direction to this application it is also acknowledged that the immediate context does differ somewhat to the nearby Wangaratta examples. There is a separation distance of just 5700mm to the nearest residential outlook. As has been described by some objectors, southern outlook over the subject site is there only light source / outlook. For this reason, the interface is considered to have a higher sensitivity to the effects of light spill because unlike the Wangaratta examples there is not such significant buffer distance of over 10 metres. In nearby examples such as 45 Wangaratta Street, Richmond (Planning Permit PLN15/1260) office hours are restricted to 7.00am - 10.00pm, 7 days per week. No. 33-35 Stewart Street Richmond (Planning Permit PLN16/0807) has office hours restricted to Monday to Friday 7.00am to 8.00pm and Saturday/Sunday 9.00am to 6.00pm and 17 Wangaratta Street has just issued a Notice of Decision to restrict hours to 7.00am to 10.00pm Monday to Friday and 7.00am to 8.00pm weekends.

147. It is acknowledged that the subject application is seeking reduced hours compared to these examples but that more restrictive operating hours on weekends is reasonable given the sensitive of the rear interface. Subject to condition, the Saturday and Sunday office hours will be reduced to 9am to 6pm to further limit potential amenity impacts. However, due to the proximity to apartments it is also considered prudent to further mitigate the risk of impacts to nearby residents by restricting the lighting to the rear of the property after work hours. As such a condition will require that after hours all lights to the rear of the building be turned off except for emergency and / or cleaning and maintenance. This will adequately address the risk to the closest residents after hours. It is not considered overly onerous on the applicant given the remainder of the building could still include more typical after hours lighting to its less sensitive interfaces. In addition the applicant has also indicated they would be receptive to a condition being included that requires automated blinds be closed after hours to further limit potential impacts. These measures could be assured via conditions and will strike the right balance between protecting the amenity of the closest residents while being consistent with nearby decision making.
148. In regard to the as of right Food and drink use, there is no control over operating hours but it is expected that these will generally align with the office use. The Food and drink entry is off Stewart Street and not opposite or adjacent to any residences. Activity at ground level is to be encouraged for activating the public realm and increasing perceptions of public safety. Waste is to be stored within ground floor of the building and therefore concealed from view, eliminating any potential odour emissions on surrounding land satisfying Clause 22.05-4.3.
149. Deliveries associated with the Food and drink and office use will occur on-street. If a permit were to issue, a condition will restrict deliveries to occur within the hours of 7am and 7pm, consistent with the hours allowed for waste collection under Council's Local Law.
150. The appropriateness of the car parking, waste and loading provision will be addressed later in this report, save to say that the site's location opposite Richmond Train station and connectivity with other public transport options means that the majority of employees/staff are not likely to drive to the site, therefore restricting employee/staff numbers for the proposed uses is not appropriate in this location.

#### Built form, urban design and heritage

151. Planning policy requires new built form to positively respond to its context and enhance the public realm (Clauses 15.01-1S, 15.01-2S and 21.05-2). The following assessment considers the acceptability of the design response in terms of: extent of demolition; height, scale and massing of the building; public realm interface and architectural quality; and relationship to adjoining buildings.

##### *Context*

152. As outlined in the 'site and surrounds' section of this report, built form within the area is mixed, with development predominantly older warehouse / commercial buildings and new taller forms varying in scale between 6 – 8 storeys. Site coverage in the immediate area is generally high.
153. There is no dispute that strategically the subject site is appropriately located for more intense development than which current exists on the site, being so close to the Swan Street MAC, within a MUZ with 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.

154. As identified earlier, a number of developments have been approved, are under construction, or have been built on sites within proximity to the subject site. These buildings range in height from 6-8 storeys, however Stewart Street is predominantly low-scale but with intermittent prominent higher forms noticeable amongst the otherwise overwhelmingly two-storey heritage warehouse character. The newly constructed 7-storey build at 45 Wangaratta Street, and the Australian Knitting Mills building to the west at 41-43 Stewart Street are two notable exceptions to the otherwise low-scale Stewart Street with the approved building envelope at 33-35 Stewart Street under Planning Permit PLN16/0807 will also contribute to the emerging character. Further, it is evident that the wider area is undergoing change and redevelopment with examples of higher form buildings in close proximity and towards Swan Street and Cremorne.
155. Based on the context outlined, a mid-scale infill development on the subject site is expected. However, regard must be had to the appropriate scale of the proposal, based on the individual context and constraints of the land.

*Demolition*

156. Prior to ascertaining if the proposed building is acceptable, it must be determined if the demolition of the existing buildings satisfy Council's policy.
157. The existing buildings on the site are graded as being 'not-contributory' to the Richmond Hill heritage precinct. Council's Heritage advisor has confirmed that the demolition of the existing buildings is acceptable on this basis. The removal of the 'not-contributory' buildings would not detrimentally impact the significance of the wider area and is acceptable.

*Height, scale and massing of the development*

158. In regard to building height, there is a broad urban design aspiration set out at Clause 21.05-2 to support pockets of taller development in activity centres and on strategic redevelopment sites. Strategy 17.2 envisages these pockets of taller development to be generally no more than 5-6 storeys high unless specific benefits can be achieved. Relevantly, Strategy 17.2 is not a height control and it implicitly acknowledges that there can be circumstances where taller buildings will be acceptable. In *ACCC Pty* the Tribunal said:

*[38] The physical context of this area already contains some buildings that exceed the building height nominated in strategy 17.2. We find this area clearly presents as a distinct precinct that contains buildings that have always been taller than the predominant one to two storey scale found in the residential hinterland to the north. In some cases, they are taller than the nominated 5-6 storey height range. As such, this precinct is already one of the 'pockets of higher development' referred to in the policy framework. Given the recent change to State planning policy, the Richmond Station precinct is likely to further develop as one of the pockets of higher development in the municipality.*

159. It is also worth noting that the Structure Plan envisages a building scale at 7-10 storeys on this site. As such, there is strategic policy which provides justification for a building scale above 5-6 storeys on this site. However, this strategic justification must be balanced with other policy considerations, including the proposal's response to its heritage context.
160. The relevant decision guidelines under the HO at Clause 43.01-8 are:
- (a) *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
  - (b) *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*
  - (c) *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
  - (d) *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*



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

161. The site falls within the Richmond Hill Heritage Overlay Area. The City of Yarra Review of Heritage Overlay Areas 2007 (Updated March 2013) provides the most recent statement of significance for the area and divides it into five sub-precincts. The subject site falls within the Richmond Hill (south industrial precinct), which is bordered by the railway on the south, the Stewart St service lane on the west, Tanner St on the north and Wangaratta St on the east. This sub-precinct is identified as being significant:

- (a) *As a distinctive and visually related group of externally well-preserved factories and warehouses, associated with the growth of the clothing manufacturing industry in the City, dating from the early decades of the 20th century and symbolic of Richmond's special role in the development of key manufacturing centres in the first half of the 20th century.*
- (b) *For the precinct's strategic location, next to major transport links (railway, Punt Road) and the resultant distinctive angled siting of key buildings to face the railway.*

162. In ACCC Pty the Tribunal stated:

[43] *Our observation is that, somewhat unusually, this precinct clearly demonstrates its heritage to the passer by. The retention of significant proportions of the industrial building fabric has retained and reinforced the remnant heritage evident along all of the streets within this sub-precinct. The subdivision pattern and hard edged buildings speak to a history of manufacturing and warehousing. The extent of remaining fabric and the precinct's discrete area reinforce its cohesion, readily apparent on inspection from any of the streets within the sub-precinct. This is an area where its heritage is clearly expressed in the built form.*

[44] *The strong curve and uniformity of façade heights along Stewart Street as it follows the long wall of the railway reserve reinforces the cumulative impact of this built form. A further clearly visible characteristic is the angled setbacks of the higher portions of the original buildings facing the railway above the Stewart Street facades.*

163. In assessing whether the location, bulk, form and appearance of the proposed development will adversely affect the significance or character of this discrete industrial heritage precinct, the following heritage objectives and development guidelines at Clause 22.02 are relevant:

- (a) *Protect the heritage skyline of heritage precincts (Strategy 14.3).*
- (b) *Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas (Strategy 14.6).*
- (c) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
- (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- (iii) *Be visually recessive and not dominate the heritage place. Be distinguishable from the original historic fabric.*

164. Both the statement of significance for this heritage precinct and the Local heritage policy have not changed since the Tribunal's decision in ACCC Pty. It is also considered that the surrounding physical context has not significantly changed. If one walks around the precinct, there are no tower buildings punctuating the skyline. As the Tribunal observed in 2012, a number of heritage industrial buildings have additions but none of these additions present as a tall tower form punctuating the skyline. When analysing the heritage buildings that have been extended, the ratio of additional height above the retained heritage buildings allows each heritage building to continue to have a dominant presence in the streetscape, both in short and long range viewlines.

Particularly to Stewart Street, the curved nature of street helps to open up vistas to the heritage buildings in this streetscape and as you are walking along the street you constantly get changing views to the buildings and the focus is on the heritage fabric.

165. Since ACCC, the only buildings or additions of significant scale that have been approved in this precinct are on the east side of Wangaratta Street and in Stewart Street. In Wangaratta Street, 45 Wangaratta Street is constructed with a maximum height of 24.2m (to parapet) and 25.179m (to lift overrun). A planning application for 23-43 Wangaratta Street (subject to a section 79 review at VCAT) proposed a maximum height 32.22m but was later withdrawn, and a planning application at 17-23 Wangaratta Street (subject to a section 79 review) proposed a maximum height of 28.08m (to parapet) and 29.3m (to lift overrun) but was refused by VCAT on 9 March 2021. Council did not support either application on grounds relating to the overall building scale and off-site impacts (amongst other matters).
166. The east side of Wangaratta Street is at the edge of the heritage industrial sub-precinct adjacent to NRZ1 land further east. As such, it is considered the most relevant context to the subject site are other approvals in Stewart Street.
167. In regard to the Stewart Street approvals since ACCC, the approved building envelope at 33-35 Stewart Street under Planning Permit PLN16/0807 provides for a maximum building height of 28.75m high (to roof slab). The approved building envelope is generally set back 2.8m – 3.8m from the Stewart Street frontage.
168. Given that the Tribunal in ACCC found there was a high level of strategic support for a high density development on this site, the Tribunal's comments regarding an appropriate response to the heritage context remain relevant:
- [56] *Whilst we accept that there are circumstances where higher buildings can be accommodated in heritage areas, we have concluded that new development in this precinct between Stewart and Tanner Streets should respond to the existing building form, character and heritage value of the area, and provide for a built form transition to lower scale development to the north on Richmond Hill. The Yarra Planning Scheme specifically identifies protection of 'heritage skyline' and protection from the "visual intrusion" of built form within heritage areas.*
169. In considering the level of visibility of the proposed tower form of this proposal and whether it is an acceptable response to the context, the following comments in *Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 are relevant:
- [54] *If mere visibility becomes the test across metropolitan Melbourne, then it will be virtually impossible to construct buildings above the prevailing scale. This, in turn, would render it impossible to achieve the clearly stated urban consolidation objectives expressed in the Planning Scheme, objectives which Clause 11 requires us "to give effect to". The Tribunal rejects the notion that, because some of the buildings would be visible above the existing built form, they are therefore unacceptable. Rather, the test is whether the proposal is complementary to the surrounding area, and of a scale that can be assimilated without unreasonably disturbing the surrounding built environment.*
170. In *ACCC Pty* the Tribunal did not specify a recommended building height for the site and said:
- [60] *...We have not turned our minds to what precise height a building on this site should be because we agree with Mr McGauran that it is the quality of the design resolution that will, in part, determine whether a building height is acceptable or not on the subject land. However, it is clear that the surrounding redevelopments of heights in the order of 6-7 storeys have had more regard to the existing built form character of the area and have contributed to the establishment of a new character that generally utilises the solid heritage base with contemporary additions above. Whilst employing differing design treatments, none seek to dominate the precinct.*

171. In a more recent VCAT example near to the site, *17 Wangaratta Street Pty Ltd v Yarra City Council [2021]*, the Tribunal stated that medium rise development is appropriate but the sensitive NRZ1 interface to the east of this site was of critical importance to upholding Council's Refusal:
- [44] I agree, based on the context of the site that in broad terms a medium rise, mix use building is appropriate. The respondents were also commendably clear that they did not oppose redevelopment of the site per se. However, the determinative issue in this case is whether the building's height and massing appropriately respond to the more sensitive interfaces along its eastern and northern sides that are within the NRZ. For the reasons that follow, I am not persuaded that the proposed building height and massing (by virtue of its upper level setbacks) provide an acceptable response to the site context.*
172. The subject application was referred to Mr McGauran for expert urban design advice on the originally advertised plans. In summary, Mr McGauran had advised that the original height was not acceptable, recommending a height of seven storeys. Mr McGauran had also raised key concerns with the eastern boundary wall, the need to increase the setback to the northern interface and in regard to equitable development for the western interface.
173. Following the receipt of the amended decision plans Mr McGauran again provided formal comments with the following key findings:
- (a) The 8 storey height was deemed acceptable subject to other amendments.
  - (b) The northern interface setback though not optimal was deemed acceptable given the opaque glass dealt with privacy issues and the 5700mm achieves an effective setback.
  - (c) Retains significant concerns in regard to east and west interfaces.
  - (d) Retains concerns in relation to wind.
174. For the eastern interface Mr McGauran has recommended that the design needs to provide an indent south of the core to reduce visual impacts to the east including as viewed from the pocket park. In his comments he highlighted the criticism from VCAT in relation the boundary wall condition at 9-13 Stewart Street.
175. Mr McGauran's recommendation is considered to be reasonable in this instance given the high visibility of this façade within a heritage context facing established residential hinterland and so close to one of the few green spaces in the area. For this reason, consistent with Mr McGauran's advice, a condition will require the above street wall levels of the building to be set off the eastern boundary by 3 metres south of the core (south of gridline C) and this section of blank wall designed to match the detailing found along the front façade. Subject to this condition, the design response is deemed appropriate to reduce visual bulk and enhance the overall appearance of the building.

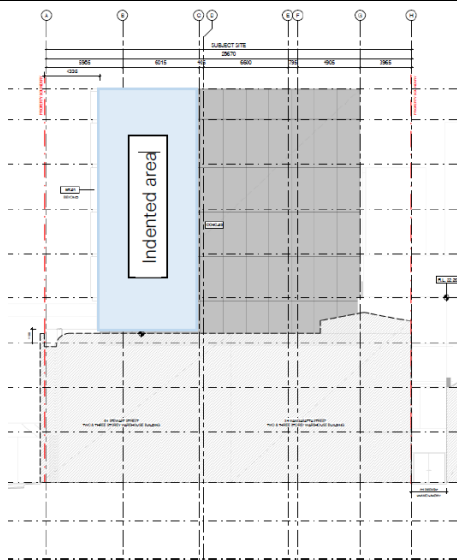


Image: east elevation showing section required to be set back off the boundary  
Source: Carr Architecture / MGS comments

176. For the western interface, Mr McGauran provides the following comments:

- (a) *The proposed western facade whilst well-conceived in its expression, assumes the entitlement to light and boundary abutment for which I am yet to sight any legal evidence demonstrating acquisition of air rights and hence entitlement to build to the boundary as proposed to the interface with 9 Tennyson Street. In the absence of this, provide a minimum 3m setback to this interface to the satisfaction of the responsible authority above the Level 2 podium.*

177. The applicant responded to this concern by providing information around the limited further development potential of 9 Tennyson Street.

178. Though Council officers do appreciate that 9 Tennyson may have limited future development potential as the site has already been developed, we also agree with Mr McGauran that in the absence of any rights to light and air over this property the current response is not sufficient even with the introduction of screen glazed façade being introduced via the Section 57a decision plans.

179. Consequently, the levels 4 and above will need to be set back from the western boundary but not to the full 3 metres as recommended by Mr McGauran. It is felt that the lack of any direct outlook facing the western wall and the limited development potential of 9 Tennyson Street does warrant a lesser setback to a distance of 1.5 metres, which will adequately respond to this interface. This will provide various benefits including setting the west orientated windows off the common boundary but retaining the design quality of this façade, additional light to nearby habitable windows, reducing visual bulk and also responding to the potential for development at 9 Tennyson Street, however limited it may be. It will also have incidental benefit to the existing skylights adjacent to the western boundary at 9 Tennyson Street which were an issue for some objectors. Lastly, the limited setback will enhance the amenity of the level 3 terrace but still allow the upper levels to partially cantilever over to allow for weather protection and wind benefits.

180. These built form changes can be assured via condition.

181. Council's heritage consultant, Ms Riddett, also advised that the height of the originally advertised plans at 10 storeys was her only concern, indicating that demolition and setbacks were acceptable.
182. Following the receipt of the Section 57a decision plans, Ms Riddett, advised that concerns regarding height and building envelope design which were expressed previously have been satisfied. The concerns now are related to materials as follows:
- (a) Concrete 01 (Off-form concrete) on the floor plates/frame on the lower part of the façade should have either an applied finish e.g. paint etc. or a rendered finish.
  - (b) Concrete 02 (Concrete slab edge) to the upper levels of the façade and north and west elevations to be the same material as above.
  - (c) Concrete 03 (Precast concrete slab) to the upper levels eastern boundary to use textured panels such as Reckli on the highly visible east wall.
  - (d) MT01 – Clarify that metal panel to be applied to the concrete frame (mullion/fin) on the façade and north and west elevations is to also be applied to façade.
  - (e) Clarify what is meant exactly in regard to “raw metal finishes that will gradually develop a patina over time”.
  - (f) MT02 – Clarify how raised seam metal is to work on the façade.
  - (g) MT03 (Metal screen – perforated) at the Ground level of the façade a smooth, maintainable finish is preferred.
183. If a permit is to issue, all of these concerns can be addressed via condition including the façade strategy condition.
184. In regard to height in terms of context, it is considered that the support of Council's Heritage Advisor and Urban Design consultant are significant as well as the overall design quality of the development. Subject to key changes as discussed above the development will be more responsive to context and to its immediate interfaces and present as an acceptable outcome.
185. Further, the approved building envelope at 33-35 Stewart Street under Planning Permit PLN16/0807 provides for a maximum building height of 28.75m high (to roof slab) and is generally setback 2.8m – 3.8m from the Stewart Street frontage. It is considered that this nearby approval does provide some guidance as to what is acceptable in Stewart Street.
186. In summary, the proposed overall building height and the setbacks from Stewart Street are deemed appropriate. The proposal subject to conditions will respond to the surrounding buildings and context and be respectful of the existing or recent approvals in this discrete industrial heritage precinct.

*Architectural quality*

187. The development is considered to be of high architectural quality and in that regard responds to the design objectives clauses 15.01-2 and 22.10-3.4. The contemporary design is appropriate and responds well to this part of Richmond. Council's external Urban Designer and Heritage consultant were both complimentary of the proposed architectural design and quality.

188. A condition of any approval should include a façade strategy to demonstrate the quality of materials. This will ensure that the materials to be utilised for the development are reviewed prior to construction, with a higher degree of detail provided to ensure they are of a high architectural quality in accordance with the plans submitted to date.

*Landmarks, Views and Vistas*

189. The policy direction under Clause 22.03 (Landmarks and Tall Structures) of the Scheme outlines that development should maintain prominence of Yarra's landmarks (i.e. the Dimmey's clocktower and the Nylex sign).
190. Objectors have raised concerns about the proposed building height resulting in loss of views to the Dimmey's clocktower and the Nylex sign. Clause 22.03 seeks to retain important landmarks and icons which contribute to the identity of the City and to maintain view lines to key landmark sites. Dimmey's clocktower and the Nylex sign are identified as a landmark site under Clause 22.03. However, views from private land are not protected nor is every view from the public realm to a landmark intended to be protected under Clause 22.03. As the Tribunal said in *Richmond Icon Pty Ltd v Yarra CC* (includes summary) (Red Dot) [2011] VCAT 2175:

*[65] The content of the policy leads us to conclude that it does not require there to be no visible structure near Dimmey's ball tower, but rather that the ball tower remain "the principal built reference". We are of the view this means any nearby structure should be visually subservient to the ball tower having regard to the ball tower's architectural complexity, richness of detailing and its position on the street frontage. The question then becomes in which views does the new tower need to be visually subservient? We agree with the findings of the Tribunal in Crema Group that the policy is not intended to preserve and protect every possible view from public spaces. We also agree with the findings of the Tribunal in Cremorne Corporation that key or important views need to be carefully dealt with, not every incidental view.*

191. The Tribunal went on to find at [66]:

- (a) There are relatively few places from which the ball tower can be well viewed and that not all views are of equal worth;*
- (b) Swan Street views are critical to its public appreciation;*

192. The proposal does not impact on views within Swan Street to the Dimmey's clocktower. The subject site is a significant distance from the Nylex sign and is not in a major viewline corridor to the silos. As such, the height of the proposed development is acceptable in terms of its relationship to the Dimmey's clocktower and the Nylex sign.

*Light, Shade and Public Realm interface*

193. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. Clause 15.01-S includes the following urban design strategies:
- (a) Ensure the interface between the private and public realm protects and enhances personal safety.*
  - (b) Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
  - (c) 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.*



- (d) *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*

194. In respect of public space, Council's internal Urban Design Unit provided the following comments:

- (a) *The site has an existing vehicle crossover off Stewart Street, which would become redundant if the proposal is constructed. Recommend removing this vehicle crossover and re-sheet the footpaths along the site frontage – refer to any requirements from Engineering.*
- (b) *Wangaratta Reserve has been upgraded in the last few years, and Council's Open Space Strategy identifies the future opportunity to expand this open space. Please speak to Open Space team for any further information on the Open Space Strategy, and to comment on the impact of the development on the open space (in particular overshadowing of the open space).*
- (c) *There are no known planned/approved capital works around the site being led by the Urban Design Team.*

195. There were additional comments based on the decision plans dated 1 March 2022:

- (a) *The ground floor incorporates a booster cabinet, substation and fire exit, and these have been treated with a metal screen cladding (MT-03). The extent of metal cladding along the frontage is excessive and the metal finish and corrugated profile bears some resemblance to a garage roller door. This results in a poor ground floor interface. It is recommended to reduce the extent of metal screen cladding, and if any metal screen cladding is used, consider a different metal finish (perhaps powder coated rather than plain metal finish) to improve its presentation to the street.*

196. These comments are noted, with the requirement to remove the crossover and re-sheet as well as the change to the ground floor material to be addressed via conditions.

197. Council's external Urban Designer was supportive of the ground floor interface, making the following comment:

- (a) *The proposed arrangements for the ground floor for waste management and vehicle management from Tennyson Street, bicycle access via the pedestrian lane on Wangaratta Street and the primary pedestrian access from the southern main Stewart Street frontage are each logical in their arrangement and, as could be expected from the project architect, the proposal exhibits high quality materials and finishes and competent arrangements for the workplace levels.*

198. The proposed access arrangements for pedestrians off Stewart Street, vehicles off Tennyson Street and cyclists through the rear laneway is supported. The level of activation to Stewart Street is also considered to be acceptable and the use of metal to screen services and the substation appropriately references the industrial past of the precinct.



Image: 3D perspective of the street wall  
Source: Carr Architecture

199. In regard to sunlight access within the public realm, the proposed development will cause increased shadow impacts. The proposed development will create shadow on the south side of Stewart Street and to the Stewart Street / Wangaratta Street Reserve. This shall be discussed in detail below.

#### *Site Coverage*

200. The level of site coverage proposed is consistent with surrounding built form and is supported.

#### Off-site amenity impacts including impacts to nearby green space

##### *Landscaping and overshadowing*

201. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy) of the Scheme. The decision guidelines at Clause 22.05-6 specify that Council should consider (as appropriate):
- (a) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*
202. The appropriateness of amenity impacts needs to be considered within their strategic context, with the site being located on land zoned MUZ. With this in mind, the following assessment is provided (light spillage has been discussed above and waste management will be discussed later in this report).

203. In regard to landscaping, there is no landscaping proposed with landscaping not a typical feature of higher density in this area. Nonetheless, Council's Open Space Planning and Design Unit reviewed the originally advertised plans and advised:

*We have serious concerns around the height of this development and the impact it will have on Wangaratta Street Reserve in terms of overshadowing. This is one of the only parks in the Central Richmond 'A' precinct where there is a serious lack in open space provision, and all existing open spaces play an important part of the City of Yarra open space network.*

*The Yarra Open Space Strategy (YOSS) adopted on 1 September 2020 emphasises the importance sunlight access in public open space plays to community health and wellbeing. It is also important in maintaining the health and longevity of the soft landscape elements within the park, including trees, open grass space and garden beds. One of the main recommendations in the Strategy is that:*

*Sunlight access to existing and future open space*

*Council to protect existing and new open space from additional overshadowing between 10am and 3pm on 21 June beyond that generated by the standard 9 metre built form height. Council is to implement effective controls for sunlight protection through the planning scheme.*

*The architectural drawings from Carr provide shadow diagrams on Sept 22 between 11am to 2pm but no diagrams are provided for June 21. We request drawings are provided for this date showing the overshadowing impact between 10am and 3pm as per the recommendation in the adopted YOSS.*

*The priority from our team is to preserve the quality of this open space for existing and future communities, including users from this development. We would like to know what influence we have on the height of the development at this stage to preserve the quality of the reserve. We do not support this development proposal as it stands and request a reduction in floor height to minimise the impact it will have on the usability and quality of Wangaratta Street Reserve.*

*In addition to the impact of overshadowing, we would also like to recommend vertical green elements are included in the terraces of the proposal shown on the first and third floor. Any interventions we can make to increase green cover and canopy in this part of Richmond will contribute positively to the environmental and strategic objectives Council has in place.*

204. Since these comments, the application has reduced the overall height of the proposed building by two levels which has substantially improved the shadowing outcome.

At the equinox, the pocket park was previously experiencing near full shadow at 2pm and about half shadow at 1pm and 3pm, as shown in the image below.

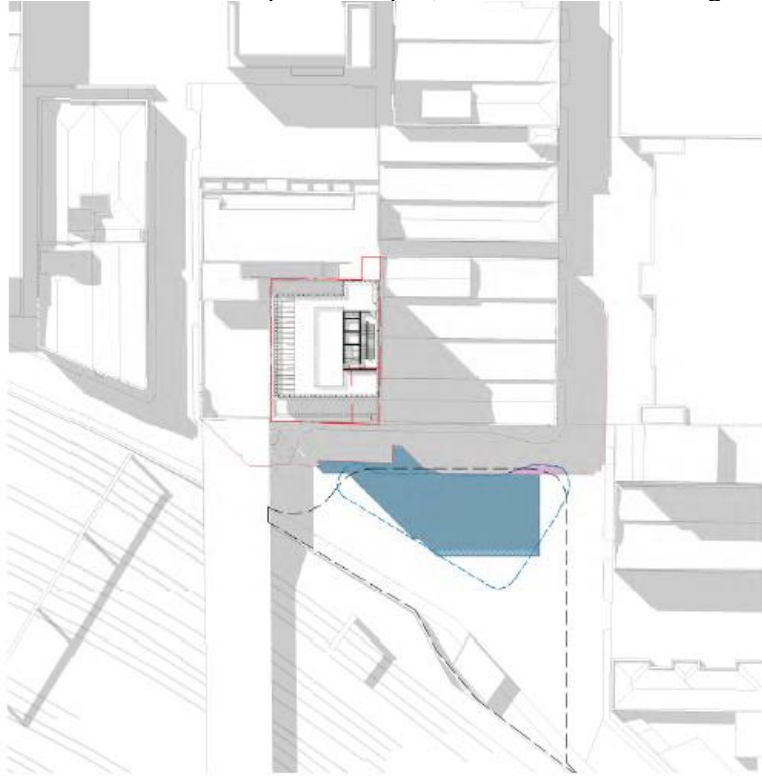


Image: 2pm Shadow impact originally advertised plans  
Source: Carr Architecture

205. Subject to the Section 57a changes, most notably reducing the overall height from 10 to 8 storeys, the pocket park now experiences substantially less shadow at equinox in particular at the most impactful 2pm where shadow has reduced by approximately 40%. The shadow impacts at equinox are now considered to be acceptable to allow for enjoyment of the park at equinox.

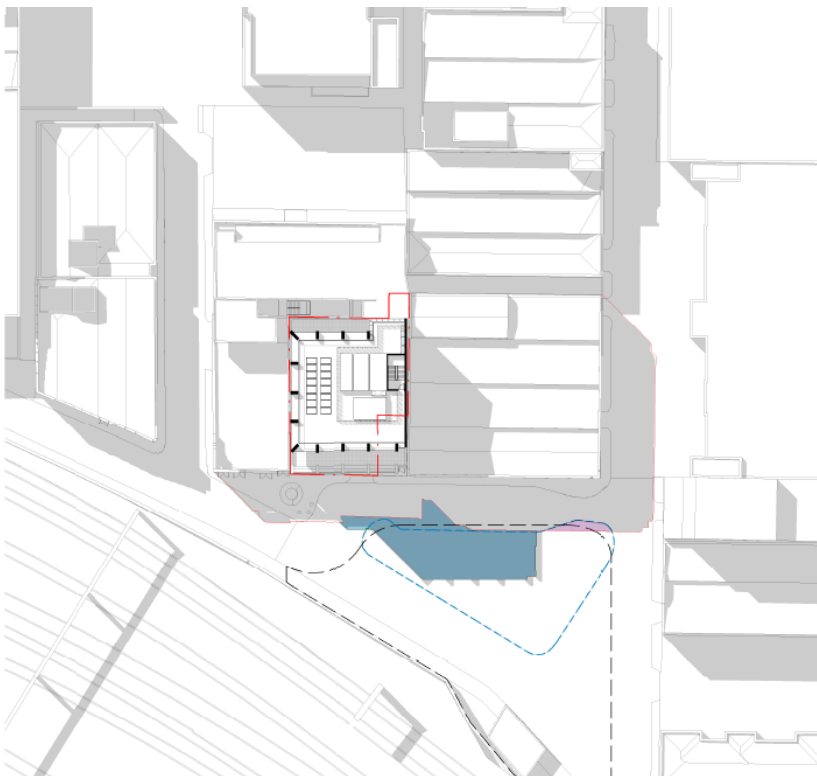


Image: 2pm Shadow impact Decision plans  
Source: Carr Architecture

206. As requested the applicant also provided winter shadow diagrams, which demonstrate that the impacts at the winter solstice are such that the building would need to be reduced to about two or three levels for it to not impact in the green space in the afternoon. The planning scheme does not require winter shadows be taken into consideration, and given the above, such a reduction is not practical.
207. Following the reduction of the overall height to 8 storeys the shadow impacts are deemed acceptable.
208. With respect to other matters raised, the request for vertical greening could be addressed via condition and would contribute to softening the boundary wall namely to the east.
209. In regard to street trees, there are no existing street trees on Stewart Street close enough to the site that they will need to be protected.

*Visual bulk and overlooking*

210. The primary potential visual bulk impacts are to the dwellings to the north which have outlook from four south facing third floor bedrooms that are opposite the subject site (refer to image below).
211. There is also a first floor bedroom on boundary which abuts the lightcourt to the eastern end with its only window facing west to this light court as shown highlighted in the image below.



Image: Endorsed Plans - Third floor bedrooms with southern outlook to courtyard / void abutting the subject site's northern boundary. Source: IDG Interlandi Design Group





Image: Endorsed Plans - First floor bedroom with west outlook to courtyard / void abutting the subject site's northern boundary.  
Source: IDG Interlandi Design Group

212. It is considered that the design responds adequately to this sensitive interface by setting back from the northern boundary to create a separation of 5700mm. Officers support this response, noting the support from the external Urban Design consultant.
213. As described above, the eastern boundary wall as proposed is considered to cause visual bulk, in particular to the public realm and to users of the green space, which is to be addressed with conditions. The conditions will requiring a setback and additional outlook / continuation of the design to the southern section of the western façade to enhance the materiality of this boundary wall to a textured finish as per the Heritage Advisor comments. Subject to these important changes, the eastern elevation will be acceptable.
214. In regards to overlooking, though not strictly applicable in this instance, the proposal would comply with the overlooking objective of Clause 55 (Standard B22) to the windows and balconies facing north and west, which specifies that new development should be designed to avoid direct views into habitable room windows and SPOS of dwellings within a radius of 9 metres and 45 degree arc.
215. It is also noted that overlooking concerns were raised by objectors and the decision plans address these concerns by providing full height obscure glass windows to the north facing windows as shown on the elevations and a 1700mm screen to the terrace where it faces sensitive interfaces as shown in the image below.



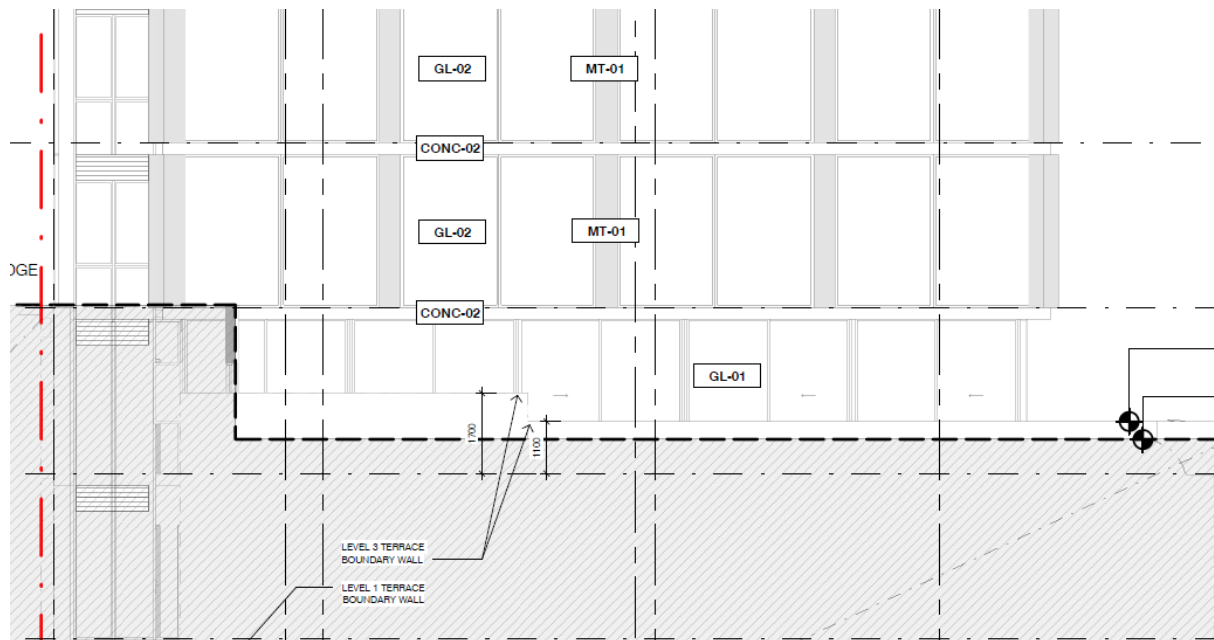


Image: 1700mm screening to terrace on western boundary as well as GL02 (screened) glazing to upper levels.  
Source: Carr Architecture

216. However, a condition will require additional details will be required to clearly show the screening and ensure it effectively protects the privacy of nearby residents.

#### *Daylight to existing windows*

217. The daylight to the south facing windows of the adjoining property will be retained through the setback to the northern boundary. Though not the most optimal outcome the nearby windows of dwellings will have 5700mm separation to the development. A review of the endorsed plans for the 9 Tennyson Street development show that it is four bedrooms that are facing south to the subject site while another first floor bedroom is facing west to the courtyard. The response from the subject design to set off the boundary at all above ground levels will ensure adequate daylight is retained to these bedrooms. Further, subject to condition to increase the western setback these south-orientated windows will have modestly improved outlook. Likewise, the skylights along the western boundary to 9 Tennyson Street though not protected in the planning scheme also will benefit from the condition to move the western façade off the boundary.
218. It is considered that the separation distances provided to the south facing windows at 9 Tennyson Street would adequately address matters of daylight to the north.

#### *Wind*

219. Objective 2.10 of the DSE Guidelines seeks to ensure that new buildings do not create adverse wind effects including for pedestrians. The applicants supplied an environmental wind study based on the decision plans which has been peer reviewed externally. The Council's Wind consultant raised no concerns with the proposed methodology or findings of the report prepared by the applicant. The desktop study demonstrated that the proposal would not have adverse impacts to Stewart Street and the terraces on level 1 and level 3. Officers agree that further testing should be conducted to confirm the wind predictions, something that could be required via condition if a permit were to issue.

#### *Noise*

220. The applicant submitted an acoustic report to address noise impacts from the proposal on surrounding residential properties.
221. Council's acoustic consultants reviewed potential noise sources from the development, namely the carpark door, the café use as well as the mechanical plant, providing the following comments:
- (a) *The provided report generally addresses noise impacts however we recommend that commercial noise is assessed to the identified zoning levels, rather than the higher limits provided in the acoustic report, due to the fact that the limits were based on background noise data obtained at a different location to the subject site and may be potentially exposed to higher background levels.*
  - (b) *We also suggest that a rail noise assessment be conducted to ensure that noise from the Richmond rail corridor is controlled to office spaces*
222. It is considered that an amended acoustic report addressing these points can be required via condition.

*Equitable development*

223. To ensure the fair, orderly, economic and sustainable development of land in accordance with the objective of the Act, matters of equitable development should be considered. As has already been addressed via recommended conditions above, the equitable development of the three common boundaries has been considered.
224. To the west the introduction of a 1.5 metre setback responds to the limited future development potential of 9 Tennyson Street by not unreasonably constraining this site with boundary windows. To the east, the boundary wall is considered a reasonable response subject to condition to include the setback with the continuation of the design south of the core. This will ensure the Individually significant property's development potential to the east is adequately addressed by not solely presenting this site with blank façade, while also enhancing the appearance of this elevation to lessen bulk and achieve a more 'in the round' design. Finally, the northern boundary has set in off the boundary to create a separation of 5700mm to the southern windows of 9 Tennyson Street. Though not optimal this is deemed an acceptable response to the most sensitive interface and does acknowledge the limited development potential of 9 Tennyson Street.

*Waste management*

225. The applicant submitted a Waste Management Plan (WMP) prepared by Leigh Design and dated 7 December 2021 that included the following key features:
- (a) Provision of a 21sqm waste storage room within the ground level of the building.
  - (b) All waste removal will be undertaken by a private contractor (rear-lift vehicle 6.4m long, x 2.1m high). Waste collection will be undertaken on the Stewart Street.
  - (c) The bins and bin room will be cleaned regularly.
226. Council's City Works Unit reviewed the submitted WMP and confirmed it is satisfactory.
227. Lastly, the development has not included a separate waste stream for glass. Council is set to introduce a four bin service across the municipality that includes a waste stream for glass, separate from commingled recycling. Whilst the implementation has been delayed due to implications posed by COVID-19, the Council voted on 23 June 2020 to roll out the glass bin in October 2020. It would therefore be prudent for the development to include a separate waste stream, and bins, for glass.

### Environmentally sustainable design

228. 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. Council's ESD Advisor confirmed that the proposal was close to meeting Council's Best Practice ESD standards.
229. Further, the redevelopment of the site located in an existing built-up area makes efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces reliance on private vehicles.
230. As identified by Council's ESD Advisor, the proposal includes a number ESD commitments as well as areas that must be improved.
231. Council's ESD Advisor reviewed the submitted SMP and the development plans, commenting that the proposal did not meet the ESD standards. Specifically, there were some deficiencies identified and a number of outstanding information that had not been provided to substantiate a number of items referenced within the SMP. The Section 57A decision plans addressed some of these efficiencies but there are still numerous that require further information.
232. It is considered that all items can be addressed by conditions as these items request further detailed analysis of the ESD measures.

### Car parking and traffic

233. Under clause 52.06 of the Scheme, the applicant is seeking a car parking reduction of 45 spaces as outlined within the table included in the Particular Provisions section earlier in the report.

#### *Parking Availability*

234. Due to the COVID-19 restrictions, car parking occupancy surveys cannot be undertaken at this time as it would not provide an accurate representation of the 'normal' car parking demands in the surrounding area.
235. Within this area, on-street parking in this part of Richmond is generally high during business hours. The area surrounding the subject site is blanketed in time-based parking restrictions which ensure that parking turns over frequently. Visitors to the site during business hours should be able to find an on-street car space near the site.
236. Council's Traffic Engineers confirmed although demand for on-street parking is very high in the area, the introduction of parking sensors in a number of streets ensure that parking regularly turns over.
237. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage motor vehicle ownership and use.

#### *Car Parking Demand Assessment*

238. The application is proposing to provide 8 on-site car parks for the office on site. This represents a reduction of 45 spaces.

239. Clause 52.06 is a state-wide provision and the rates are not always relevant to inner city locations such as Yarra. Clause 52.06 therefore requires that an assessment of the actual number of car spaces which are likely to be generated by the uses be undertaken.

*Parking Demand for Office Use.*

240. A total of 8 car spaces are allocated for the office use; this would equate to an on-site parking rate of 0.41 spaces per 100sqm of floor area. Throughout the municipality, a number of developments have been approved with reduced office rates, as shown in the following table:

Development Site	Approved Office Parking Rate
<b>Cremorne</b>	
60-88 Cremorne Street PLN17/0626 issued 21 June 2018	0.85 spaces per 100 m <sup>2</sup> (233 on-site spaces; 27,306 m <sup>2</sup> )
9-11 Cremorne Street PLN16/0171 (Amended) issued 13 June 2017	0.85 spaces per 100 m <sup>2</sup> (20 on-site spaces; 2,329 m <sup>2</sup> )
<b>Collingwood</b>	
2-16 Northumberland Street PLN16/1150 issued 14 June 2017	0.89 spaces per 100 m <sup>2</sup> (135 on-site spaces; 15,300 m <sup>2</sup> )

241. Although considerably lower than some of the rates listed above, the proposed office parking rate of 0.41 spaces per 100 square metres of floor area is considered appropriate as the site has very good access to public transport and seeks to encourage more sustainable forms of transport and also Council's Engineering Unit is satisfied.

*Parking Demand for Food and drink Use.*

242. No car spaces would be provided for the Food and drink use. For the same reasons as outlined above this reduction is deemed acceptable.
243. Specifically in relation to the particular benefits of the site location, the reduction being sought by the proposal is further supported by the following:

- (a) The site is well serviced by public transport, with tram services on Swan Street as well as Richmond Railway station located just to the south west of the site.
- (b) The surrounding area has a good bicycle network and the development includes employee bicycle parking spaces and end of trip facilities in excess of rates specified within the Scheme to encourage staff to ride to work.
- (c) There is limited on-street parking in the area, with restrictive parking controls acting as a disincentive for employees to travel to work by car. Employee parking permits will not be issued for the development and building tenants would be entering leases aware of the on-site parking availability. Therefore businesses with a high reliance on car parking are unlikely to take up a lease at the site.
- (d) Visitors would likely be aware of the car parking constraints in the area or otherwise be made aware by the tenants of the building, thus also encouraging use of alternative modes such as public transport, cycling or taxis;

- (e) Council's Engineering Unit are supportive of the application on the basis that it is in line with the objectives of Council's *Strategic Transport Statement* noting that the site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site parking would discourage private motor vehicle use

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

245. For these reasons, the proposed provision of 8 on-site spaces is considered appropriate.

*Access and layout*

246. 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.

247. These details, along with the proposed waste collection movements, vehicle entry and exit movements to the car park have been reviewed by Council's Engineering Unit who are 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 / dimensions:

- (a) Floor to ceiling height to show minimum headroom clearance of 2.5 metres provided above the accessible car space adjacent shared area;
- (b) Applicant to detail how traffic would be managed when a vehicle is exiting the lift and an on-coming vehicle is entering the site off Tennyson Street simultaneously. Clarify whether a 'stop/go traffic' control device to manage the traffic movements into and out of the site is to be used;
- (c) Column depths and setback dimensions.
- (d) Dimension width of the car lift door on the ground, basement 1 and basement 2 levels;

248. The Engineering Unit also included additional requirements in regard to utility service doors that onto public highway and a recess to the pedestrian door off the rear laneway.

249. It is considered that all of these matters can be addressed via condition.

250. Several engineering conditions in regards to civil works, road asset protection, construction management, impacts of assets on the proposed development and reinstatement of redundant vehicle crossings have been recommended. These conditions are considered standard and should also be included on any permit issued.

251. 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 conditions.

*Loading*

252. In accordance with clause 65.01, before deciding on an application or approval of a plan, the responsible authority must consider *the adequacy of loading and unloading facilities and any associated amenity traffic flow and road safety impacts*.

253. It is considered that the scale of the retail component of the development is not large and that loading for this size of use could be undertaken by small vans and commercial vehicles on-street.

254. The provision for on-street loading is therefore considered acceptable.

255. In addition, a condition can require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law.

Bicycle facilities and strategic transport

*Bicycle parking and facilities*

256. The proposal provides a total of 22 bicycle parking spaces on-site for employees (x 18 for employees) and visitors (x 4 for visitors) within the bicycle store located at ground, with end-of-trip facilities (7 showers / changerooms and 44 lockers) also provided at ground conveniently located next to the bicycle parking. The number of bicycle spaces and EOT for employees and visitors exceeds the statutory rate outlined in Clause 52.34, which requires 7 employee, 2 visitor spaces and 2 showers / changerooms.
257. Council's Strategic Transport Unit support the design, location and number of bicycle spaces for both employees and visitors.
258. The Unit requires various recommendations for the Green Travel Plan which could be addressed via condition.
259. Subject to conditions it is considered that the bicycle parking and facilities is acceptable.

Other matters

*Abutting windows on boundary*

260. Council has received objections to the proposal in regard to the rights to light and air of the windows on boundary to the site adjoining to the east.
261. The objection makes the following points:
- (a) that the proposed development will block out the natural light from a series windows (3 in total) located along the western elevation of the building on the adjoining land;
  - (b) and that the land/owner has pre-existing rights to the light and view from these windows.
262. In consideration of the objector's claims:
- (a) In relation to any view that would be lost if the proposal was approved - Council notes that there is no protection at law by way of pre-existing rights or implied easements as to view; and
  - (b) in relation to the loss of natural light through the windows if the proposal was approved - Council is aware of the case law applying section 12(2) of the *Subdivision Act 1988* (*Subdivision Act*) which concerns implied easements of light; and concludes that the adjoining land does not benefit from an implied easement of light in respect of these windows.
263. In Council's consideration of the Permit Applicant's advice, in order to meet the test established by section 12(2) of the Subdivision Act, it would need to be demonstrated by the owner of the adjoining land that access to light through the windows were essential to the 'reasonable use and enjoyment' of the building on the adjoining land.
264. Having regard to the relevant Tribunal decisions that have considered section 12(2) of the Subdivision Act, including *Medopt PL v Hobsons Bay CC* [2007] VCAT 416 (*Medopt*), Council considers that the windows are not essential for the reasonable use and enjoyment of the adjoining land.
265. In reaching this decision Council has relied on the following factors:
- (a) The building on the adjoining land is built to the common boundary with the subject site and as such must accept the likelihood of development of the subject land.



- (b) There is a reasonable alternative to obtain access to light from the south facing windows within this building.
- (c) The building is not used for a sensitive use but even if it was it could obtain access to light/air from other frontages.

#### Removal of easements

266. It is considered that the development of the subject land in the manner proposed would only be possible with the removal of the two light and air easements given that the proposed building would occupy the area the easements are in.

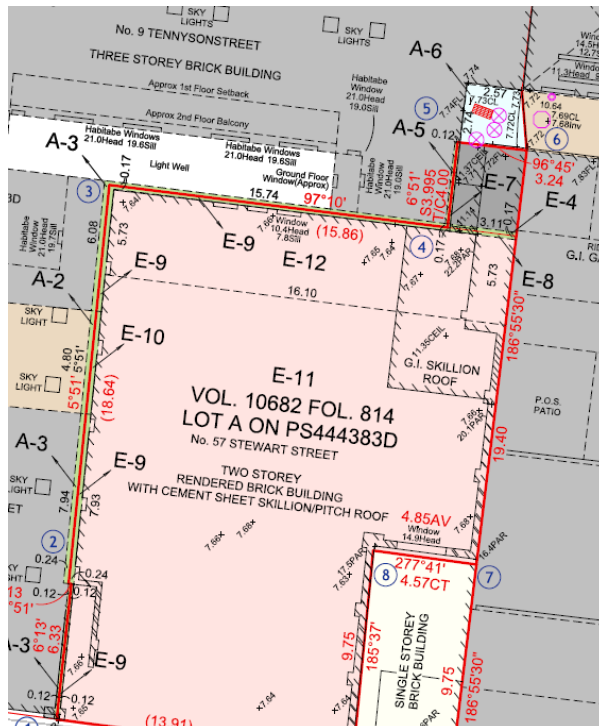


Image: E-11 and E-12 easements proposed to be removed shown on the survey plan  
Source: Reeds Consulting

267. The application is therefore seeking permission to remove the easements under Clause 52.02 of the planning scheme.
268. From a planning point of view, officers consider there to be no reason to refuse the removal of the easements given that the new building would be occupying the air space of the easements. Furthermore, access to light and air will still be retained by the beneficiaries of the easement with the 5700mm separation between the proposal and the existing windows. Any nearby beneficiaries to the easement would not be unreasonably impacted as they would still retain access to light and air, but with their views over the building would be removed.
269. Though this is going to remove their current enjoyment of views over the subject site from existing bedroom windows, the principle of retention of a view over another property is not something that can nor should be part of planning decision making. This type of easement acting as a de facto height control over the land is not viable or practical in planning terms, as much as it may frustrate those impacted by its removal.
270. Nonetheless, it is considered that as beneficiaries' to the light and air easements (registered as E-11 and E-12 pf Subdivision 44383) proposed to be removed as part of this application have indicated they do not support the removal of the easements it is prudent to include a condition if a permit is to issue that the development cannot commence until the easements are removed in accordance with the *Subdivision Act 1988*.

*CitiPower substation*

271. An objector has raised issue with how the proposal can remove a CitiPower substation. This is not considered directly related to planning but the applicant has indicated there have been private discussions between the two parties. Subject to issue of a planning permit it is expected that the two parties will come to a formal agreement. As such, there is no reason that the removal and replacement of the substation cannot be supported.

## Conclusion

272. 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 and a high level of compliance with the requirements of the Mixed Use Zone and Heritage Overlay.
273. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies

## Objector concerns

274. 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) *design (height, scale, bulk, character, lack of setbacks);*

The above built form considerations are discussed within paragraphs 151 - 192.

- (b) *The removal of light and air easements is not supported by 9 Tennyson Street (beneficiary of the easements);*

This will be addressed via a condition as per below and is discussed at paragraphs 266-270.

- (c) *Impact including light spill, daylight access, loss of privacy, visual bulk on south orientated apartments at 9 Tennyson Street;*

Light spill considerations are discussed within paragraphs 144 to 147. Other offsite amenity impacts are considered at paragraphs 201-227 This issue will be addressed by conditions below.

- (d) *9 Tennyson street would not support any signal system for the basement access on its site;*

The above consideration is addressed via condition.

- (e) *Access through 9 Tennyson Street to utilise the current private garage will require a complex engineering resolution (removal of foundational walls) and impact on access and safety of this building's residents;*

The access is supported by Council's Engineer unit.

- (f) *Impact on apartment skylights near the western boundary of subject site at to 9 Tennyson Street;*

The above is discussed within paragraphs 179 and 217.

(g) *Equitable development;*

The above considerations are discussed within paragraphs 223 to 224.

(h) *Off-site amenity impacts including shadowing to public space;*

The above considerations are discussed within paragraphs 201 to 227.

(i) *No demand for office / café use;*

The above considerations are discussed within paragraph 138.

(j) *Development needs to create more landscaping to improve amenity and reduce heat island effects;*

The development will be required to submit a landscape plan to show landscaping in accordance with this concern / ESD advice.

(k) *Will obscure views of the Nylex sign;*

The above considerations are discussed within paragraphs 189 to 192.

(l) *Heritage impacts;*

The above heritage considerations are discussed within paragraphs 151 to 187.

(m) *Inaccuracies in the consultant planning report such as indicating the site is within the Swan Street Activity Centre and in regard to suggesting there have been recent approvals;*

The consultant planning report does include some ambiguous information but that has not prevented Officers from making an informed decision. The recent decision making and the Swans Street Activity Centre has been addressed throughout this report.

(n) *Adjoining window have right of light access;*

This issue is addressed at paragraphs 260-265.

(o) *No permission to remove the CitiPower substation;*

This issue is addressed at paragraph 271.

(p) *Traffic and car parking including cumulative effect from 45 Wangaratta Street;*

The above considerations are discussed within paragraphs 233 to 255.

(q) *Impact on services such as sewerage;*

This is not a directly planning consideration.

- (r) *Construction impacts such as traffic, pollution and noise;*

Construction techniques, impacts and effects are not a consideration under the *Planning & Environment Act 1987* or Yarra Planning Scheme. A condition will require the submission and endorsement of a Construction Management Plan which would address these issues through Council's Construction Management team.

- (s) *Impact on climate change;*

The application has been assessed by the ESD officer and will be acceptable subject to conditions. Paragraphs 228 to 232 and the below condition address ESD.

- (t) *Loss of views; and*

Loss of views is not a direct planning issue.

- (u) *Devalue property prices.*

Fluctuations in property prices are not a relevant consideration in assessing an application under the provisions of the *Planning & Environment Act 1987* or the Yarra City Council Planning Scheme

## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for full demolition of existing buildings and construction of an eight (8) storey building (plus two levels of basement) for office (permit required for office use) and ground level food and drink premises (no permit required use), removal of easements pursuant to Clause 52.02, variation of bicycle requirements (specifically internal access path to bike storage) and a reduction in the car parking requirements generally in accordance with the plans noted previously as the 'decision plans' and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by Carr Architects, dated 17 December 2021, but modified to show:

### Layout

- (a) Elevations of the bike storage area fronting the rear laneway.
- (b) Details of the screened glass to the western and northern elevations.
- (c) Dimension the north facing wall to the level 3 terrace to a minimum height of 1.7 metres above the finished floor level.
- (d) Details of automated screen blinds (automatically being closed after hours) to be notated on the floor plans to the rear north facing windows of the building to prevent light spill.

### Carpark

- (e) Minimum headroom clearance of 2.5 metres above the accessible car space and adjacent shared area.
- (f) Column depths and setbacks shown on car park drawings.

- (g) Detail how traffic would be managed when a vehicle is exiting the lift and an on-coming vehicle is entering the site off Tennyson Street simultaneously. Clarify whether there is to be a 'stop/go' traffic control device to manage the traffic movements into and out of the site. Should a stop/go traffic control system be provided, the equipment/apparatus for the system must be contained wholly within the property.

#### Built form

- (h) The above street wall levels of the building to be set off the eastern boundary by 3 metres south of the core (south of gridline C) and this section of blank wall designed to match the detailing found along the front façade.
- (i) Levels 4 and above set back 1.5 metres from the western boundary.
- (j) The above street wall eastern blank boundary wall to incorporate textured panels.
- (k) Concrete 01 (Off-form concrete) on the floor plates/frame on the lower part of the façade to have either an applied finish e.g. paint etc. or a rendered finish;
- (l) Concrete 02 (Concrete slab edge) to the upper levels of the façade and north and west elevations to be the same material as above.
- (m) The rear pedestrian entry recessed inside the property boundary by 1 metre.
- (n) Utility service doors that open out onto a *Public Highway* to swing at 180-degrees and be latched onto the building when in service.
- (o) Extent of ground floor metal screening to be reduced above and adjacent to boosters and the material MT-03 to be a powder coated finish.
- (p) An updated 3D model of the development and its surrounds in conformity with the Department of Environment, Water, Land and Planning Infrastructure Advisory Note – 3D Digital Modelling

#### Reports and Plans

- (q) Any changes required by the amended Sustainable Management Plan at Condition 13;
  - (r) Any changes required by the amended Acoustic Report at Condition 16;
  - (s) Any changes required by the Landscape Plan at Condition 15;
  - (t) Any changes required by the amended Wind Report at Condition 20;
  - (u) Any changes required by the amended Waste Management Plan at Condition 24; and
  - (v) Any changes required by the Green Travel Plan at Condition 22;
- 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. This permit does not come into effect until the light and air easements (registered as E-11 and E-12 on Plan of Subdivision 444383) are removed in accordance with the *Subdivision Act 1988*.
  - 4. 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 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;
    - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
    - (c) information about how the façade will be maintained, including any vegetation;
    - (d) MT01 – Clarify that metal panel to be applied to the concrete frame (mullion/fin) on the façade and north and west elevations is to also be applied to façade.
    - (e) Clarify what is meant exactly in regard to “raw metal finishes that will gradually develop a patina over time”.
    - (f) MT02 – Clarify how raised seam metal is to work on the façade.

- (g) MT03 (Metal screen – perforated) at the Ground level of the façade a smooth, maintainable finish is preferred.
  - (h) a sample schedule and coloured drawings outlining colours, materials and finishes including:
    - (i) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface.
5. As part of the ongoing consultant team, Carr 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.
6. All development must be within the title boundaries.

#### Land use

7. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the hours of:
- (a) 8am and 8pm Monday to Friday and
  - (b) 9am to 6pm Saturday and Sunday
8. The lights to the northern section of the building except for emergency and for cleaning purposes to be utilised only during operating hours of the office use to the satisfaction of the Responsible Authority.
9. Automated blinds to the northern windows must be installed and be closed at all times the office use is not operating to the satisfaction of the Responsible Authority.
10. The use must comply at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time.
11. 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.
12. The amenity of the area must not be detrimentally affected by the 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,
  - (d) ash, dust, waste water, waste products, grit or oil, or
  - (e) the presence of vermin.

to the satisfaction of the Responsible.

#### Sustainable Management Plan

13. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit.



The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by ADP Consulting and dated 27 January 2021, but modified to include or show:

- (a) The absence of vegetation is concerning. Provide a Landscape Plan that details the planting schedule, including mature sizes and cross-sections with soil depth and volume in line with Victoria Better Apartment Guidelines 2021.
- (b) Clarify provision of outdoor air to office spaces on all levels, and provision of operable windows to reduce reliance on mechanical systems.
- (c) Provide daylight modelling (with VLT) to support claim.
- (d) Clarify and provide views assessment
- (e) Clarify benchmark which 'reduced' VOCs are based upon (i.e. GBCA best practice).
- (f) Clarify natural ventilation, and deliver a more robust shading strategy for the northern façade (e.g. 1m eave over north facing glass, spandrels etc)
- (g) Include within the JV3 assessment details on how the building fabric (and building fabric with services) reduces energy consumption against a reference case.
- (h) Include within the JV3 assessment details on GHG emission reductions as a result of the building design and services.
- (i) Include within the JV3 assessment details on how the design and services have reduced the peak demand for heating and cooling.
- (j) Clarify HVAC system, considering 3 pipe VRF, and include details within JV3 assessment.
- (k) Confirm the metering strategy includes water use, and that it can assess floor-by-floor usage.
- (l) Clarify landscape irrigation strategy, consider increasing tank size to service landscaping needs and include details within the Landscape Plan.
- (m) Confirm post-development stormwater flows are below pre-development levels.
- (n) Clarify whether any additional stormwater treatment strategies are required (and consider the above comments).
- (o) Amend plans to reflect bicycle parking spaces articulated in the SMP.
- (p) Clarify provision of EOT facilities and amend plans annotation accordingly.
- (q) Include details of surrounding car share locations within Green Travel Plan and Building Users Guide.
- (r) Provide a Green Travel Plan with performance targets and monitoring and reporting components included.
- (s) Clarify % / benchmark waste target for demolition and construction waste.
- (t) Include waste management details within an operational Waste Management Plan.
- (u) Clarify SRI values targeted to deliver urban heat mitigation (i.e. SRI >50), and annotate materials pallet to show.
- (v) Confirm all energy and water management systems will
- (w) be commissioned in accordance with the manufacturer's specifications.
- (x) Clarify whether head contractor will be ISO 14001 accredited.

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

#### Landscape Plan

15. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (b) indicate the location of all areas to be covered by lawn or other surface materials; and
  - (c) provide a specification of works to be undertaken prior to planting,

to the satisfaction of the Responsible Authority.

#### Acoustic Report

16. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Marshall Day and dated 9 July 2021, but modified to include or show:
  - (a) Commercial noise assessed to the identified zoning levels, rather than the higher limits provided in the acoustic report;
  - (a) Background noise data to be taken from the site and its surroundings; and
  - (b) A rail noise assessment be conducted to ensure that noise from the Richmond rail corridor is controlled to office spaces.
17. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
18. Following completion of the development, and prior to its occupation and commencement of use, a post development Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The post development Acoustic Report must be prepared by a suitably qualified acoustic engineer and must review all mechanical plant associated with the proposal for compliance with the endorsed Acoustic Report. When approved, the post development Acoustic Report will be endorsed and will then form part of this permit.
19. The provisions, recommendations and requirements of the endorsed post development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Wind

20. In conjunction with the submission of development plans under Condition 1, a Wind Tunnel Study to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Study will be endorsed and will form part of this permit. The Wind Tunnel Study must be generally in accordance with the Environmental Wind Assessment prepared by MEL Consultants dated July 2020, but modified to include or show:
  - (a) Wind Tunnel modelling assessing the proposal as referenced and amended pursuant to Condition 1.
21. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority

#### Green Travel Plan

22. Before the development 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 include or show:
  - (a) Description of the location in the context of alternative modes of transport;
  - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;

- (e) Details of bicycle parking and bicycle routes;
- (f) Details of Green Travel funding and management responsibilities;
- (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);

23. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste

24. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 7 December 2021, but modified to include or show:

- (a) Assess the proposal as amended pursuant to Condition 1; and
- (b) Provision for glass collection stream.

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

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

27. 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.

#### Car Parking

28. 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 line-marked or provided with some adequate means of showing the car parking spaces; to the satisfaction of the Responsible Authority.

29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian, bicycle and vehicular entrances provided within the property boundary. Lighting must be:

- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity,

to the satisfaction of the Responsible Authority.

#### General

30. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

31. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
33. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
34. 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.
35. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
36. 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.

#### Road Infrastructure

37. 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, the footpaths along the property's street frontages must be reconstructed (including 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, the footpath and kerb and channel to the Stewart Street frontage must be reconstructed:
  - (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, any damage to Council infrastructure resulting from the development must be reinstated, including the reconstruction of the footpaths along both the Stewart Street frontage:
  - (a) in accordance with Council's Road Materials Policy;
  - (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, any damage to Council infrastructure resulting from the development (including trenching and excavation for utility service connections) must be reinstated:
  - (a) at the permit holder's cost;
  - (b) to the satisfaction of the Responsible Authority.
41. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing / the existing kerb extension along the property's street frontages 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.
43. 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 permit holder's cost;
  - (b) 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 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.
45. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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:
  - (a) at the permit holder's cost; and
  - (b) in a location and manner,  
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, all redundant property drain outlets are to be demolished and reinstated with paving, and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) in a location and manner,  
to the satisfaction of the Responsible Authority

#### Lighting

47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a public lighting design scheme along the development's road frontages (including within the pocket park / forecourt) demonstrating adequate lighting levels for pedestrians as per Australian Standard requirements must be submitted to and approved by the Responsible Authority. Notations must confirm that the lighting scheme has been approved by CitiPower and all lighting infrastructure and hardware will be funded by the Permit Holder.

#### Development Infrastructure levy

48. Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Construction Management Plan

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

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

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;



- (s) 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;
  - (t) vehicle borne material must not accumulate on the roads abutting the land;
  - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
50. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
51. 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;
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

#### Time expiry

52. 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 use has not commenced within five years of the date of this permit;

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

#### Notes

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

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

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.

All future employees within the development approved under this permit will not be permitted to obtain business parking permits.

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.

An overland flow flood risk assessment should be undertaken by the applicant to determine if property entry points will be impacted by flooding due to severe (1 in 100) storm events. This area has a history of localised flooding.

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

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

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

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

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.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

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

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.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

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.

## Attachments

- 1 PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments
- 2 PLN21/0074 - 55 - 57 Stewart Street, Richmond - Site photo
- 3 PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**



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**INDEPENDENT URBAN DESIGN ADVICE**

**PROPOSED DEVELOPMENT AT 55-57 STEWART STREET RICHMOND**

**MARCH 2022**

Prepared by  
Robert McGauran  
B. Arch. (Hons. Melb), B.A. (Fine Arts Melb.), P.D.M. (Melb.), LFRAIA, FVPELA, Architect

Our Ref: 21078

Directors  
Elliet Spring  
Chris Jones  
Cameron Lacy  
Robert McGauran  
Joshua Wheeler

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

### BACKGROUND

1. In August 2021 I was asked by the City of Yarra (Council) to provide urban design advice for the planning application at 55-57 Stewart Street Richmond.
2. The application had been lodged for the Construction of a ten storey (plus two-level basement and rooftop plant) office building, removal of an easement pursuant to Clause 52.02 of the Yarra Planning Scheme and reduction in car parking requirements
3. Council asked me to provide advice on the following matters:
  - > Whether the height and setbacks/massing are acceptable with the policy and physical context – Council has significant concerns with this height in context.
  - > Whether the materials and finishes are acceptable with the policy and physical context
  - > Appropriateness of the design at street level including podium height and setbacks.
  - > Whether the design achieves a high architectural and urban design outcome.
  - > Any other matters that are relevant in my view.

### SUMMARY OF FINDINGS

4. The summary of findings at that time included the following:
  - a) The proposed land use mix was an appropriate one within the Mixed Use Zone.
  - b) The proposed arrangements for the ground floor for waste management and vehicle management from Tennyson Street, bicycle access via the pedestrian lane on Wangaratta Street and the primary pedestrian access from the southern main Stewart Street frontage are each logical in their arrangement and, as could be expected from the project architect, the proposal exhibits high quality materials and finishes and competent arrangements for the workplace levels.
  - c) The podium arrangement and expression were well conceived and supported. It was the scale, footprint, consequent bulk and interface assumptions underpinning the upper-level form and the absence of detail notably relating to wind impact around which I have significant concerns.
5. The proposal provides no detail regarding the outcomes that might be anticipated in Stewart Street, the northern residential interface neighbours, the rooftop eastern private open space at 34 Wangaratta Street, or the balcony and street level zones within Tennyson Street at the western rooftop level of adjoining properties at 61 Stewart Street and 9 Tennyson Street and northern balconies for the northern wing of the Tennyson Street properties, along with the pedestrian lane to the north of 34 Wangaratta Street. This I considered important because the Urban Design Guidelines for Victoria along with local policy provisions seek to find a balance between optimising development and ensuring that the amenity of adjoining development is not unreasonably impacted. The guidelines also seek to ensure that the shared communal space provided within development is fit for purpose at all times of the year in conditions of both wind and rain. In the absence of any detail supporting the proposal in its current form, it would be reasonable to assume that in its substantial height above adjoining built form, it's orthogonal and continuous facade expression and in the juxtaposition of both boundary walls and set back north and south walls relative to upper-level terraces, that wind speed generation will occur and need to be managed in a manner not yet evident on the plans. Moreover, I have concerns that there are likely to be substantial impacts on the private open space of properties at 34 Wangaratta Street and at the interfaces with yet to be developed properties at 61 Stewart Street and to the existing properties at 9 Tennyson Street.

### SETBACKS AND HEIGHT

6. The project is a midblock, modestly scaled site. More substantive sites with corner locations had been reviewed over the last few years through VCAT and have provided guidance for determining appropriate scale and footprint in these environs where successive Tribunals have

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

agreed that the established scale and form of medium rise development of less than 30m on large sites and lower scale on smaller sites should apply.

7. In this instance I am of the view that the setback between the tower and podium to Stewart Street is appropriate for a lower tower form. I am also of the view that a setback of approximately 6m for the podium and lower levels of the building from Levels 1 to 4 is acceptable to the northern wing of 9 Tennyson Street. I also accept that the lift core must be located somewhere on the site however other development has more carefully considered interface attributes and, in this case, I am not convinced that an abutment without moderation at the interface with 34 Wangaratta Street is an acceptable design response to known interfaces.
8. Logically if the core is to be located on the north-eastern corner it will need to be indented above the podium, suggesting that at lower levels amenity areas perhaps might be located to be east of the core and above this relocated to the north to create some relief to sensitive uses at the north-eastern interface. The proposition illustrated in these sections of a 30m plus wall as a direct abutment to adjoining open space is not an acceptable one and the applicant should be invited to review the VCAT determination in relation to 9-13 Stewart Street to understand that some transitional arrangements to moderate bulk and scale should be expected.
9. There is also in my view a need to consider the more ample opportunity afforded by the adjoining property at 61 Stewart Street. This is a corner site and it should be able to enjoy equitable access to daylight and ventilation from its western abutment with the subject site a substantial section of this interface. Logically this would be achieved through a 3m setback of the podium tower south of the lift core.
10. The western boundary interface is problematic for many reasons. The most obvious is to understand on what basis the applicant relies on the ability to have fully glazed facades to this interface with zero setbacks for most levels unless they have secured the airspace rights to this interface. In the absence of this, on face value the design approach is inequitable, constraining the adjoining Body Corporate from ever reconsidering its current configuration and seeking additional levels.

**Recommendation 1**

A wind impact report should be provided demonstrating the following outcomes:

- a) The standards of amenity for the interfaces with the hospitality tenancy in Stewart Street and the adjoining main entrance to the south and bicycle entrance to the north should achieve comfortable amenity conditions suitable for sitting and standing to achieve what is sought in the Urban Design Guidelines of outcomes that are fit for purpose.
- b) Similarly, the terraces at upper levels of the office building should provide substantial areas that are suitable for sitting at all times of the year again to support the collaborative and social needs of the modern workforce.
- c) The report should demonstrate that there have been no substantive impacts on the wind speeds in Stewart Street, Tennyson St or Wangaratta Street arising from the project and that there has been no impact on the amenity of the public reserve at the corner of Stewart and Tennyson Streets which will clearly become an important amenity resource as the precinct intensifies.

**Recommendation 2**

- d) Provide a 6m setback from the south facade of 9 Tennyson Street for Levels 1-4 of the proposed development and 9m for approved levels above Level 4.
- e) Provide a 3m setback from the eastern boundary and south of the lift core and stair levels above Level 3 of the proposed development.
- f) Provide a minimum 2m landscaped setback between the proposed lift core and stair and the eastern interface with private open space at 34 Wangaratta Street to the satisfaction of the responsible authority.



## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

- g) The proposed western facade whilst well-conceived in its expression, assumes the entitlement to light and boundary abutment for which I am yet to sight any legal evidence demonstrating acquisition of air rights and hence entitlement to build to the boundary as proposed to the interface with 9 Tennyson Street. In the absence of this, provide a minimum 3m setback to this interface to the satisfaction of the responsible authority above the Level 2 podium.
- h) Delete Levels 7 to 9 of the proposed development.

### REVISED SUBMISSION

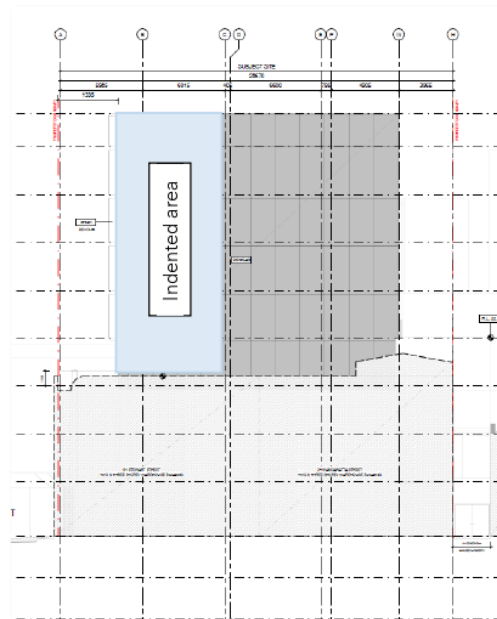
- 11. A revised submission has been received inclusive a wind report and responses to the issues raised.

#### Height

- 12. Delete Levels 7 to 9 of the proposed development.
- 13. The proposal deletes two rather than three levels as advocated above, reducing the building by approximately 7m in height or from over 37m to approximately 30m.
- 14. Subject to the adoption of the other amendments noted I find this acceptable.
- 15. Provide a 3m setback from the eastern boundary and south of the lift core and stair levels above Level 3 of the proposed development.
- 16. No setback has been applied to the full height of the building. I bring the applicant's attention to the decision on 9-11 Stewart Street where the panel were highly critical of the wall on boundary treatment to the western elevation in this instance.
- 17. In this instance the visibility from the public park and Stewart Street interface from the east will be problematic. In this absence of the applicant making amendment to the building I recommend as follows

#### Recommendation 1

Indent the east façade south of gridline C to gridline 5 for Levels 3, 5, 6 and 7 with the architectural blade treatments adopted to the south façade returned to the south east façade to the satisfaction of the responsible authority.



## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

18. The proposed western facade whilst well-conceived in its expression, assumes the entitlement to light and boundary abutment for which I am yet to sight any legal evidence demonstrating acquisition of air rights and hence entitlement to build to the boundary as proposed to the interface with 9 Tennyson Street. In the absence of this, provide a minimum 3m setback to this interface to the satisfaction of the responsible authority above the Level 2 podium.
19. I am in receipt of no detail to provide clarity regarding this matter. If no purchase of air-rights has occurred, my previous advice would necessarily remain.
20. The proposed response would either sterilise a disproportionate extent of neighbouring land or greater setback is needed.

### Recommendation 2

In the absence of a restrictive caveat over land to the west above RL 18.66 where the Level 3 terrace and upper level on-boundary west façade treatments occur, apply a setback of 3m to the centre line of glass to the satisfaction of Council. For levels 3-7 inclusive.

21. Provide a 6m setback from the south facade of 9 Tennyson Street for Levels 1-4 of the proposed development and 9m for approved levels above Level 4.
22. I am disappointed that the applicant has diminished rather than increased setbacks to this interface (5.9m to 5.7m) through the inclusion of opaque glass to lower levels.
23. This will diminish the quality of the workspace areas at these lower levels. The outcome though achieves an effective setback and privacy management.
24. Whilst not an optimal outcome the outcome is acceptable.
25. A wind impact report should be provided demonstrating the following outcomes:...
26. I note the wind report asserts that a walking standard is acceptable for the terrace areas at level 1 and 3. The assumption that these spaces should be modelled on the basis of users being in constant movement is an outcome clearly not aligned with the modern workplace where common area breakout spaces as locations for breaks, meetings and collaborations would be seen as typical expectations. As noted in my earlier report the Urban Design Guidelines for Victoria notes:  
*When designing communal space take into account orientation of the space for optimal winter solar access and summer shading, shelter from wind and rain and providing all weather ground surface materials.*
27. In this context the absence of any open space for occupants fulfilling this benchmark is unacceptable. Particularly in a COVID normal return to work context.

### Recommendation 3

Reconfigure the Level 3 terrace to ensure that a minimum of 335sqm of the area provides a suitable amenity for sitting i.e. 4m/s as a minimum acceptable standard.

### CONCLUSION

28. Subject to these changes the building could be supported on Urban Design Grounds

### DOCUMENTS FORMING THE BASIS OF THIS REPORT

- > Cover Letter, Urbis, 20 December 2021
- > Architectural Plans, Carr, 17 December 2021
- > Statement of Changes, Carr, 20 December 2021

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

- > Revised Massing Perspective Views, Carr, 20 December 2021
- > Traffic Engineering Assessment, Traffix Group, December 2021
- > Waste Management Plan, Leigh Design, December 2021
- > Environmental Wind Assessment, MEL Consultants,

  
**Prepared by Robert McGauran**

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

**City of Yarra**  
**Heritage Advice – Amended Plans**

**Application No.:** PLN21/0074  
**Address of Property:** 55 - 57 Stewart St, Richmond  
**Planner:** Julian Larkins

I have provided heritage advice in relation to Richmond Hill Precinct, Stewart and Wangaratta Streets on several occasions and also expert heritage evidence in relation to ACCC Pty Ltd trading as AWC Property v Yarra City Council & Ors (VCAT reference No. P339/2012, Permit Application No. PLN11/0665) in relation to Nos. 5, 9 – 11 Stewart Street, Richmond.

I also provided advice in respect of this application on 8 November, 2021. Information in that advice even though still relevant is not necessarily repeated here. The original advice contained an extensive discussion, which is only summarised here, about Council policy which indicates that 6-7 storeys is a more comfortable and respectful height in relation to the immediate context where 7 storeys appears to be the maximum existing already; VCAT opinions and decisions in relation to height in this area which are generally supportive of Council. In regard to Nos. 5, 9-11 Stewart Street, Council issued a permit for 8 storeys overall, as per the existing permit for that site, and which might have been acceptable depending upon the design, and as recognised by VCAT. In essence the principal considerations are height in combination with design and context.

**Yarra Planning Scheme References:** Clauses 43.01, 22.02 and 21.05.

**Heritage Overlay No.:** HO332 **Precinct:** in Sub-area E of the Richmond Hill Precinct

**Level of significance**

Nos. 55 Stewart St, Richmond, showroom and, is listed as being is listed as being Not contributory.

Nos. 57 Stewart St, Richmond, is listed as being is listed as being Not contributory also.

Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007 (Rev. March, 2020)*.

**Proposal**

Demolition of both buildings and construction of an 8 storey, previously a 10 storey building, above a 2-level basement.

**Drawing Numbers**

Architectural drawings, Rev. B, prepared by Carr.

**Assessment of Proposed Works**

Demolition

There is no issue with demolition.

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

### Proposed works

#### *Built form (height/setbacks)*

The height is now proposed to be 30.9 metres overall (25 metres to the top of Level 7 plus 5.9 metres for rooftop plant and lift overrun). (TP-201). This is a considerable improvement compared with the 39.575 metres proposed previously.

A zero setback is proposed at Ground to Level 2 along Stewart Street. This is acceptable.

Levels 4 - 8 are set back 3.9 metres to the outer edge of the floor slabs and 4.47 metres to the glazing set within the concrete frame. This is generally in the range of the previously proposed setbacks which were considered acceptable.

As noted previously, there are limited direct on views from Stewart Street, in part due to the railway bridge and other front setbacks considered to be acceptable in this part (between Punt Road and Wangaratta Street) of Stewart Street are in the order of 4.5 metres and for that reason I consider that the setbacks are acceptable. I note from the Urbis report and the architect's Statement of Changes that this was considered in the re-design.

Breaking the façade into 2 separate components and with a shadow line at Level 3 creates a more elegant and proportional (as each part relates to the other and as the lower component relates to the context) façade treatment which is further articulated by the expressed concrete frame. The frame-only façade at the plant level also assists in visually compressing the height i.e. it is a transparent frame.

Unfortunately all the perspectives are at close range and none show how the building will be perceived in views from Richmond Hill to the north, say near Rowena Parade or thereabouts.

#### *Colours/materials*

The neutral grey palette is acceptable.

Conc. 01 (Off-from concrete) on the floor plates/frame on the lower part of the façade is likely to develop an unsightly appearance. There are several examples emerging in Yarra. Either an applied finish e.g. paint etc. should be applied or a rendered finish used to ensure a pristine appearance.

Conc. 02 (Concrete slab edge) to the upper levels of the façade and North and West elevations. The same comments as above (Conc. 01) are applicable here.

(Conc. 03 – precast concrete slab). The highly visible East wall will not be very aesthetic, despite this being an industrial area, and is likely to stain etc. and otherwise develop a poor appearance. Some textured panels such as Reckli should be substituted.

MT 01 – metal panel to be applied to the concrete frame (mullion/fin) on the façade and North and West elevations. I note that there is not a similar notation on TP-201 – does this mean that the concrete frame is exposed on the façade? This needs clarification.

The architect's Statement of Changes (Item 3) makes reference to "raw metal finishes that will gradually develop a patina over time". This needs clarification e.g. raw steel which will rust? Exactly what is meant by raw metal and what type of patina is expected?

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

MT02 – raised seam metal on the façade. This appears to be for balustrades but it does not appear to match up with the perspectives, although the balustrades might be recessed behind “Full height obscure glazing”. This needs clarification. Glazing is preferred.

MT03 (Metal screen – perforated) at the Ground level of the façade over the substation and booster. Experience in Yarra continues to demonstrate that perforated metal at the street level, and elsewhere as well, is difficult to maintain and attracts urban detritus and becomes unsightly. A smooth, maintainable finish is preferred.

### Recommendation / Comments:

Approved but subject to changes to materials.

The concerns regarding height and building envelope design which were expressed previously have been satisfied acceptably. The concerns now are related to materials viz:

Conc. 01 (Off-from concrete) on the floor plates/frame on the lower part of the façade should have either an applied finish e.g. paint etc. or a rendered finish.

Conc. 02 (Concrete slab edge) to the upper levels of the façade and North and West elevations. The same finish as above (Conc. 01).

(Conc. 03 – precast concrete slab). Use some textured panels such as Reckli on the highly visible east wall

MT 01 – metal panel to be applied to the concrete frame (mullion/fin) on the façade and North and West elevations. Clarify if this is supposed to be applicable also to the façade? If not what is it?

What is meant exactly in regard to “raw metal finishes that will gradually develop a patina over time”. What type of patina is expected? A rust appearance is not acceptable.

MT02 – raised seam metal on the façade. Clarify exactly how it is to work. It is not preferred on the façade whereas glazing is preferred.

MT03 (Metal screen – perforated) at the Ground level of the facade. A smooth, maintainable finish is preferred.

**Signed:**



**Robyn Riddett**

Director – Anthemion Consultancies

**Date:** 4 February, 2022.



## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments



# Planning Referral

**To:** Julian Larkins  
**From:** Chloe Wright  
**Date:** 10/01/2021  
**Subject:** Strategic Transport Comments  
**Application No:** PLN21/0074  
**Description:** Demolition of the existing buildings on site and the construction of an 8-storey office building (with two level basement) and reduction in car parking requirements.  
**Site Address** 55 – 57 Stewart Street, Richmond

I refer to the above amended application and the accompanying traffic report prepared Traffic Group in relation to the proposed development at 55 – 57 Stewart Street, Richmond. 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	1,973 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	7 employee spaces	
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	2 visitor spaces	
Retail	111 sqm	1 employee space to each 300 sqm of leasable floor area	0 employee spaces	
		1 visitor space to each 1000 sqm of leasable floor area	0 visitor spaces	
Bicycle Parking Spaces Total			7 employee spaces	18 employee spaces
			2 visitor spaces	4 visitor spaces
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	2 showers / change rooms	7 showers / change rooms

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

### Adequacy of visitor spaces

The following comments are provided in relation to visitor bicycle parking:

- Four visitor bicycle spaces are proposed, which meets Council's best practice rate<sup>1</sup> recommendation of four visitor spaces.
- Visitor bicycle spaces are located within the employee bicycle parking area. Given the Stewart Street footpath is too narrow to accommodate bicycle hoops, locating visitor spaces within the development is supported.
- Visitor spaces are provided as bicycle hoops and appear to be positioned in accordance with clearance and access requirements of AS2890.3.

### Adequacy of employee spaces

18 employee bicycle spaces are proposed, which does not meet Council's best practice recommendation<sup>2</sup> of 20 employee bicycle spaces. Given 4 additional spaces are provided for visitors within the bicycle store area, a provision of 18 employee spaces is considered acceptable.

#### *Design and location of employee spaces and facilities*

The following comments are provided in relation to the design of employee bike parking:

- All employee bicycle spaces are provided within a secure facility at the ground floor, with access to the bicycle parking area via the entrance / lobby at Stewart Street and a secondary entrance at the rear laneway.
- The use of two-tier bicycle racks 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 the layout of bicycle spaces is in accordance with access and clearance requirements of AS2890.3.
- An end of trip facilities area is provided adjacent to the bicycle parking and includes seven shower/changes rooms and 44 lockers, which exceeds Council's 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 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.

### Green Travel Plan

Given the development has a total non-residential floor area of more than 1,000sqm, pursuant to Clause 22.17-4 a Green Travel Plan (GTP) must be provided. The following information should be included:

- (a) Description of the location in the context of alternative modes of transport;
- (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
- (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (e) Details of bicycle parking and bicycle routes;
- (f) Details of Green Travel funding and management responsibilities;
- (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);

<sup>1</sup> Category 6 of the Built Environment Sustainability Scorecard (BESS) recommends 1 visitor space to each 500sqm of office floor space.

<sup>2</sup> Category 6 of the Built Environment Sustainability Scorecard (BESS) offers the following for best-practice 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 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

- (h) Security arrangements to access the employee bicycle storage spaces;
- (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- (j) Provisions for the GTP to be updated not less than every five years.

***Recommendations***

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

Regards

**Chloe Wright**

Sustainable Transport Officer  
Strategic Transport Unit

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**



**Vipac Engineers and Scientists Ltd**  
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City of Yarra

11 March 2022

Ref: 30N-21-0424-GCO-21035-1

333 Bridge Road, Richmond, VIC 3121

Dear Julian Larkins,

55-57 Stewart St, Richmond – Peer Review

This peer review of MEL Consultants "Environmental Wind Assessment" (Report: 85-21-DE-EWA-00 Rev3) is based on Vipac's experience as a wind engineering consultancy. No wind tunnel studies have been undertaken to support this review.

Vipac has reviewed the Environmental Wind Assessment as well as the drawings and have the following comments:

- i. The MEL Consultants Environmental Wind Assessment has been prepared based on the drawings dated December 2021 and consultancy experience. No wind tunnel testing has been carried out to support their assessment. We have no issues with this method for a desktop study as this is a common approach to provide architects, developments and responsible authorities advice on wind impact of the proposed design.
- ii. We have no issues with the analysis approach, wind environment and exposure estimate. MEL Consultants have clearly described the process for the desktop assessment, and this is consistent with the approach that Vipac would take.
- iii. The report analysed the wind effects on the streetscapes along Stewart Street, the pocket park on the intersection of Stewart Street and Wangarratta Street, and the laneway to the north. It concluded that the wind conditions are generally expected to increase in these areas; however, they are expected to meet the recommended walking comfort criterion. Vipac agrees with these assessments.
- iv. The report also finds that the main entrance and the entrance to the F&B tenancy along Stewart Street will be within the recommended standing comfort criterion. Vipac agrees with this assessment.
- v. The report analysed the wind effects on the Level 1 and Level 3 terraces and concluded that with the proposed design in these areas, wind speeds are not expected to exceed the walking comfort criterion. Vipac agrees with this assessment.

In conclusion, the MEL Consultants Environmental Wind Assessment report used the proper analysis and methodology to analyse the wind effects on the pedestrian level surrounding the proposed development and on the terraces in detail. The report found that the proposed design would be expected to generate winds within the recommended wind comfort criteria at the ground level and the terraces on Level 1 and Level 3.

Yours sincerely,

**Vipac Engineers & Scientists Ltd**

Eric Yuen

**Wind Team Leader**

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

# Urban Design Formal Referral Response



Application Information	
Referral Officer	LARKINSJ
Officer	Hayley McNicol
Council Reference	PLN21/0074
Address	Ground Floor, 55 Stewart St, Richmond VIC 3121
Proposal	Full demolition of existing buildings and construction of an eight (8) storey building (plus two levels of basement) for office (permit required for office use) and ground level food and drink premises (no permit required use), removal of easements pursuant to Clause 52.02, variation of bicycle requirements (specifically internal access path to bike storage) and a reduction in the car parking requirements
Comments Sought	Re-referral on streetscapes and capital works

## Recommendation

- The proposal is supported in principle (from a streetscapes/capital works perspective), subject to changes.

## Comment Summary

### Public Realm Interface

- We understand that external Urban Design has been sought on the proposed building. We wanted to raise one point about the street interface at ground floor, as explained in the next point below (this may already be covered by any external UD comments).
- The ground floor incorporates a booster cabinet, substation and fire exit, and these have been treated with a metal screen cladding (MT-03). The extent of metal cladding along the frontage is excessive and the metal finish and corrugated profile bears some resemblance to a garage roller door. This results in a poor ground floor interface. It is recommended to reduce the extent of metal screen cladding, and if any metal screen cladding is used, consider a different metal finish (perhaps powder coated rather than plain metal finish) to improve its presentation to the street.

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

### Streetscape and Capital Works

- The site has an existing vehicle crossover off Stewart Street, which would become redundant if the proposal is constructed. Recommend removing this vehicle crossover and re-sheet the footpaths along the site frontage – refer to any requirements from Engineering.
- Wangaratta Reserve has been upgraded in the last few years, and Council's Open Space Strategy identifies the future opportunity to expand this open space. Please speak to Open Space team for any further information on the Open Space Strategy, and to comment on the impact of the development on the open space (in particular overshadowing of the open space). The amended plans show that the building (even with the reduction in height) still overshadows a good portion of the existing open space.
- There are no known planned/approved capital works around the site being led by the Urban Design Team. A Streetscape Masterplan for Swan Street has recently been developed and adopted, which sets out a framework of public realm/streetscape improvements. For Wangaratta Reserve, the masterplan reiterates the Open Space Strategy in terms of identifying the opportunity to expand the existing open space.

The proposal is supported in principle (from a streetscapes/capital works perspective), subject to the following improvements and additional details:

- Reduce extent of metal cladding at ground floor level and improve metal finish.
- Remove crossover and reinstate the footpaths, kerb and channel in line with Council's Roads Materials Policy and subject to any requirements from Engineering team.
- Refer to any recommendations from Open Space about the overshadowing impacts on Wangaratta Reserve.

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

- Open Space
- Arboriculture & Streetscapes (Open Space Services)

Urban Designer: MCNICOLH

Date: 1 March 2022

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

## ESD Formal Referral Response



Application Information	
Referral Officer	USERID
Officer	Gavin Ashley
Council Reference	PLN21/0074
Address	Ground Floor, 55 Stewart St, Richmond VIC 3121
Proposal	<p>Section 57a Amendment to show the following changes (amongst other things):</p> <ul style="list-style-type: none"> <li>- The number of floors reduced from 10 to 8 storeys, resulting in a building height to the top of building services of 30.9 metres.</li> <li>- The northern setback of level 3 reduced from 5.9 metres to 5.7 metres.</li> <li>- Alterations to the façade materiality and design, and to screening and fenestration.</li> </ul>
Comments Sought	This is the link to the Statutory Planning Referral memo: D22/2105



**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

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

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ESD comments were requested on the following:

- Re-referral
- Response to previous comments
- Section 57A Amendment to originally submitted application

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

### Comments

Dear Julian,

I have reviewed the amended architectural plans and statement of changes prepared by Carr Architects (Rev B – 17.12.21) and consultant advice note prepared by ADP Consulting (09.12.21) in relation to the s57a application and the response to previous advice provided by Council (08.09.21). An assessment is provided below (in bold).

Note: NO amended SMP was provided, and thus the majority of the previous ESD items are marked as 'Unsatisfactory'.

In regards to the proposed changes, the following are assessed from an ESD perspective:

Overall number floors reduced to an 8-storey building - from Ground floor plus 9 floors to Ground floor plus 7 floors. Total NLA reduced.

- **Satisfactory** – No detrimental impacts from an ESD perspective, with rooftop design retaining solar PV system.

Façade - Southern podium façade amended. Solid concrete panel to top-of-podium parapet replaced with glazed balustrade in between blade walls.

- **Satisfactory** – No detrimental impacts from an ESD perspective.

Façade - Tower façade design amended. Curtain wall with expressed fins replaced with window wall on expressed slab with blade-wall panels in metal cladding.

- **Satisfactory** – No detrimental impacts from an ESD perspective (with potential shading benefits associated with deep fins recessed into office space).

Screening - 1700mm AFFL Fluted glazing replaced with full height mesh interlayered glazing (max 25 per cent transparent): applied to north façade glazing and amenities core façades to obscure overlooking views (Clause 54 Amenity Impacts) to 9 Tennyson Street.

- **Satisfactory** – No immediate detrimental ESD impacts, however future designs should consider the embodied carbon of the embedded steel mesh versus fluted glazing which does not contain steel mesh.

Glazing – Levels 4-7: Tower façade curtain wall fins and glazing panels deleted along office floors. Replaced with window wall façade with mesh interlayered glazing to West and North facades, and clear glazing South facade.

- **Satisfactory** – As above.

Glazing - Levels 1-3: Mesh interlayered glazing applied to West and North façade, and clear glazing to South facade.

- **Satisfactory** – As above.

Glazing – Amenities Core (All Floors): Mesh interlayered glazing applied.

- **Satisfactory** – As above.

Previous ESD raised the following items:

*Application ESD Deficiencies:*

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

Clarify natural ventilation, and deliver a more robust shading strategy for the northern façade (e.g. 1m eave over north facing glass, spandrels etc)

- **Satisfactory** – Incorporated within design changes to façade.

The absence of vegetation is concerning. Provide a Landscape Plan that details the planting schedule, including mature sizes and cross-sections with soil depth and volume in line with Victoria Better Apartment Guidelines 2021.

- **Unsatisfactory** – An amended Landscape Plan has not been provided for assessment.
- **Action** – Prior to construction, provide a Landscape Plan as per the request above.

(3) Outstanding Information:

Clarify provision of outdoor air to office spaces on all levels, and provision of operable windows to reduce reliance on mechanical systems.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Provide daylight modelling (with VLT) to support claim.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Clarify and provide views assessment

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Note: there is a reference to level 13 food and beverage on page 19, clarify and/or remove.

- **Satisfactory** – Removed along with additional building levels.

Clarify benchmark which 'reduced' VOCs are based upon (i.e. GBCA best practice).

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Clarify natural ventilation, and deliver a more robust shading strategy for the northern façade (e.g. 1m eave over north facing glass, spandrels etc)

- **Unsatisfactory** – Natural ventilation strategy still unknown (shading covered in s57a).
- **Action** – Address natural ventilation within amended SMP.

Provide a JV3 assessment that details the full specification of building fabric and improvements upon NCC 2019 requirements.

- **Satisfactory** – The Consultants Advice Note (CAN) provided details around building fabric and alignment with NCC 2019.

Include within the JV3 assessment details on how the building fabric (and building fabric with services) reduces energy consumption against a reference case.

- **Unsatisfactory** – This level of detail was not included in the CAN.
- **Action** – Prior to construction, provide a JV3 assessment with comparison to a reference case.

Include within the JV3 assessment details on GHG emission reductions as a result of the building design and services.

- **Unsatisfactory** – This level of detail was not included in the CAN.

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

- **Action** – Prior to construction, provide a JV3 assessment with comparison to a reference case and GHG emission reductions.

Include within the JV3 assessment details on how the design and services have reduced the peak demand for heating and cooling.

- **Unsatisfactory** – This level of detail was not included in the CAN.
- **Action** – Prior to construction, provide a JV3 assessment with comparison to a reference case, and reductions in peak energy demand.

Confirm design, and additional shading on north and west facades (option 3).

- **Satisfactory** – External shading and façade strategy finalised in latest amendments.

Clarify HVAC system, considering 3 pipe VRF, and include details within JV3 assessment.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Confirm the metering strategy includes water use, and that it can assess floor-by-floor usage.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Clarify landscape irrigation strategy, consider increasing tank size to service landscaping needs and include details within the Landscape Plan.

- **Unsatisfactory** – An amended Landscape Plan has not been provided for assessment.
- **Action** – Prior to construction, provide a Landscape Plan as per the request above.

Confirm post-development stormwater flows are below pre-development levels.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Clarify whether any additional stormwater treatment strategies are required (and consider the above comments).

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP.

Amend plans to reflect bicycle parking spaces articulated in the SMP.

- **Unsatisfactory** – While the amended plans indicate 22 bicycle parking spaces (16 for tenants, 4 for visitors and 1 bicycle repair), and amended SMP hasn't been provided.
- **Action** – Ensure alignment between plans and SMP.

Clarify provision of EOT facilities and amend plans annotation accordingly.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Include details of surrounding car share locations within Green Travel Plan and Building Users Guide.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP/GTP (and amend plans if required).

Provide a Green Travel Plan with performance targets and monitoring and reporting components included.

- **Unsatisfactory** – No Green Travel Plan was provided.
- **Action** – Provide a Green Travel Plan.

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

Clarify % / benchmark waste target for demolition and construction waste.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Include waste management details within an operational Waste Management Plan.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Clarify SRI values targeted to deliver urban heat mitigation (i.e. SRI >50), and annotate materials pallet to show.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Confirm all energy and water management systems will be commissioned in accordance with the manufacturer's specifications.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Clarify whether head contractor will be ISO 14001 accredited.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

ESD Improvement Opportunities

Consider using a heat pump, and removing all provision of gas to ensure the building is future-proofed and maintains potential for true carbon neutrality.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

An additional 179 m2 of terraces is not collected. Consider providing a raingarden or similar to treat stormwater prior to discharge and/or increasing tank size to service.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Consider building materials such as insulation which can use post-consumer content.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Consider incorporating a Portland cement reduction strategy, such as SCMs or recycled aggregates to reduce embodied impacts further.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Consider a small pallet of materials and construction techniques that can assist in disassembly.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

Consider pre-wiring to allow for greater capacity of EV charging.

- **Unsatisfactory** – Not addressed.
- **Action** – Address within amended SMP (and amend plans if required).

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

## Recommendations

The applicant is encouraged to submit an amended SMP covering the items listed above, in addition to submitting an amended Landscape Plan and Green Travel Plan. Items such as a JV3 can be requested via permit conditions, 'prior to construction'.

---

ESD Officer: ASHLEY G

Signature: Gavin Ashley.

Date: 16.02.2022

---

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

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



### Applicant Response Guidelines

#### Project Information:

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

#### Environmental Categories:

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

#### Objectives:

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

#### Issues:

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

#### Assessment Method Description:

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

#### Benchmarks Description:

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

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

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

#### ESD Matters on Architectural Drawings:

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



## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

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



#### ESD in the Planning Permit Application Process

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

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

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

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

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

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

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

#### Assessment Process:

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

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

## 1. Indoor Environment Quality (IEQ)

### Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging			
Daylight & Solar Access			
External Views			
Hazardous Materials and VOC			
Thermal Comfort			

### \* Council Assessment Ratings:

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

### References and useful information:

SDAPP Fact Sheet: [1. Indoor Environment Quality](#)

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

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

Residential Flat Design Code [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

Your Home [www.yourhome.gov.au](http://www.yourhome.gov.au)

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

## 2. Energy Efficiency

### Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
NCC Energy Efficiency Requirements			
Thermal Performance			
Greenhouse Gas Emissions			
Hot Water System			
Peak Energy Demand			
Effective Shading			
Efficient HVAC system			
Car Park Ventilation			
Efficient Lighting			
Electricity Generation			
Other			

### \* Council Assessment Ratings:

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

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

References and useful information:

SDAPP Fact Sheet: [2. Energy Efficiency](#)

House Energy Rating [www.makeyourhomegreen.vic.gov.au](http://www.makeyourhomegreen.vic.gov.au)

Building Code Australia [www.abcb.gov.au](http://www.abcb.gov.au)

Window Efficiency Rating Scheme (WERS) [www.wers.net](http://www.wers.net)

Minimum Energy Performance Standards (MEPS) [www.energyrating.gov.au](http://www.energyrating.gov.au)

Energy Efficiency [www.resourcesmart.vic.gov.au](http://www.resourcesmart.vic.gov.au)

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

### 3. Water Efficiency

**Objectives:**

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand		Satisfactory	
Water for Toilet Flushing		Satisfactory	
Water Meter		Satisfactory	
Landscape Irrigation		Satisfactory	
Other		Satisfactory	

**\* Council Assessment Ratings:**

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

**References and useful information:**

SDAPP Fact Sheet: [3. Water Efficiency](#)

Water Efficient Labelling Scheme (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)

Water Services Association of Australia [www.wsaa.asn.au](http://www.wsaa.asn.au)

Water Tank Requirement [www.makeyourhomegreen.vic.gov.au](http://www.makeyourhomegreen.vic.gov.au)

Melbourne Water STORM calculator [www.storm.melbournewater.com.au](http://www.storm.melbournewater.com.au)

Sustainable Landscaping [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au)

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

## 4. Stormwater Management

### Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating		Satisfactory	
Discharge to sewer		Satisfactory	
Stormwater Diversion		Satisfactory	
Stormwater Detention		Satisfactory	
Stormwater Treatment		Satisfactory	
Others			

### \* Council Assessment Ratings:

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

### References and useful information:

SDAPP Fact Sheet: [4. Stormwater Management](#)

Melbourne Water STORM calculator [www.storm.melbournewater.com.au](http://www.storm.melbournewater.com.au)

Water Sensitive Urban Design Principles [www.melbournewater.com.au](http://www.melbournewater.com.au)

Environmental Protection Authority Victoria [www.epa.vic.gov.au](http://www.epa.vic.gov.au)

Water Services Association of Australia [www.wsaa.asn.au](http://www.wsaa.asn.au)

Sustainable Landscaping [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au)

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

## 5. Building Materials

### Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials		Satisfactory	
Embodied Energy of Concrete and Steel		Satisfactory	
Sustainable Timber		Satisfactory	
Design for Disassembly		Satisfactory	
PVC		Satisfactory	

### \* Council Assessment Ratings:

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

### References and useful information:

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

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

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

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

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

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



**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

## 6. Transport

### Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising the Provision of Car Parks		Satisfactory	
Bike Parking Spaces		Satisfactory	
End of Trip Facilities		Satisfactory	
Car Share Facilities		Satisfactory	
Electric vehicle charging		Satisfactory	
Green Travel Plan			

### \* Council Assessment Ratings:

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

### References and useful information:

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

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

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

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

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

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

## 7. Waste Management

### Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management		Satisfactory	
Operational Waste Management		Satisfactory	
Storage Spaces for Recycling and Green Waste		Satisfactory	
Others		Satisfactory	

### \* Council Assessment Ratings:

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

### References and useful information:

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

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

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

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

Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002)  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

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

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

## 8. Urban Ecology

### Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention		Satisfactory	
Maintaining / Enhancing Ecological Value		Satisfactory	
Heat Island Effect		Satisfactory	
Other		Satisfactory	
Green wall, roofs, facades		Satisfactory	

### \* Council Assessment Ratings:

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

### References and useful information:

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

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

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

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

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

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

## 9. Innovation

**Objective:**

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Improving on Green Star Benchmarks		Satisfactory	
Global Sustainability		Satisfactory	
Others		Satisfactory	

**\* Council Assessment Ratings:**

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

**References and useful information:**

SDAPP Fact Sheet: [9. Innovation](#)

Green Building Council Australia [www.gbca.org.au](http://www.gbca.org.au)

Victorian Eco Innovation lab [www.ecoinnovationlab.com](http://www.ecoinnovationlab.com)

Business Victoria [www.business.vic.gov.au](http://www.business.vic.gov.au)

Environment Design Guide [www.environmentdesignguide.com.au](http://www.environmentdesignguide.com.au)

## 10. Construction and Building Management

### Objective:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning		Satisfactory	
Building Users Guide		Satisfactory	
Contractor has Valid ISO14001 Accreditation		Satisfactory	
Construction Management Plan		Satisfactory	
Others		Satisfactory	

### \* Council Assessment Ratings:

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

### References and useful information:

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

ASHRAE and CIBSE Commissioning handbooks

International Organization for standardization – ISO14001 – Environmental Management Systems

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

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

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



### Applicant Response Guidelines

#### Project Information:

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

#### Environmental Categories:

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

#### Objectives:

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

#### Issues:

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

#### Assessment Method Description:

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

#### Benchmarks Description:

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

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

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

#### ESD Matters on Architectural Drawings:

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

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

## Civil Works Formal Referral Response



Application Information	
Referral Officer	USERID
Officer	Atha Athanasi
Council Reference	PLN21/0074
Address	Ground Floor, 55 Stewart St, Richmond VIC 3121
Proposal	Full demolition of existing buildings and construction of an eight (8) storey building (plus two levels of basement) for office (permit required for office use) and ground level food and drink premises (no permit required use), removal of easements pursuant to Clause 52.02, variation of bicycle requirements (specifically internal access path to bike storage) and a reduction in the car parking requirements
Comments Sought	This is the link to the Statutory Planning Referral memo:

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

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

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Civil Works were requested to make comment on the submitted Waste Management Plan (WMP).

## Comments and Recommendations

The waste management plan for 55-57 Stewart St, Richmond authored by Leigh Design and dated 7/12/21 is satisfactory from a City Works Branch's perspective.

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Engineer: USERID

Signature:

Date:

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## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

# Development Engineering Formal Referral Response



Application Information	
Referral Officer	Julian Larkins
Officer	Artemis Bacani
Council Reference	IREF21/00092
Address	Ground Floor, 55 Stewart St, Richmond VIC 3121
Application No.	PLN21/0074
Proposal	Referral - Internal – Development Engineering
Comments Sought	Re-referral <ul style="list-style-type: none"> <li>Reduction in car parking requirements</li> <li>Car park layout</li> </ul>

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

## Comments and Recommendations

### Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
Carr Design Group	TP-012 <i>Demolition Plan</i>	B	17 December 2021
	TP-101 <i>Basement 02 Plan</i>	B	17 December 2021
	TP-102 <i>Basement 01 Plan</i>	B	17 December 2021
	TP-103 <i>Ground Floor Plan</i>	B	17 December 2021
	TP-303 <i>Section CC</i>	B	17 December 2021
	<i>Statement of Changes</i>		20 December 2021
Traffix Group	<i>Traffic Engineering Assessment</i>	E	8 December 2021

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments****CAR PARKING PROVISION****Amended Development**

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

Item	Previous Development	Proposed Development	Change
Office	2,271 m <sup>2</sup>	1,674 m <sup>2</sup>	<b>-597 m<sup>2</sup></b>
Food and Drink/Shop/Retail	97 m <sup>2</sup>	111 m <sup>2</sup>	<b>+14 m<sup>2</sup></b>
No. of Car Spaces Required	71	53	<b>-18 Spaces</b>
No. of Car Spaces Allocated	8	8	<b>No Change</b>

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

The amended development requires a car parking reduction of 45 spaces. This is an additional reduction of 18 spaces from the previous development.

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 Office Use</i>	<p>The office use would be supplied with an on-site car parking provision of 8 spaces, which equates to a rate of 0.48 spaces per 100 square metres of floor area which is slightly higher compared to the rate of the previous development. Office developments throughout the municipality have been approved by Council with reduced rates. A few examples include:</p> <table border="1"> <thead> <tr> <th>Development Site</th><th>Approved Office Parking Rate</th></tr> </thead> <tbody> <tr> <td colspan="2"><b>Cremorne</b></td></tr> <tr> <td>60-88 Cremorne Street PLN17/0626 issued 21 June 2018</td><td>0.65 spaces per 100 m<sup>2</sup> (233 on-site spaces; 27,306 m<sup>2</sup>)</td></tr> <tr> <td>9-11 Cremorne Street PLN16/0171 (Amended) issued 13 June 2017</td><td>0.65 spaces per 100 m<sup>2</sup> (20 on-site spaces; 2,329 m<sup>2</sup>)</td></tr> <tr> <td colspan="2"><b>Collingwood</b></td></tr> <tr> <td>2-16 Northumberland Street PLN16/1150 issued 14 June 2017</td><td>0.69 spaces per 100 m<sup>2</sup> (135 on-site spaces; 15,300 m<sup>2</sup>)</td></tr> </tbody> </table> <p>Although considerably lower than some of the rates listed above, the proposed office parking rate of 0.48 spaces per 100 square metres of floor area is considered appropriate as the site has very good access to public transport and seeks to encourage more sustainable forms of transport.</p>	Development Site	Approved Office Parking Rate	<b>Cremorne</b>		60-88 Cremorne Street PLN17/0626 issued 21 June 2018	0.65 spaces per 100 m <sup>2</sup> (233 on-site spaces; 27,306 m <sup>2</sup> )	9-11 Cremorne Street PLN16/0171 (Amended) issued 13 June 2017	0.65 spaces per 100 m <sup>2</sup> (20 on-site spaces; 2,329 m <sup>2</sup> )	<b>Collingwood</b>		2-16 Northumberland Street PLN16/1150 issued 14 June 2017	0.69 spaces per 100 m <sup>2</sup> (135 on-site spaces; 15,300 m <sup>2</sup> )
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# **Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

Parking Demand Consideration	Details
<i>Parking Demand for Food and drink/Shop/Retail Use</i>	No car spaces would be provided for the food and drink/shop/retail use. A staff parking demand of 1 space per 100 square metres of floor area could be adopted. Using this rate would equate to 1 space. This reflects the precinct approach for similar food and drink/shop/retail uses and acknowledges that a proportion of customers for this use will be drawn from staff of the office use and surrounding residences and businesses.
<i>Availability of Public Transport in the Locality of the Land</i>	The following public transport services can be accessed to and from the site by foot: <ul style="list-style-type: none"> <li>Swan Street trams – 140 metre walk</li> <li>Richmond railway station – 140 metre walk</li> <li>Punt Road buses – 260 metre walk</li> <li>East Richmond railway station – 500 metre walk</li> <li>Church Street trams – 550 metre walk</li> </ul>
<i>Multi-purpose Trips within the Area</i>	Visitors and customers to the development could combine their visit by engaging in other activities of business whilst in the area.
<i>Convenience of Pedestrian and Cyclist Access</i>	The site is very well positioned in terms of pedestrian access to public transport nodes, shops, supermarket, places of employment and education and other essential facilities. The site also has good connectivity to the on-road bicycle network.

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

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

Consideration	Details
<i>Availability of Car Parking</i>	<p>Due to the COVID-19 restrictions, car parking occupancy surveys cannot be undertaken at this time as it would not provide an accurate representation of the 'normal' car parking demands in the surrounding area.</p> <p>The on-street parking in this part of Richmond is generally high during business hours. The area surrounding the subject site is blanketed in time-based parking restrictions which ensure that parking turns over frequently. Visitors to the site during business hours should be able to find an on-street car space near the site.</p> <p>In Richmond, the recent introduction of parking sensors in the surrounding streets would further discourage persons attempting to park all-day. The parking sensors also ensure that parking frequently turns over for short-stay parking users (visitor, client parking etc.).</p>

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

Consideration	Details
<i>Relevant Local Policy or Incorporated Document</i>	The proposed development is considered to be in line with the objectives contained in Council's Strategic Transport Statement. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

**Adequacy of Car Parking**

From a traffic engineering perspective, the reduction in the car parking requirements for the site use is considered appropriate in the context of the development and the surrounding area. 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 Traffic Group is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	AM Peak Hour	PM Peak Hour
Office (8 spaces)	0.5 trips for each peak hour	n/a	4	4

As the number of car spaces proposed for the site is unchanged, the traffic generated by the proposed site would be the same as the previous development.

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

**LAYOUT DESIGN****Layout Design Assessment**

Item	Assessment
<b>Access Arrangements</b>	
Development's Entrance	The development's entrance would be accessed off a 4.80 metre wide carriageway easement through 53 Stewart Street. The car lift entrance is 3.0 metres in width.
Clearance Height at Car Park Entrance	A minimum clearance height of 2.30 metres is provided under the car park entrance to satisfy <i>Design standard 1 – Accessways</i> .
Vehicle Turning Movements	The submitted swept path assessment for a B85 design vehicle shows a single vehicle can enter and exit into and out of the site adequately off Tennyson Street.
<b>Car Parking Module</b>	
Regular Car Spaces	The dimensions of the car spaces (2.6 metres by 4.9 metres) and (2.7 metres by 4.9 metres) satisfy <i>Design standard 2 – Car parking spaces</i> .
Accessible Car Space	The dimension of the accessible car space (2.4 metres by 5.4 metres) satisfy <i>AS/NZS 2890.6:2009</i> . The width of the adjacent shared area of 1.55 metres does not satisfy <i>AS/NZS 2890.6:2009</i> .
Floor to Ceiling Height – Above Accessible Car Space and Shared Area	According to the applicant, a headroom clearance of 2.5 metres has been provided above the accessible car space and adjacent shared area to satisfy <i>AS/NZS 2890.6:2009</i> . The headroom clearance of 2.5 metres is to be dimensioned or noted on the drawings.
Aisle	A minimum aisle width of 6.4 metres is provided to also satisfy <i>Design standard 2 – Car parking spaces</i> .
Column Depths and Setbacks	The column depths and setbacks have not been dimensioned on the drawings.
Clearances to Walls	Clearances of no less than 300 mm have been provided to spaces adjacent to walls.
Vehicle Turning Movements	The swept path assessment shows that a B85 design vehicle can enter and exit into and out of the individual car spaces adequately.
<b>Other Items</b>	
Traffic Movements Into and Out of the Site	Details on how traffic movements into and out of the site would be controlled/managed have not been provided.
Width of Car Lift Door	The width of the car lift door is 3.0 metres in width.
Internal Dimension of Car Lift	The internal dimension of the car lift is 6.65 metres by 7.6 metres.

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

Car Lift Turntable Platform	The dimension of the platform on the turntable is 2.8 metres by 5.4 metres and can adequately accommodate a B99 design vehicle.
<b>Other Items</b>	
Queuing Analysis – Car Lift and Gate	<p>The AM peak hour would be the critical time for the operation of the car lift and gate, when staff arrive to work.</p> <p>The proposed car lift and gate would be capable of servicing 30 vehicles per hour, based on a total service time of 122 seconds*. By conservatively assuming 4 vehicles per AM peak hour wishing to access the development, the utilisation ratio for the car lift and gate (usage/capacity) would be 0.13 (4 vehicle trips per hour/30 vehicle per hour).</p> <p>To determine the storage queue of the car lift and gate, guidance is sought from the Australian/New Zealand Standard (AS/NZS 2890.1:2004). The mechanical devices such as this car lift and gate should have sufficient vehicle storage to accommodate the 98<sup>th</sup> percentile queue (the queue that will be exceeded on 2% of occasions). By knowing the utilisation ratio of the car lift and gate (in this case, 0.13), the 98<sup>th</sup> percentile queue length can be calculated.</p> <p>Queue Length, <math>N = (\text{Log}_n \text{Pr}(n &gt; N) / \text{Log}_n \rho) - 1</math>  <math>\text{Pr}(n &gt; N) = \rho^{N+1}</math>  where <math>\rho = r / s</math> (utilisation factor)  <math>\rho = \text{average arrival rate} / \text{average service rate}</math>  <math>= 4 / 30</math>  <math>= 0.13</math></p> <p><math>N = (\text{Log}_n 0.02 / \text{Log}_n 0.13) - 1</math>  <math>= 0.91 \text{ car lengths, say } 1 \text{ car}</math></p> <p>The 98<sup>th</sup> percentile queue length for the car lift and gate during the AM peak hour would be 1 car length. It is agreed that the 1 car length can be accommodated inside the development and would not have any adverse impact on traffic movements along the carriageway easement and Tennyson Street.</p> <p><b>* Total time taken – 122 seconds (based on Traffix Group report)</b></p>

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments****Engineering Advice for Design Items to be Addressed by the Applicant**

Item	Details
Accessible Car Space	The applicant is to provide a shared area with a minimum width of 2.4 metres to satisfy <i>AS/NZS 2890.6:2009</i> . If the above cannot be achieved, the applicant must engage a qualified access consultant to provide an assessment of the shared area and advise if the shared area is adequate for its purpose.
Floor to Ceiling Height – Above the Accessible Car Space and Shared Area	The applicant is to dimension or include a note on the drawings that a minimum headroom clearance of 2.5 metres is provided above the accessible car space and adjacent shared area.
Traffic Movements Into and Out of the Site	The applicant is to detail how traffic would be managed when a vehicle is exiting the lift and an on-coming vehicle is simultaneously entering the site from Tennyson Street. Will the applicant introduce a 'stop/go' traffic control device to manage the traffic movements into and out of the site?
Column Depths and Setbacks	The applicant is to dimension on the drawings the column depths and setbacks.
Utility Service Doors	Utility service doors that open out onto a <i>Public Highway</i> must be able to swing at 180-degrees and be latched onto the building when in service.
Pedestrian Door – Via Rear Laneway	The pedestrian door off the rear laneway must be recessed inside the property by 1.0 metre to prevent pedestrians from stepping directly out onto the laneway.
Bicycle Considerations	The bicycle requirements for this development are to be referred to Council's Strategic Transport unit for assessment.

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments****INFRASTRUCTURE ITEMS AND CONSTRUCTION ACTIVITIES**

Item	Details
<b>General</b>	
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>
<b>Footpath along Stewart Street Frontage</b>	
Footpath Reconstruction	<p>The footpath along the property's Stewart Street frontage is 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>
<b>Other Items</b>	
Redundant Vehicle Crossings	To be demolished and reinstated with paving, kerb and channel.

**ENGINEERING CONDITIONS****Civil Works**

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

- The kerb and channel along the property's Stewart Street frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpath along the property's Stewart Street frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
- All redundant vehicle crossings associated with the development must be demolished and reinstated with pavement and kerb and channel to Council's satisfaction and at the Permit Holder's cost.



## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

### 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, valves or meters on Council property will be accepted.

### Discharge of Water from Development

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

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

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


### 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 2018</i> 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 1989</i> and Regulation 133.

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

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Engineer: Artemis Bacani

Signature: 

Date: 24 January 2022

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# Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments



20 September 2021

640.10090.07090 55-57 Stewart St Richmond 20210920.docx

Yarra City Council  
PO Box 168  
RICHMOND 3121

**Attention: Julian Larkins**

Dear Julian

## 55-57 Stewart Street, Richmond Development Application Acoustic Review PLN 21/0074

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic review prepared to support the application for a commercial development at 55-57 Stewart Street, Richmond.

Details of the report are as follows:

- Title: Acoustic Review
- Date: 9 July 2021
- Prepared for: Carr
- Prepared by: Marshall Day Acoustics (MDA)

The report was prepared to address Item 14 of an RFI from the City of Yarra. Item 14 is reproduced below.

*14. Acoustic Report prepared by a suitably qualified person or firm to assess noise impacts associated with the proposed uses on nearby residential uses.*

## 1 Project Background

*(Pages 1, 2 and 4 of the acoustic report)*

The proposal, the site context and location of the nearest noise sources are described/identified in the report.

- The proposal is for a multilevel commercial building comprising:
  - Two levels of basement car parking and mechanical plant areas
  - Ground floor food and beverage tenancy, amenities and car lift
  - 9 levels of offices, including terraces on levels 1 and 3
  - Rooftop plant
- The nearest residents are identified as to the three storey residential building to the north of the subject site (9 Tennyson Street)

SLR Consulting Australia Pty Ltd Level 11, 176 Wellington Parade East Melbourne VIC 3002 Australia  
T: +61 3 9249 9400 E: melbourne@slrconsulting.com  
www.slrconsulting.com ABN 29 001 584 612

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

Yarra City Council  
55-57 Stewart Street, Richmond  
Development Application Acoustic Review  
PLN 21/0074

SLR Ref: 640.10090.07090 55-57 Stewart St  
Richmond 20210920.docx  
Date: 20 September 2021

- Noise impacts to the subject site are identified as: centralised mechanical plant, waste collection and deliveries and patron and music noise from the ground floor food and beverage tenancy.

**SLR Comment:** *The site context, the proximity to the rail corridor, the proposed use and the nearest noise sensitive receivers have been identified.*

*We understand that the carpark is to be accessed via an existing enclosed easement through the rear of the building at 53 Stewart Street. As such, the surrounding apartments will not have a line of sight to the carpark entrance.*

*The site is approximately 25 m from the nearest rail line, and rail noise impacts to the proposed offices are likely (not requested in the RFI).*

## 2 Ambient noise

*(Page 6 and Appendix D of the acoustic report)*

Background noise measurement undertaken on the roof of 19 Botherambo Street, Richmond, in 2016 have been used to assist in the determination of noise limits. The logging data is summarised in Tables 4 and 5 of the report.

**SLR Comment:** *We have some reservations about using the Botherambo Street data for this site, given its closer proximity to both Swan Street and the Corner Hotel.*

## 3 Commercial Noise Limits (Noise Protocol Part I)

### 3.1 Noise limits

*(Page 6 of the acoustic report)*

Noise limits for mechanical plant have been calculated from land use zoning and the presented background noise data. The identified limits are based on background noise levels classified as 'high' and are equal to 60 dBA (day), 55 dBA (evening) and 48 dBA (night).

**SLR Comment:** *Our calculations of the zoning levels for the closest residential receivers agree with MDA's. Given that background noise monitoring was not conducted specifically for the site, and that the presented background noise data may be inappropriately high for the area, we recommend that the zoning levels are used as the interim noise limits. The zoning levels are: 58 dBA (day), 51 dBA (evening) and 46 dBA (night).*

### 3.2 Assessment

*(Page 8 of the report)*

The mechanical design is proposed to be reviewed during the detailed design phase of the project to ensure that the relevant noise limits are met. Noise impacts from project mechanical plant is identified as low risk on this project due to the proposed roof location of mechanical plant and the fact that there will not be any overlooking residential buildings.

## Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments

Yarra City Council  
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SLR Ref: 640.10090.07090 55-57 Stewart St  
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**SLR Comment:** *we agree that noise impacts from the proposed roof plant deck are unlikely, and that an acoustic review of the proposed equipment during the detailed designed phase will enable the relevant noise limits to be met.*

### 4 Café noise

*(Pages 8 and 9 of the acoustic report)*

The ground floor café does not have a proposed tenant, so a full assessment of noise from the use has not been provided in the report. However, MDA observe that the café is not in close proximity to or overlooked by residences and has a limited outdoor dining area available (identified as accommodating up to 6 people). They also state that there is not currently any proposal to play loud amplified or live music. On these grounds MDA identify the café as having a low risk of causing nuisance noise.

**SLR Comment:** *We agree that noise from the café is a low risk item for this application. If extended opening hours are proposed (e.g. beyond 10 pm daily) or music beyond background levels, an acoustic report should be prepared on behalf of the tenant to ensure that noise is addressed.*

### 5 Other matters – Rail noise

The site is approximately 25 m from a rail corridor, and rail noise has potential to impact offices. We consider the site a 'moderate' risk with respect to rail noise impacts due to its distance from the rail corridor, and given this an assessment of rail noise should ideally be conducted.

There are no mandatory criteria for rail noise to offices, however we have reviewed and accepted the following criteria used by MDA on other projects in the City of Yarra, being:

- Average rail noise (i.e. the loudest  $L_{Aeq,1h}$ ) not to exceed the recommended ranges provided in AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors
- Maximum rail noise levels (i.e. the 95<sup>th</sup> percentile of single rail passbys measured as an  $L_{Amax}$ ) not to exceed the AS/NZS2107 recommended ranges + 15 dB.

The above criteria are considered to provide an acceptable minimum level of amenity from rail noise. Lower levels may be more appropriate in some instances. Future tenants should also undertake their own due diligence to ensure a space is acceptable for their use.

### 6 Summary

SLR have carried out a review of the acoustic report prepared to address noise from the commercial development proposed for 55-57 Stewart Street to nearby sensitive uses, in accordance with a City of Yarra RFI.

The provided report generally addresses noise impacts however we recommend that commercial noise is assessed to the identified zoning levels, rather than the higher limits provided in the acoustic report, due to the fact that the limits were based on background noise data obtained at a different location to the subject site and may be potentially exposed to higher background levels.

We also suggest that a rail noise assessment be conducted to ensure that noise from the Richmond rail corridor is controlled to office spaces (albeit this was not a requirement of the RFI).

**Attachment 1 - PLN21/0074 - 55-57 Stewart St, Richmond - all referral comments**

Yarra City Council  
55-57 Stewart Street, Richmond  
Development Application Acoustic Review  
PLN 21/0074

SLR Ref: 640.10090.07090 55-57 Stewart St  
Richmond 20210920.docx  
Date: 20 September 2021

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Regards,



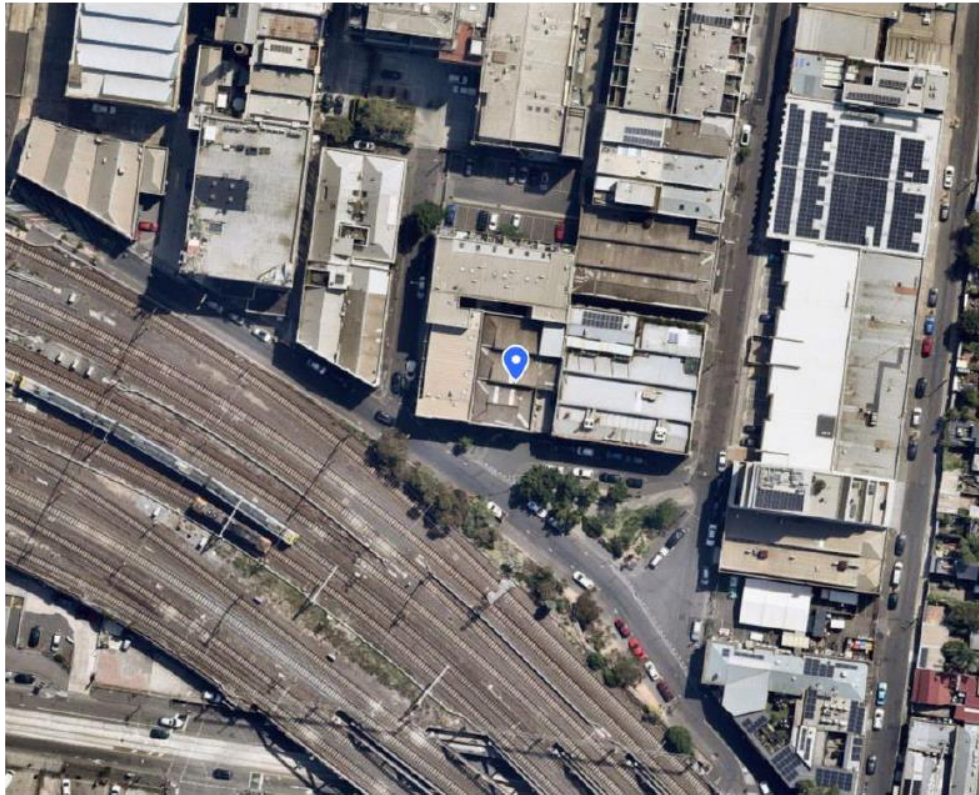
Dianne Williams  
Principal – Acoustics

Checked/Authorised by: JA



**Attachment 2 - PLN21/0074 - 55 - 57 Stewart Street, Richmond - Site photo**

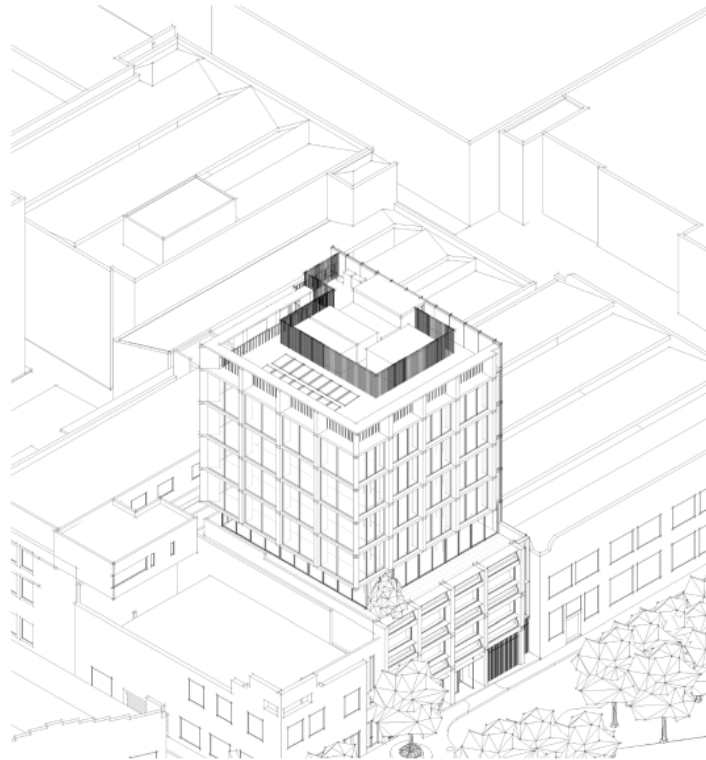
**PLN21/0074 – 55-57 Stewart Street**



## Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans

## 57 STEWART STREET, RICHMOND

COMMERCIAL BUILDING PROPOSAL



## DRAWING LIST

000 - PROJECT INFORMATION	
TP-000	DEVELOPMENT SUMMARY
010 - EXISTING & PROPOSED SITE CONDITIONS	
TP-011	SITE PLAN EXISTING
TP-012	DEMOLITION PLAN
TP-013	PROPOSED SITE PLAN
100 - GENERAL ARRANGEMENT PLANS	
TP-101	BASEMENT 00 PLAN
TP-102	BASEMENT 01 PLAN
TP-103	GROUND FLOOR PLAN
TP-104	LEVEL 1 PLAN
TP-105	LEVEL 2 PLAN
TP-106	LEVEL 3 PLAN
TP-107	LEVEL 4 PLAN
TP-108	LEVEL 5 PLAN
TP-110	LEVEL 6 PLAN
TP-111	LEVEL 7 PLAN
TP-112	LEVEL 8 PLAN - ROOF PLANT
TP-113	ROOF PLAN
200 - ELEVATIONS	
TP-201	SOUTH ELEVATION
TP-202	WEST ELEVATION
TP-203	NORTH ELEVATION
TP-204	EAST ELEVATION
300 - SECTIONS	
TP-301	SECTION AA
TP-302	SECTION BB
TP-303	SECTION CC
TP-304	SECTION DD
400 - OVERLOOKING SECTIONS	
TP-401	OVERLOOKING DIAGRAMS
700 - SHADOW STUDIES	
TP-703	SHADOW STUDIES - SEPTEMBER
TP-704	SHADOW STUDIES - SEPTEMBER
TP-705	SHADOW STUDIES - JUNE
TP-706	SHADOW STUDIES - JUNE

AREA SCHEDULE - GFA	
(EXCL. STAIR, LIFT CORE AND EXTERNAL WALLS)	
LEVEL	GFA
BASEMENT 00	457 m <sup>2</sup>
BASEMENT 01	457 m <sup>2</sup>
GROUND FLOOR	468 m <sup>2</sup>
LEVEL 01	488 m <sup>2</sup>
LEVEL 02	423 m <sup>2</sup>
LEVEL 03	423 m <sup>2</sup>
LEVEL 04	363 m <sup>2</sup>
LEVEL 05	363 m <sup>2</sup>
LEVEL 06	363 m <sup>2</sup>
LEVEL 07	363 m <sup>2</sup>
LEVEL 08 (ROOF PLANT)	363 m <sup>2</sup>
LEVEL 09	4400 m <sup>2</sup>

## CARRIAGE TOTALS

BASEMENT 2: 4 SPACES (ON GRADE & SUBER PLATE)
BASEMENT 1: 4 SPACES (ON GRADE & CDA SPACE)
TOTAL: 8 CAR SPACES

AREA SCHEDULE - NLA	
(EXCLUDES STAIR AND LIFT CORE)	
LEVELS	NLA
GROUND LEVEL	111 m <sup>2</sup>
LEVEL 1 OFFICE	388 m <sup>2</sup>
LEVEL 2 OFFICE	387 m <sup>2</sup>
LEVEL 3 OFFICE	284 m <sup>2</sup>
LEVEL 4 OFFICE	272 m <sup>2</sup>
LEVEL 5 OFFICE	272 m <sup>2</sup>
LEVEL 6 OFFICE	272 m <sup>2</sup>
LEVEL 7 OFFICE	272 m <sup>2</sup>
LEVEL 8 OFFICE	272 m <sup>2</sup>
LEVEL 9 OFFICE	272 m <sup>2</sup>

## Net Lettable Area (NLA)

PCA Method of Measurement used for calculation of NLA

AREA SCHEDULE - AMENITIES	
LEVELS	NLA
LEVEL 1 AMENITIES	20 m <sup>2</sup>
LEVEL 2 AMENITIES	22 m <sup>2</sup>
LEVEL 3 AMENITIES	22 m <sup>2</sup>
LEVEL 4 AMENITIES	22 m <sup>2</sup>
LEVEL 5 AMENITIES	22 m <sup>2</sup>
LEVEL 6 AMENITIES	22 m <sup>2</sup>
LEVEL 7 AMENITIES	22 m <sup>2</sup>
LEVEL 8 AMENITIES	22 m <sup>2</sup>
LEVEL 9 AMENITIES	22 m <sup>2</sup>

## GENERAL NOTES

Builder's Computations shall verify all dimensions before any work commences. Dimensions shown are nominal. Figure dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the architect's / designer's office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of amended shop drawings.

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© Carr Architecture Pty Ltd

B: 17/10/2021 Town Planning  
A: 13/07/2021 Town Planning

Rev. Date Chkd Reason for Issue

Based on Drawings Received

## TOWN PLANNING

**carr**  
Carr Design Group Pty Ltd  
ABN 61 277 890 276  
Carr Interiors Pty Ltd  
ABN 66 106 170 275  
Carr Architecture Pty Ltd  
ABN 61 106 802 205  
Directors: Sam Carr  
Chris McKee (FRC) AIA  
Level 4, 31 Pindara Lane  
Melbourne VIC 3000  
Australia  
PO Box 8000  
Collins Street East  
Melbourne VIC 3001  
Australia  
Telephone: 61 3 9650 2800  
Facsimile: 61 3 9650 1002  
Email: info@carr-mkt.com.au  
www.carr-mkt.com

Project STEWART STREET

57 Stewart Street Richmond

Title DEVELOPMENT SUMMARY

Date 17/10/2021 Project No: 18146

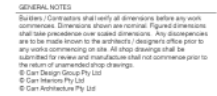
Scale @ A1 Draw No: TP-000

Drawn By: AC Chkd By: SM Rev: B



# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans





B	17/12/2021	Town Planning
A	13/07/2021	Town Planning

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Rev	Date	Chgd	Reason for Issue
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---

Based on Drawings Received:



TOWN PLANNING

**carl**

Carl Design Group Pty Ltd  
A/No 81 277 550 276  
Carl Interiors Pty Ltd  
A/No 56 106 212 575  
Carl Architecture Pty Ltd  
A/No 47 659 353 255  
Directors Sue Carr  
Chris McCue A/No 9/A  
Level 4 31 Flinders Lane  
Melbourne VIC 3000  
Australia  
PO Box 10009  
Collins Street East  
Melbourne VIC 8003  
Telephone 61 3 9605 2900  
Facsimile 61 3 9630 5002  
Email [info@carl.net.au](mailto:info@carl.net.au)  
[www.carl.net.au](http://www.carl.net.au)

Project	STEWART STREET		
	57 Stewart Street Richmond		
Title	DEMOLITION PLAN		
Date	1/11/2021	Project No.	18146
Scale @ A1	1 : 100	Design	TP-012
Drawn By	KW	Checked By	CM Rev B

Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans

**GENERAL NOTES**  
 Builders / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figured dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the architect / designers office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of unamended shop drawings.  
 © Carr Design Group Pty Ltd  
 © Carr Architects Pty Ltd

Rev.	Date	Chd.	Reason for Issue
B	17/12/2021		Town Planning
A	13/07/2021		Town Planning

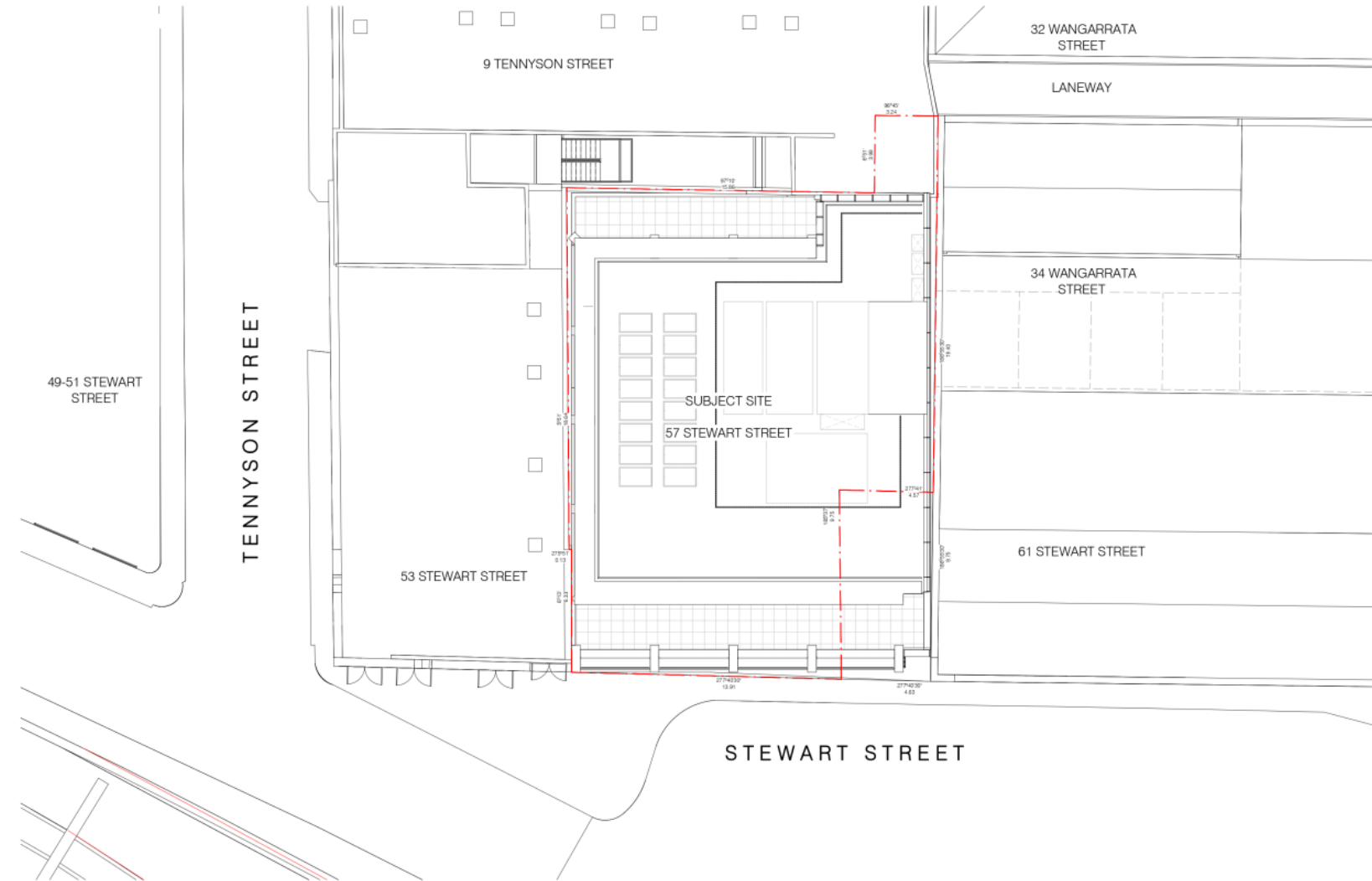
Based on Drawings Received



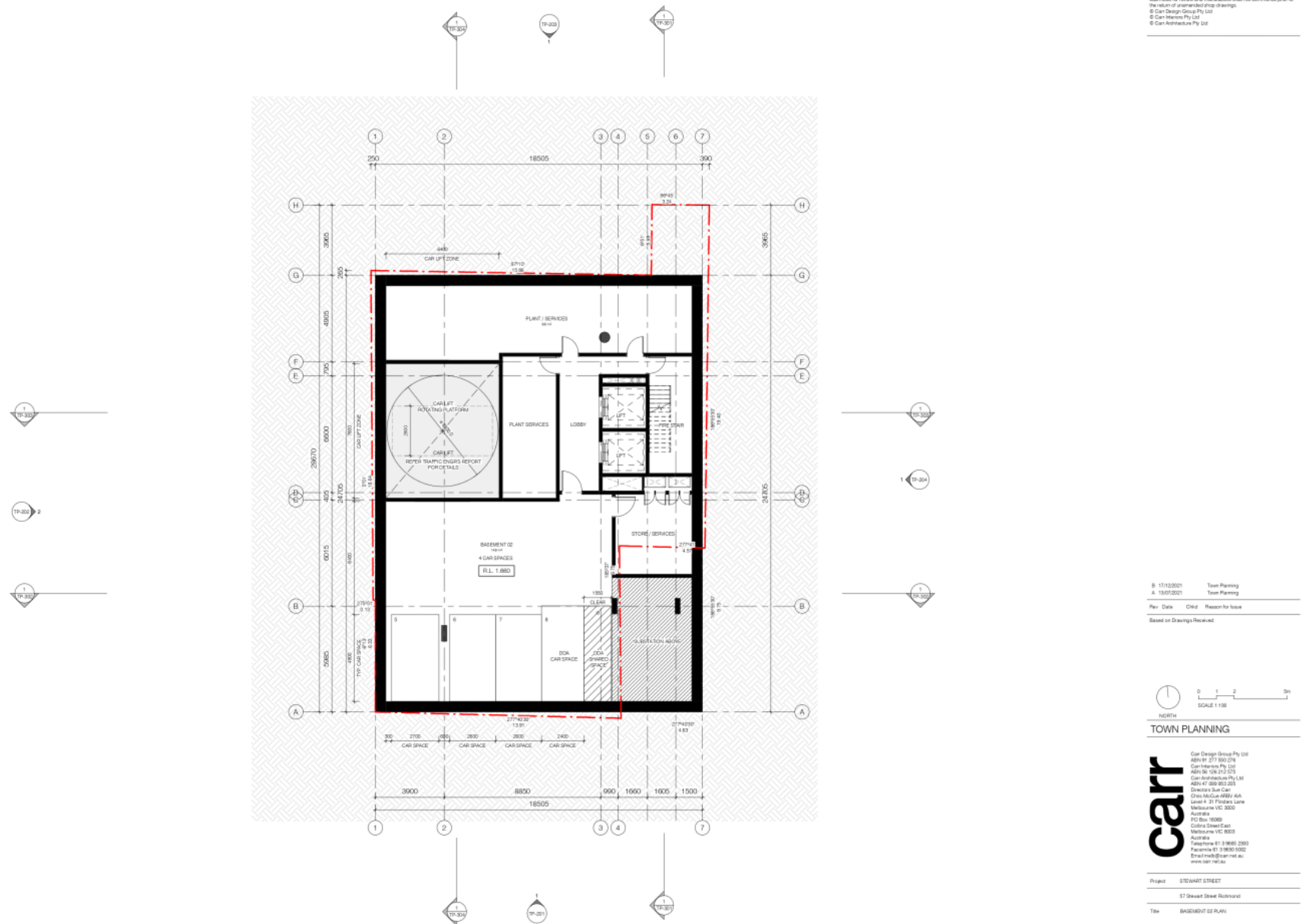
FOR INFORMATION

**carr**  
 Carr Design Group Pty Ltd  
 ABN 61 217 892 278  
 Carr Architects Pty Ltd  
 ABN 66 126 472 275  
 Carr Architects Pty Ltd  
 ABN 61 126 472 275  
 Directors: Sun Cai  
 Chris McKee (FRCI) AIA  
 Level 4, 31 Flinders Lane  
 Melbourne VIC 3000  
 Australia  
 P.O. Box 8000  
 Collins Street East  
 Melbourne VIC 3001  
 Australia  
 Telephone: 61 3 9650 2800  
 Facsimile: 61 3 9650 1000  
 Email: info@carr.net.au  
 www.carr.net.au

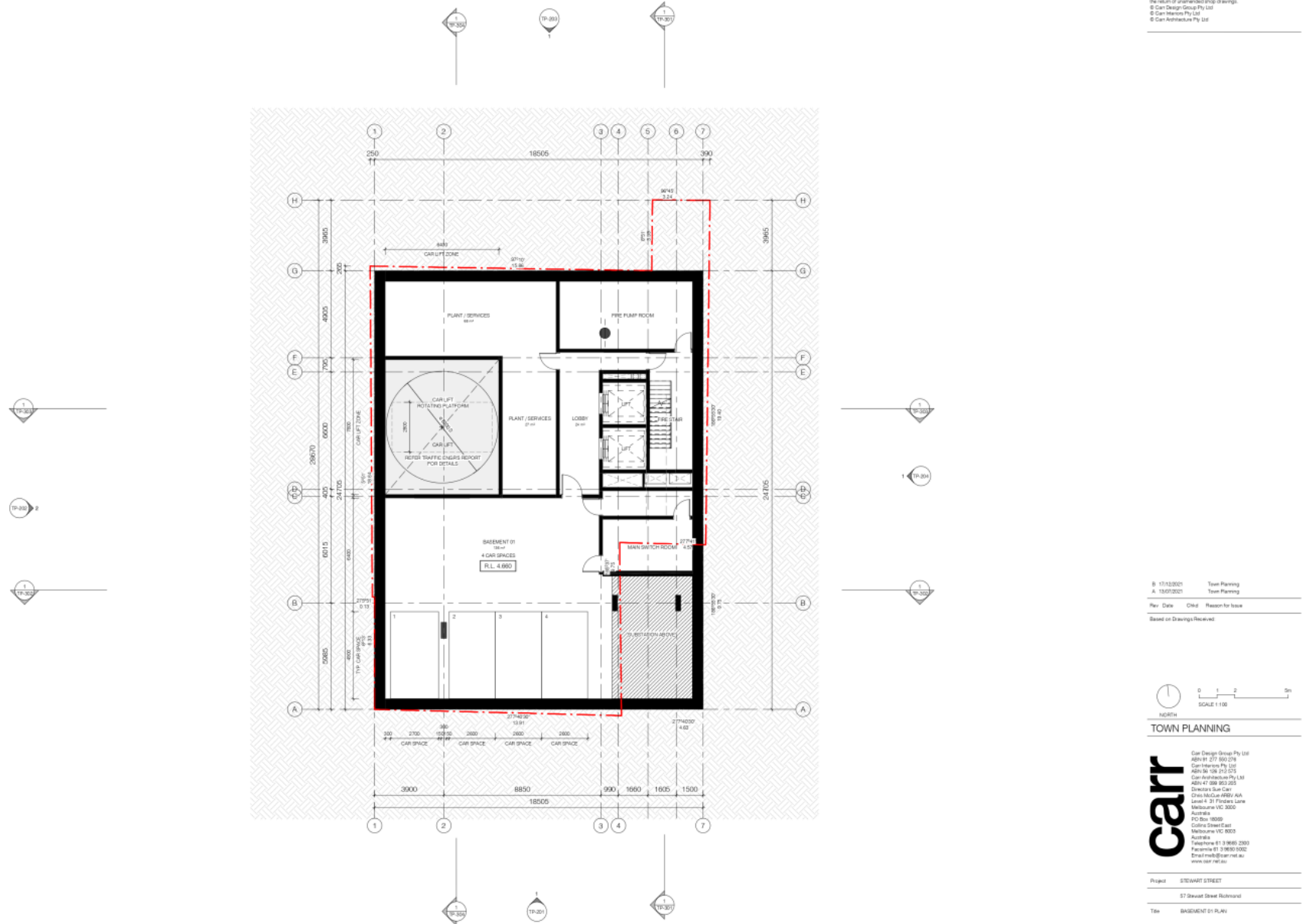
Project	STEWART STREET
	57 Stewart Street Richmond
Title	PROPOSED SITE PLAN
Date	17/12/2021
Project No.	18146
Scale @ A1	1:150
Drawn By	HR
Chd By	CM
Rev	B



# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans

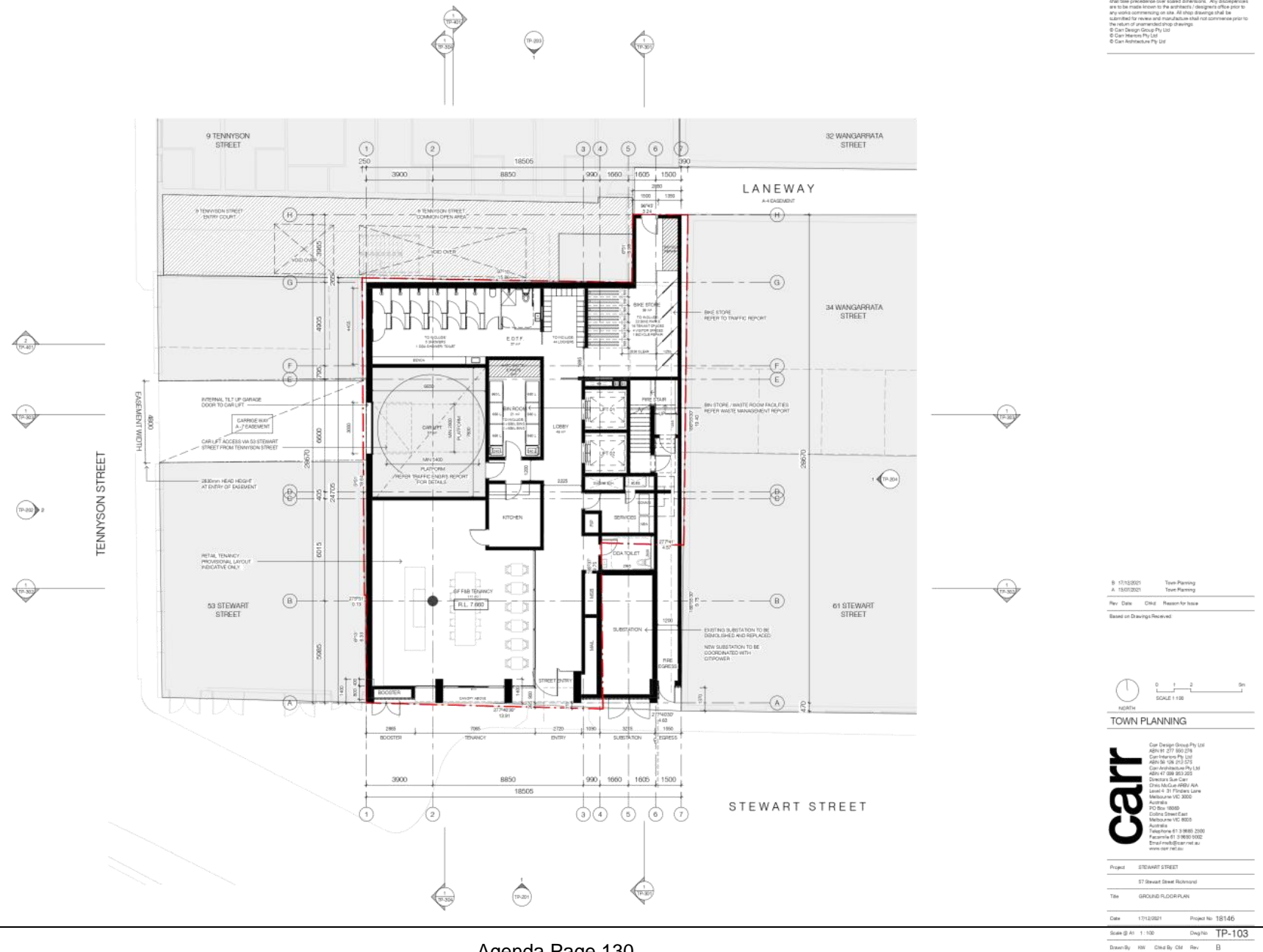


# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans

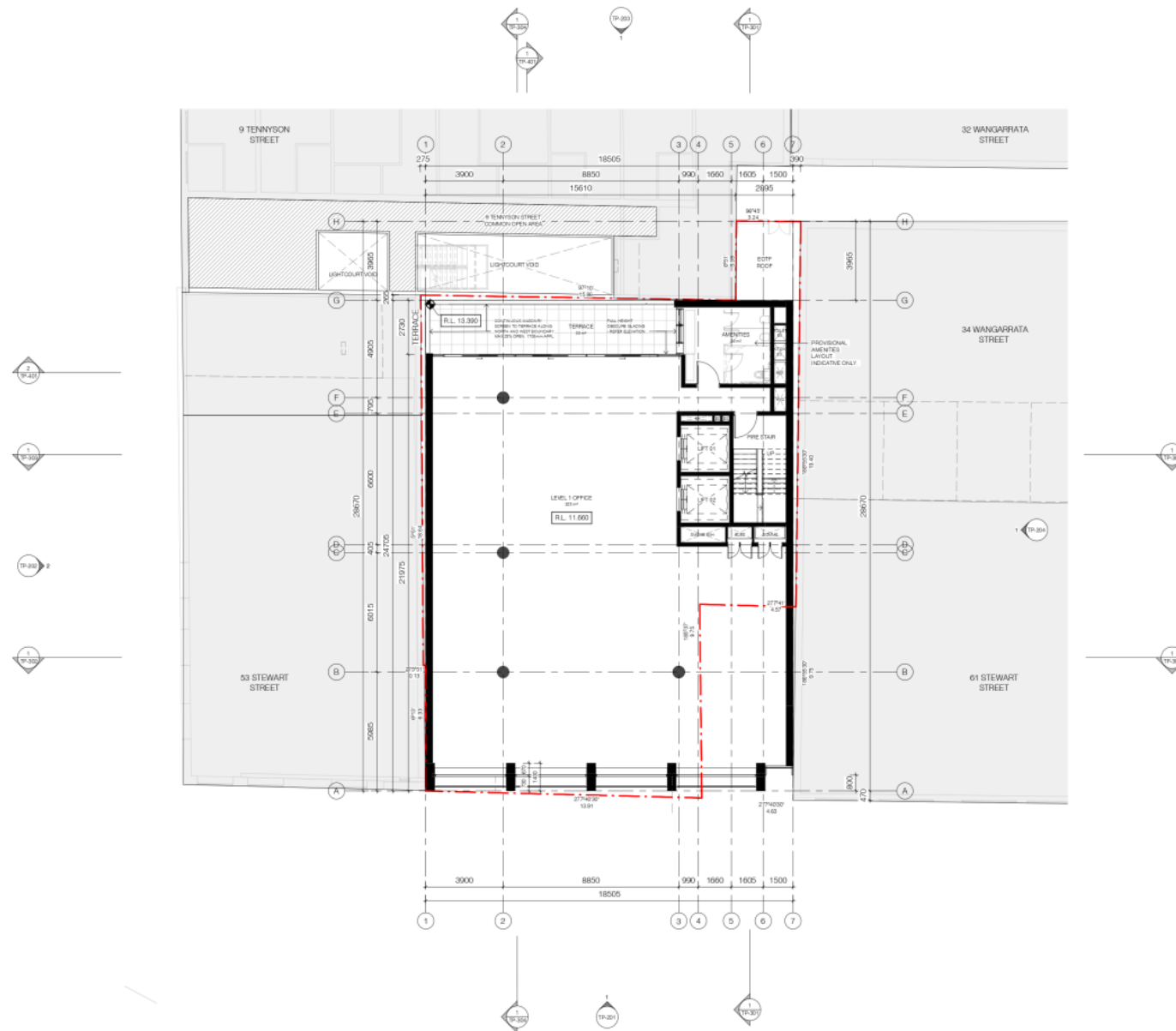




# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



**GENERAL NOTES**  
 Builders / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figure dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the architect / designers office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of amended shop drawings.  
 © Carr Design Group Pty Ltd  
 © Carr Architects Pty Ltd

B	17/12/2021	Town Planning
A	13/07/2021	Town Planning

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Rev	Date	Chkd	Reason for Issue
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Based on Drawings Received



**TOWN PLANNING**

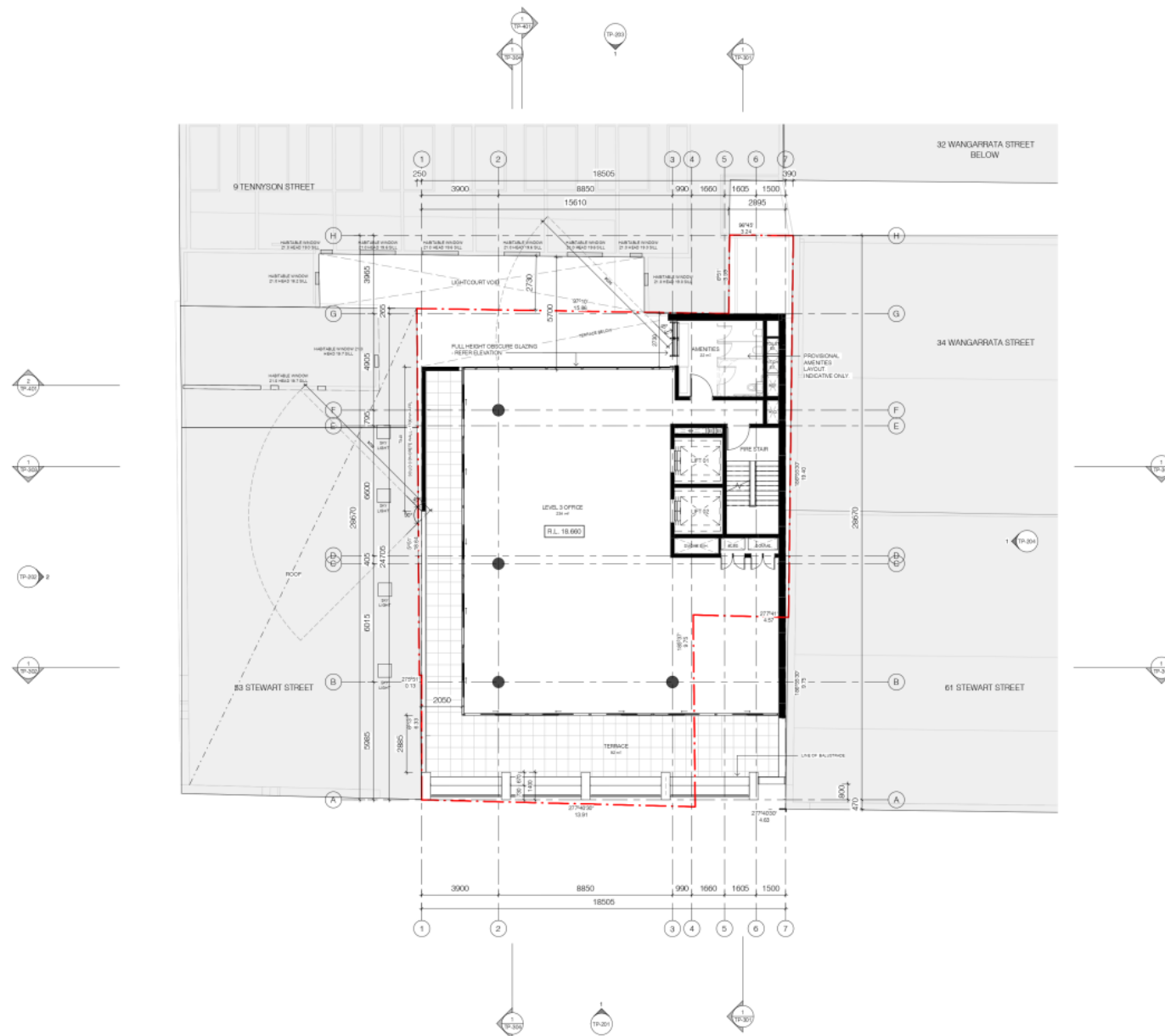
**carr**  
 Carr Design Group Pty Ltd  
 ABN 61 227 890 276  
 Carr Architects Pty Ltd  
 ABN 66 126 472 275  
 Carr Architects Pty Ltd  
 ABN 61 126 472 275  
 Directors: Sue Carr  
 Chris McCulloch  
 Level 4, 31 Flinders Lane  
 Melbourne VIC 3000  
 Australia  
 PO Box 8808  
 Collins Street East  
 Melbourne VIC 3001  
 Australia  
 Telephone: 61 3 9600 2000  
 Facsimile: 61 3 9600 1000  
 Email: info@carr.net.au  
 www.carr.net.au

Project	STEWART STREET
	57 Stewart Street Richmond
Title	LEVEL 1 PLAN
Date	17/12/2021
Project No.	18146
Scale @ A1	1:100
Drawn By	HM
Chkd By	CM
Rev	B





# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



**GENERAL NOTES**  
 Builders / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figure dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the architect / designers office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of amended shop drawings.  
 © Carr Design Group Pty Ltd  
 © Carr Architects Pty Ltd

B 17/10/2021 Town Planning  
 A 13/07/2021 Town Planning  
 Rev. Date Chkd Reason for Issue  
 Based on Drawings Received

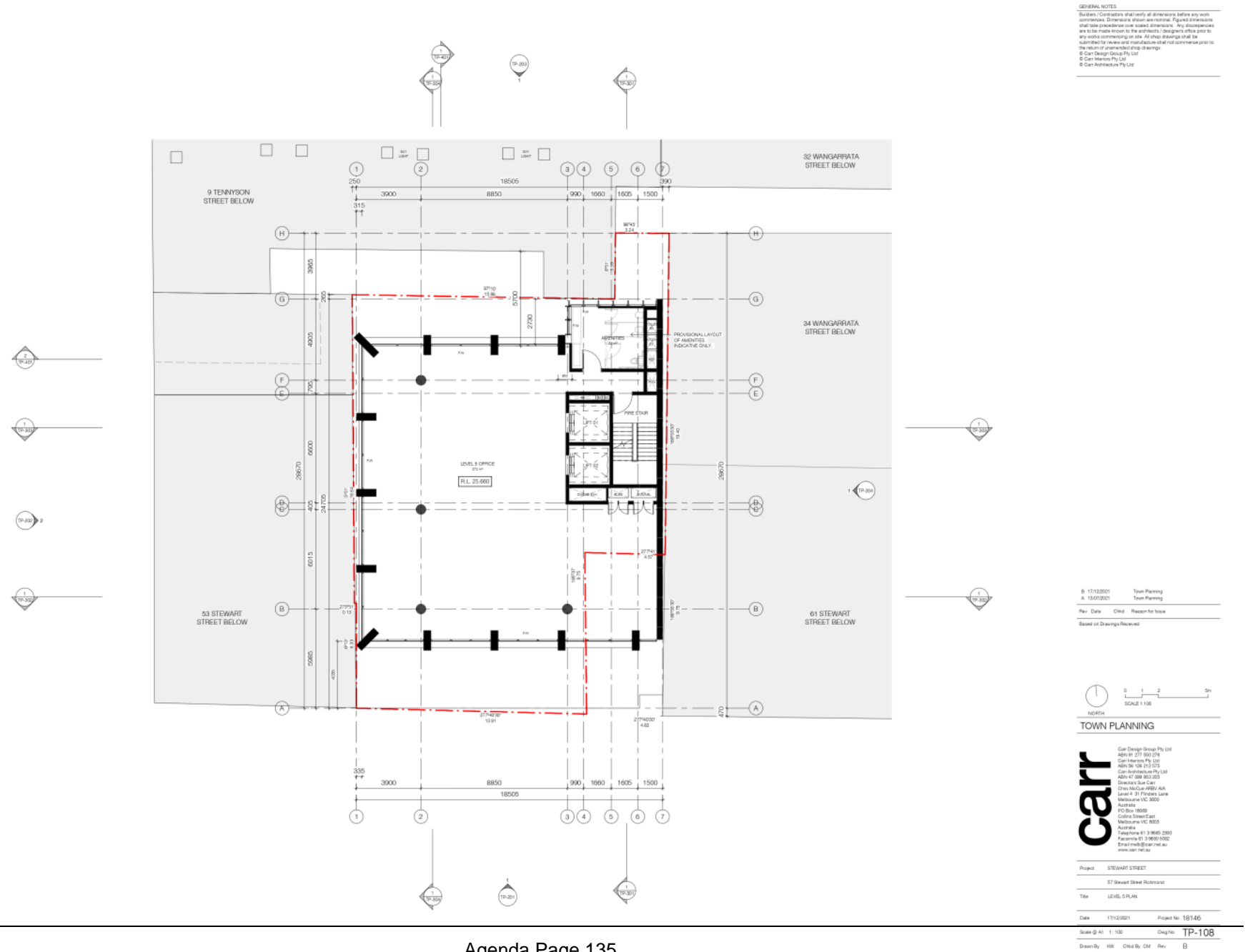
0 1 2 5m  
 SCALE 1:100  
 NORTH  
**TOWN PLANNING**

**carr**  
 Carr Design Group Pty Ltd  
 ABN 61 271 890 276  
 Carr Architects Pty Ltd  
 ABN 61 271 890 276  
 Carr Architects Pty Ltd  
 ABN 61 271 890 276  
 Directors: Sun Cai  
 Chris Mullen (FRC) ACA  
 Level 4, 31 Flinders Lane  
 Melbourne VIC 3000  
 Australia  
 P.O. Box 8000  
 Collins Street East  
 Melbourne VIC 3001  
 Australia  
 Telephone: 61 3 9600 2800  
 Facsimile: 61 3 9600 1000  
 Email: info@carr.net.au  
 www.carr.net.au

Project STEWART STREET  
 57 Stewart Street Richmond  
 Title LEVEL 3 PLAN  
 Date 17/10/2021 Project No 18146  
 Scale @ A1 1:100 Drawn By TP-106  
 Drawn By HM Chkd By CM Rev B

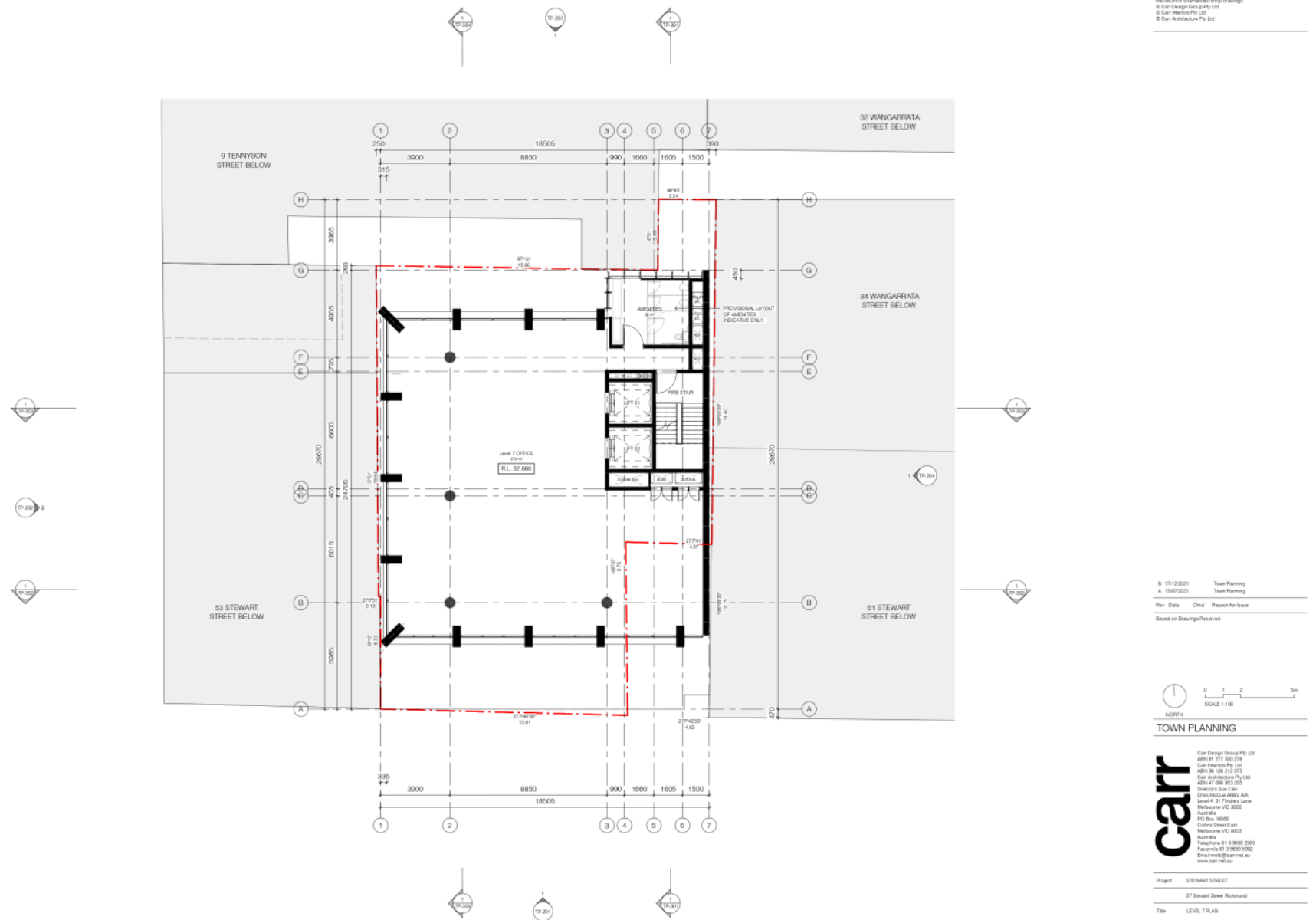


# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans

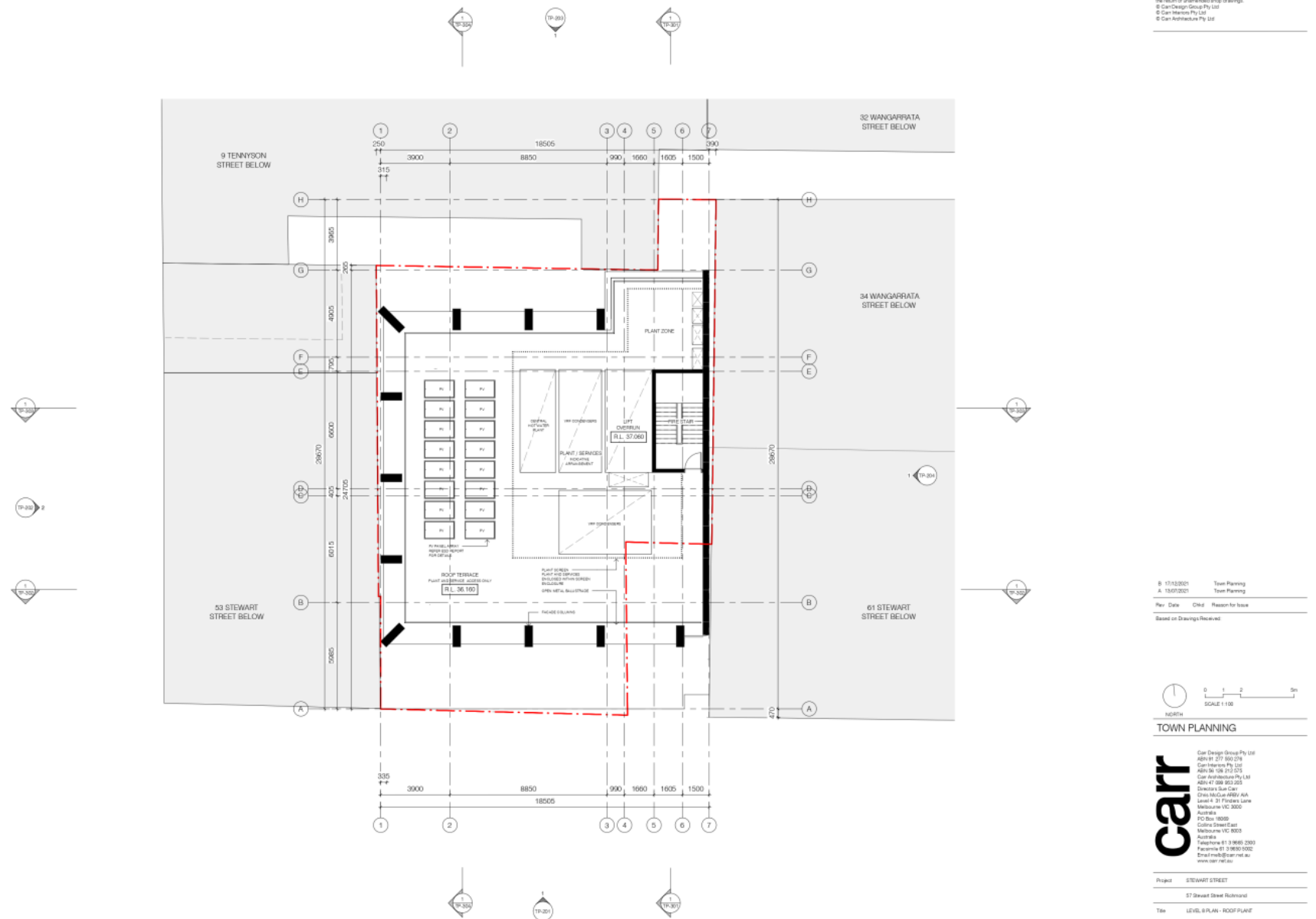




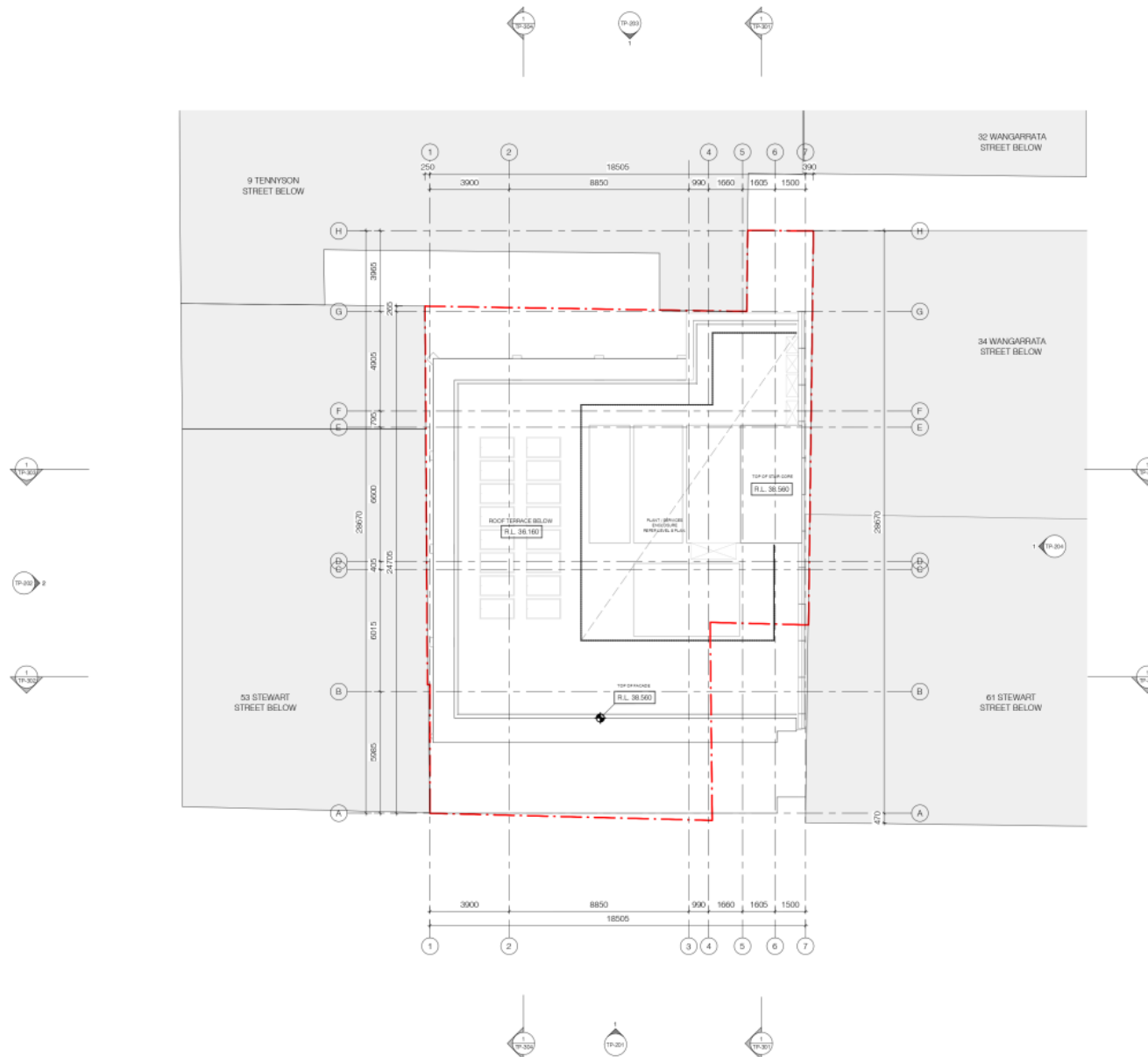
# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



**GENERAL NOTES**  
 Builders / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figure dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the architect / designers office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of amended shop drawings.  
 © Carr Design Pty Ltd  
 © Carr Architects Pty Ltd

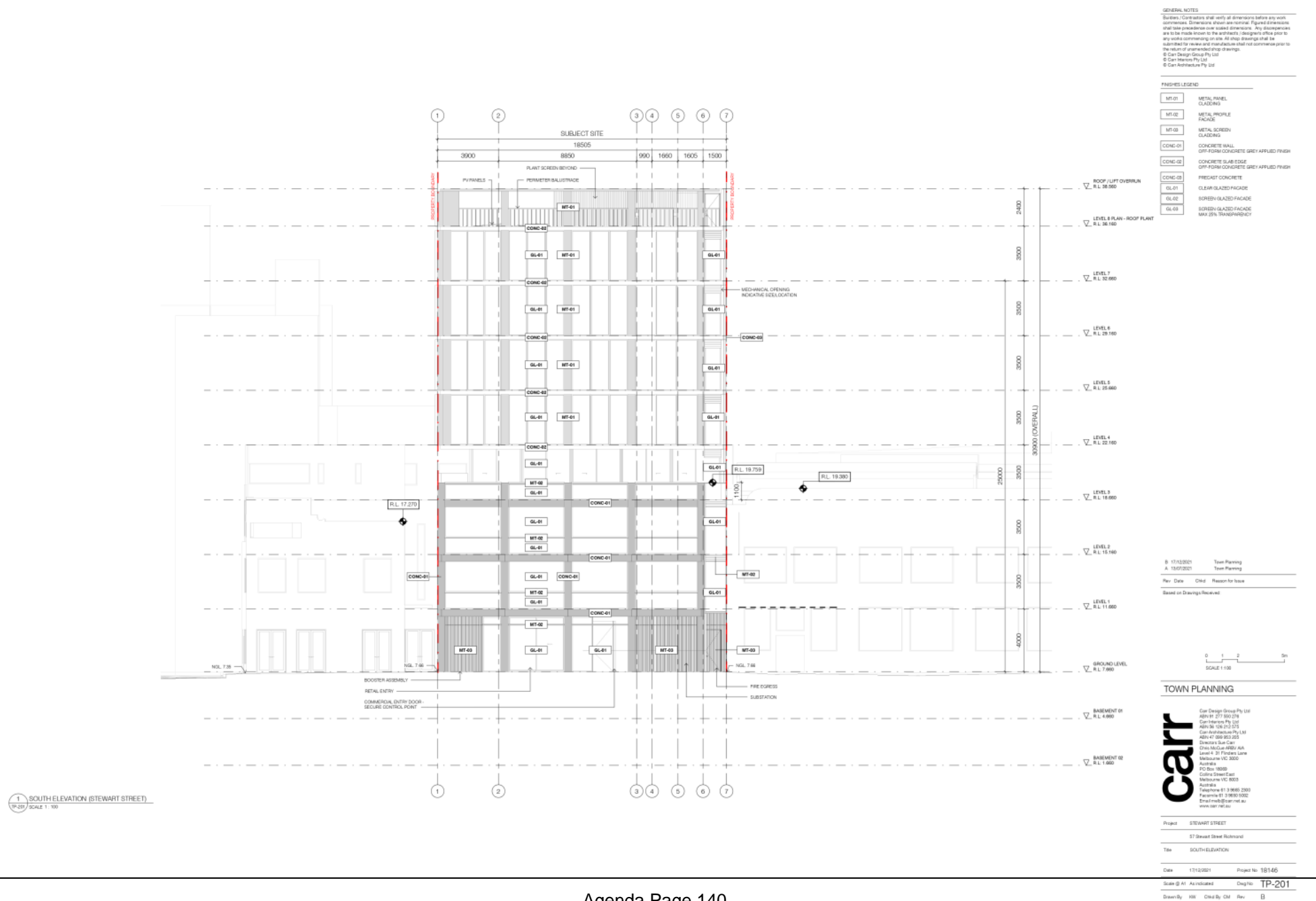
B 17/12/2021 Town Planning  
 A 13/07/2021 Town Planning  
 Rev. Date Chd Reason for Issue  
 Based on Drawings Received

**TOWN PLANNING**

**carr**  
 Carr Design Group Pty Ltd  
 ABN 61 277 892 276  
 Carr Architects Pty Ltd  
 ABN 61 277 892 276  
 Carr Architects Pty Ltd  
 ABN 61 277 892 276  
 Directors: Sun Cai  
 Chris Mullen (P61) AIA  
 Level 4, 31 Flinders Lane  
 Melbourne VIC 3000  
 Australia  
 P.O. Box 8008  
 Collins Street East  
 Melbourne VIC 3001  
 Australia  
 Telephone: 61 3 9600 2800  
 Facsimile: 61 3 9600 1002  
 Email: info@carr.net.au  
 www.carr.net.au

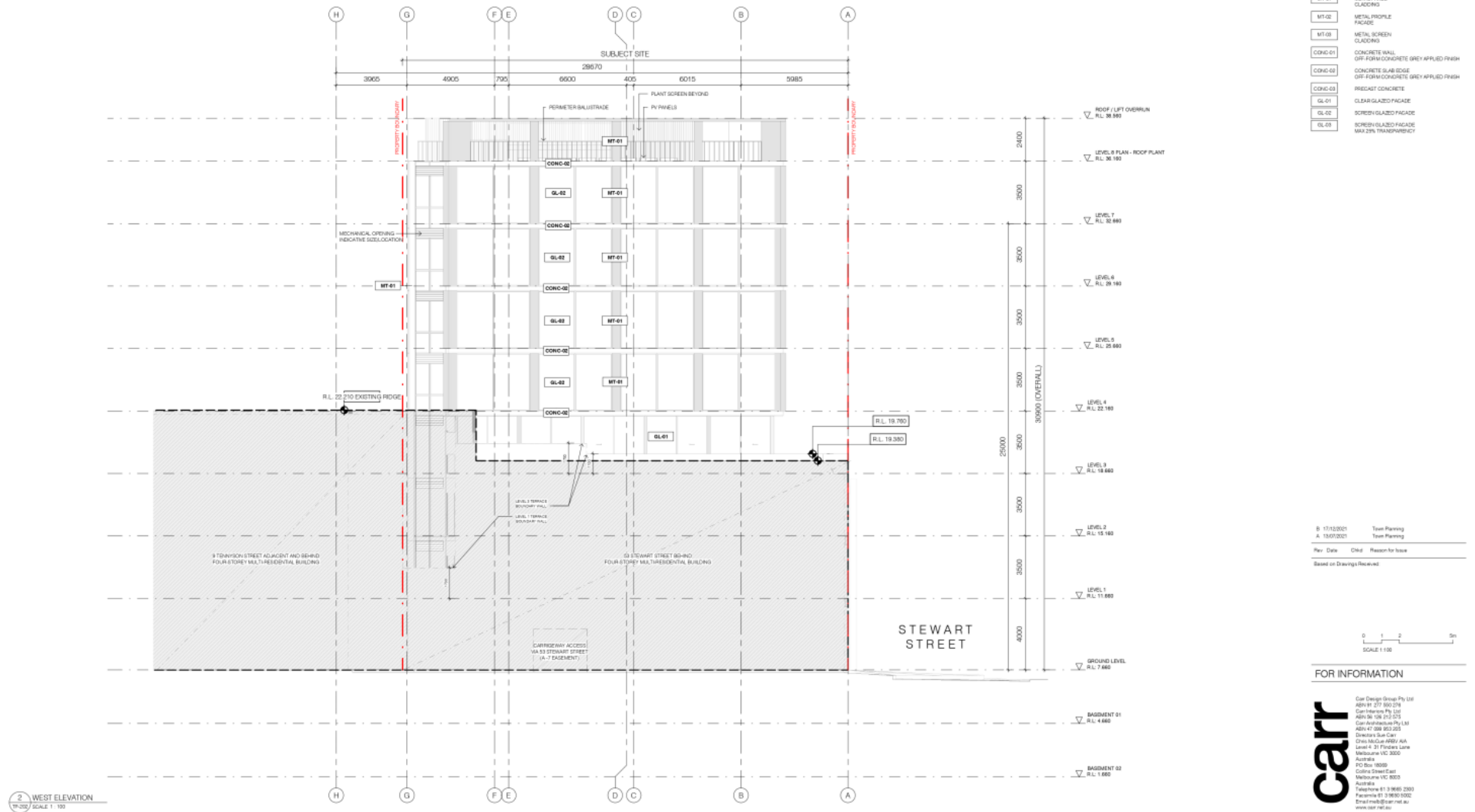
Project STEWART STREET  
 57 Stewart Street Richmond  
 Title ROOF PLAN  
 Date 17/12/2021 Project No. 18146  
 Scale @ A1: 1:100 Drawn By TP-113  
 Drawn By HR Chd By CM Rev B

# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans





## Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



## Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans

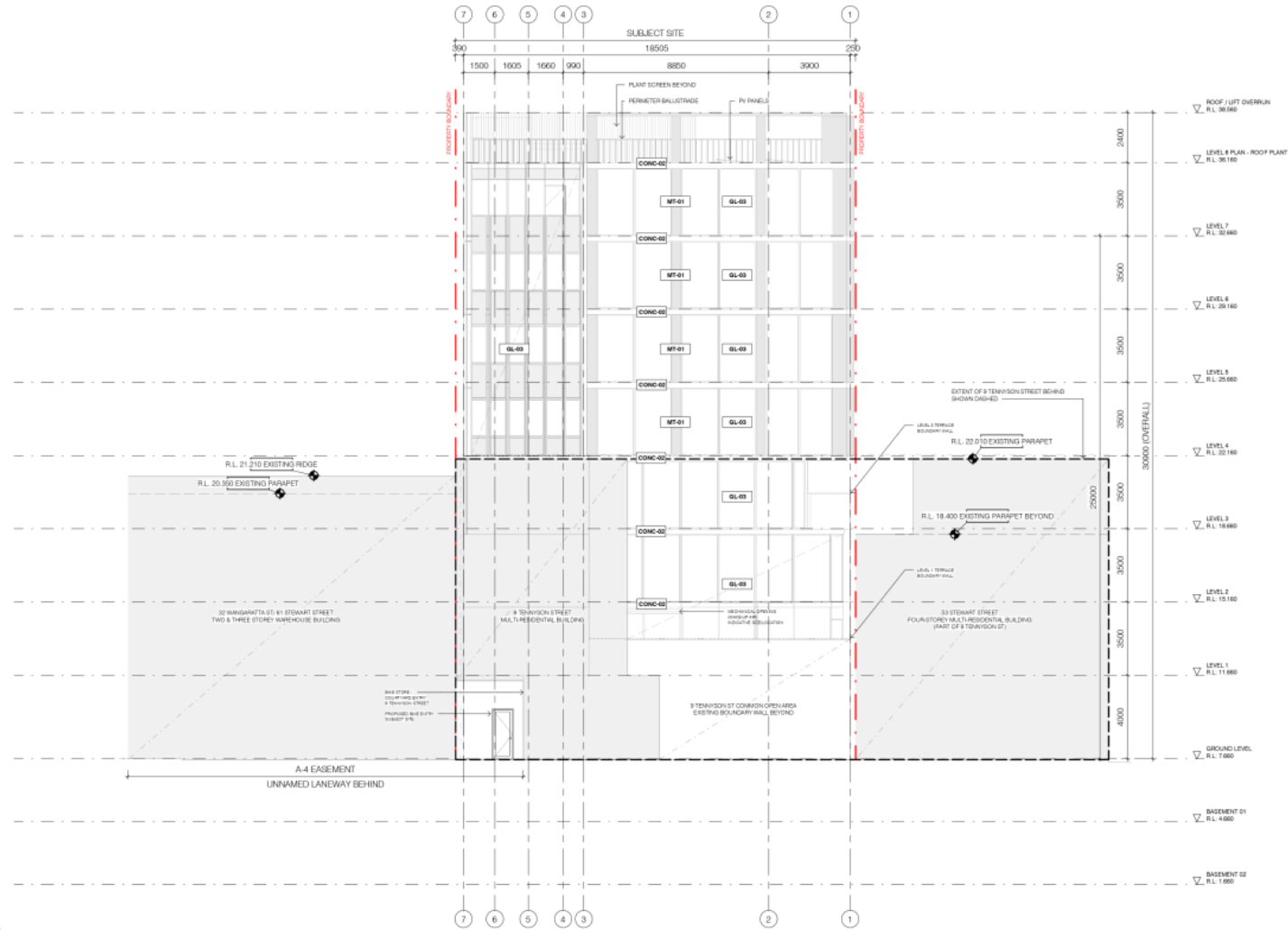
**GENERAL NOTES**

Builder: Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figure dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the architect / designers office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of amended shop drawings.

© Carr Design Group Pty Ltd  
© Carr Interiors Pty Ltd  
© Carr Architecture Pty Ltd

## FINISHES LEGEND

MF-01	METAL PANEL GLAZING
MF-02	METAL PROFILE PACKAGE
MF-03	METAL SCREEN GLAZING
CONC-01	CONCRETE WALL OFF-FORM CONCRETE GREY APPLIED FINISH
CONC-02	CONCRETE SLAB EDGE OFF-FORM CONCRETE GREY APPLIED FINISH
CONC-03	PRECAST CONCRETE
GL-01	GLASS GLAZED PACKAGE
GL-02	SCREEN GLAZED PACKAGE
GL-03	SCREEN GLAZED PACKAGE MAX 25% TRANSPARENCY



B	17/12/2021	Team Planning
A	13/07/2021	Team Planning

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Rev	Date	Chd	Reason for Issue
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Based on Drawings Received

Based on Drawings Received



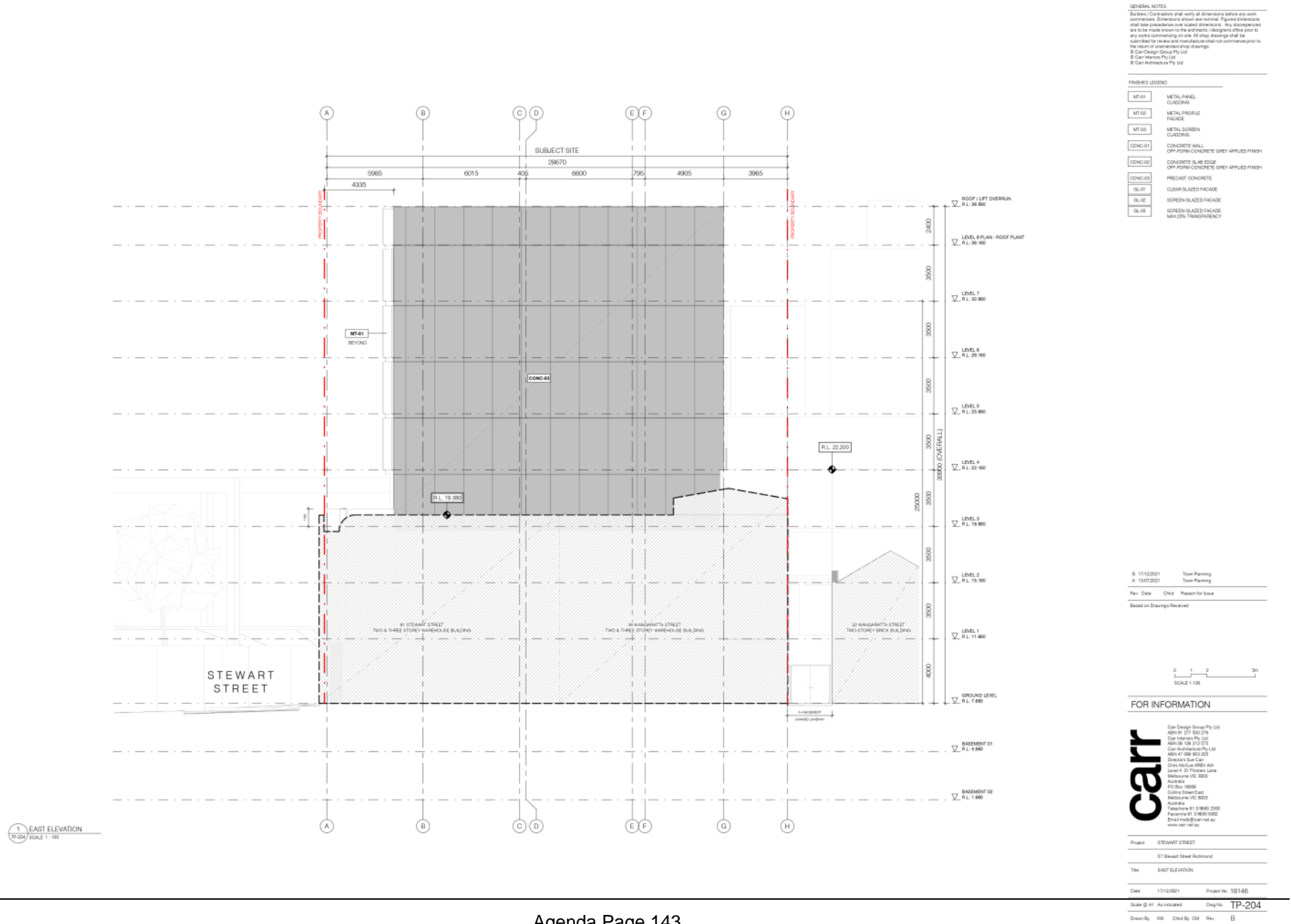
## FOR INFORMATION

**carr**

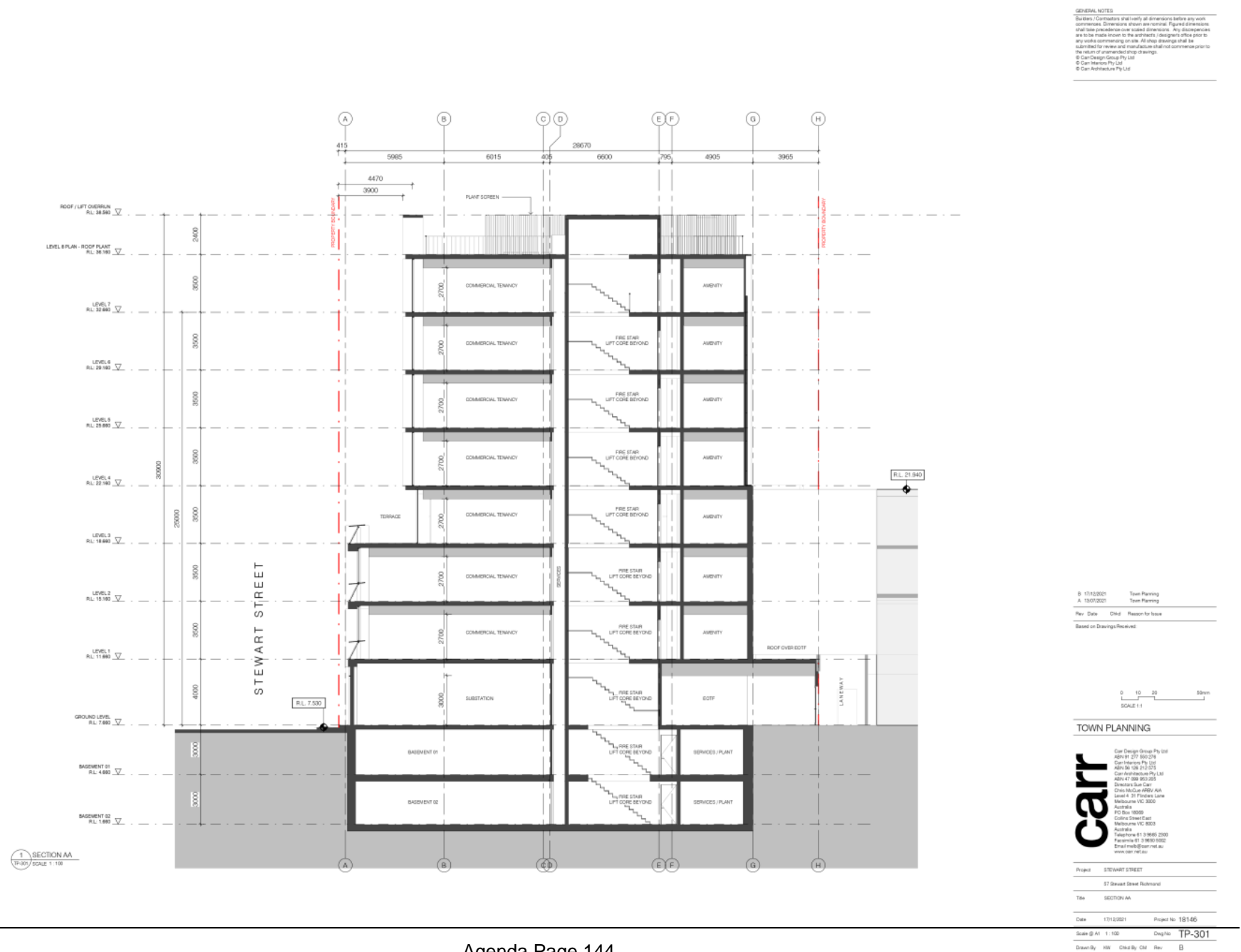
Carr Design Group Pty Ltd  
ABN 61 277 890 276  
Carr Interiors Pty Ltd  
ABN 66 106 171 275  
Carr Architecture Pty Ltd  
ABN 61 106 801 225  
Directors: Sun Carr  
Chris Muller (Pty) Ltd  
Level 4, 31 Flinders Lane  
Melbourne VIC 3000  
Australia  
PO Box 8000  
Colina Street East  
Melbourne VIC 3001  
Australia  
Telephone: 61 3 9650 2800  
Facsimile: 61 3 9650 1002  
Email: info@carr.net.au  
www.carr.net.au

Project	STEWART STREET		
	57 Stewart Street Richmond		
Title	NORTH ELEVATION		
Date	17/12/2021	Project No.	18146
Scale @ A1	As indicated	Drawn By	TP-203
Drawn By	HM	Chd By	CM
Rev	B		

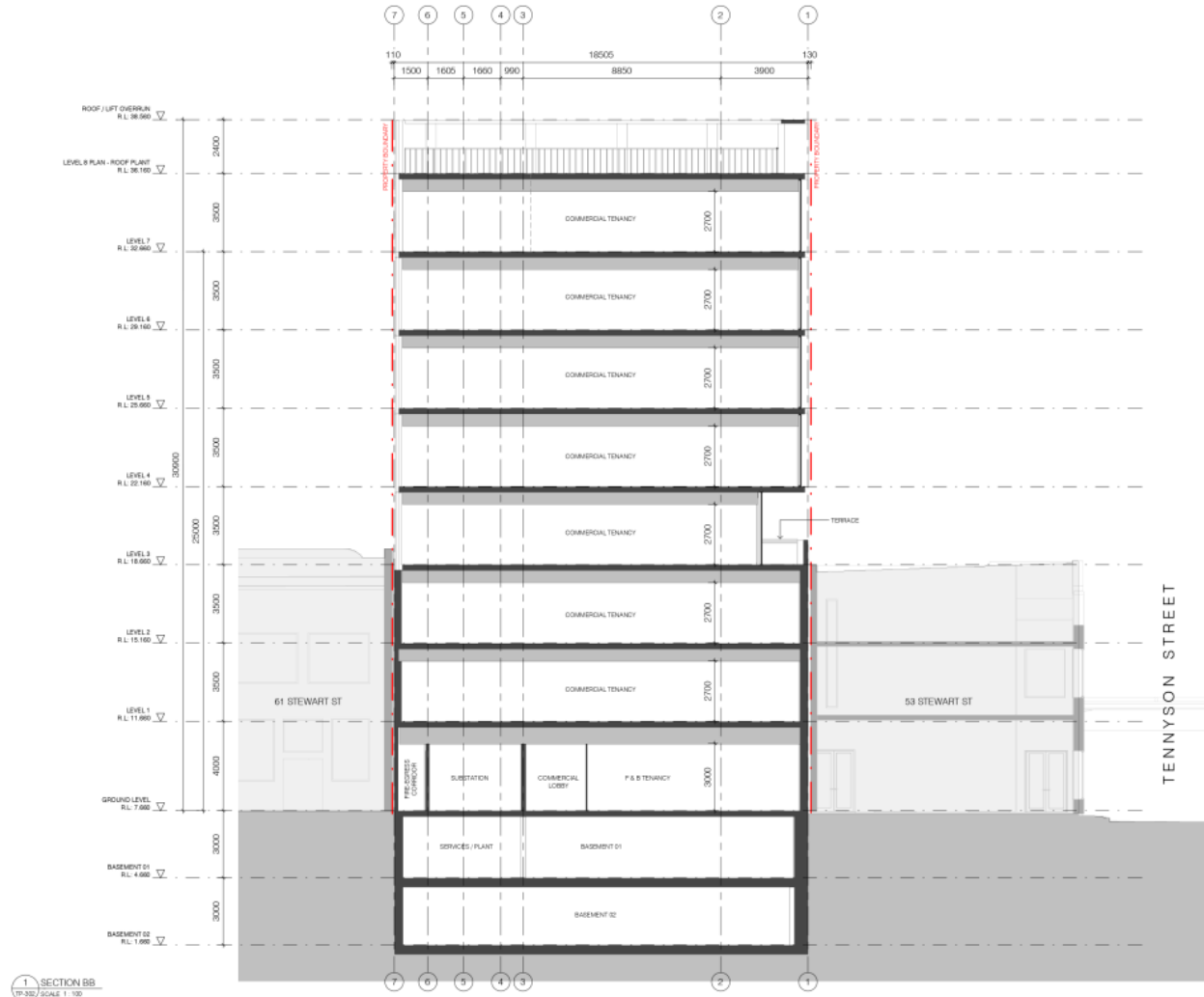
# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



**GENERAL NOTES**

1. Builders / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figure dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the architect / designers office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of amended shop drawings.

© Carr Design Group Pty Ltd  
© Carr Architects Pty Ltd

B: 17/12/2021 Town Planning  
A: 13/07/2021 Town Planning

Rev. Date Chd Reason for Issue

Based on Drawings Received

0 1 2 5m  
SCALE 1:100

TOWN PLANNING

**carr**

Carr Design Group Pty Ltd  
ABN 61 217 890 276  
Carr Architects Pty Ltd  
ABN 61 217 890 276  
Carr Architects Pty Ltd  
ABN 61 217 890 276  
Director: Sue Carr  
Carr Architects Pty Ltd  
Level 4, 31 Flinders Lane  
Melbourne VIC 3000  
Australia  
PO Box 8008  
Collins Street East  
Melbourne VIC 3001  
Australia  
Telephone: 61 3 9600 2800  
Facsimile: 61 3 9600 1000  
Email: info@carr.net.au  
www.carr.net.au

Project STEWART STREET  
57 Stewart Street Richmond

Title SECTION 57B

Date 17/12/2021 Project No. 18146

Scale @ A1: 1:100 Drawn By TP-302

Drawn By: HR Chd By: CM Rev: B



B 17/12/2021	Town Planning
A 13/03/2021	Town Planning

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Rev	Date	Chgd	Reason for Issue
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Based on Drawings Received

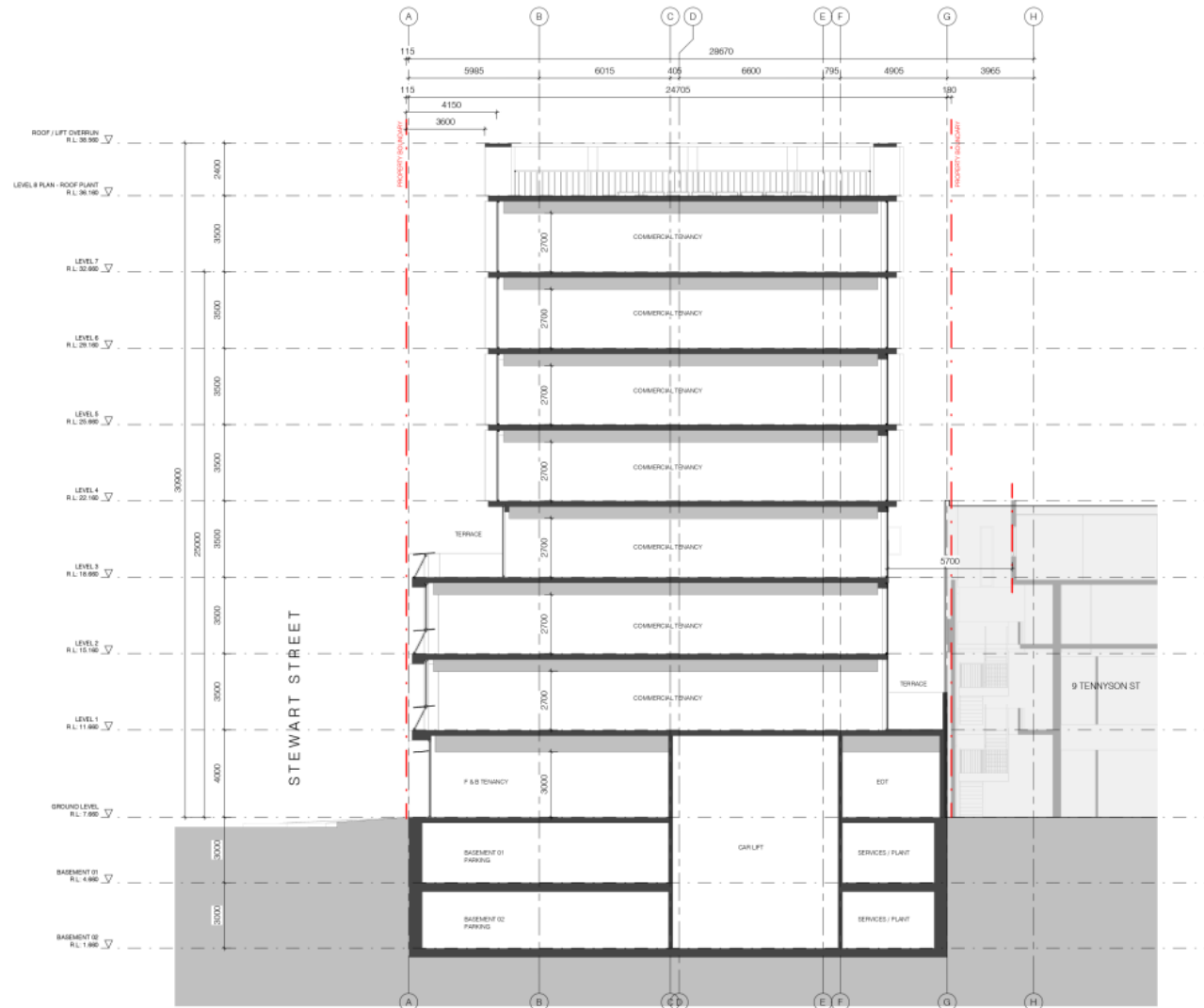


TOWN PLANNING

**carl**  
 Car Design Group Pty Ltd  
 ABN 11 217 550 276  
 Car Interiors Pty Ltd  
 ABN 56 106 212 575  
 Car Audio/Visuals Pty Ltd  
 ABN 47 009 262 205  
 Director's Sun Cars  
 Chris McCreary ABN 97 454  
 Level 4, 31 Finders Lane  
 Melbourne VIC 3000  
 Australia  
 PO Box 18050  
 Collins Street East  
 Melbourne VIC 3003  
 Australia  
 Telephone 81 3 9686 2303  
 Facsimile 81 3 9630 5002  
 Email [info@carl.net.au](mailto:info@carl.net.au)  
 or [carl.net.au](mailto:carl.net.au)

Project	STEWART STREET		
	57 Stewart Street Richmond		
Title	SECTION CC		
Date	1/11/2021	Project No.	18146
Scale @ A1	1 : 100	Dwg No.	TP-303
Drawn By	HW	Check By	CM Rev B

Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



GENERAL NOTES  
 Builders: Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figure dimensions shall be provided to the architect. Any discrepancies are to be made known to the architect (designer) office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of amended shop drawings.  
 © Carr Design Group Pty Ltd  
 © Carr Architects Pty Ltd  
 © Carr Architecture Pty Ltd

B 17/12/2021 Town Planning  
 A 13/07/2021 Town Planning  
 Rev. Date Chd Reason for Issue  
 Based on Drawings Received

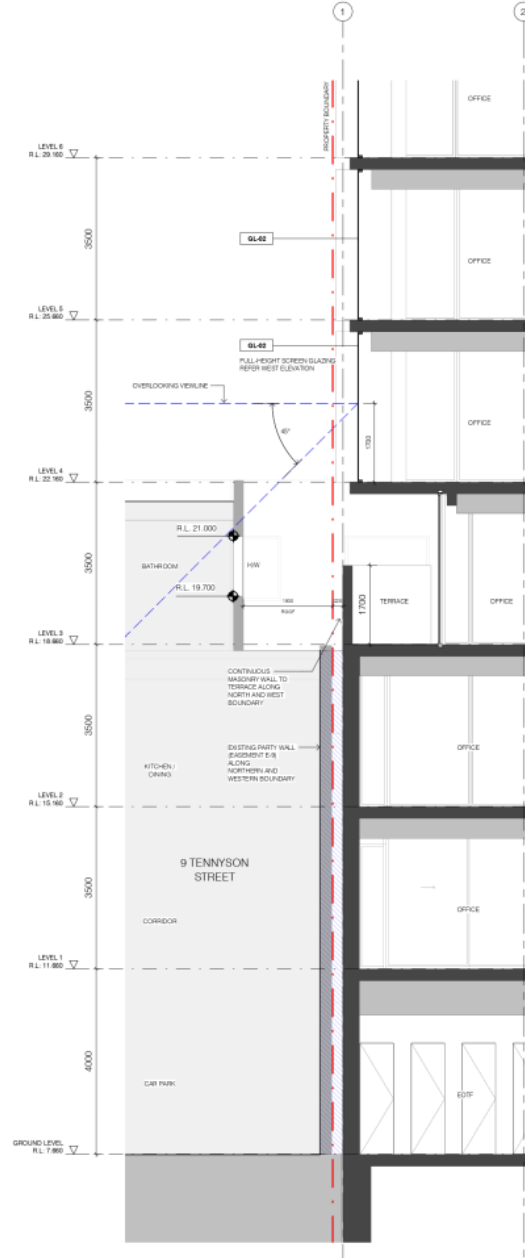
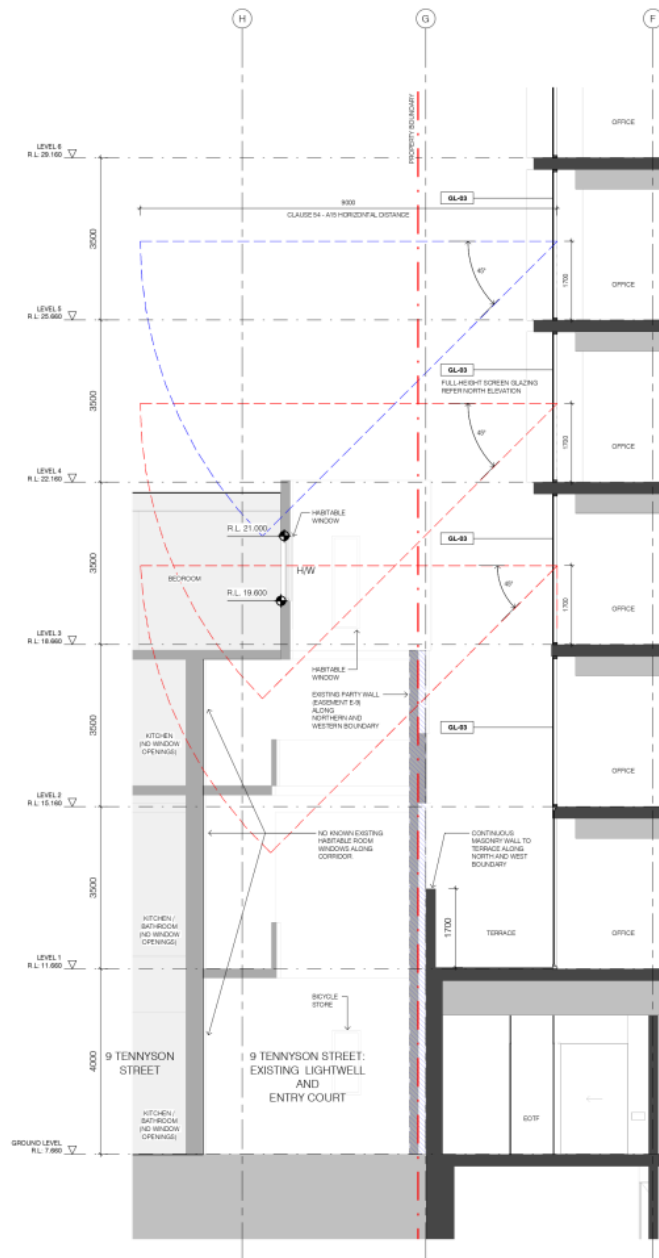
0 1 2 5m  
 SCALE 1:150

TOWN PLANNING

**carr**  
 Carr Design Group Pty Ltd  
 ABN 61 237 890 276  
 Carr Design Pty Ltd  
 ABN 61 237 890 276  
 Carr Architects Pty Ltd  
 ABN 61 237 890 276  
 Directors: Sun Carr  
 Chris Muller (FRC) AIA  
 Level 4, 31 Flinders Lane  
 Melbourne VIC 3000  
 Australia  
 P.O. Box 8000  
 Collins Street East  
 Melbourne VIC 3001  
 Australia  
 Telephone: 61 3 9600 2800  
 Facsimile: 61 3 9600 1000  
 Email: info@carr.net.au  
 www.carr.net.au

Project STEWART STREET  
 57 Stewart Street Richmond  
 Title SECTION 00  
 Date 17/12/2021 Project No 18146  
 Scale @ A1 1:150 Drawn By TP-304  
 Drawn By HR Chd By CM Rev B

# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



**GENERAL NOTES**

1. Builders / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figured dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the architect / designers office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of amended shop drawings.

2. Carr Design Group Pty Ltd  
3. Carr Interiors Pty Ltd  
4. Carr Architecture Pty Ltd

Rev. Date Chgd Reason for Issue

Based on Drawings Received

## TOWN PLANNING

**carr**

Carr Design Group Pty Ltd  
ABN 61 377 802 276  
Carr Interiors Pty Ltd  
ABN 61 377 802 276  
Carr Architecture Pty Ltd  
ABN 61 377 802 276  
Director's Sign Carr  
Carr Interiors Pty Ltd  
Level 4, 31 Flinders Lane  
Melbourne VIC 3000  
Australia  
PO Box 8000  
Collins Street East  
Melbourne VIC 3000  
Australia  
Telephone 61 3 9600 2000  
Facsimile 61 3 9600 1000  
Email info@carr.com.au  
www.carr.com.au

Project STEWART STREET  
57 Stewart Street Richmond

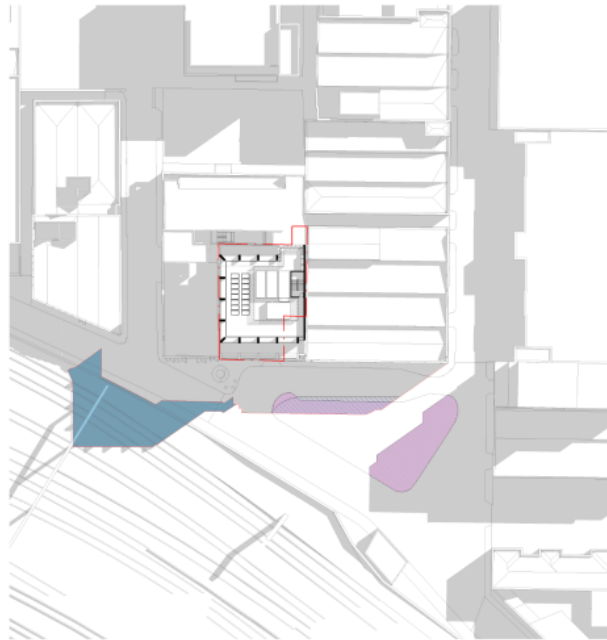
Title OVERLOOKING DRAWINGS

Date 17/12/2021 Project No. 18146

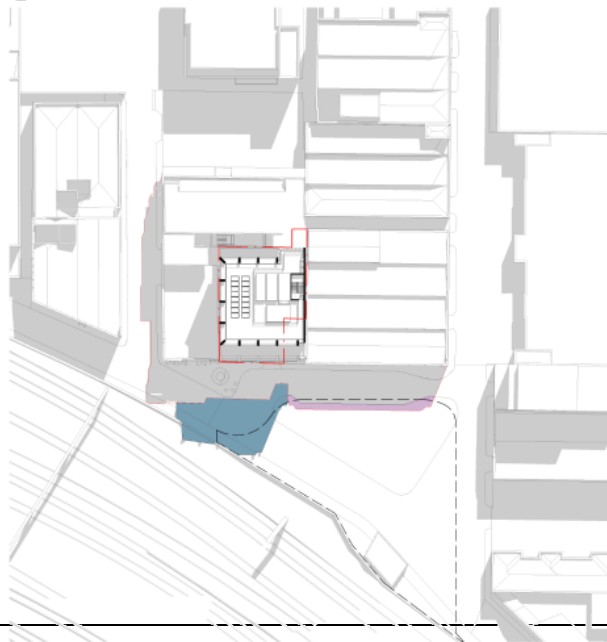
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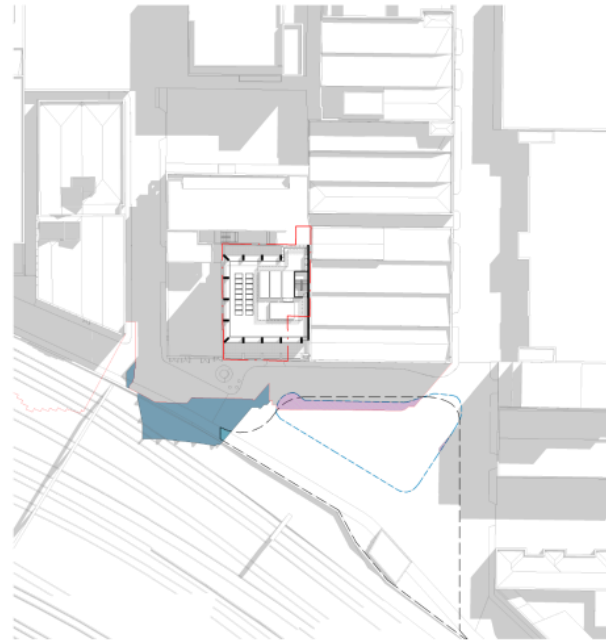
# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



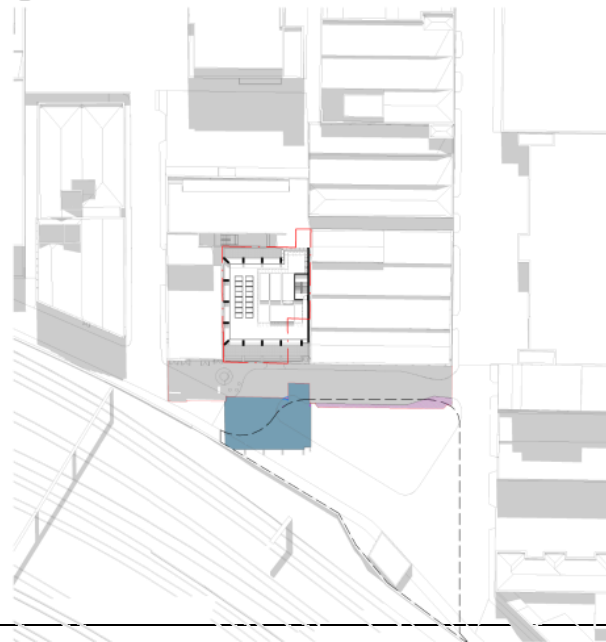
1 SHADOW 9am 22ND SEPT  
TP-703 SCALE 1:500



3 SHADOW 11am 22ND SEPT  
TP-703 SCALE 1:500



2 SHADOW 10am 22ND SEPT  
TP-703 SCALE 1:500



**GENERAL NOTES**  
 Builders / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figured dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the architect / designers office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of amended shop drawings.  
 © Carr Design Group Pty Ltd  
 © Carr Architects Pty Ltd

**SHADOW STUDY LEGEND**  
 SHADOW OF EXISTING BUILDING  
 EXISTING SHADOWS TO RESERVE  
 ADDITIONAL SHADOWING

B: 17/12/2021	Town Planning
A: 13/07/2021	Town Planning

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Rev.	Date	Chkd	Reason for Issue
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Based on Drawings Received.

**TOWN PLANNING**

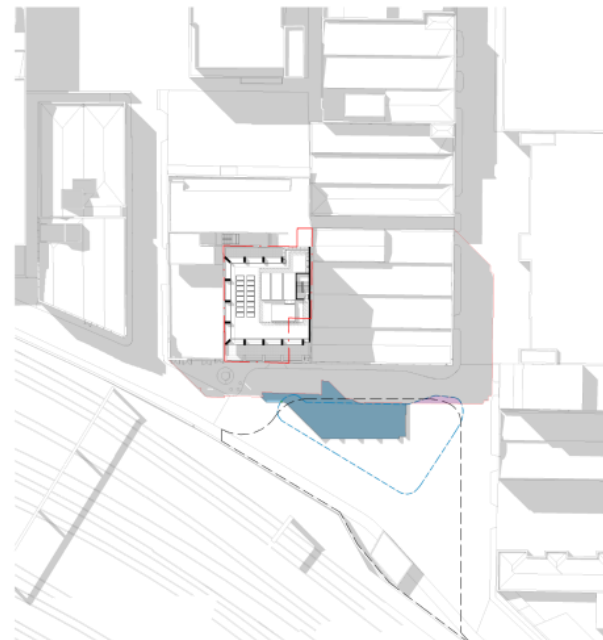
**carr**  
 Carr Design Group Pty Ltd  
 ABN 61 237 592 276  
 Carr Architects Pty Ltd  
 ABN 61 237 592 276  
 Carr Architects Pty Ltd  
 ABN 61 237 592 276  
 Directors: Sue Carr  
 Chris McKee (P66) AIA  
 Level 4, 21 Flinders Lane  
 Melbourne VIC 3000  
 Australia  
 P.O. Box 8000  
 Collins Street East  
 Melbourne VIC 3001  
 Australia  
 Telephone: 61 3 9600 2000  
 Facsimile: 61 3 9600 1000  
 Email: info@carrmkt.com.au  
 www.carrmkt.com.au

Project	STEWART STREET
	57 Stewart Street Richmond
Title	SHADOW STUDIES - SEPTEMBER
Date	17/12/2021
Scale @ A1	1:500
Drawn By	HM
Chkd By	CM
Rev	B
Project No	18146
Sheet No	TP-703

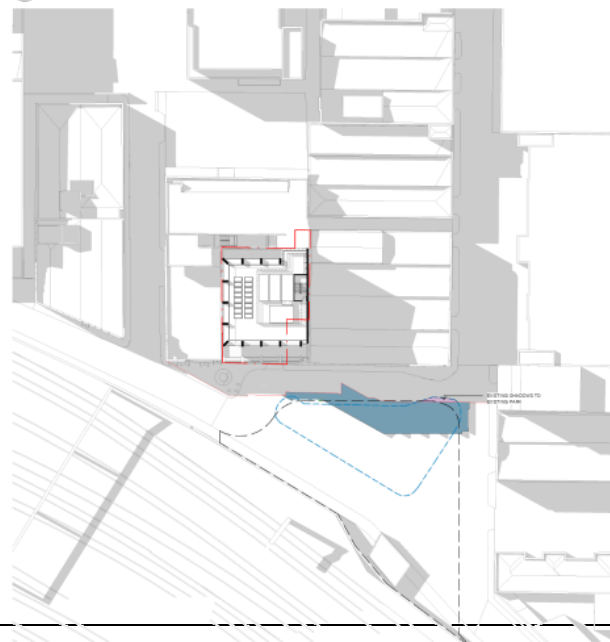
# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



1 SHADOW 1pm 22ND SEPT R  
TP-704 SCALE 1:500



2 SHADOW 2pm 22ND SEPT R  
TP-704 SCALE 1:500



3 SHADOW 3pm 22ND SEPT  
TP-704 SCALE 1:500

**GENERAL NOTES**  
 Builders / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figured dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the architect / designers office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of amended shop drawings.  
 © Carr Design Group Pty Ltd  
 © Carr Architects Pty Ltd

**SHADOW STUDY LEGEND**  
 SHADOW OF EXISTING BUILDING  
 EXISTING SHADOWS TO RESERVE  
 ADDITIONAL SHADOWING

B: 17/10/2021	Town Planning		
A: 13/07/2021	Town Planning		
<hr/>			
Rev.	Date	Chkd.	Reason for Issue
<hr/>			
Based on Drawings Received			

Based on Drawings Received

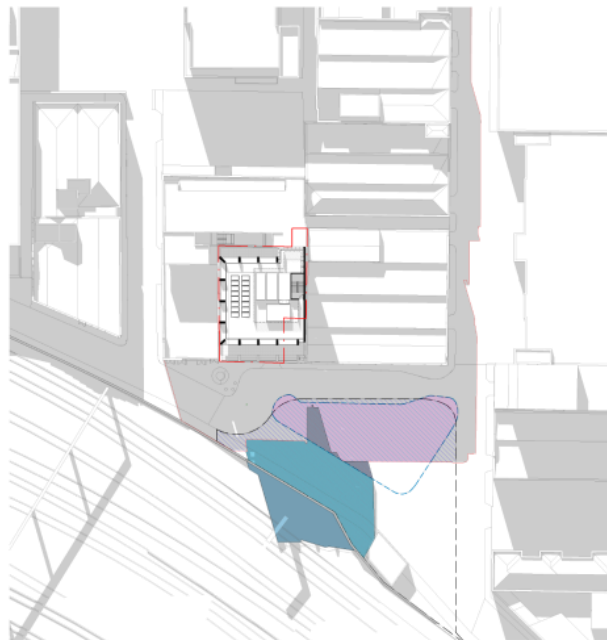


TOWN PLANNING

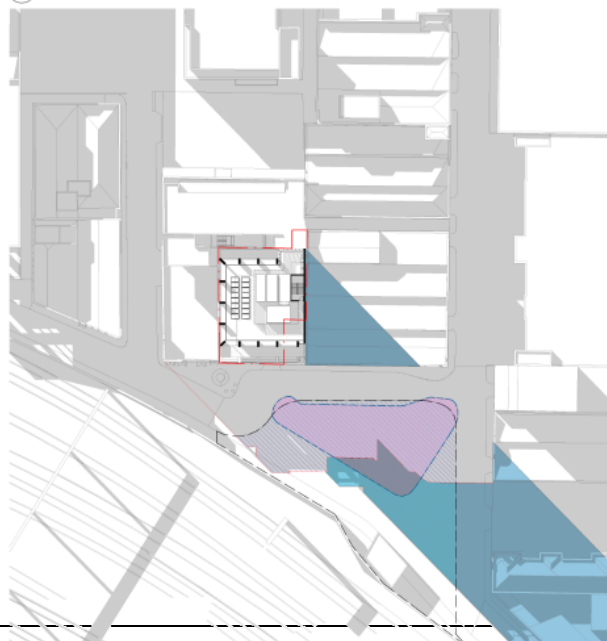
**carr**  
 Carr Design Group Pty Ltd  
 ABN 61 277 892 276  
 Carr Architects Pty Ltd  
 ABN 66 128 972 275  
 Carr Architects Pty Ltd  
 ABN 61 128 972 275  
 Directors: Sun Cai  
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Project	STEWART STREET
	57 Stewart Street Richmond
Title	SHADOW STUDIES - SEPTEMBER
Date	17/10/2021
Scale @ A1	1:500
Drawn By	HR
Chkd By	CM
Rev	B
Project No	18146
Drawn No	TP-704

# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



4 SHADOW 1pm 21ST JUN R  
TP-706 SCALE 1:500



6 SHADOW 3pm 21ST JUN R  
TP-706 SCALE 1:500



5 SHADOW 3pm 21ST JUN R  
TP-706 SCALE 1:500

**GENERAL NOTES**  
 Builders / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figured dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the architect / designers office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of amended shop drawings.  
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**SHADOW STUDY LEGEND**  
 SHADOW OF EXISTING BUILDING  
 EXISTING SHADOWS TO RESERVE  
 ADDITIONAL SHADOWING

B 17/10/2021	Town Planning
A 13/07/2021	Town Planning

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Rev	Date	Chkd	Reason for Issue
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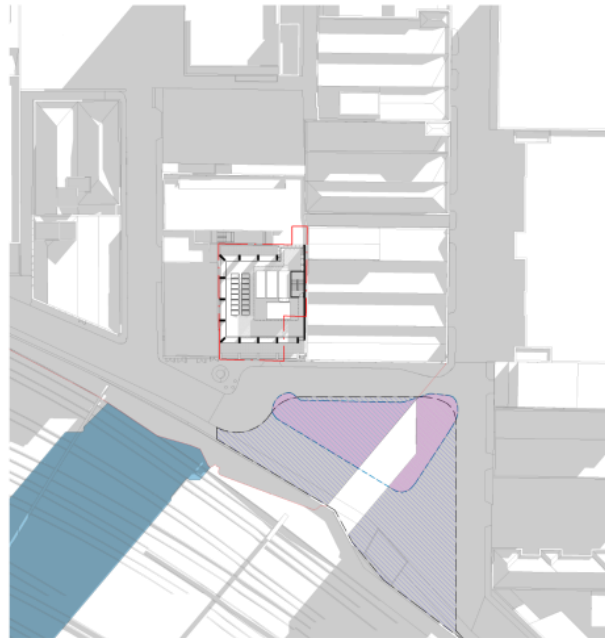
Based on Drawings Received



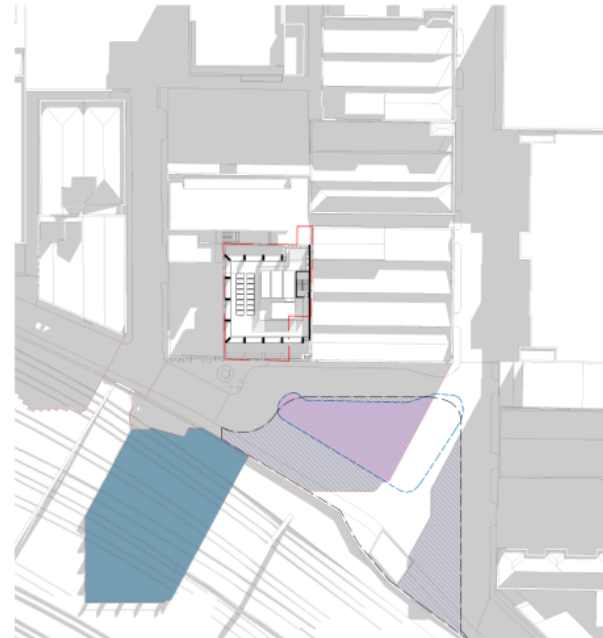
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Project	STEWART STREET
	57 Stewart Street Richmond
Title	SHADOW STUDIES - JUNE
Date	17/10/2021
Scale @ A1	1:500
Drawn By	HM
Chkd By	CM
Rev	B
Project No	18146
Sheet No	TP-705

# Attachment 3 - PLN21/0074 - 55 - 57 Stewart Street Richmond - Section 57B Advertised - Plans



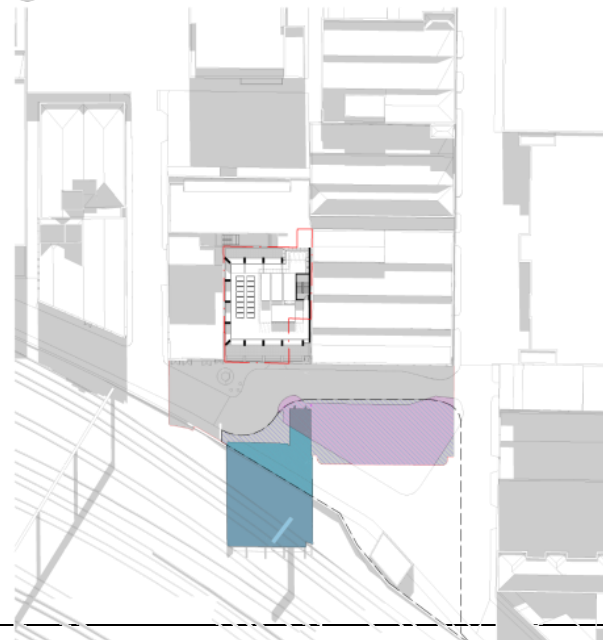
5 SHADOW 9am 21ST JUN R  
TP-706 SCALE 1:500



6 SHADOW 10am 21ST JUN R  
TP-706 SCALE 1:500



7 SHADOW 11am 21ST JUN R  
TP-706 SCALE 1:500



8 SHADOW 12pm 21ST JUN R  
TP-706 SCALE 1:500

**GENERAL NOTES**  
 Builders / Consultants shall verify all dimensions before any work commences. Dimensions shown are nominal. Figured dimensions shall take precedence over stated dimensions. Any discrepancies are to be made known to the architect / designers office prior to any work commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of amended shop drawings.  
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**SHADOW STUDY LEGEND**  
 SHADOW OF EXISTING BUILDING  
 EXISTING SHADOWS TO RESERVE  
 ADDITIONAL SHADOWING

B	17/12/2021	Town Planning
A	13/07/2021	Town Planning

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Rev	Date	Chkd	Reason for Issue
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Based on Drawings Received.

Based on Drawings Received:



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Project	STEWART STREET
	57 Stewart Street Richmond
Title	SHADOW STUDIES - JUNE
Date	17/12/2021
Scale @ A1	1:500
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Chkd By	CM
Rev	B
Project No	18146
Sheet No	TP-706

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**6.2      PLN21/0625 - 84-104 Johnston Street, Fitzroy - Demolition of the existing building and construction of a multi-storey building, use of the land for dwellings, reduction in the statutory car parking rate and removal of an easement**

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## **Executive Summary**

### **Purpose**

1. This report provides an assessment of the proposal at 84-104 Johnston Street, Fitzroy, for the demolition of the existing building and construction of a multi-storey building, plus basement levels and roof terrace, use of the land for dwellings (apartments), a reduction in the statutory car parking rate and removal of an easement.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 15 – Built Environment and Heritage;
  - (b) Clause 15.02 – Sustainable Development
  - (c) Clause 16.01 – Residential Development
  - (d) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
  - (e) Clause 43.01 – Heritage Overlay;
  - (f) Clause 52.06 – Car Parking; and
  - (g) Clause 58 – Apartment Developments.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Policy and strategic support;
  - (b) Land Use;
  - (c) Built form, urban design and heritage;
  - (d) Clause 58;
  - (e) Off-site amenity impacts;
  - (f) Car parking, traffic, access and bicycle provision;
  - (g) Waste Management/Loading;
  - (h) Other matters;
  - (i) Objector concerns.

### **Submissions Received**

4. Twenty-nine (29) objections were received to the application, these can be summarised as:
  - (a) Built form and design (overdevelopment, inappropriate height, massing, bulk that is out of character with the area, lack of setbacks);
  - (b) Heritage impacts;
  - (c) Off-site amenity (visual bulk, overlooking, loss of daylight, wind impacts);
  - (d) On-site amenity (small balconies, poor ESD outcomes);
  - (e) Increased traffic congestion;
  - (f) Increased car parking demand;
  - (g) Impacts on existing live music venues;
  - (h) Construction of the screening along the site's southern boundary;
  - (i) Lack of necessary infrastructure;
  - (j) No affordable housing is provided; and
  - (k) Increased gentrification of the suburb.

**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 the following key recommendations:
- (a) The provision of a Façade Strategy;
  - (b) The provision of a post-completion Acoustic Report.

**CONTACT OFFICER:** Lara Fiscalini  
**TITLE:** Principal Planner  
**TEL:** 9205 5372

## 6.2 [PLN21/0625 - 84-104 Johnston Street, Fitzroy - Demolition of the existing building and construction of a multi-storey building, use of the land for dwellings, reduction in the statutory car parking rate and removal of an easement](#)

**Reference** D22/88937  
**Author** Lara Fiscalini - Principal Planner  
**Authoriser** Senior Coordinator Statutory Planning

**Ward:** Nicholls Ward  
**Proposal:** Demolition of the existing building and construction of a multi-storey building, use of the land for dwellings (apartments), a reduction in the statutory car parking rate and removal of an easement.  
**Existing use:** Commercial  
**Applicant:** Upco - Urban Planning Collective  
**Zoning / Overlays:** Mixed Use Zone  
 Commercial 1 Zone  
 Heritage Overlay (HO334 – South Fitzroy Precinct)  
 Environmental Audit Overlay (EAO)  
 Development Contributions Plan Overlay (Schedule 1)  
**Date of Application:** 31 August 2021  
**Application Number:** PLN21/0625

## [Planning Scheme Amendments](#)

### Amendment C269

1. Amendment C269 was adopted by Council on 3 August 2021 and was heard at a panel hearing in October 2021, with the panel report released in January 2022.
2. The amendment 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.
3. In relation to this current planning application, the following clauses of the updated local policy are of most relevance;
  - (a) Clause 11.03-1L – Activity Centres
  - (b) Clause 13.07-1L – Interfaces and Amenity
  - (c) Clause 15.01-1L – Urban Design
  - (d) Clause 15.01-2L – Building Design
  - (e) Clause 15.02-1L – Environmentally Sustainable Development
  - (f) Clause 15.03-1L – Heritage
  - (g) Clause 16.01-2L – Location of Residential Development
  - (h) Clause 16.01-3L – Housing Diversity
  - (i) Clause 17.01-1L – Employment
  - (j) Clause 18.02-1L – Sustainable Transport
  - (k) Clause 18.02-3L – Road System
  - (l) Clause 18.02-4L – Car Parking
  - (m) Clause 19.02-6L – Public Open Space Contribution

- (n) Clause 19.03-2L – Development Contributions
- (o) Clause 19.03-3L – WSUD
- (p) Clause 19.03-5L – Waste

4. 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.
5. At a Council meeting on 19 April 2022, Council resolved to refer the Amendment to the Minister for approval, with some changes to Council Officer recommendations. These amendments included alterations to wording within *Clause 11.03-1L, Activity Centres*, and *Clause 15.01-2L, Building Design*. The changes do not affect the consideration of this application.

#### Amendment VC174

6. This Amendment was gazetted on 20 December 2021, with this amendment incorporating a number of updates/revisions to clauses within the Better Apartment Design Standards at Clause 58 of the Scheme.

#### Amendment C270

7. Amendment C270 requested 9 interim DDOs for the activity centres and associated mixed use zones in Fitzroy and Collingwood. Of note, the subject site was included in the proposed DDO32, which outlined future built form in the area of Johnston Street between Brunswick Street and Nicholson Street. In particular, the DDO supported a mid-rise character (ranging from 4 to 8 storeys) behind a low, consistent heritage street wall along the southern side of Johnston Street.
8. On 20 August 2021, the Amendment was approved, however approval was limited to 4 DDOs, with 5 recommended DDOs not approved. DDO32 was not approved as part of this amendment.
9. It is noted that there is reference to DDO32 within the VCAT decision and referral comments provided for this application, however as this DDO was not approved as part of Amendment C270, it does not form part of the Yarra Planning Scheme (the Scheme) and does not carry any statutory weight.

### Planning History/Background

10. Planning application PLN19/0491 for the construction of an 11-storey building on the land was submitted to Council in July 2019. On 24 April 2020, Council was informed that the Applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT). Subsequently, it was determined that had Council been in a position to make a decision, it would have issued a Notice of Refusal for the demolition of the existing building and construction of an 11-storey building, use of the land for dwellings, a reduction in the car parking requirements and the removal of an easement at 84-104 Johnston Street, Fitzroy based on the following grounds:
  - (a) *The height and massing of the proposed development does not respond to the site context nor fit into the emerging built form context and streetscapes as envisaged under clauses 15.01, 15.01-1S, 15.01-2S, 15.01-5S and 21.05-2 of the Yarra Planning Scheme.*
  - (b) *The height and massing of the proposed development will visually dominate the heritage place, which is contrary to the purpose of the heritage overlay at clause 43.01 and fails to comply with clauses 21.05-1 and 22.02 of the Yarra Planning Scheme.*



- (c) *The proposal would result in a poor internal amenity outcome for the development contrary to the objectives of clause 58 of the Yarra Planning Scheme due to lack of building setbacks, energy efficiency, daylight access and inadequate outdoor functional areas.*
  - (d) *The proposal fails to protect the internal amenity of the proposed dwellings from noise emissions from surrounding live music entertainment venues, contrary to clauses 22.05 and 53.06 of the Yarra Planning Scheme.*
  - (e) *The proposal fails to provide adequate equitable development rights to the adjacent sites to the east.*
  - (f) *The proposal may cause excessive wind impacts within the public realm.*
11. Prior to the Hearing (which was undertaken over 5 days from 21 September 2020), the applicant substituted amended plans. An image of the design is provided at Figure 1. Amongst other changes, the plans included;
- (a) a reduction in the street wall height to both Johnston Street and Fitzroy Street;
  - (b) increased setbacks for upper levels;
  - (c) a relocation of the communal open space area to the roof-top;
  - (d) a reduction in the number of dwellings from 107 to 77, and a reduced number of car spaces; and,
  - (e) revised internal layouts for dwellings.



**Figure 1: VCAT plans – Johnston Street facade**

12. Having assessed the amended plans, Council maintained its opposition to the grant of a permit. Three of the original refusal grounds were amended as follows;
- (c) *The proposal would result in a poor internal amenity outcome for the development contrary to the objectives of clause 58 of the Yarra Planning Scheme due to lack of building setbacks, energy efficiency and daylight access.*
  - (e) *The proposal fails to provide adequate equitable development rights to the adjacent sites to the south.*
  - (f) *The proposal may cause excessive wind impacts within the public realm and within the proposed roof terrace.*

13. On 11 December 2020, VCAT affirmed Council's position. No planning permit was issued.
14. Planning Application PLN21/0625 was submitted on 31 August 2021. This application comprises a revised scheme to the earlier proposal, with the amended design based on the outcome of the VCAT hearing referenced. The table below outlines how the amended scheme has altered from the plans considered at VCAT and includes relevant VCAT comments on each element of the development.

	<b>Previous application</b>	<b>VCAT decision</b>	<b>Current proposal</b>
Street wall heights - Johnston Street	4 storeys, increasing to 7 at the corner with Fitzroy Street	VCAT considered that a 4-storey street wall height will provide an acceptable relationship to the existing context and will not have a detrimental impact on the heritage values of H0334	4 storey street wall to Johnston Street, stepping up to 5 storeys at the corner.
Street wall height at corner of Johnston and Fitzroy streets	7 storeys	A significant reduction in height is required; this should be reduced to provide an approximate one storey 'step up' from the street wall. Corner element should be a maximum of 5 storeys.	5 storeys
Overall height of development	11-storeys	If the tower and penthouse are reduced by one storey each (to a maximum 9 storeys), the visual bulk of the overall development will be reduced to an acceptable level.	9-storeys
South-east corner podium element (return façade to Brunswick Street)	8-storeys	At the south-east corner of the building, this element needs to be reduced by one storey to reduce its visual impact behind AOF House.	7 storeys South-east corner has been reduced by one-storey.
Street wall to Fitzroy	Steps down from the 7-storey corner	It is not necessary to reduce the parapet	Five storey height to corner and then

Street/transition to Moran & Cato buildings	element to 5 storeys	where it abuts the warehouse building. The current five storey height is acceptable.	transition to four storeys on the return to Victoria Street
Setbacks	Tower setback 5m from Johnston Street	No comment	No changes to setbacks
Street wall articulation to Johnston Street	Three distinct forms separated by recessed slots	No comment	Three distinct forms separated by recessed slots
Materiality and façade articulation	Shopfronts: Full height glazed windows set within copper clad rectangular columns.  Podium: Corbelled brickwork laid in a gradient pattern and articulated with framed punched openings and recessed balconies.  Tower: Clear curtain glazing, with sections of bifold perforated aluminium screens enclosing recessed balconies and wintergardens.	While VCAT agreed that the proposal is visually prominent to the point where it will adversely impact the heritage values of the context, its decision was based largely on the height and massing of the development rather than the form, articulation and materiality of the development.	Shopfronts: Full height glazed windows set within off form concrete frames.  Podium: Feature face brick with corbel details, articulated by long horizontal recessed balconies with metal balustrades.  Tower: Clear and opaque glazing set within deep white powder-coated aluminium framing in a regular pattern, with open and enclosed balconies.

15. The amended application was referred to internal Council departments and external consultants, and notification was undertaken. A total of 29 objections were received.
16. On 9 February 2022, a set of amended plans were formally submitted under Section 57A of the *Planning and Environment Act 1987* (The Act). These plans incorporated the following modifications;
  - (a) Additional dimensions added to basement plans as per Engineering advice;
  - (b) Notation added to basement confirming all resident car parking bays will be electrically wired for future installation of EV charging stations;
  - (c) Doorway to basement bicycle storage room relocated;
  - (d) End of trip facilities amended, lockers reduced from 28 to 20;
  - (e) Ground floor dimensions added, along with notations that all bicycle racks will be in accordance with Council Standards;
  - (f) Convex mirror added to southern side of vehicle entrance;
  - (g) Security door added to rear fire exit along southern boundary;
  - (h) Landscaping removed from eastern laneway entrance and dimensions added to bicycle spaces;

- (i) Width of white screening along northern wall of southern building reduced (reflective finish altered), with the setback from the western boundary increased from 4.36m to 8.16m and the setback from the eastern boundary increased from 2.82m to 7.36m;
- (j) Notation added to this screen (light weight boundary screen structure to be cantilevered off new boundary wall below);
- (k) Apts. 105 & 106 referenced as 'soho' apartments, with inbuilt cabinetry added to the 'home office';
- (l) A number of south-facing apartment bedroom windows widened to increase daylight – Apts. 104, 204, 304, 403, 503, 603.
- (m) Integrated blinds added to balconies within the tower, with retractable awnings added to a number of north-facing apartments.
- (n) Material and design of streetwalls amended to include 'hit and miss' brick pattern, lighter brickwork and wider piers to create a greater solid to void ratio;
- (o) Window shrouds added to west-facing façade at podium levels.

17. Comparisons of the initial and amended development are provided below.



**Figure 2: Original proposal design**



**Figure 3: Amended proposal design**

18. In addition to the amended plans, an updated Sustainable Management Plan, Green Travel Plan, Landscape Plans, Wind Report and Heritage Report were submitted.
19. The amended plans received a discretionary exemption from advertising at a Development Assessment Panel on 22 February 2022, as it was considered that the changes would not result in any additional material detriment to surrounding sites. These plans subsequently form the decision plans and have been circulated to all objector parties with the meeting invitation prior to the Planning Decisions Committee meeting.

## The Proposal

20. The proposal is to demolish the existing building and to construct a nine-storey building (with basement levels and roof terrace above) containing dwellings, with a reduction of the car parking requirements. Key features of the proposal include:

### *Use*

21. Two shop tenancies at ground level, with floor areas of 155sqm and 946.2sqm respectively. Entrances to the shops will be via Johnston Street;
22. Residential entry via Fitzroy Street, with a total of 65 dwellings proposed;  
(a) The dwelling breakdown is as follows;

1 bedroom	12
2 bedroom	25
3 bedroom	28
Total	65

### *Car parking/bicycle parking*

23. A total of 103 car parking spaces, 101 bicycle spaces and 61 storage cages, spread across 3 basement levels/ground level;



- (a) Of these car parking spaces, 85 will be residential, with 11 allocated to commercial visitors and 7 allocated to retail employees;
- (b) 3 motorcycle spaces;
- (c) 81 internal bicycle spaces and 20 on-street visitor bicycle spaces;

- 24. Basement garage access to be provided via a double-crossover on Fitzroy Street;
- 25. A loading bay in the south-west corner, also accessed via a new crossover on Fitzroy Street.

*Demolition*

- 26. Demolition of all buildings/structures on the land, with the exception of a section of masonry wall abutting the eastern laneway, in the north-east corner of the site.

*Built Form:*

- 27. The construction of a 9-storey building, to a total height of 30.04m (plus plant enclosure of 2.8m).
  - (a) Three separate sections of streetwalls of 4 & 5 storeys in height addressing Johnston Street;
  - (b) A 5-storey streetwall to Fitzroy Street.
- 28. An image of the development is provided in Figure 4.



**Figure 4: Proposal viewed from corner of Johnston and Fitzroy Streets**

*Basement (3 levels)*

- 29. The basements will contain all car parking and storage cages, along with two separate bicycle racks, a small (4 x bicycles) storage room for employee bicycles and a consolidated bicycle storage room (65 x bicycles) with adjacent end-of-trip facilities/bike maintenance station.
- 30. Services include 36kL rainwater tank, substation, separate residential and retail waste storage rooms, fire pump and tank and other ancillary services.

*Ground floor*

31. Two separate shop tenancies, the residential entry, vehicle entry and loading bay will be located at this level.
32. The façade will abut Johnston Street, with a recessed north-east corner. This corner will interface with the existing eastern laneway via large openings within the existing east on-boundary wall. 10 bicycle spaces will be located within this recessed section, with a separate entrance to the largest retail tenancy. A further 10 bicycle racks will be located on both footpaths.
33. The western frontage will contain the residential entry, planter boxes, services and vehicle entrance/loading bay.
34. The southern wall will largely abut the southern boundary, with an enclosed walkway in the south-east corner providing access to the eastern laneway and the building to the south. The Applicant has noted that this access is to allow for secondary fire egress to the abutting building to the south. It is highlighted that the southern boundary of the subject site includes the northern wall of this adjacent building.
35. A canopy will extend along both street frontages.

*Podium*

36. Level 1 will extend to all boundaries, with a small setback in the north-east corner and terraces abutting the east, north and south boundaries.
37. Two apartments at this level will directly abut the southern boundary, with internal terraces provided (Apt. 105 & Apt. 106).
38. Levels 2, 3 & 4 will largely abut the northern and western boundaries, with the exception of 3 setbacks providing a break between streetwalls.
39. Small sections of built form will abut the eastern boundary, with the remainder of this wall and the southern wall setback varying distances from the respective interfaces.
40. Balconies address all four boundaries and range in size from 9.6sqm to 125.3sqm.
41. A white screen will extend along a portion of the northern wall of the adjacent southern building, with planter boxes located beneath the existing windows within this wall.

*Tower*

42. Levels 5-8 will be set back 5.05m from the podium façade, with the exception of terraces sitting above the streetwalls and abutting the north-west and western boundaries.
43. Above this, the tower will be set back 3.67m from the western façade, with various setbacks from the east and south;

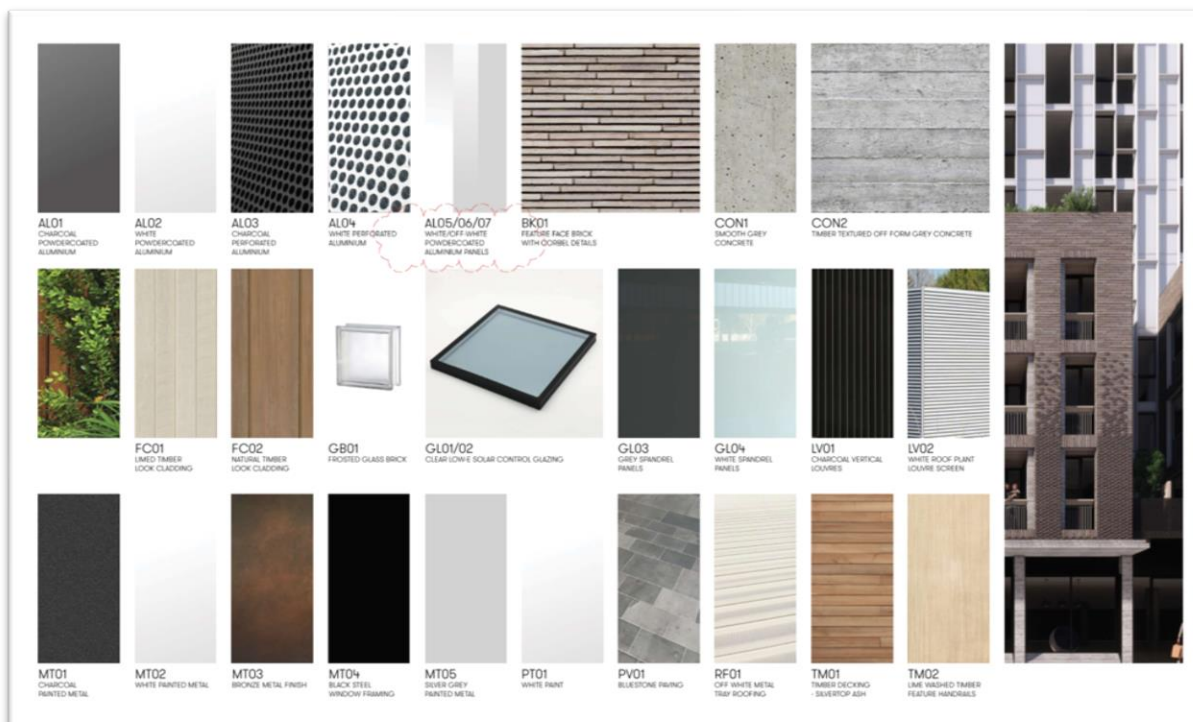
*Roof*

44. A communal terrace (315.9sqm) will be located on the north-east side of the roof; this area will contain seating areas, dining areas, BBQ and lawns.

45. The plant zone will be located on the southern side of the roof, surrounded by 2.8m high screening and containing 26.6kW solar PV array.
46. The lift overrun will be located to the north of this, with a 'produce garden' extending along the southern side.

#### *Materials and finishes*

47. Streetwalls will be composed of a mixture of brickwork (face brick with expressed corbelling pattern).
48. Small sections of white glazed brickwork are proposed within the Fitzroy Street façade at ground level, with copper cladding within the retail shopfronts addressing Johnston Street.
49. The upper levels will be composed of a mixture of powdercoated aluminium, predominantly white in colour.
50. Balustrades will be a combination of grey metal and glazing.
51. The material palette is provided in Figure 5.



**Figure 5: Materials and finishes schedule**

## Existing Conditions

### Subject Site

52. The subject site is located on the south-east intersection of Johnston Street and Fitzroy Street, Fitzroy; approximately 40m to the west of Brunswick Street. The site has a frontage to Johnston Street of 50.9m and a secondary frontage to Fitzroy Street of 32.91m, yielding an overall site area of 1,644sqm.
53. The site is composed of two lots; one being a narrow section of land, in the form of a laneway, extending along the southern boundary of the overall site. This section of land is contained on a separate title and covered by a drainage easement. The laneway was formally discontinued in the 1980s and is gated at both ends.



54. The northern wall of the building extending along the southern side of this laneway is located within the boundaries of this title.
55. A laneway also extends along the eastern boundary of the land (this laneway does not form part of the subject site). The eastern laneway is partially covered by the first floor of the heritage building to the east; with this building attached to the eastern wall of the subject building. The eastern laneway provides access to properties addressing Brunswick Street. The layout of the site (with laneways highlighted) is demonstrated in Figure 6

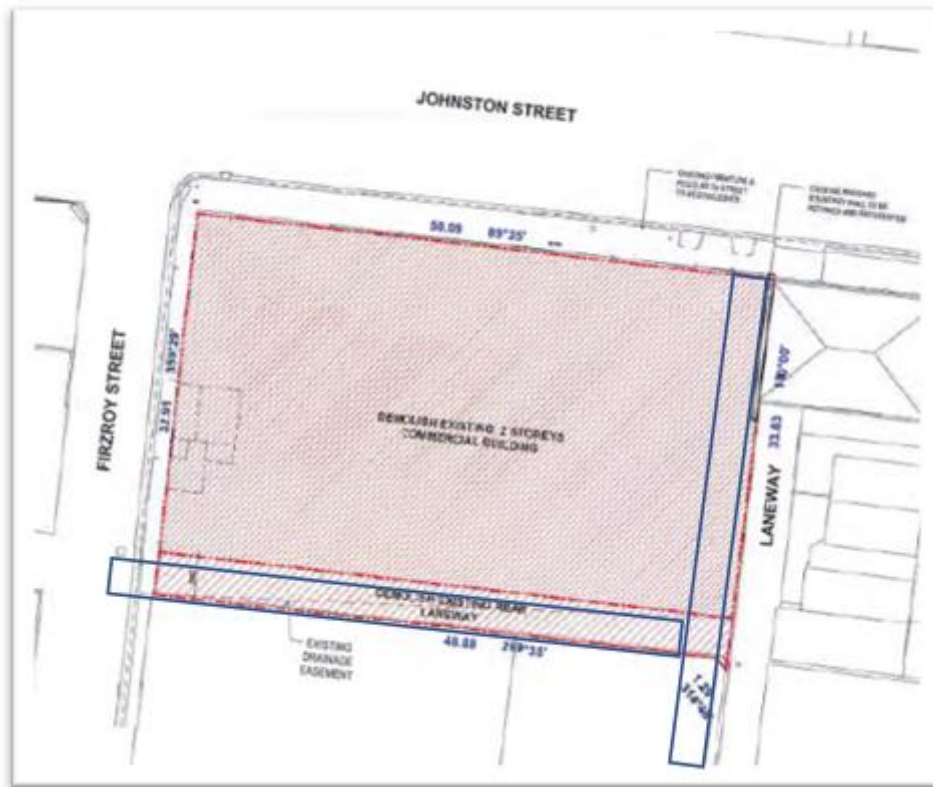
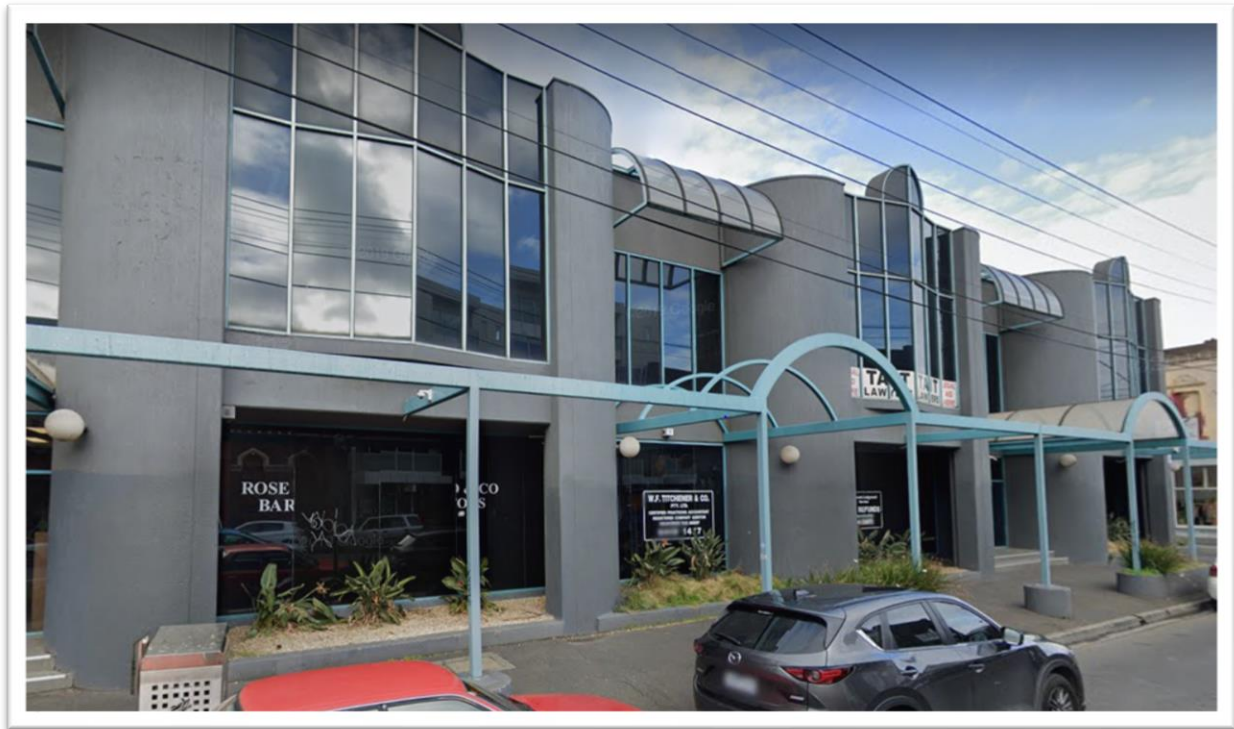


Figure 6: Layout of subject site

56. The site is occupied by a 2-storey commercial building, c.1980, constructed to all four boundaries (with the exception of the southern section of land containing the laneway). The building has a flat roof form and various projecting shrouds at first floor. An open canopy, containing a series of glazed arches, extends above the Brunswick Street footpath at ground level. The building contains two separate entrances addressing Johnston Street. Vehicle access is provided via a single crossover on Fitzroy Street, in the south-west corner of the site. Views to the building from the north-east and north-west are provided in Figures 7 & 8.



**Figure 7: View from north-east along Johnston Street**



**Figure 8: View of Johnston Street and Fitzroy Street frontage from north-west**

*Title*

57. The site is formally known as Common Property and Lots 1-7 on Plan of Subdivision 307369P, with the laneway along the southern boundary known as Lot 1 on Title Plan 645707U. A drainage easement affects Lot 1. There are no restrictive covenants on either of the titles.



## Surrounding Land

58. The site is located towards the western end of the Johnston Street Neighbourhood Activity Centre (NAC) and directly adjacent to the Brunswick Street Major Activity Centre (MAC). A mixture of uses, including residential, retail, office and food and drink premises surround the site. The site has access to a number of public open spaces, with Carlton Gardens approximately 300m to the south-west. The inner-suburban locale ensures the site is well serviced by infrastructure and public transport, with:
- (a) Johnston Street serviced by a number of bus routes;
  - (b) Brunswick Street serviced by two tram routes (#11 – West Preston – Victoria Harbour Docklands and #112 – West Preston – St Kilda);
  - (c) Nicholson Street serviced by one tram route (#86 – St Kilda to East Brunswick);
  - (d) Additional bus and tram routes along Alexandra Parade, Smith Street and Victoria Parade; and,
  - (e) The CBD within 1.2km.
59. The area contains a diverse built form context, with the scale of development generally ranging from single to double-storey along the southern streetscape. This built form is predominantly fine-grain, consisting of heritage buildings on relatively narrow lots. The northern side of Johnston Street is more coarse-grain, comprising several robust properties. A number of sites on the northern side of Johnston Street have been developed in recent times. In general, Johnston Street has an eclectic, evolving built form character, with a mix of old and new, and smaller, fine-grain built form, and larger-scale infill developments.



**Figure 9: Site and surrounds: Source SJB Town Planning Report**

60. There are a number of live-music venues within proximity to the subject site: the venues closest to the site are outlined below.
- (a) No. 105-107 Johnston Street (The Provincial Hotel) – approximately 20m to the north-east of the site. This venue operates as a night club, with a rooftop bar, with internal areas operating until 3am and the rooftop bar operating until 12.30am Thursdays to Saturdays;

- (b) No. 277-285 Brunswick Street (Naked for Satan) – directly to the south-east of the site. This venue operates as a bar, with a large semi-enclosed rooftop space. The rooftop operates until 1am on Fridays/Saturdays and 12midnight for all other days;
- (c) No. 74-76 Johnston Street (the Old Bar) – 30m to the west of the site. This venue is a live music venue that operates until 3am every night

61. The immediate interfaces with the site are outlined below;

*North*

62. Johnston Street sits directly to the north of the site; this street is a two-way carriageway with parallel on-street car parking. The northern streetscape of Johnston Street contains a mixture of heritage and modern built-form, with the scale ranging from 2 to 8-storeys in height. These buildings contain commercial, retail and residential uses. The Tyrion building is located directly opposite the site, at No. 91 Johnston Street, as demonstrated in Figure 10. This building extends to a height of 5 storeys.



**Figure 10: No. 91 Johnston Street.**

63. To the north-west, at No. 57-61 Johnston Street, is an 8-storey commercial and residential building (Figure 11).



**Figure 11: 57-61 Johnston Street**

### *South*

64. Directly to the south of the subject site are the 'Moran & Cato' warehouse buildings; two substantial warehouse style buildings at No. 85-99 Victoria Street and 101-105 Victoria Street. These buildings are 3 and 6-storeys in height respectively and contain a mixture of commercial uses. Both buildings are classified as 'individually significant' to the South Fitzroy heritage precinct. Planning Permit PLN15/0712 contains approval to construct an 'air-bridge' at Level 6 of the eastern-most building, connecting this building to the adjacent building to the east (addressing Brunswick Street), and to construct an additional 2 levels on top of the existing building for use as a bar. This permit has not yet been acted upon; the most recently approved extension of time allows commencement by 3 March 2022, with a current request for an additional extension being reviewed by Council.
65. To the south-east of the site, extending along Victoria Street and wrapping around to address Brunswick Street, is the 'Moran & Cato Merchants' building at No. 285 Brunswick Street. This building is 4-storeys in height, with a part 5-storey recessed terrace containing a bar. This bar would be connected to the new bar directly to the west via the aforementioned permit.

### *West*

66. Fitzroy Street extends along the western boundary of the site; this is a narrow, one-way street with traffic running south to north. On the south-west intersection of Johnston Street and Fitzroy Street are a row of 2-storey heritage buildings addressing Johnston Street. A double-storey wall extends along the Fitzroy Street interface, with a laneway extending along the rear of these retail outlets. A number of these commercial properties appear to contain residential uses at first-floor.



67. To the south-west of the site is No. 67-69 Victoria Street; this is a 7-storey building with a café at ground level and residential above (Abito Apartments). The eastern wall of this building directly abuts the Fitzroy Street interface at heights of 5 to 7-storeys, with recessed upper levels.

*East*

68. A laneway extends along the eastern boundary of the site, with a 2-storey heritage building further to the east. This building, at No. 110 Johnston Street, is partially connected to the subject building via a section of first-floor façade, at a height of 10.6m above ground level. This is demonstrated in Figure 12. This building, known as AOF House, is classified as 'individually significant' to the Brunswick Street heritage precinct.



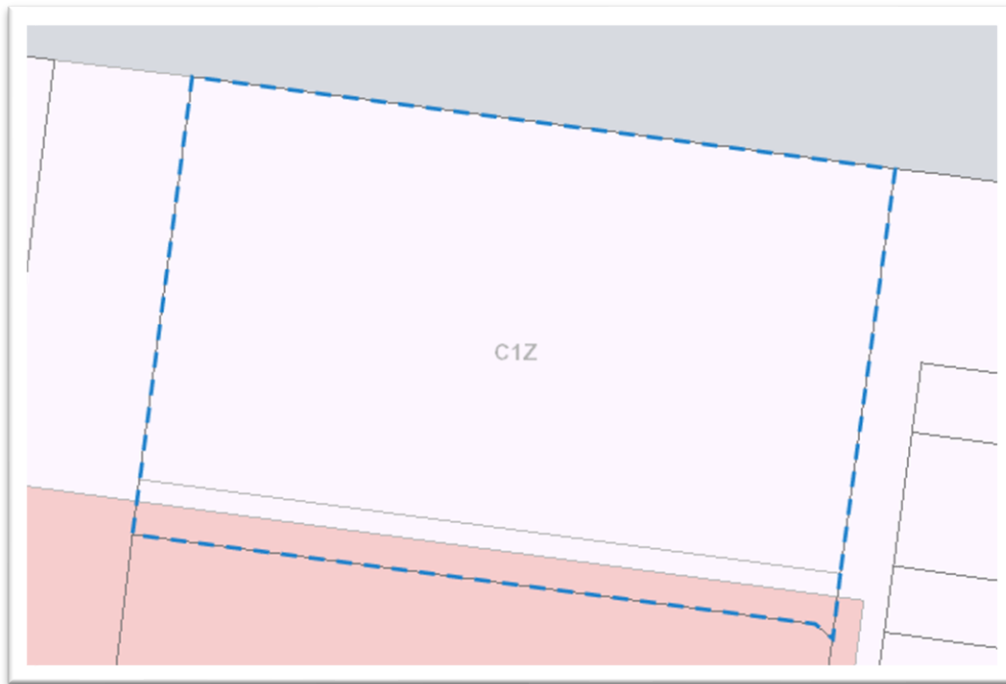
**Figure 12: No. 110 Johnston Street**

## Planning Scheme Provisions

### Zoning

#### Commercial 1 Zone & Mixed-Use Zone

69. The site is located predominantly within the Commercial 1 Zone (C1Z) with a small section along the southern boundary within the Mixed-Use Zone (MUZ), as demonstrated in the zoning map at Figure 13.



**Figure 13: Zoning map (with MUZ along southern boundary)**

*Use*

70. Pursuant to clause 34.01-1 of the Yarra Planning Scheme (the Scheme), the 'dwelling' use requires a planning permit as the frontage to the residential component exceeds 2m in width and is located within the C1Z;
71. Pursuant to clause 34.01-1, the 'shop' use does not require a permit, and pursuant to clause 32.04-2, the 'shop' use also does not require a planning permit as the floor area within the MUZ does not exceed 150sqm. Approximately 30sqm of floor area associated with the retail use is located within the MUZ.

*Development*

72. Pursuant to clause 34.01-4, a planning permit is required to construct a building or construct or carry out works;
73. Pursuant to clause 32.04-6 a planning permit is required to construct two or more dwellings on a lot;
74. Pursuant to the decision guidelines at clause 34.01-8 and clause 32.04-14, an apartment development of five or more storeys (excluding a basement) must meet the requirements of clause 58 of the Scheme. Transitional provisions apply to applications that were lodged prior to the approval date of Amendment VC174; this amendment made various changes to Standards within clause 58.

Overlays

Heritage Overlay (Schedule 334)

75. The subject site is affected by a Heritage Overlay (HO334 – South Fitzroy Precinct). The following provisions apply:
  - (a) Pursuant to clause 43.01-1, a planning permit is required for demolition, and to construct a building and carry out works.

- (b) The subject building is graded 'Non-Contributory' to this precinct by the *City of Yarra Database of Heritage Significant Areas, December 2020*.

Environmental Audit Overlay (EAO)

76. The existing 1m wide southern easement is affected by the Environmental Audit Overlay (EAO), with this overlay extending along the full length of the southern boundary for a width of approximately 1m.
77. 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.*
78. The use of the site for dwellings are sensitive uses and the requirements of this overlay are therefore applicable to the application.

Development Contributions Plan Overlay (Schedule 1)

79. A Development Infrastructure Levy (DIL) and Community Infrastructure Levy (CIL) is payable in accordance with the rates specified under the DCP01.
80. The following permit conditions will be included on any planning permit granted
- (a) Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.
- (b) 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; or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

Particular Provisions

*Clause 52.02 Removal of an easement*

81. Pursuant to Clause 52.02, a planning permit is required as the application seeks to remove an easement under Sections 23 & 36 of the *Subdivision Act 1988*.

*Clause 52.06 – Car parking*

82. Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land. Table 1 of this clause sets out the car parking requirement that applies to the land. In this instance, the subject site is located within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (*State Government of Victoria, August 2018*) and based on this, the statutory rates outlined in Column B of Table 1 apply. Under the provisions of Clause 52.06-5 of the 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	12	1 space per dwelling	12	8
Two-bedroom dwelling	25	1 space per dwelling	25	24
Three-bedroom dwelling	28	2 spaces per dwelling	56	53
Retail	1,106sqm	3.5 spaces per 100 m <sup>2</sup> of leasable floor area	38	18
<b>Total</b>			<b>131</b>	<b>103</b>

83. Based on the above, and pursuant to Clause 52.06-3, a reduction of 8 spaces is required for the residential parking, with a reduction of 20 for the retail component, resulting in an overall reduction of 28 spaces.

*Clause 52.34 Bicycle Facilities*

84. Pursuant to Clause 52.34-3, the following bicycle provision is required.

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	65 dwellings	1 resident space per 5 dwellings	13 resident spaces	
		1 visitor space per 10 dwellings	7 visitor spaces	
Retail premises	1,106 sqm	1 employee space to each 300 sqm of leasable floor area	4 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area	2 visitor spaces	
Bicycle Parking Spaces Total			17 resident spaces	81 resident / employee spaces
			9 visitor spaces	10 visitor spaces (on-site)
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces		0 showers / change rooms	1 showers / change rooms

85. A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6. If bicycle facilities are required by this clause, bicycle signage that directs the cyclists to the bicycle facilities must be provided to the satisfaction of the responsible authority.

*Clause 58 - Apartment Developments*

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

As noted earlier, Amendment VC174 was approved on 20 December 2021, with this Amendment updating several provisions within Clause 58. As plans were formally amended via Section 57 on 9 February 2022, the updated version of Clause 58 applies to this application.

*Clause 53.06 – Live music and entertainment noise*

87. Pursuant to Clause 53.06-3, a noise sensitive residential use must be designed and constructed to include acoustic attenuation measures to meet noise limits. A permit may be granted to reduce or waive these requirements.

*Clause 53.18 – Stormwater Management in Urban Development*

88. 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

*Clause 65 – Decision Guidelines*

89. 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.

Planning Policy Framework (PPF)

90. Relevant clauses are as follows:

*Clause 11 (Settlement)*

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

91. Relevant strategies include;

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

*Clause 11.02 (Managing Growth)*

*Clause 11.02-1S (Supply of Urban Land)*

92. 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)*

93. 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 11.03-1R (Activity centres – Metropolitan Melbourne)*

94. Relevant strategies are:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they:*
  - (i) *Are able to accommodate significant growth for a broad range of land uses.*
  - (ii) *Are supported with appropriate infrastructure.*
  - (iii) *Are hubs for public transport services.*
  - (iv) *Offer good connectivity for a regional catchment.*
  - (v) *Provide high levels of amenity*

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

95. The relevant objective of this clause is:

- (a) *To ensure contaminated and potentially contaminated land is used and developed safely.*

96. Relevant strategies are:

- (a) *Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.*
- (b) *Protect sensitive uses including a residential use or use as childcare centre, kindergarten, pre-school centre, secondary school or children's playground from the effects of contamination.*
- (c) *Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.*

*Clause 13.05-1S (Noise abatement)*

97. The relevant objective of this clause is:

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

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

*Clause 13.07 (Amenity and Safety)*

*Clause 13.07-1S (Land use compatibility)*

99. 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 impacts.*

*Clause 15.01 (Built Environment and Heritage)*

*Clause 15.01-1S (Urban design)*

100. 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)*

101. The objective is:

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

*Clause 15.01-2S (Building design)*

102. 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.*

103. Relevant strategies of this clause are:

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

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

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

*Clause 15.01-4S (Healthy neighbourhoods)*

105. The objective is:

- (a) *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

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

106. The strategy is:

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

*Clause 15.01-5S (Neighbourhood character)*

107. The relevant objective of this clause is:

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

108. 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 respecting the:*
  - (i) *Pattern of local urban structure and subdivision.*
  - (ii) *Underlying natural landscape character and significant vegetation.*
  - (iii) *Neighbourhood character values and built form that reflect community identity*

*Clause 15.02 (Sustainable Development)*

*Clause 15.02-1S (Energy Efficiency)*

109. 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 16.01 Residential Development*

*Clause 16.01-1S – Housing Supply*

110. The objective of this clause is 'To facilitate well-located, integrated and diverse housing that meets community needs.'

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

111. 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 18.01 (Integrated Transport)*

*Clause 18.01-1S – (Land use and transport planning)*

112. The objective of this clause is:

- (a) *To create a safe and sustainable transport system by integrating land use and transport.*

113. Relevant strategies to achieve this objective include:

- (a) *Develop transport networks to support employment corridors that allow circumferential and radial movements.*
- (b) *Plan urban development to make jobs and community services more accessible by (as relevant):*
  - (i) *Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*
  - (ii) *Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.*
  - (iii) *Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*
- (c) *Integrate public transport services and infrastructure into new development.*

*Clause 18.01-1S – (Land use and transport planning)*

114. The objective of this clause is:

- (a) *To create a safe and sustainable transport system by integrating land use and transport.*

115. Relevant strategies to achieve this objective include:

- (a) *Develop transport networks to support employment corridors that allow circumferential and radial movements.*
- (b) *Plan urban development to make jobs and community services more accessible by (as relevant):*
  - (i) *Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*
  - (ii) *Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.*
  - (iii) *Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*
- (c) *Integrate public transport services and infrastructure into new development.*

*Clause 18.02 (Movement Networks)*

*Clause 18.02-1S – (Sustainable personal transport)*

116. The relevant objectives of this clause is:

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

117. Relevant strategies of this policy are:

- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
- (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
- (c) *Ensure cycling routes and infrastructure are constructed early in new developments.*
- (d) *Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.*
- (e) *Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.*
- (f) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
- (g) *Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.*
- (h) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

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

118. 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)*

119. 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)*

120. 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)*

121. The objective of this clause is:

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

122. 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)

123. The following LPPF provisions of the Scheme are relevant:

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.04 – Land use*

*Clause 21.04-1 – Accommodation and Housing*

124. The relevant objectives and strategies of this clause are:

- (a) *Objective 1 - To accommodate forecast increases in population.*
- (b) *Objective 2 - To retain a diverse population and household structure; and*
- (c) *Objective 3 - To reduce potential amenity conflicts between residential and other uses.*

*Clause 21.05 - Built Form*

*Clause 21.05-1 – Heritage*

125. The relevant Objectives of this Clause are:

- (a) *Objective 14 To protect and enhance Yarra's heritage places.*
  - (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
  - (ii) *Strategy 14.2 Support the restoration of heritage places.*
  - (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
  - (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
  - (v) *Strategy 14.5 Protect the significant landscape and heritage within streets, parks, gardens, waterways or other open spaces.*
  - (vi) *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.*
  - (vii) *Strategy 14.8 Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02*
  - (viii) *Strategy 14.9 Apply the Landmarks and Tall Structures policy at clause 22.03*

*Clause 21.05-2 – Urban design*

126. The relevant Objectives of this Clause are:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra:*
  - (i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
- (b) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (c) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric through the application of the following relevant strategies:*
  - (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 21.05-4 – Public environment*

127. 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.*

- (iv) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
- (v) *Strategy 28.8 Encourage public art in new development.*
- (vi) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

*Clause 21.06 – Transport*

128. 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*

129. 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*

130. 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*

131. *Objective 32 To reduce the reliance on the private motor car.*

*Clause 21.07-1 – Environmentally sustainable development*

132. The relevant objective of this clause is:
- (a) *Objective 34 To promote ecologically sustainable development that has the following strategy:*
    - (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 21.08-7 - Neighbourhoods (Fitzroy)*

133. This clause describes the area in the following way (as relevant):

- (a) *Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.*

134. Relevant built for strategies include:

- (a) *Ensure that development does not adversely affect the significance of the heritage place.*
- (b) *The implementation of built form strategies in clause 21.05 includes:*
  - (i) *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.*
  - (ii) *Encouraging the redevelopment of the following strategic re-development sites in a way that contributes positively to the urban fabric and public domain of Yarra, and, where subject to the Heritage Overlay protects the heritage of the site and of the area.*

#### Relevant Local Policies

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

135. This policy applies to all new development included in a heritage overlay. The relevant objectives of this Clause include to conserve Yarra's natural and cultural heritage; to conserve the historic fabric and maintain the integrity of places of cultural heritage significance; to retain significant view lines to, and vistas of, heritage places; to preserve the scale and pattern of streetscapes in heritage places; to encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places; to ensure that additions and new works to a heritage place respect the significance of the place; and to encourage the retention of 'contributory' heritage places.

136. At Clauses 22.02-5.1, 22.02-5.7.1, and 22.02-5.7.2 of the Scheme, the policy provides requirements with regard to demolition; new development, alterations and additions; and specific requirements relating to sites comprising commercial and retail heritage places or contributory elements, and specific requirements for garages, ancillaries and services.

##### *Clause 22.05 - Interface Uses Policy*

137. This policy applies to all development and use applications 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.

138. 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.*

139. Decision guidelines at clause 22.05-6 include:

- (a) *Before deciding on an application for residential development, Council will consider as appropriate:*
  - (i) *The extent to which the proposed dwellings may be subject to unreasonable noise, fumes and air emissions, light spillage, waste management and other operational matters from the nearby business or industrial uses.*

- (ii) *Whether the dwellings are designed or incorporate appropriate measures to minimise the impact of noise, fumes and air emissions, light spillage, waste management and other operational matters from the nearby business or industrial uses.*

*Clause 22.07 – Development Abutting Laneways*

140. The objectives of this clause are:

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

*Clause 22.12 – Public Open Space Contribution*

141. The objectives of this clause are:

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

142. The subject site is area 3065B where a cash contribution equal to the amount specified in Clause 52.01 is required.

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

143. 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 Development*

144. 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 Relevant Documents

*Plan Melbourne*

145. 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.

146. 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.

## Advertising

147. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 543 letters sent to surrounding owners and occupiers and by two signs displayed on the site. Twenty-nine (29) objections were received to the application, these can be summarised as:
- (a) Built form and design (overdevelopment, inappropriate height, massing, bulk that is out of character with the area, lack of setbacks);
  - (b) Heritage impacts;
  - (c) Off-site amenity (visual bulk, overlooking, loss of daylight, wind impacts);
  - (d) On-site amenity (small balconies, poor ESD outcomes);
  - (e) Increased traffic congestion;
  - (f) Increased car parking demand;
  - (g) Impacts on existing live music venues;
  - (h) Construction of the screening along the site's southern boundary;
  - (i) Lack of necessary infrastructure;
  - (j) No affordable housing is provided; and
  - (k) Increased gentrification of the suburb
148. On 9 February 2022, a set of amended plans were formally submitted under Section 57A of the *Planning and Environment Act 1987* (The Act). The changes to these plans were outlined in paragraph 13 of this report.
149. The amended plans received a discretionary exemption from advertising at a Development Assessment Panel on 22 February 2022, as it was considered that the changes would not result in any additional material detriment to surrounding sites. These plans subsequently form the decision plans and have been circulated to all objector parties with the meeting invitations prior to the Planning Decisions Committee meeting.

## Referrals

### External Referrals

150. The application was referred to Head, Transport for Victoria. No objection to the development was raised, however the following will be required to be added to any planning permit as a note;

*Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Transport 2 Zone (Johnston Street). Please contact Head, Transport for Victoria prior to commencing any works.*

### Internal Referrals

151. The original application was referred to the following units within Council and external consultants:
- (a) Urban Design Unit (public realm only);
  - (b) Open Space Unit;
  - (c) Environmentally Sustainable Design (ESD) Advisor;
  - (d) Streetscapes and Natural Values Unit;
  - (e) City Works Unit;
  - (f) Engineering Services Unit;
  - (g) Strategic Transport Unit;

152. External Consultants

- (a) Urban Design (Simon McPherson);
- (b) Heritage (Jim Gard'ner – GJM Heritage)
- (c) Acoustics (SLR Consulting); and
- (d) Wind Consultant (MEL Consultants).

153. The amended application was re-referred to Council's ESD Advisor and Open Space Unit. It was not re-referred to the remaining units or consultants as the changes in the amended plans were relatively minor, or in the instance of Urban Design, the changes addressed the concerns raised in the original design.
154. Referral comments have been included as attachments to this report.

## OFFICER ASSESSMENT

155. The primary considerations for this application are as follows:
- (a) Policy and strategic support;
  - (b) Land Use;
  - (c) Built form, urban design and heritage;
  - (d) Clause 58;
  - (e) Off-site amenity impacts;
  - (f) Car parking, traffic, access and bicycle provision;
  - (g) Waste Management/Loading
  - (h) Removal of an Easement;
  - (i) Objector concerns.

### Policy and Strategic Support

156. There is strong strategic and policy direction to support the redevelopment of the site to provide higher density use and built form. Policy at clauses 11, 16, 18 and 21.04 of the Scheme, together with Plan Melbourne, encourage the accumulation of activities and the intensification of development in and around activity centres. The site is located predominantly within the C1Z and within the Johnston Street Neighbourhood Activity Centre (NAC), whilst also being in proximity to the Brunswick Street Major Activity Centre (MAC) and the CBD. On this basis, the site is well serviced by public transport and community services.

This ensures efficient use of infrastructure and supports Council's preference that established areas experience residual increases in population growth.

157. Draft Clause 11.03-1L within Amendment C269 aims to '*promote the retail and service role of the activity centre defined in the Major and Neighbourhood Activity Centres in the Fitzroy/Collingwood Plan*' and, '*west of Brunswick Street, retain the visual prominence of the Victorian and Edwardian heritage streetscape and street corner sites, through appropriate upper level setbacks and mid-rise scale*'. The provision of shop tenancies at ground level will add to the vibrancy of the activity centre, with the massing of the development and the mid-rise height proposed ensuring that the visual prominence of the adjacent streetscape will be maintained.
158. The C1Z specifically identifies the purpose of the land to provide for residential uses at densities complementary to the role and scale of the commercial centre. The dwellings would provide increased housing opportunities consistent with policy outlined above. The site has excellent access to shops, restaurants, community facilities and supermarkets, ensuring that the proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04 of the Scheme. Further, the provision of retail tenancies at ground level, addressing Johnston Street, continues to provide an active frontage within the commercial area, consistent with the purpose of the C1Z.



159. However, urban consolidation is not the only relevant planning issue to be considered, with heritage, neighbourhood character and amenity impacts being equally as important. The proposal must ensure new development responds to its built form and policy context. This is outlined at clauses 15.01, 15.01-1S, 15.01-2S, 15.01-5S and 15.03 of the Scheme.

#### *Land Use*

160. The subject site is predominantly situated within the C1Z, with a small section at the rear within the MUZ. The relevant purposes of these zones are;
- (a) *To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses;*
  - (b) *To provide for residential uses at densities complementary to the role and scale of the commercial centre;*
  - (c) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality;*
  - (d) *To provide for housing at higher densities; and,*
  - (e) *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
161. The development provides for a good diversity and range of dwelling types and sizes, with the dwelling layouts and configurations allowing for an increased choice of type, orientation and size.
162. The dwelling use in this instance only requires a planning permit within the C1Z as the residential entry exceeds 2m in width at ground level (at a width of 3.8m) As this entrance is within the secondary frontage to Fitzroy Street, it will not detract from the commercial nature of Johnston Street. It is therefore considered that the use of the land for dwellings is an appropriate outcome.
163. The proposed shop uses at ground level do not require planning permission within the C1Z or the MUZ (given less than 150sqm of leasable floor area is located within this zone) and are therefore considered entirely appropriate for the area.

#### Built form, urban design and heritage

164. The relevant permit trigger for the development is the C1Z, and the primary considerations for the proposed development are the decision guidelines at clause 34.01-8 of the Scheme. This assessment is also based upon State and local planning policy at clauses 15 – Built Environment and Heritage; 21.05 – Built Form; 22.02 – Decision Guidelines for Sites Subject to the Heritage Overlay and 22.05 – Interface Uses Policy.
165. These provisions and guidelines seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the context, height and massing, relationship to adjoining buildings and architectural quality. These matters, and others, will be assessed in turn below.

#### *Context*

166. As outlined in the 'site and surrounds' section of this report, built form within the area is mixed, with development in the Fitzroy area displaying a range of building types, forms and designs. Site coverage in the immediate area is generally high. There is no dispute that strategically, the subject site is appropriately located for more intense development than which current exists on the site, being adjacent to the Brunswick Street MAC, and with 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, with recently constructed developments in the realm of 6-8 storeys within the immediate surrounds.

*Demolition*

167. The existing building on the site is graded as being 'not-contributory' to the South Fitzroy heritage precinct. Council has engaged Jim Gard'ner (GJM Heritage) to provide heritage advice on the proposal. With regards to the full demolition of the existing building, Mr Gard'ner notes that *the complete demolition of the existing building at 84-104 Johnston Street is considered acceptable considering the building is appropriately graded 'not contributory' within the South Fitzroy Precinct*. The Tribunal agreed with this outcome, stating at paragraph 47 of the VCAT Order that *the demolition of the existing building is acceptable and will not have an adverse impact on the significance of the heritage place*.

*Height, scale and massing*

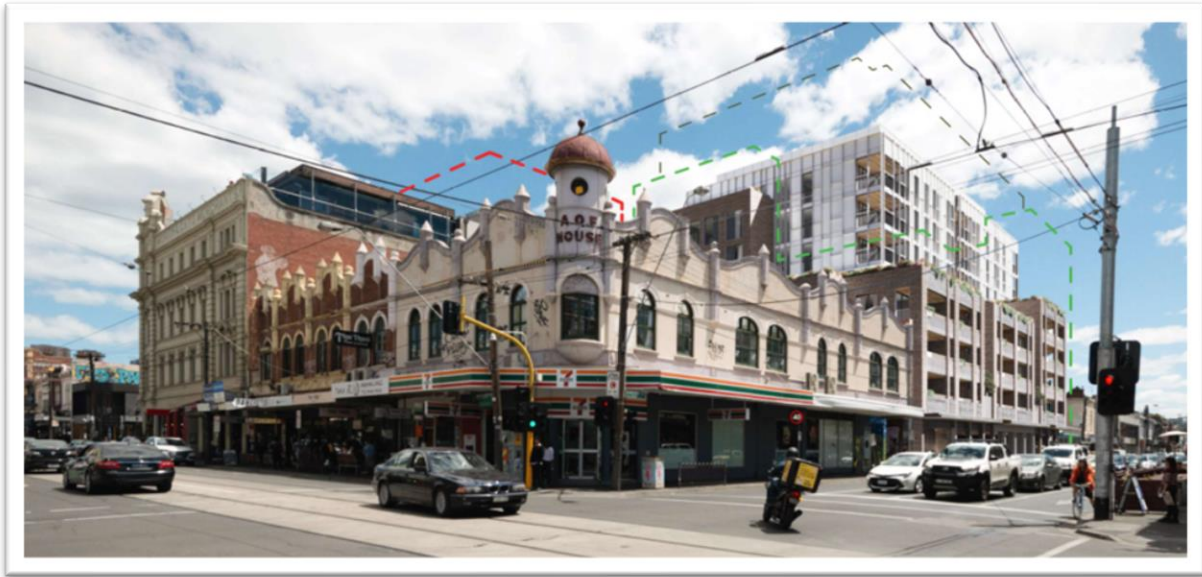
168. The proposed building will extend to a maximum height of nine-storeys, equating to 30.04m (excluding plant); including plant, the development would be an overall maximum height of 32.84m. Street walls will range from four to five-storeys along Johnston Street and Fitzroy Street, and the predominant setback of the upper levels from Johnston Street will be 5.05m.
169. To assess the urban design aspects of the proposal, Council engaged Simon McPherson (Global South Consulting). It is noted that both Mr Gard'ner and Mr McPherson were involved in the VCAT hearing for the previous proposal on the land and are therefore familiar with the previous design and the changes incorporated into the current proposal.
170. In his review of the previous design, Mr McPherson recommended the removal of two levels from the then 11-storey building. He noted this should be achieved via the removal of one mid-level, and the top-most level, to reduce the overall height to nine-storeys. VCAT agreed with this recommendation, noting;

*[84] We consider that if the tower and penthouse are reduced by one storey each, the visual bulk that will appear behind the A.O.F. House will be reduced to an acceptable level.*

*[86] As a result, we find that the reductions proposed by Mr McPherson will be sufficient to ensure a satisfactory relationship to both its heritage and its urban design context.*

171. Mr Gard'ner did not agree with this response, stating that *'while the reduction in height of the development from 11 storeys (38.35m) to nine (30.04m) helps to mitigate the impacts of the proposal on the surrounding heritage context, it remains my position that the tower element should be reduced by two storeys, rather than the one recommended by VCAT to further reduce the visual prominence of the overall development on the heritage precinct'*.
172. In assessing these contrasting opinions, Council Officers agree with Mr McPherson and the Tribunal, with the combined reduction of the height of the street walls (discussed below) allowing the tower element to present as a well-proportioned and respectful element within the streetscape.
173. The additional setback of the topmost level assists in achieving this outcome, with the Johnston Street façade at Level 8 set back 6.85m from the north, and the western wall set back 7.87m from Fitzroy Street. The eastern wall setback also increases at this level, from 6.16m at Level 7 to 10.6m at Level 8. Whist terraces encroach into parts of these setbacks, the lower heights of the balustrades reduce visibility from all angles, with views to the facades of this level satisfactorily obscured from surrounding streetscapes.

This outcome allows the development to appear as an eight-storey building, as is evident in the image provided at Figure 14. It is considered that this design achieves the intent outlined in Mr Gard'ner's advice.



**Figure 14: View from corner of Brunswick Street and Johnston Street**

174. When viewed from this intersection, the development achieves a relatively consistent scale with the heritage building addressing Brunswick Street that sits directly to the south of AOF House. The two developments provide a 'book-end' for this heritage building, whilst allowing it to maintain its prominence within the Brunswick Street Heritage Precinct.
175. Based on the above, the overall height of the development as proposed is supported.
- Street Walls*
176. The development proposes three separate sections of street wall along Johnston Street, ranging from four to five-storeys, with a five-storey street wall to Fitzroy Street. The eastern-most street wall, at four-storeys, provides a transition in height of one level from AOF House to the east. This height is consistent with the height of this section of street wall considered within the VCAT plans. These heights are demonstrated in Figures 15 & 16.
177. With regard to the previous design, Mr Gard'ner was of the view that the street wall should more closely align with the facade of AOF House to its east. In his opinion, a three-storey street wall was necessary in order to not adversely impact upon the heritage values of this heritage building. This view is maintained in his current advice, which notes that '*a three-storey street wall height to Johnston Street would be a substantially better heritage outcome than the four-storeys deemed acceptable by VCAT*'.



**Figure 15: Johnston Street streetwalls**



**Figure 16: Height transition with AOF House to the east**

178. In support of the four-storey height, the VCAT decision states the following;

*[55] Mr McPherson, supported the four-storey street wall as an appropriate response to the urban design context, noting that it was not uncommon to find differences of scale of one or more storeys in this precinct. Mr Lovell gave similar evidence from a heritage perspective. Mr Sheppard's evidence is that the four-storey street wall will complement the adjacent heritage fabric and is consistent with the emerging street wall height.*

*[56] We agree with Mr McPherson, Mr Lovell and Mr Sheppard that a four-storey street wall will provide an acceptable relationship to the existing context. In particular we note:*

- the A.O.F. House returns around the Brunswick Street corner to terminate against the Moran and Cato office building. With essentially the same façade details as found in Johnston Street, it appears to sit quite comfortably against a taller blank wall*

- *We were informed that the subject site was previously occupied by the Regent Theatre. We were shown several images that indicated the theatre would have been one or two storeys higher than the façade of the A.O.F. House, with a blank wall return essentially similar to the abutment with the Moran and Cato building*
- *we accept that given the variation in scale evident in the heritage precinct, a one storey transition would not be unusual.*

*[57] As a result, we consider that the four-storey street wall will not have any detrimental impact upon the heritage values of HO334 and is also an acceptable response in urban design terms. It will sit comfortably within the streetscape and will not detract from the adjoining contributory heritage building. It represents a scale which is reflective of existing and emerging development both within Johnston Street and the wider heritage precinct. The one storey transition in height with the A.O.F. House is modest. It will not present as a jarring or discordant element and is suitably respectful of the neighbouring heritage building. We have not been persuaded that a further reduction in its height is warranted or justified.*

179. This outcome is supported, with the two sections of four-storey street wall along Johnston Street considered to be an acceptable design response.
180. The previous VCAT application incorporated a seven-storey street wall on the corner of Johnston Street and Fitzroy Street, with this height maintained along the western frontage. This outcome was not supported by Council, with Mr Gard'ner and Mr McPherson also agreeing that the corner treatment was too high. The current application has reduced these sections of street walls to five storeys.
181. The seven-storey scale was not supported by the Tribunal, as follows;

*[64] We agree with the Council that a significant reduction in the height of the corner street wall is required, for the following reasons:*

- *at its present height, the corner will read as a tower element or 'marker' that is out of proportion to Fitzroy Street*
- *Fitzroy Street is not a major street that warrants such a marker*
- *the corner element would be out of scale with the heritage shopfronts to the west of Fitzroy Street*
- *the photomontage images indicate that the corner element would visually distract from the heritage context.*

*[66] For these reasons we find the corner element should be reduced to provide an approximate one-storey 'step up' from the street wall. This suggests the corner element should be a maximum of five storeys (as compared to the seven storeys presently shown).*

182. This opinion aligns with that of Mr McPherson, who supported a reduction in height of this element. Whilst he was comfortable with a reduction of only one level, resulting in a six-storey scale, his advice on the current application states;
- (a) *The 5-storey corner street wall form is more appropriate in the streetscape context, being less overt and visually dominant. While still higher than most other frontage forms, I consider it acceptable in that it occupies a limited extent of the frontage and marks a (minor) street corner, and exists within a mixed, diverse streetscape context.*
183. Whilst Mr Gard'ner would prefer a further reduction in height of all elements of streetwall, his comments on the current application note the following

- (a) *While I maintain that the street wall height to Johnston Street should be consistent in height, I acknowledge that the reduction of the corner element from seven to five storeys goes some way towards lessening the impact of this element on the surrounding streetscape. As stated in my VCAT evidence a bold architectural gesture at the intersection with Fitzroy Street is inappropriate and demonstrates a lack of understanding or deference to the historic context of the subject site. The reduction in height of this element assists in reducing its visual prominence but I remain of the view that a consistent 2-3 storey street wall should be maintained along the southern side of Johnston Street between Nicholson and Brunswick Streets.*

184. As outlined previously, Council Officers are satisfied that the four-storey street wall along Johnston Street is an appropriate outcome and is consistent with the VCAT decision. Given the urban design and heritage support for the five-storey corner wall, and the support provided by the Tribunal on this outcome, the provision of a five-storey street wall on this intersection is acceptable.
185. The development proposes a five-storey street wall extending along the Fitzroy Street frontage. This would result in a difference of one level when compared to the Moran & Cato warehouse building to the south (circled in Figure 17).

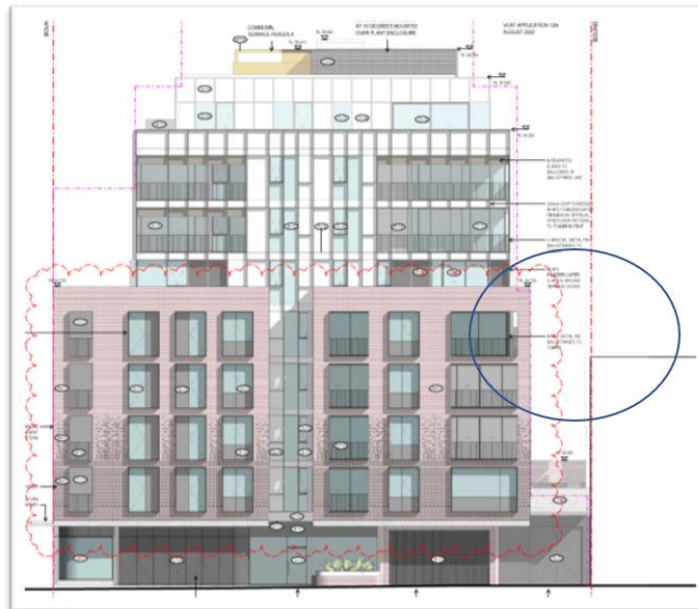


Figure 17: Western façade

186. This outcome is similar to the previous design, where the proposed seven-storey corner element 'stepped-down' to a predominantly five-storey wall along this interface. As noted in paragraph 93 of the VCAT Order; *'we find it is generally acceptable for a new development to vary by a storey where it adjoins a heritage building. In this case the heritage building is a relatively robust building that we find will not be adversely impacted by the proposed transition'.*
187. Mr McPherson is supportive of this scale, as is Mr Gard'ner, who states;
- (a) *The five-storey podium height to Fitzroy Street towards the south is considered appropriate where the two storey scale of Johnston Street transition to a taller (up to seven storey) built form of Victoria Street. Even though this height exceeds that of the parapet of the Moran & Cato warehouse building on the corner of Fitzroy and Victoria Streets I consider this acceptable in heritage terms.*
188. Based on the above, the heights of all elements of the street walls are supported.



### *Upper Level Setbacks*

189. The development proposes a relatively consistent 5.05m setback of Levels 5-7 from Johnston Street (to the façade walls), with this setback increasing to 6.85m at Level 8. From Fitzroy Street, Levels 5 to 7 are set back 3.67m, with this increasing to 7.87m at the topmost level. These setbacks are consistent with the upper-level setbacks proposed for the previous scheme.
190. In their decision, the Tribunal did not provide any commentary on the setbacks of the tower element from either of these interfaces, with the focus being on street wall and tower heights. Mr McPherson is supportive of the current setbacks proposed, noting that;
- (a) *The proposed increased upper-level setback of 5.05m, with increased setback to the top level, is considered acceptable. I consider a setback of approximately 5m to be appropriate to the scale of this building, with 4-5-storey street walls and 8-storey predominant height (with additional level set further back).*
191. He also considers the 3.7m upper-level setback to Fitzroy Street to be acceptable, *‘given that this is a secondary or minor street, and recognising the limited length of the built form at this interface. This setback provides clear distinction between lower and upper levels’.*
192. From a heritage perspective, Mr Gard’ner expressed a preference for the Johnston Street setback to be increased to 6m. He maintains this increased setback would provide acceptable mitigation of views to the tower. He is supportive of the additional setback provided for the topmost level.
193. Council Officers have formed the opinion that the proposed setback, at 5.05m, is a reasonable response that provides an adequate degree of articulation between the two elements. It is not considered that an additional setback of 0.95m would alter this outcome, with the separation provided and the lighter weight construction of the tower form behind the solid podium creating a suitable transition in massing and visibility. The setbacks proposed from Fitzroy Street are also appropriate, with a clear distinction provided.
194. In summary, the height, massing and scale of the proposed development in its current form is considered to be a substantial improvement when compared to the previous iteration refused by Council and the Tribunal. Whilst Mr Gard’ner is of the opinion that further reductions in height and increased setbacks should be incorporated into the design, it is noted that his advice relies heavily on DDO32, which included prescriptive outcomes for built form in the Johnston Street West precinct. However, as outlined earlier, this DDO was not approved as part of Amendment C270, and on that basis, does not form part of the Scheme and does not carry any statutory weight.
195. The reduced overall height, when combined with the lower forms of the street wall and the proposed setbacks, results in an acceptable ‘fit’ within the heritage precinct and responds positively to the emerging heights of built form in the neighbourhood.

### *Architectural Quality*

196. The design of the original version of the current application altered considerably from the previous version reviewed by VCAT. There was limited discussion of the architectural expression within the VCAT decision, with no alterations to the proposed design recommended.

197. Council Officers, along with Mr Gard'ner and Mr McPherson, were not supportive of the original design of the current application, with particular reference to the podium, with Mr McPherson noting; *'Overall, I consider that the quality and refinement of the external architectural expression is less successful and effective in the current revised plans, than it was in the original VCAT application plans'*.
198. He attributes this outcome to the following;
- (a) *The street wall forms at the Johnston Street frontage are less 'solid' than previously, and more visually open. This creates less contrast with the lighter upper levels, and makes the street wall expression less contextually responsive in my view, and less visually interesting/appealing.*
  - (b) *The brick piers are predominantly quite thin, so the visual effect of the corbelled and toned bricks is lessened substantially, to being almost imperceptible at a distance.*
  - (c) *Some of the brick piers do not align with or appear to relate to the Ground Floor columns, and so appear 'applied' rather than integral with the building structure.*
  - (d) *The previous design featured solid brickwork walls with 'punched' openings and protruding metal reveals to openings, with subtle shifting in the window width and spacing, and gradated brickwork in between.*
  - (e) *The open metal balustrades exacerbate the visually open expression of the street walls, whereas a more solid, 'mass' expression would be more contextually responsive.*
199. Mr Gard'ner offered a similar opinion from a heritage perspective, noting that *'the podium element to Johnston Street does not reflect the prevailing character and architecture of the surrounding heritage places. The long horizontal emphasis of the podium levels (as a result of the open balconies) is particularly incongruous with the detailing, articulation, rhythm and patterns of fenestration of the shopfronts along Johnston Street and diminishes the legibility of the consistent fine-grained streetscape character of Johnston Street.....The relationship of solid and void could be greatly improved through the use of solid or hit-and-miss brick balustrades and the increase in the width and/or number of vertical elements'*
200. Whilst the design of the podium was not supported, Mr Gard'ner raised no issue with the use of concrete and brick finishes for this element. He was also generally supportive of the tower design and materiality, noting that *'the revised scheme introduces a more visually lightweight tower element above the podium, which includes a 'slot' element and variation in the pattern of glazed and solid wall panels helps to break up the single 'slab-like' mass of the upper floors'* and *'the powder-coated aluminium framing of the tower element, and use of a recessed glazing is also appropriate as these materials and finishes will be visually recessive and will provide a contrast to the heavier brick and dark coloured metal detail of the podium element'*.
201. Whilst Mr Gard'ner is supportive of this element of the design, he notes that *'the use of the solid (brick) material to the eastern elevation remains. Despite the reduction in height of this element by one-storey (consistent with the VCAT recommendation), it remains my opinion that this materiality will likely increase the visual prominence of this element when viewed from the east, including the northeast corner of the intersection of Brunswick and Johnston streets. To achieve a more recessive outcome, it continues to be my view that this part of the tower element should utilise more visually lightweight materials and finishes'*.
202. The section of building referenced is circled in Figure 18.





**Figure 18: Eastern wall**

203. In contrast, Mr McPherson highlighted that the design of the tower resulted in a more prominent expression than provided in the previous VCAT scheme, with a less 'delicate' expression, resulting in less contrast with the street walls below.
204. In response to these concerns, the amended plans formally submitted under S57A of the Act included the following modifications to the architectural design of the proposal;
- (a) Increased thickness to the vertical piers of columns above ground level;
  - (b) Brickwork panels introduced across the top and bottom of these forms;
  - (c) Retention of narrow bricks in the upper parts of the street walls, for the east and west components, with a different brickwork pattern to the central component;
  - (d) Retention of corbelled brick patterning, with this design more visible in the wider piers;
  - (e) Vertical concrete columns in the upper (street wall) levels, set-in behind the brickwork face;
  - (f) Retention of open metal vertical balustrades, with the balustrades recessed in the façade and siting above the brickwork slab edges, rather than extending past the slab edges as previously; and,
  - (g) Deeper protruding reveals to windows and balconies on the western (Fitzroy Street) frontage.
205. Contrasting images of the original and updated façade designs were provided in Mr McPherson's advice, and included below.



Figure 02: Previous Amended Plans: The upper-level form contains more contrast or dark and white, and a prominent frame, and the street wall forms are more open and 'thin' in their expression.



Figure 03: Current proposed design: Upper levels are as previous (Figure 02), but the street wall forms are more solid, enclosed and visually robust.

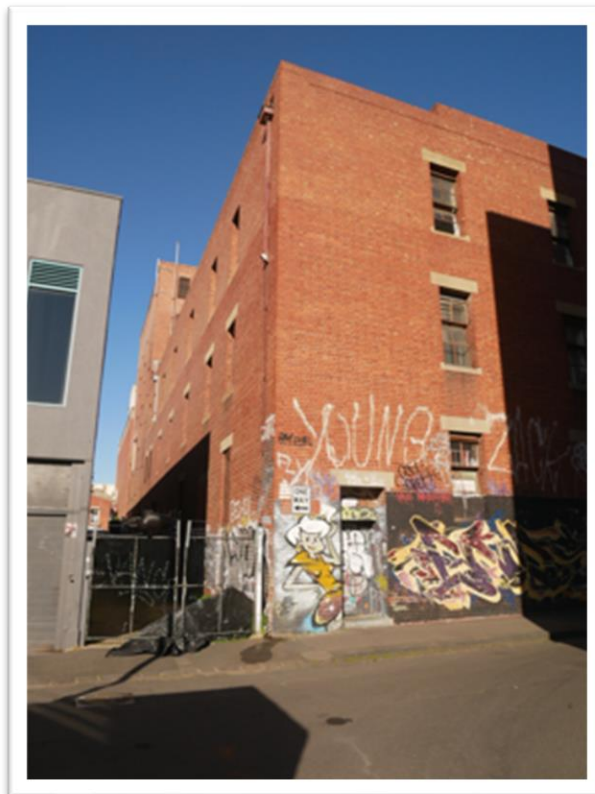
**Figure 19: Comparison of original and amended design**

206. These changes have resulted in a more successful design outcome, and one which reflects elements that were supported in the previous design presented to VCAT. Mr McPherson generally approved of the changes proposed, noting the following;
- (a) *The street wall components appear more solid, enclosed, integrated and robust, rather than too visually 'open'. This is more responsive to the urban/streetscape context;*
  - (b) *The street walls retain substantial openness for windows and balconies, but these are expressed as 'punched' openings in a solid masonry wall, rather than spaces behind 'applied' vertical elements;*
  - (c) *The street wall expression is more contrasted the upper levels, which is appropriate.*
  - (d) *The increased visual mass and strength of the street walls assist in reducing the comparative prominence of the upper levels;*
  - (e) *The recessed concrete columns in the upper levels of the street wall help to connect these levels visually with the Ground Floor frontage to Johnston Street;*
  - (f) *The deeper expressed reveals to Fitzroy Street create increased depth and 'relief' / these facades, for varied light/shade effects and visual privacy, while also differentiating the two street wall expressions.*

207. Whilst the design of the tower was not altered within the amended scheme, Mr McPherson was more supportive of this element in conjunction with the alterations made to the podium, stating that *'the enhanced street wall expression helps to 'downplay' the prominence of the upper levels, in terms of the overall visual balance'*.
208. The modifications to the podium have also addressed heritage concerns raised by Mr Gard'ner, with the wider piers providing a more vertical and less horizontal emphasis, which is more in keeping with the adjacent heritage facades. The ratio of solid to void has clearly increased, with this alteration, when combined with the increased usage of brickwork throughout the façade, resulting in a more successful and respectful heritage outcome. Whilst supportive of these changes, Mr Gard'ner continued to recommend that the material in the south-east corner, as circled in Figure 18, should be altered to a more visually lightweight material and finish.
209. This alteration is not considered necessary by Council Officers. Visibility to this section of the development is obscured, given its location in the rear corner of the site, with the extent of brickwork along this wall limited. The amended design as proposed is supported.
210. Whilst the proposed external materials schedule provides an indication of the different materials and finishes proposed throughout the design, to ensure that a high level of architectural quality and finishes will be provided, a permit condition will require the submission of a comprehensive façade strategy, with a further condition ensuring that Hayball architects will continue to oversee the construction works.

*Rear wall*

211. The subject site encompasses the northern wall attached to the warehouse building directly to the south of the existing laneway. This wall is demonstrated in Figure 20.



**Figure 20: Adjacent warehouse wall to the south viewed from Fitzroy Street**

212. The application proposes to construct a lightweight screen structure along part of this wall; this structure will cantilever from the wall and will be finished in a white colorbond material (Figure 21). Planter boxes will be constructed below the north-facing windows. These works are proposed to increase daylight within the south-facing apartments within the subject site.



Figure 21: Lightweight screen to adjacent wall

213. The building to the south is the Moran & Cato warehouse, which is graded 'individually significant' to the heritage precinct. Comments were sought from Mr Gard'ner from a heritage perspective, who considers that *'the proposed wall treatment will have an adverse impact on the appearance of the' individually significant' Moran & Cato building. The northern elevation, although a secondary elevation compared with the Victoria Street façade is of equal value to the Fitzroy Street elevation and is clearly visible (at least obliquely) from the street'.*
214. In response to these comments, the extent of this screen was reduced in the formally amended plans, with the setback from the western boundary increased from 4.36m to 8.16m and the setback from the eastern boundary increased from 2.82m to 7.36m. A notation was also added confirming that the screen would be cantilevered off the boundary wall; thereby reducing damage to the heritage wall.
215. Council Officers do not agree that the rear wall of this building is of equal heritage value as the primary façade addressing Victoria Street. Views to this wall are limited and will only be available when travelling southward along Fitzroy Street. Further to this, the reduction in screen via the amended plans and subsequent setback from the Fitzroy Street boundary will inhibit views to this structure. On this basis, it is not considered that the screen will negatively impact the heritage significance of the building to the south.

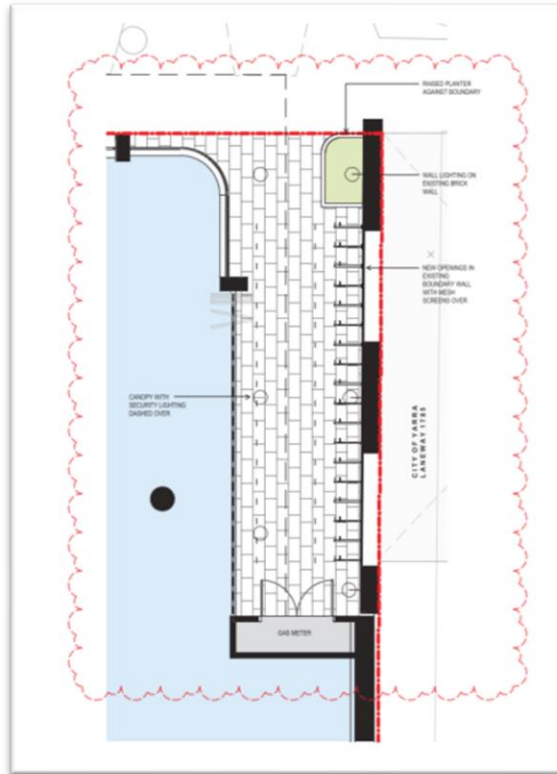
#### *Public Realm and pedestrian spaces*

216. The proposal achieves a positive outcome with regards to the public realm, with the design at ground level providing an extensive active ground floor frontage to Johnston Street and increased activation to Fitzroy Street. The majority of the Johnston Street façade will be glazed and will be associated with retail tenancies, resulting in a substantial improvement to existing conditions and ensuring that the commercial strip will be enhanced. This outcome is generally supported by Mr McPherson, who notes *'I consider this outcome appropriate and responsive to the context and maximising activation and passive surveillance opportunities'.*



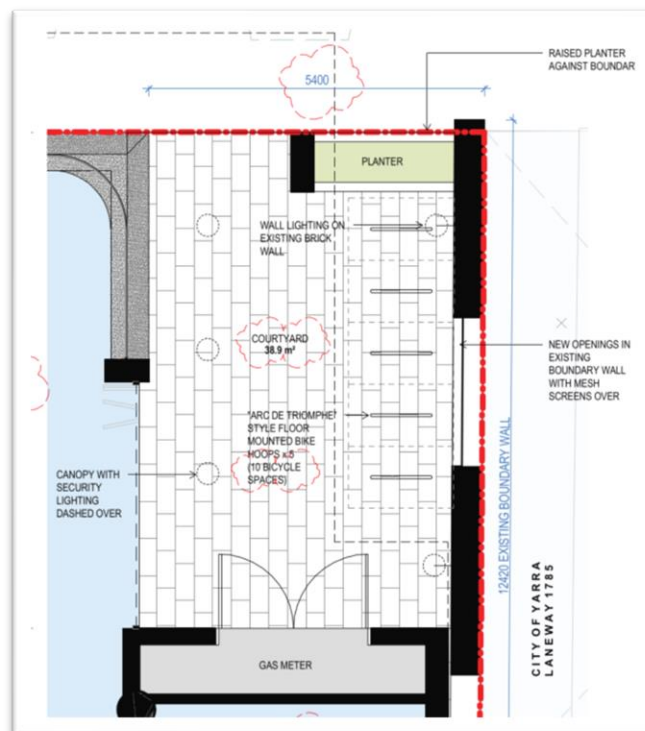
217. Residential windows and balconies addressing both streets will provide further passive surveillance and activation within these frontages. The residential entry to Fitzroy Street will be clearly visible within the western elevation and will be sheltered by a cantilevered section of Level 1 above. A fire booster cabinet is located directly to the north of this entrance, somewhat inhibiting views from Johnston Street, however it is noted that the location of the cabinet and its proximity to Johnston Street may be dictated by requirements of the relevant authorities. The relocation of the residential entry closer to Johnston Street would also result in a reduced floor area for the adjacent tenancy, thereby decreasing the activation on this corner. On balance, the location of the residential entrance is supported.
218. The location of the vehicle entrance and loading bay is acceptable, being in the south-west corner of the site and with limited visibility from the principal streetscape.
219. Council's Urban Design unit provided comments on the proposed public realm works, noting that whilst the development is supported in principle, several changes were recommended. These include the following;
- (a) *Reduction or removal of the proposed awning to accommodate street trees.*
  - (b) *Additional information shown on the drawings such as existing on street parking bays.*
  - (c) *Additional information regarding safety aspects associated with the east laneway entry and rear egress pathway.*
  - (d) *Review of street furniture locations.*
  - (e) *Additional levels and grading information.*
  - (f) *Street tree developer contribution.*
220. The amended architectural drawings and Landscape Plan responded to the above by providing additional details of on-street parking bays, streetscape fixtures and ground level details.
221. The building is designed with a pedestrian awning above both footpaths to provide weather shelter outside the subject site. This awning will extend for a width of 1.6m above the Johnston Street footpath and will sit 0.83m outside the western boundary along Fitzroy Street. The elevations indicate the canopy will be 3.65m above footpath level. Council's Urban Designer noted that the awning may impede the planting of street trees along Johnston Street, however additional advice from Council's Arborist confirmed that the species of trees proposed could be accommodated if the canopy is reduced in depth to 1.5m. As the canopy provides shelter for pedestrians and alleviates unreasonable wind impacts, the retention of the canopy is supported by Planning officers. A permit condition on any permit issued will require the canopy to be reduced in depth to 1.5m.
222. Along Fitzroy Street, existing and proposed street trees are within the road reserve; this ensures that any awning along this frontage will not obstruct the growth of these trees. On this basis, the awning and future street trees can be accommodated within both frontages.
223. It is highlighted that the Urban Design comments also require a clearance of 1.8m between the building façade and any future street tree plantings, to ensure that space for Council's cleaning vehicle is maintained. This setback is provided.
224. A recessed entrance/cut-out is proposed in the north-east corner of the site. This is directly adjacent to the existing laneway extending along the site's eastern boundary. This design feature was proposed in the previous VCAT plans, with the Tribunal generally supportive of this outcome, however concerns were raised that the depth of this recess, with a services cabinet at its southern end, could create an unsafe place. The location of bicycle parking in the opening would also partially restrict views and limit movement. The Tribunal was of the opinion that the recess should be re-configured to reduce its depth and increase its width and noted it would be desirable to allow some pedestrian movement through the openings, subject to some of the bicycle parking being relocated.

225. An image of this recessed area as discussed at VCAT is provided in Figure 22.



**Figure 22: Recessed entrance in north-east corner**

226. The original design within the current application incorporated some of the Tribunal's suggestions, by reducing the depth of this space and increasing the width. Bicycle parking spaces were reduced, however pedestrian access to this space from the abutting laneway was not provided. This outcome is demonstrated in Figure 23.



**Figure 23: Amended recessed design**

227. Whilst these changes are supported, the raised planter along the front boundary was considered problematic by Council's Urban Design team, with this planter and subsequent vegetation obscuring views and reducing safety within the recessed space. The S57A amended plans responded to this by removing the planter, allowing a clear sightline from Johnston Street (Figure 24). It is noted that whilst the planter has been removed from the drawings, the original notation referencing the location of the planter has not. A permit condition will ensure this notation is deleted.

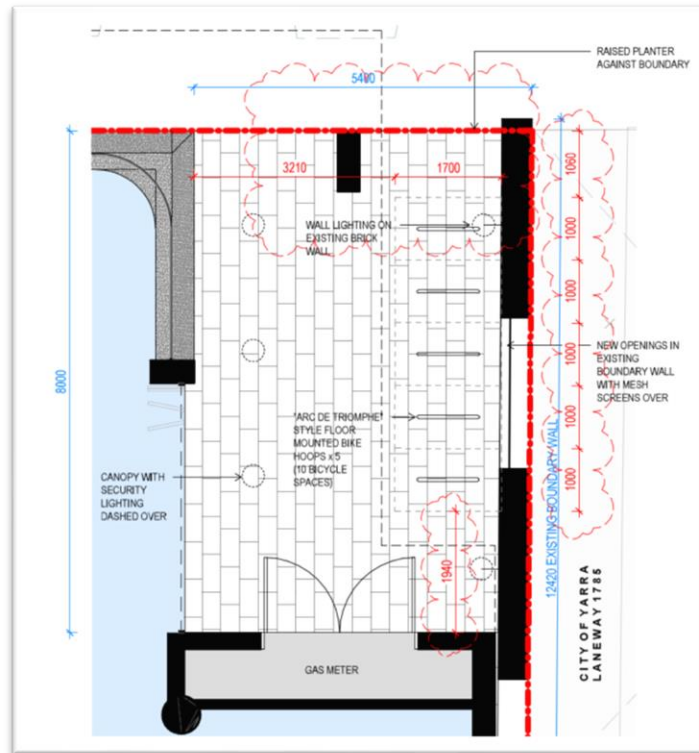
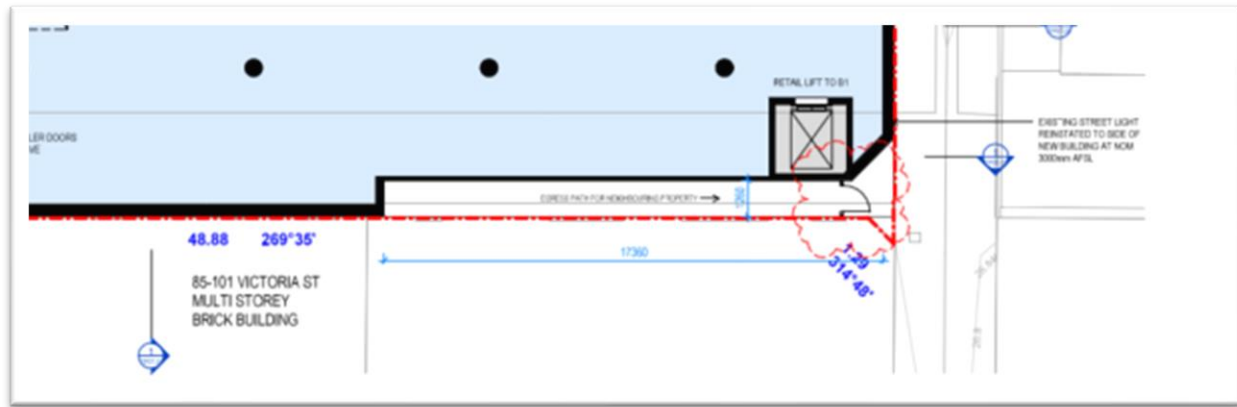


Figure 24: Section 57A Plans

228. These alterations result in a more visible and safer environment. Whilst pedestrian access to the adjacent laneway is not provided, this is not considered necessary, with the retention of bicycle parking in this location a positive outcome. Pedestrian access continues to be provided directly to the east. Council's Urban Design team is supportive of the bicycle spaces in this location.
229. A further 5 visitor bicycle hoops (10 spaces) are also proposed on the corner of Johnston Street and Fitzroy Street. A notation has been included on the plans confirming that these racks will be installed in accordance with Council's standard detail for bicycle hoops. This outcome is supported.
230. Potential safety concerns with the rear egress pathway between the two buildings were also raised, with the original plan showing this as an open passageway. The amended plans responded to this by adding a door at the eastern end of this corridor. This ensures access from the eastern laneway will be suitably restricted (Figure 25).





**Figure 25: Rear door to passageway added**

231. With regards to pavements, footpath levels and grading; urban design comments noted the following;
- (a) Further details are required of the proposed treatment to delineate public and private realm surfaces;
  - (b) All kerb, channel and pram ramps affected by the construction works must be re-instated to match exiting and be to Council standard details;
  - (c) Drainage and surface interface detail to laneway is required; and,
  - (d) Additional levels and grading information around the subject site are required to ensure seamless and compliant levels transitions are achieved by all entrance thresholds.
232. These requirements will be addressed via permit conditions.

#### *Street Trees*

233. Four new street trees are proposed along the Johnston Street frontage, with one of the trees within the Fitzroy Street road reserve to be protected during the works and the second tree to be relocated. The location and species of these trees within the original Landscape Plan was reviewed by Council's Streetscapes and Natural Values team, with costings for these works provided and the following comments received;
- (a) Council's tree species preference is for planting of *Nyssa sylvatica* 'Forum';
  - (b) The proposed WSUD pits are not supported;
  - (c) It is Council's preference that the proposed footpath trees are planted as standard 1 m x 1 m tree cut outs;
  - (d) All footpath trees are required to be positioned with consideration to the Johnston Street parking layout so that opening of vehicle doors is not obstructed;
  - (e) A minimum 1.8m clearance is required from the Johnston Street property boundary to enable access for the footpath cleaning vehicle;
  - (f) 1 x existing roadside tree on Fitzroy Street is proposed to be 'relocated'. It is not possible to transplant this tree therefore the applicant will be required to reimburse Council for the cost of removal and the planting of a replacement tree of equivalent size in the proposed location in Fitzroy Street as shown on plans; and,
  - (g) Council's street tree Contractor will source, plant and maintain the street trees.
234. An amended Landscape Plan, prepared by Tract and dated 4 February 2022 was submitted in response to these comments. Many recommendations were incorporated into these plans, however the final location of the trees will be confirmed by a permit condition, to ensure that the opening of vehicle doors is not obstructed. A note also continues to reference the relocation of the second tree on Fitzroy Street. These aspects, and the undertaking of works by Council contractors, will be captured via permit conditions.

#### *Light and shade*

235. In terms of shadowing to the public realm, the location of the development on the southern side of Johnston Street will limit unreasonable impacts upon the Johnston Street public realm. The most affected area will be Fitzroy Street, with shadows cast on the western footpath at 9am, with these shadows dissipating by 11am. Given the limited duration of these shadows, this is considered reasonable. It is acknowledged that Fitzroy Street is narrow, which would make it difficult to eliminate any additional overshadowing if the subject site was to be developed even at a lower height. Given the secondary nature of this footpath (not being a main thoroughfare), this outcome is acceptable.

*Site Coverage*

236. The proposed building occupies the full extent of the site at the lower levels. This is consistent with the existing building on the site, and many buildings in the local area. The direct abuttal to all boundaries at the lower levels is considered to be contextually responsive in this urban location and is supported. It is also noted that given the Environmental Audit Overlay affecting the site, it is likely the entire site area will require capping, thereby resulting in no permeability being available within the land.

*Landscape architecture*

237. Whilst landscaping is not a typical feature of higher density development in Fitzroy, the proposal includes a degree of visible landscaping throughout in the form of planter boxes at ground level, levels 1,4,5,7 and 8, and on the roof as communal space. Council's Open Space Unit reviewed the original Landscape Plan submitted with the application, and noted the following;
- (a) The plans show the general location of planting and provide an initial plant schedule. Planting plans showing species location and plant numbers would be required. In general, the plant species are suitable.
  - (b) Surfaces and materials are shown in the package.
  - (c) Details showing the planters are included, showing the various elements required and giving an indication of dimensions and planter depths. 1m depth of growing media is suitable for the trees suggested.
  - (d) The planter details include information regarding irrigation and drainage. These systems will require ongoing maintenance in both the communal and private planter areas.
  - (e) Some notes on maintenance requirements have been included, however a clear maintenance schedule including tasks requirements and frequency of task would be required
  - (f) Load bearing weights for the building are to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass proposed.
238. An updated Landscape Plan and Landscape Maintenance Plan were submitted with the amended plans; these plans addressed most of the issues raised above. The Open Space Unit confirmed that the only outstanding information required was the provision of planting plans, showing the exact locations of plants and plant numbers, and for plant numbers to be shown in the plant schedule. Whilst the load bearing weights for the building will be addressed at the Building permit stage, this item should also be acknowledged in the Landscape Plan. These additional requirements will be incorporated into a permit condition.

[Clause 58](#)

239. Clause 58 comprises design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner-city mixed-use area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

*Standard D1 – Urban context objective*

240. This is addressed within the *Built form, urban design and heritage* section of this report. The standard and objective are met.

*Standard D2 – Residential policy objectives*

241. As outlined within the Strategic Policy section of this report, the proposed development has strong policy support under the purpose of the C1Z and local policies of the Scheme. The site can clearly support a reasonable degree of higher density residential development, based on its proximity to public and community infrastructure and services. The Standard is met.

*Standard D3 – Dwelling diversity*

242. The provision of a diverse housing stock assists in achieving broader strategic goals by promoting housing choice, adaptability and encouraging a range of people within a neighbourhood, including families. The proposal provides 12 x 1 bedroom, 25 x 2 bedroom and 28 x 3-bedroom apartments, with various layouts and balcony sizes. This mixture allows for a reasonable variety of dwellings to be provided and ensures that the Standard is met.

*Standard D4 - Infrastructure*

243. 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 are met.

*Standard D5 – Integration with the street*

244. As outlined earlier within the ‘public realm’ section of this report, it is considered that the works proposed to the ground level frontages will improve the building’s current integration to both streets. The shopfronts to Johnston Street will provide an active commercial presence within this streetscape and the works to the Fitzroy Street frontage, including the residential entrance and landscaping, will also improve the activation of this currently under-utilised façade. On this basis the Standard is met.

*Standard D6 - Energy efficiency objective*

245. Redevelopment of the site located in an existing built-up area will make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces residents and visitors from relying on private vehicles. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme encourage ecologically sustainable development, with regards to water and energy efficiency, building construction and ongoing management.
246. Council’s ESD Advisor reviewed the original Sustainable Management Plan (SMP) and the development plans and concluded that the proposal did not meet Council’s ESD standards. A further review of the amended plans and an updated SMP was undertaken; this review concluded that most issues raised in the initial review had been satisfied. These issues related to items such as the energy efficiency of the commercial component at ground level, the layout of Apts. 105 & 106 (with these dwellings relaying on internal courtyards) and the provision of operable shading to north and west-facing apartments. The provision of JV3 modelling, confirmation that Apts. 105 & 106 will comply with daylight requirements and confirmation that shading is provided to north and west-facing dwellings alleviated these concerns.

247. It is noted that concerns regarding daylight modelling continued to be upheld, with Council's ESD Advisor highlighting that the high level of reflective paint proposed for apartment walls is unlikely to be maintained in the long term. It was recommended that daylight modelling was undertaken using a more realistic assumption for wall and ceiling paint colour. In response, further modelling was undertaken, and the Applicant provided a rationale for acceptance of a ceiling reflectance value of 88%, which would allow for a greater range of paints to be chosen and still maintain the daylight amenity outlined in the daylight modelling report.
248. Based on this additional information, Council's ESD Advisor accepted that in the absence of specific guidance on standard reflectance values either in the new Green Star Buildings tool or by prior communication by Council, the modification to the modelling allows for a greater range of colours that would maintain the daylight amenity and is appropriate.
249. Standard D6 requires dwellings located in Climate Zone 21 (Melbourne) to not exceed the NatHERS annual cooling load of 30mj/m<sup>2</sup>. The SMP provided cooling loads for 5 apartments identifying that no apartments exceeded an annual cooling load of 30mj/m<sup>2</sup>. Council's ESD Advisor raised no concern with the cooling loads proposed.
250. The SMP will be endorsed as part of any permit issued.

*Standard D7 – Communal open space*

251. The Standard notes that a development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30sqm, and if a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5sqm per dwelling or 220sqm, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.
252. Given the provision of 65 dwellings, this equates to 192.5sqm. A roof terrace of 316sqm is provided; this area is located on the north-eastern section of the roof and contains lawn and seating areas, with BBQ facilities. Lift access to the terrace is provided.
253. The size of this terrace exceeds the Standard, with the layout providing an accessible area of open space that meets the recreation and amenity needs of residents.

*Standard D8 – Solar access to communal open space*

254. The communal outdoor open space should be located on the north side of a building, if appropriate, and at least 50% or 125sqm, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.
255. Whilst shadow diagrams have not been provided for the winter solstice, the equinox shadows (22 September) demonstrate that the location of the terrace, on the north-east side of the roof with no higher built form directly adjacent, will experience very little overshadowing throughout the day. Given the heritage grading of the building to the east and the separation provided by Johnston Street to the north; higher built form is unlikely to occur adjacent to this space and the amenity of the roof terrace will be retained.

*Standard D9 – Safety*

256. The proposed residential entrance would be clearly visible from Fitzroy Street and is not obscured or isolated. Passive surveillance opportunities are available from the dwellings above. The Standard is met.

*Standard D10 – Landscaping*

257. Landscaping has been discussed earlier within this report; however, the Standard expands on this topic by outlining specific requirements for the provision of canopy trees and deep soil planting. Table D2 within the Standard notes that sites between 1501-2000sqm (with the site being 1,644sqm) should provide canopy cover of 150sqm, plus 20% of the site area above 1,500sqm, and deep soil planting for 10% of the site. The required sizes of canopy trees are outlined in this table.
258. The ability to provide these requirements on the site are limited, given the proposed basement which will extend beneath the entire land, and the subsequent high level of site coverage. It is also acknowledged that landscaping is not a typical feature of higher density development in Fitzroy. The decision guidelines for this Standard consider the neighbourhood and landscaping character of the area, as well as the suitability of the proposed location, deep soil area and planter volume for canopy trees.
259. The proposal includes a degree of visible landscaping throughout in the form of planter boxes at ground level, levels 1,4,5,7 and 8, and on the roof as communal space. Opportunities for deeper planter boxes and larger canopy trees have been explored within the roof terrace; Councils Open Space unit was supportive of these aspects, on the basis that load bearing weights for the building are to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass proposed.
260. The planter boxes that are proposed to extend around the perimeter of balconies will be visible from both streetscapes; this will reduce the visual impact of the building, which is consistent with the Standard. The landscaping will also meet additional requirements outlined in this clause, which recommends the use of climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space. The extent of landscaping will provide a safe, attractive and functional environment for residents.

*Standard D11 – Access*

261. Vehicle access is provided via Fitzroy Street, thereby ensuring no access points will occur within Johnston Street. and the car park entry will be located within the secondary frontage. An existing single crossover already provides access within this frontage, with a second crossover proposed for the loading bay directly to the south.
262. No on-street car parking spaces will be removed as a result of these crossovers, and access for service, emergency and delivery vehicles is available. The Standard is met.

*Standard D12 - Parking location*

263. The location of parking within the basement levels is an acceptable design response. The garages at all levels will be easily accessible from the central lobby area, with direct access to the lifts and stairwell.
264. There are no car stackers proposed; with all car parking at-grade. This limits unreasonable noise that may otherwise be generated from the garage and ensures that off and on-site amenity will be acceptable with regards to vehicle and mechanical equipment located within the basement. The Standard is met.

*Standard D13 - Integrated water and stormwater management*

265. The application proposes the installation of a 36kL rainwater tank which would be connected to a number of toilets within the development. The STORM report provided with the application achieves a score of 113%, which is consistent with the policy direction under clause 22.16 – Stormwater Management (Water Sensitive Urban Design) of the Scheme. On this basis, the Standard will be met.

*Standard D14 - Building setbacks*

266. As outlined within the built form review of this assessment, the setbacks of the building are considered to achieve an acceptable design response to the character of the surrounding area. Adequate daylight will be provided to all apartments, with the upper-level setbacks ensuring that views to adjacent sites are limited without reliance on privacy screening.

*Standard D15 - Internal views*

267. The Standard notes that windows and balconies should be designed to prevent overlooking of more than 50 percent of the private open space of a lower-level dwelling directly below and within the same development.
268. The plans indicate that balconies adjacent to each other will be screened either via a solid wall or a 1.8m high wall/screen. The transparency of the screening is not specified on the plans and the material/design of the screening is not clear within the materials schedule.
269. At Level 5, a notation indicates that overlooking between balconies will be mitigated via 'tall planting'; this outcome is not satisfactory, with no details provided on the species/height of this vegetation. Further to this, reliance on vegetation is not considered acceptable for this purpose, with no guarantee that the landscaping will be maintained. There is also no information provided on how downward views within the development will be managed.
270. To ensure that this Standard is met, the following aspects will be required via conditions;
- (a) Confirmation that the 1.8m high screening will have a maximum transparency of 25%;
  - (b) The material/design and transparency of the screening to be included on the materials schedule;
  - (c) The 'tall planting' on the terrace of Apt. 507 replaced with a permanent structure; and,
  - (d) The provision of an overlooking diagram demonstrating whether unreasonable views to lower level terraces will be available, and if so, appropriate mitigation measures to be incorporated into the design.

*Standard D16 - Noise impacts*

*Traffic Noise*

271. The proposed development is located within proximity to Brunswick Street and Nicholson Street and directly adjacent to Johnston Street. Whilst these roads are main arterial roads, with substantial traffic volumes and tram lines, they are not considered to be 'noise influence areas' as defined under this Standard, as traffic volumes within these roads do not exceed 40,000 vehicles per day. On this basis, the noise criteria outlined in this Standard is not applicable to the development, however it can be used as a benchmark for acceptable internal noise levels within the new apartments.

272. The Acoustic report submitted with the application (prepared by Renzo Tonin & Associates (RTA)), relies on the *Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors (AS2107)* to provide target criteria for environmental noise impacts on the apartments, including traffic.
273. This report (dated 25 August 2021) contains similar traffic noise data as that provided with the previous application (dated 19 December 2019). The previous report, also prepared by RTA, was reviewed by SLR Consultants, who raised no issue with the traffic noise targets as adopted and confirmed that the nominated glazing types outlined in the assessment are likely to readily achieve these targets. It was highlighted that the site's proximity to live-music venues placed relatively stringent noise attenuation requirements onto the development, which would in turn ensure that the traffic noise targets were achieved.

*Venue/Patron Noise*

274. The live music venues referred to above include the following;
- (a) No. 105-107 Johnston Street (The Provincial Hotel) – approximately 20m to the north-east of the site. This venue operates as a night club, with a rooftop bar, with internal areas operating until 3am and the rooftop bar operating until 12.30am Thursdays to Saturdays;
  - (b) No. 277-285 Brunswick Street (Naked for Satan) – directly to the south-east of the site. This venue operates as a bar, with a large semi-enclosed rooftop space. The rooftop operates until 1am on Fridays/Saturdays and 12midnight for all other days;
  - (c) No. 74-76 Johnston Street (the Old Bar) – 30m to the west of the site. This venue is a live music venue that operates until 3am every night.
275. In addition to these existing venues, Planning Permit PLN15/0712 was issued on 3 March 2017 to allow the construction of an air-bridge between Naked for Satan and the property directly to the south of the subject site, at No. 95-105 Victoria Street. An additional 2 levels are proposed on top of this building, with approval for these floors to operate as a tavern. A semi-enclosed outdoor patron area is proposed on the roof of this building. Closing hours would range from 11pm to 12.30pm throughout the week, with a number of proposed dwellings in the south-east corner of the development within proximity to this approved tavern. Whilst this permit has not been acted upon, it is still valid.
276. Clause 53.06 (Live Music and Entertainment Noise) of the Scheme places the onus on noise attenuation and the protection of internal amenity for new development with the 'agent of change'; in this case being the proposed development on the subject site. It states that;
- (a) *A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:*
    - (i) *Indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Pubic Premises) No. N-2 (SEPP N-2);*
    - (ii) *Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes.*
277. It is highlighted in the previous SLR review, that noise testing undertaken for these venues occurred in November 2017; being more than 2 years ago at that time. These measurements have also been used in the most recent report, with no updated measurements undertaken between 2017 and 2022. Given the restrictions that occurred during this time, with COVID limiting the operation of these venues, SLR acknowledged that this outcome is acceptable.



278. SLR also noted; *'City of Yarra have advised that the Naked for Satan expansion has not yet been completed and is not operational. Given this, there is no formal way to obtain a more accurate representation of this operation, so the allowances and measures adopted in the report are considered reasonable. However, we do see this as a high-risk issue given the proximity of outdoor patron areas to the proposed development'*.

*Mechanical noise*

279. With regards to the mechanical plant noise on surrounding rooftops, SLR recommended that *'consultation with adjacent commercial uses be undertaken as soon as practically possible (prior to construction), and for all areas where there is a potential Noise Protocol noise limit breach, not where there is a 65 dBA day, 55 dBA evening/night breach'*.
280. In response to this recommendation, a memo was provided by RTA on 1 February 2022 confirming that discussions were underway with the sites directly to the south and south-east. This letter highlighted that the proposed development may be able to provide attenuation measures for existing mechanical equipment on the roof of these buildings if required. SLR confirmed that this outcome was supported and allows for better design outcomes in the future.

*Acoustic summary*

281. Whilst the location of the site provides the potential for excessive noise impacts, following all the reviews, SLR have confirmed that RTA has *'generally addressed the impacts in line with previous advice and Council / SLR approaches, and this has addressed music noise, traffic noise, mechanical noise and patron noise sources in the area'*.
282. It is noted however that the most recent report contains some discussion within it that appears to relate to the previous design. The report should be updated to reflect the changes that have occurred. There is also no discussion in relation to the relocated roof terrace, and how noise impacts from this space within the development will be managed.
283. To ensure that all noise issues are appropriately captured, a permit condition will require an updated report to reference all aspects of the current design, including the roof terrace, with mitigation measures for the roof terrace if required.
284. Whilst SLR were satisfied with the outcomes of the Acoustic Report; given the potential for noise issues to occur and the period of time that has passed since some of the measurements were undertaken, it is considered reasonable that post-completion acoustic testing is undertaken to ensure that the required noise levels are met.
285. The post completion Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the adjacent mechanical plant with Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated *Noise Protocol* (Publication 1826.4, Environment Protection Authority, May 2021), sleep disturbance targets or any other requirement to the satisfaction of the Responsible Authority within the new development. A further condition will facilitate this.

*Standard D32 – Wind impacts*

286. The objective of this Standard is to ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.
287. A Wind Tunnel study was undertaken by MEL Consultants (Rev. 2 – 26 October 2021) and reviewed by Vipac Engineers. This study analysed the potential wind effects along Johnston Street, Fitzroy Street, Victoria Street and within adjacent laneways. The report recommended the following wind criteria be met;

- (a) Pedestrian transit areas – Walking Criterion
- (b) Pedestrian footpath in front of setback entries – Walking Criterion
- (c) Main Building/Tenancy entrances – Standing Criterion
- (d) Private terraces and outdoor areas – Walking Criterion
- (e) Rooftop designated seating areas – Sitting Criterion.

288. Each area will be discussed in turn.

*Pedestrian areas and entrances*

289. The wind conditions along Johnson Street and the eastern laneway will mostly satisfy the standing criterion, with the corner of Johnston Street and Fitzroy Street satisfying the walking criterion. The wind conditions along Brunswick Street and Victoria Street have been shown to mostly satisfy the walking comfort criterion, with two of these areas (one on each respective footpath) satisfying the standing criterion. The wind conditions along Fitzroy Street satisfy the walking criterion as a minimum, with testing of the laneway on the opposite side of Fitzroy Street, directly to the west of the development, meeting the standing and sitting criteria. These outcomes ensure that all areas of the public realm surrounding the site meet or exceed the walking criterion.

290. All of the entrances, including the retail entrances on Johnston Street and the residential entrance on Fitzroy Street, meet the standing criterion.

291. In their review, Vipac confirmed the validity of the above, however they noted one graphical error on the location map. This error was rectified in an amended Wind Tunnel report (Rev. 3 – 16 November 2021).

*Private terraces*

292. MEL's study confirmed that the wind conditions within the private terraces were shown to satisfy the walking criterion, with one exception at the northwest corner of the Level 8 terrace, for which wind conditions failed the walking and safety criteria. However, it was demonstrated that with the addition of a 1.2m high wind gate at the northwest corner of the Level 8 terrace, the wind conditions at this location would improve and satisfy the standing criterion. The plans (TP01.08) confirm that a 1.2m high screen has been provided in this location. Vipac confirmed that this outcome was achieved.

*Roof terrace*

293. The wind conditions on the rooftop terrace were shown to satisfy the standing criterion and improve to satisfy the sitting criterion at the designated seating areas. The plans demonstrate 1.5m high wind screens, with areas of 1m high integrated screening/landscaping to achieve this. The requirement to achieve the sitting criterion within designated seating areas of the roof terrace was supported in the VCAT decision, as outlined in the following discussion.

*[111] The key concerns relating to the wind impacts are in respect of the rooftop communal open space area. The evidence is that walking criterion is an acceptable outcome for this area. The Council does not agree, arguing that sitting criterion should be achieved.*

*[112] The rooftop space is an important area and will make a notable contribution to residents' amenity given its size, proportions, landscaping, opportunity for views and solar access. It will provide an attractive option for occupants and their visitors as an alternative to the individual balconies.*

*[113] According to the evidence, it is possible to create areas within the rooftop communal open space that achieve the sitting criteria, with reference being made to the use of vegetation and screens. We consider that an acceptable outcome would be achieved by ensuring that the designated sitting area (comprising a table and seating) is designed to meet the sitting criterion in order for occupants to experience comfortable conditions while in this part of the rooftop open space. This outcome would be conducive to the intended use and provide an acceptable level of amenity to encourage residents to occupy this area.*

294. Vipac confirmed that the standing and sitting criterion were met within the roof terrace, with the additional screening achieving the outcome outlined in the decision above.
295. This ensures that the required criterion within both public and private realms surrounding and within the development will be met. The MEL Wind Tunnel report dated 16 November 2021 will be endorsed accordingly.

*Standard D17 - Accessibility objective*

296. To ensure the design of dwellings caters for people with limited mobility, the Standard requires that at least 50% of new dwellings should provide:
- (a) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
  - (b) *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;*
  - (c) *A main bedroom with access to an adaptable bathroom;*
  - (d) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.*
297. The BADS summary provided with the application indicates that 54% of apartments will achieve this degree of accessibility, with this figure confirmed via Officer calculations. The proposed Option A accessible bathrooms meet all of the requirements outlined in Table D4 of the Standard; however, many of the Option B bathrooms contain inward opening doors. To ensure that the Standard is met, a permit condition will require an annotation be added for all relevant Option B apartments confirming that the inward opening doors will have removable hinges.

*Standard D18 – Building entry and circulation*

298. The proposed residential lobby would be readily visible within views along parts of Johnston Street and within Fitzroy Street, and would therefore provide an adequate sense of address and identity for the building. An awning sits above the residential entrance, providing a visible transitional space for shelter. The Standard is met.
299. The common corridors are short in length and provided with natural light and ventilation. This is considered to be acceptable.

*Standard D19 - Private open space*

300. Of relevance to this development, a dwelling should have private open space consisting of:
- (a) *A balcony with an area and dimensions specified in Table D8 and convenient access from a living room.*
301. The Standard also specifies if a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5sqm. The area and dimensions specified are as follows:

Dwelling type	Minimum area	Minimum dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

302. The sizes and orientations of the balconies differ throughout the development, with balconies addressing all four boundaries. Balconies range in size from 9.5sqm to a maximum of 137.5sqm. Airconditioning units are provided in each individual balcony, however the additional 1.5sqm has been provided in the smallest balconies to accommodate these.
303. In all instances the minimum area requirements are met; in some instances, sections of the balconies do not meet the minimum dimension, however in all of these cases the balcony is irregularly shaped, with one area of the balcony exceeding the minimum dimension. In all of these instances the overall area of the balcony also exceeds the minimum area. This ensures that these particular balconies are able to provide a useable space. The only exemption to this outcome is Apt. type 3B; these apartments have balcony depths of 2.35m (falling short by 0.5m) however the overall balcony size is 25.8sqm (exceeding the requirement by 13.8sqm).
304. Sliding doors are provided to all balconies, ensuring that they are not compromised by an outward opening door. The objectives of this Standard are met.

*Standard D20 – Storage*

305. Each dwelling should have convenient access to usable and secure storage space, and the total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in the table below.

Table D10 Storage		
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

306. All dwellings will have access to the minimum storage requirements outlined within this Standard, with storage located within external cages throughout the basement levels, and within each dwelling. The functionality and location of these storage spaces are considered reasonable and the Standard will be met.

*Standard D21 – Common property*

307. The common property areas within the development are generally clearly delineated and would not create areas which are difficult to maintain into the future. The lobby and vehicle access areas are well conceived.

*Standard D22 – Site services*

308. The majority of site services would be located either within the basements or at roof level, including the substation. A booster cabinet is proposed within the Fitzroy Street frontage; the operability of these doors is not clear on the plans or elevations. A permit condition will ensure that the design of these doors would not obstruct footpath access when opened.
309. The mailboxes will be located directly adjacent to the residential entrance on Fitzroy Street, within an internal space accessible by Australia Post. This outcome is acceptable.

*Standard D23 – Waste and recycling*

310. Waste storage procedures will be discussed within the separate waste section of this assessment.

*Standard D24 – External walls and materials*

311. The objective of this Standard is to ensure external walls use materials appropriate to the existing urban context or preferred future development of the area, and that external walls endure and retain their attractiveness.
312. A range of materials is proposed throughout the development, with face brickwork within the podium levels and powder coated aluminium in the upper floors. Metal and spandrel panels are proposed, as are areas of concrete and timber look cladding. These materials all respond well to the urban and heritage context of the area and are considered of high quality and endurance.

*Standard D25 – Functional layout objective*

*Bedrooms*

313. The Standard notes 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. The Standard is met for all dwellings.

*Living areas*

314. Table D12 within this Standard states that living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified below;

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

315. The individual apartment layouts and Officer calculations confirm that all of the apartments either meet or exceed this requirement, ensuring that the useability, functionality and amenity of habitable rooms throughout the development is acceptable.

*Standard D26 – Room depth*

316. The Standard notes that the depth of a single aspect, open plan, habitable room may be increased to 9m 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. This excludes where services are provided above the kitchen.
317. The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.
318. There is one Apt. type that does not meet this requirement (Apt. type 2A). A total of 6 apartments are proposed with this layout, which is demonstrated in Figure 25, where the overall room depth is 9.8m. In this instance, all other requirements outlined above are met, with the living area open plan in design, the kitchen located furthest from the window and the finished floor level a minimum of 2.7m in height.
319. Also demonstrated in Figure 26 is the 9m depth (the darker line), which would encompass the majority of the kitchen, with the only exception being the stove/sink and fridge area. The food preparation area would be included in this dimension. On this basis, and as these dwellings are all north-facing and would therefore receive a good extent of solar access throughout the day; a variation to the Standard for four of these 6 dwellings is considered appropriate. (Apts. 201, 202, 301, 302).
320. However, daylight levels in the living rooms of the Level 1 apartments (Apts.101 & 102) are very low, at 44.1% and 42.9% respectively. To increase the daylight levels within these dwellings, a reduction in room depth to meet this Standard is considered necessary. A permit condition will ensure this occurs.

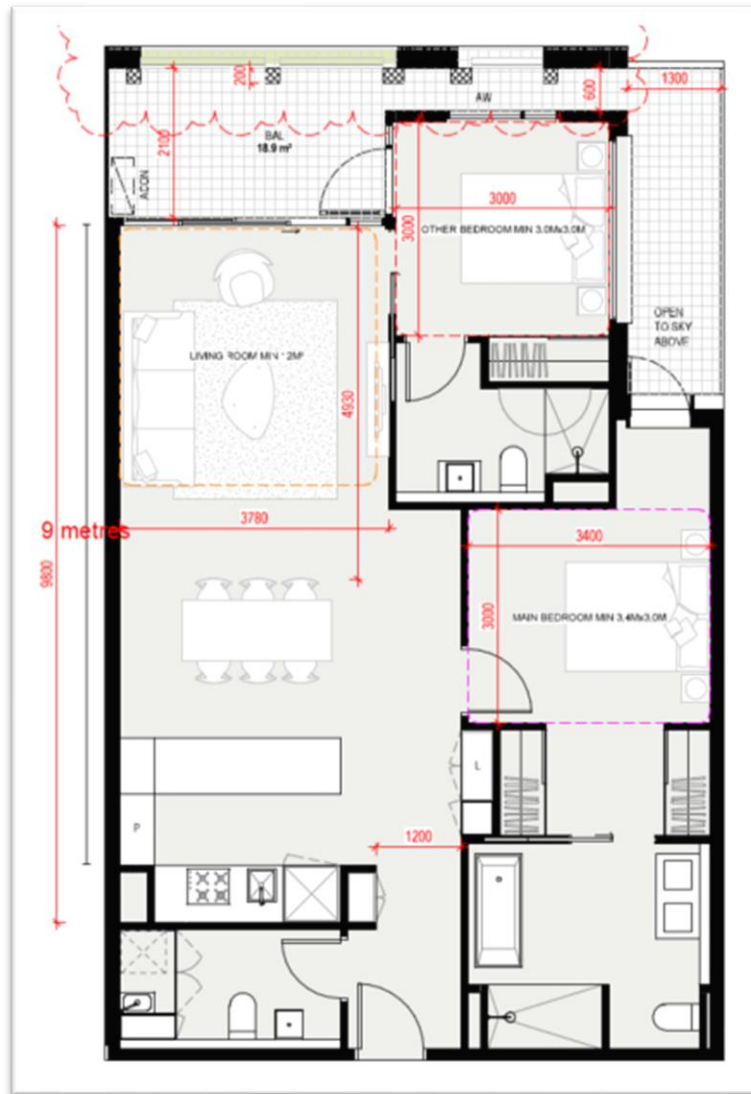


Figure 26: Apt. type 2A

### Standard D27 – Windows

321. Most habitable rooms within the proposed development contain a window within an external wall to the building, with the exception being Apts. 105 & 106. The apartments, as shown in Figure 27, have been designed as 'SOHO' apartments; which refers to 'Small Office Home Office', and are designated as an option for people working from home. An internal lightcourt sits directly adjacent to the bedroom and living room, with a home office extending to abut the southern boundary. This results in no external habitable room windows.
322. Whilst Council's ESD Adviser initially raised concerns with the layout of these dwellings, noting they had limited outlook; the most recent SMP and daylight assessment concludes that these apartments achieve 'best-practice' with regards to daylight. Further to this, as only 2 of the 65 apartments adopt this design, a variation to the Standard is acceptable.



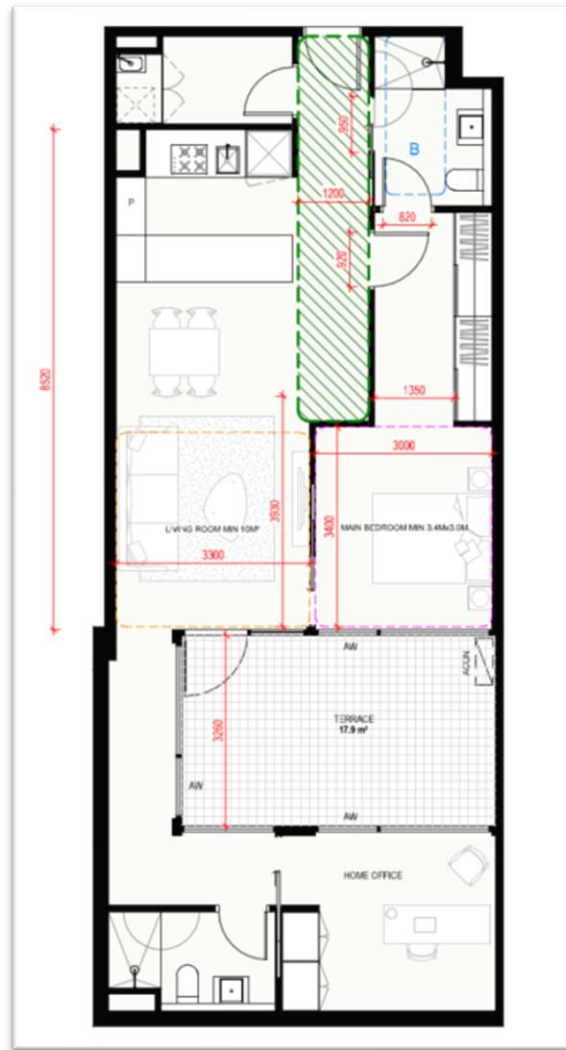


Figure 27: Layout of Apts. 105 & 106

#### Standard D28 – Natural ventilation

323. The standard requires that at least 40% 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.
324. The assessment table states that 47% of dwellings comply with this Standard. A review of the plans confirms this, ensuring that the Standard is met.

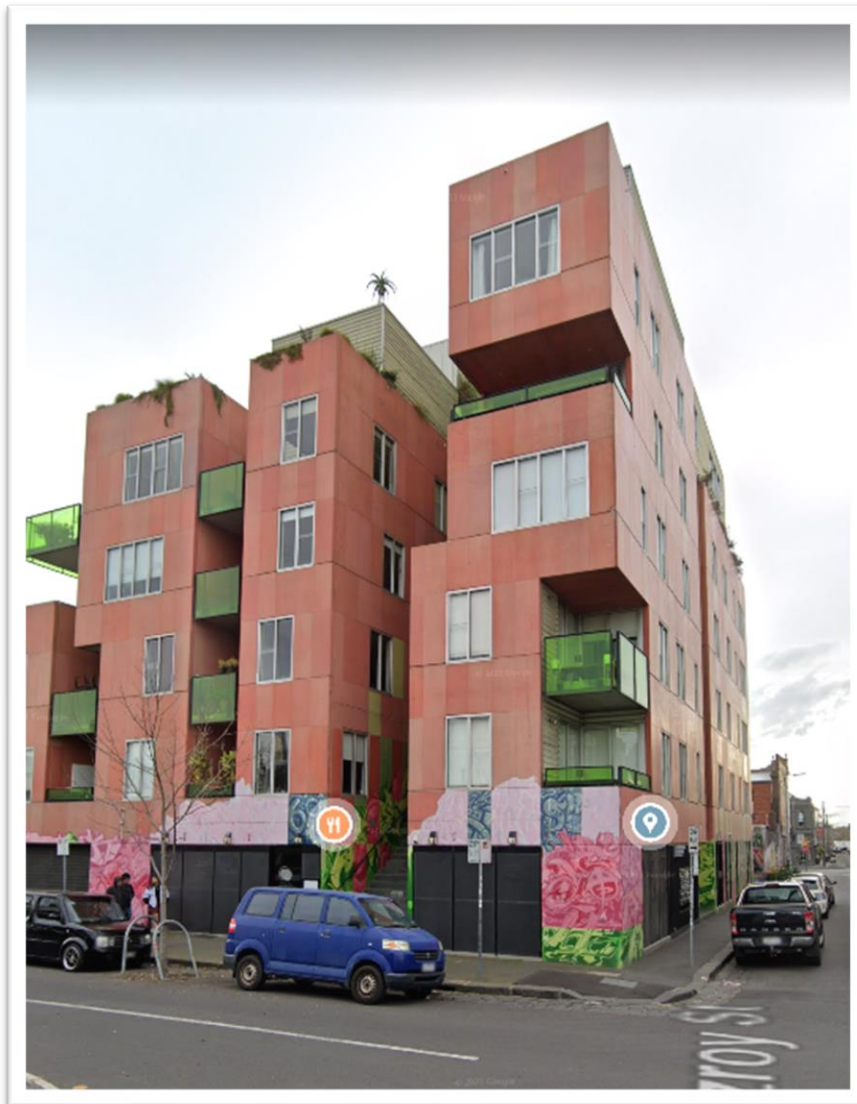
#### Off-Site Amenity

325. 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, loss of daylight to windows, visual bulk and overlooking of sensitive areas. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy) of the Scheme, with decision guidelines at Clause 22.05-6 stating that Council should consider (as appropriate); *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*

326. In this instance the site is surrounded by land within the C1Z and MUZ, with the closest residential use (within the MUZ) to the south-west, at No. 67-69 Victoria Street. Buildings to the east and west are commercial, with the 6-storey building on the northern side of Johnston Street containing commercial uses and serviced apartments.

*Visual bulk*

327. Whilst views to the development will be available from most directions, the reduced height of the development as proposed in the current application alleviates unreasonable visual impacts. The lower street wall heights respond positively to the existing heights within the immediate context, with the reduction in the tower element reducing visibility of this form.
328. The most sensitive use within proximity to the site is No. 67-69 Victoria Street, pictured in Figure 28.



**Figure 28: No. 67-69 Victoria Street (Source: Google earth 6.4.2022)**

329. This building extends to 7-storeys at its highest, which is the streetwall abutting Fitzroy Street. By contrast, the subject building's streetwall will be lower, with a maximum height of 5-storeys. The separation provided by Fitzroy Street will assist in reducing visual impacts from the south-east.

330. The podium will have a highly articulated finish, with the tower set back to create a more recessive upper form. The combination of indented balconies, projecting shrouds to the windows and contrasting materiality ensure that a good degree of modulation and visual interest is provided to all walls addressing the public realm. It is not considered that the overall height and massing will result in unreasonable visual bulk impacts from any vantage point.

*Overlooking*

331. There are no habitable room windows or areas of SPOS located within 9m of the development, with the width of Fitzroy Street and the set back of the proposal from the southern boundary ensuring that no unreasonable overlooking impacts will occur.

*Daylight to windows*

332. There are no habitable room windows associated with residential buildings within proximity to the site.

*Overshadowing*

333. The only SPOS associated with residential use within proximity to the site is to the south-west, at No. 67-69 Victoria Street. There are a number of north-facing balconies at the higher levels within this building, however, as can be seen in Figure 29, these balconies (with the green balustrades) are recessed within the northern wall. Based on this setback, the balconies would already be partially overshadowed in the mornings and afternoons. The 9am shadow diagrams submitted with the application indicate that these balconies will be predominantly in shadow at 9am, however by 10am, the shadows begin to reduce. This is evident in Figure 30, with Figure 31 demonstrating that by 11am, the only shadows cast in these balconies will be from their own balustrades and walls. This outcome is considered acceptable given the context of the site and the limited duration of additional shadow impacts.

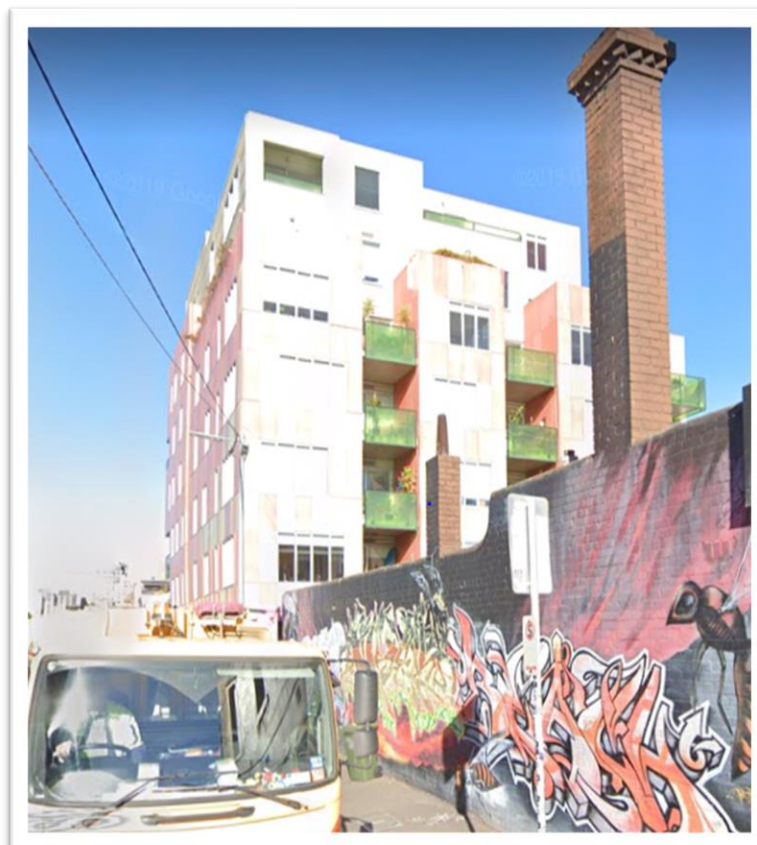


Figure 29 – inset north-facing balconies to 67 Victoria Street

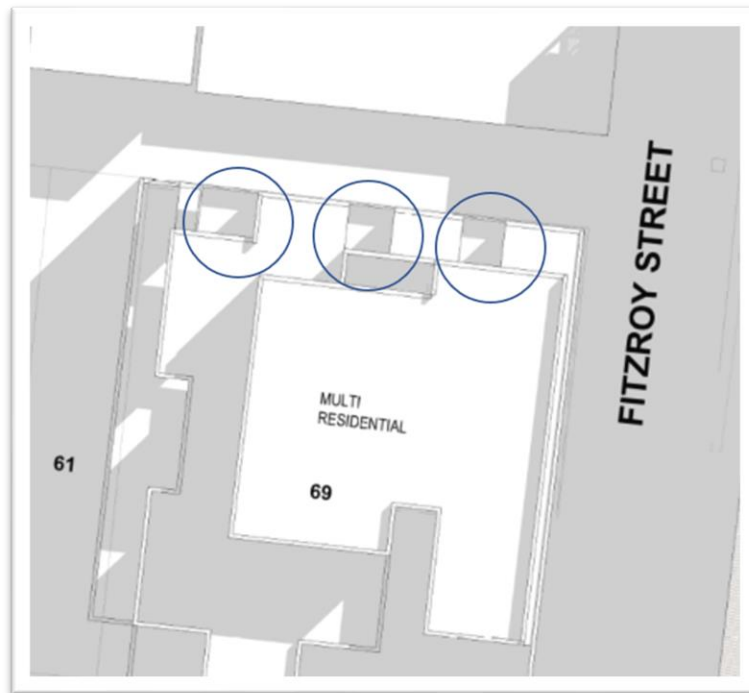


Figure 30: 10am shadows in balconies to south-west

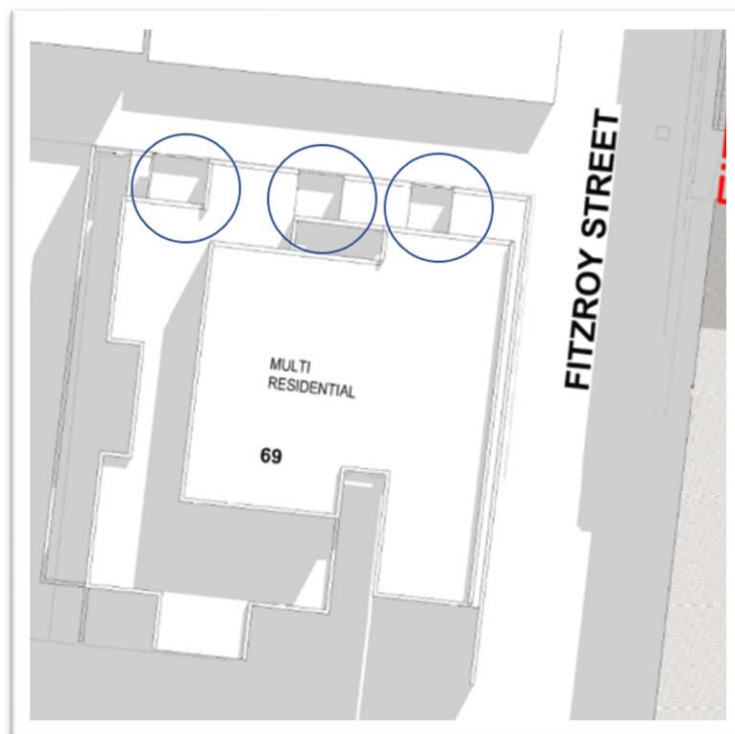


Figure 31: 11am shadows in balconies to south-west

#### Noise

334. It is considered that the residential component to the proposal is unlikely to result in unacceptable noise emissions to the nearby properties, given the nature of residential use generally not creating significant noise levels. Noise associated with the shop use at ground level would also be relatively limited, given the surrounding commercial context.

*Equitable development*

335. 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 is separated from land to the north and the west by roads, with a laneway to the east. The development seeks to remove the existing laneway along the southern boundary of the site, with setbacks incorporated into the southern boundary from Level 2 and above.
336. As noted in the VCAT decision;
- (a) *The property to the south is occupied by the substantial Moran and Cato buildings which are used for non-residential purposes. In acknowledgment of the potential for the construction of upper-level additions to at least the lower of the two buildings, the development incorporates minimum 4.5 metres setbacks from the southern boundary for Levels 5 and above. This is an acceptable response*
337. The current application is consistent with the statement above, with setbacks from the southern boundary at Level 5 ranging from 4.55m to 6.12m (with the exception of a minor section of terrace set back 3.72m from this interface). These setbacks are replicated in the levels above and continue to provide an acceptable response with regard to any future development of the southern site.
338. The proposal includes a minimum 4.5m setback from the mid-point of the eastern laneway from Level 1 and above. This degree of separation acknowledges the potential for development to occur to the east, with the setback ensuring that daylight to east-facing windows will be protected if a similar setback is adopted to any future built form on the adjacent site. This ensures that equitable development opportunities are provided.

Car parking, traffic, access and bicycle provision

339. 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	12	1 space per dwelling	12	8
Two-bedroom dwelling	25	1 space per dwelling	25	24
Three-bedroom dwelling	28	2 spaces per dwelling	56	53
Retail	1,106sqm	3.5 spaces per 100 m <sup>2</sup> of leasable floor area	38	18
<b>Total</b>			<b>131</b>	<b>103</b>

340. Based on the above, and pursuant to Clause 52.06-3, a reduction of 8 spaces is required for the residential parking, with a reduction of 20 for the retail component, resulting in an overall reduction of 28 spaces.



*Parking Availability*

341. A car parking survey was not undertaken within the Traffic Assessment prepared by Stantec; given the altered circumstances at the time of the assessment being prepared (i.e. lockdowns due to COVID), however Council Engineers have confirmed that on-street parking in this part of Fitzroy is very high during business hours.

The area surrounding the subject site is blanketed in time-based parking restrictions, which would not be viable for residents and employees of the shops to park on-street. This would however provide opportunity for visitors and customers to park in short-term spaces.

*Residential parking demand*

342. To support the reduction in residential on-site car parking, Stantec sourced average car ownership for flat type dwellings in Fitzroy from the 2016 Census by the Australian Bureau of Statistics (ABS Census). This data indicated the following;
- (a) 1-bedroom: 35% of dwellings do not have a car (i.e., 0.65 spaces per 1-bedroom dwelling)
  - (b) 2-bedroom: 5% of dwellings do not have a car (i.e., 0.95 spaces per 2-bedroom dwelling)
343. For this development, 4 of the 12 one-bedroom apartments and 1 of the 25 two-bedroom apartments will not be provided with a car space, with 3 of the 28 three-bedroom dwellings having access to only one car space (as opposed to two). This equates to the following;

Dwelling Type	Size	Car Parking Rate	Car Parking Demand
1-bedroom	12 dwellings	0.65 spaces per dwelling	8 spaces
2-bedroom	25 dwellings	0.95 spaces per dwelling	24 spaces
3-bedroom	28 dwellings	2 spaces per dwelling [1]	56 spaces
<b>Total</b>			<b>88 spaces</b>

344. This table indicates that the car parking provision for one and two-bedroom dwellings is consistent with the data in the ABS Census. For the three-bedroom dwellings, Stantec has adopted the statutory parking rate of 2 spaces per dwelling; this is not correct given 3 of the apartments will only be provided with one space. Council Engineers have confirmed this results in a parking rate of 1.9 spaces per three-bedroom dwelling.
345. As only a limited number of three-bedroom dwellings will only have one car space and based on the location of the site and access to public transport (to be discussed below), this outcome is considered satisfactory.

*Commercial parking demand*

346. For the commercial use, Stantec adopted a parking demand rate of 1.6 spaces per 100sqm. of floor area. This rate is the minimum parking rate identified in a study conducted by Traffix Group in 2007 for eight strip shopping centres in the City of Port Phillip. Using this rate equates to 17.7 spaces for the retail use proposed.
347. Council Engineers noted that other studies relied upon in the municipality recommend the car parking provision for shop use is typically 1 space per 100sqm of floor area. On this basis, the rate referenced by Stantec is considered reasonable, and the 18 on-site car parking spaces will meet this recommendation.

*Reduction in Car parking*

348. A reduction in the number of on-site car parking space is supported by the following;

- (a) The site has a Transit Score of 97%; this is based on the location and frequency of public transport options immediately surrounding the site, including trams along Brunswick Street, Nicholson Street, Smith Street and Victoria Parade, and buses along Johnston Street. Additional public transport services within the vicinity include routes along Rathdowne Street, Lygon Street and Alexandra Parade;
- (b) Brunswick Street provides a major north-south commuter cycling route, with bicycle lanes in both directions. Additional cycling routes are provided along Canning Street (to the west) and Napier Street (to the east). The high provision of on-site bicycle parking further encourages the use of this mode of transport;
- (c) The site has a 'walkability score' of 99 out of 100, being in proximity to inner-city services and the Melbourne CBD. The site is within walking distance of public transport services, shops, businesses, supermarkets, essential facilities and potential places of employment and education;
- (d) Resident, visitor and employee parking permits will not be issued for the development, which will discourage people from parking in the surrounding streets, thereby alleviating pressure on existing parking resources;
- (e) The proposed retail tenancies would rely heavily on walk-up trade for their primary source of customers, rather than being a specific destination for visitors; and,
- (f) There are at least 7 car share pods within proximity to the site that would make this location appealing for residents who do not own a car.

349. Further to this, the Traffic Report submitted with the application highlights that public transport usage for Fitzroy residents has risen between the 2011 and 2016 Census, with private vehicle usage reduced during this time period. This report also references a number of policies in the Scheme which aim to reduce motor vehicle usage, as follows;

- (a) Clause 18 (Transport) aims to, amongst other objectives, promote the use of sustainable personal transport and facilitate greater use of public transport and promote increased development close to high-quality public transport routes; and,
- (b) Clause 21.06 (Transport) notes that '*Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives*', with a strategy at Clause 21.06-3 to '*require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and encourage walking, cycling and public transport*'.

350. Based on the above, a reduction in car parking for the residential component would be supported by Council Engineers and would facilitate an increase in the use of more sustainable transport methods.

#### *Access and layout*

351. A detailed assessment of the layout of the basement levels was undertaken by Council Engineers. In general, the layout allowed for satisfactory vehicle movements, with car parking spaces and ramp gradients complying with the necessary standards. This assessment noted that several dimensions were missing from the plans and included a recommendation to install a convex mirror on the northern side of the loading dock entrance. The amended S57A plans included these items.

352. In addition to these requirements, several conditions were outlined by Council Engineers. These include matters relating to the re-sheeting of the footpaths directly adjacent to the site, along both Johnston Street and Fitzroy Street. The reinstatement of kerbs, correct installation of vehicle crossovers and protection of Council assets is also required to be clearly identified. These items will be addressed via permit conditions.

#### *Traffic*

353. The trip generation for the site adopted by Stantec is as follows:



Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential (83 spaces)	0.12 trips per space in each peak hour. 1.2 trips per space per day	100	10	10
Shop (7 staff spaces 11 customer spaces)	AM peak hour – 1.0 trip per staff space PM peak hour – 1.0 trip per staff space + 2.0 trips per customer space 4.0 trips per staff space per day 20.0 trips per customer space per day	28 220	7	7 22
<b>Total</b>		<b>348 trips</b>	<b>17 trips</b>	<b>39 trips</b>

Existing Traffic Generation:

Existing Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Office (83 spaces)	0.4 trips per space in each peak hour. 2 trips per space per day.	132 trips	26 trips	26 trips

354. The proposed development would see a decrease of 9 trips in the AM peak hour and an increase of 7 trips in the PM peak hour, when compared with the existing office on the property. The daily traffic volume generated by the new development would increase by 216 trips per day.

355. Council Engineers confirmed that the peak hour traffic volumes generated by the development should not adversely impact the traffic operation of the surrounding road network.

*Bicycle parking and facilities*

356. Under the provisions of Clause 52.34-3 of the Yarra Planning Scheme, and as outlined in the 'particular provisions' section of this report, the development requires a total of 13 resident bicycle spaces, 9 visitor spaces and 4 employee spaces. The proposal exceeds these requirements, with the layout and location of these spaces discussed below.

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	65 dwellings	1 resident space per 5 dwellings	13 resident spaces	
		1 visitor space per 10 dwellings	7 visitor spaces	
Retail premises	1,106 sqm	1 employee space to each 300 sqm of leasable floor area	4 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area	2 visitor spaces	
Bicycle Parking Spaces Total			17 resident spaces	81 resident / employee spaces
			9 visitor spaces	20 visitor spaces (10 onsite and 10

			offsite)
<b>Showers / Change rooms</b>	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	<b>0 showers / change rooms</b>	<b>1 showers / change rooms</b>

*Resident/Employee spaces*

357. 81 resident/employee bicycle spaces are proposed, which exceeds Council's best practice recommendation of 69 resident/employee spaces (1 space per dwelling).
358. The following comments are provided in relation to provision of resident bicycle parking:
- (a) 65 resident bicycle spaces are provided within a secure facility at Basement level 1, with access via the lift and entrance at Fitzroy Street. This equates to one space per dwelling.
  - (b) 4 employee spaces and 8 lockers are provided within a secure facility at basement level 1, and additional employee spaces are provided within the basement car park areas (6 spaces at basement level 2 and 6 spaces at basement level 3). Whilst the proposal exceeds the statutory number of employee spaces required, Council's Strategic Transport Officer recommended that the number of bicycle spaces within the secure employee bike store at basement level 1 be increased to 8 spaces.
  - (c) The additional 12 employee spaces are not within secure enclosures, contrary to Clause 52.34-5. Additionally, spreading the bicycle facilities across multiple levels and in various areas makes these inconvenient for cyclists searching for an available spot. To address these concerns, a condition of any permit that issues will all employee spaces to be within a secure facility, and within a maximum of 2 enclosures.
  - (d) An end of trip facilities area is located at basement level 1 within reasonable proximity of the secure employee bicycle parking and includes 20 lockers and 1 shower / change room, which is supported.
  - (e) 20 bicycle spaces are provided as bicycle hoops, which satisfies the requirement for at least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces.
  - (f) Dimensions of bicycle spaces are not noted on the plans; however, the layout appears to be in accordance with access and clearance requirements of AS2890.3.

*Visitor spaces*

359. The following comments are provided in relation to provision of resident bicycle parking:
- (a) 20 visitor spaces are proposed (with 10 of these on-site and 10 on the adjacent footpath) which exceeds Council's best practice rate recommendation of 18 visitor bicycle spaces. (Category 6 of the Built Environment Sustainability Scorecard (BESS) recommends 1 visitor space to each 500sqm of office floor space and a rate of 0.25 visitor spaces to each dwelling).
  - (b) 4 visitor spaces are located at the Fitzroy Street footpath, 6 spaces at the Johnston Street footpath and 10 spaces within the recessed area off Johnston Street. All visitor spaces are visible and easily accessible to visitors of the site.
  - (c) Dimensions of visitor spaces have been added to the amended plans, demonstrating the layout of visitor spaces is in accordance with access and clearance requirements of AS2890.3.
  - (d) Notations confirming bicycle spaces on Fitzroy and Johnston Street will be installed in accordance with dimensions shown on Council's Urban Design bicycle hoop standard detail have also been added to the plans.

*Electric Vehicles*

360. Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). The provision of 5 EV charging bays within the basement garage is supported. Notations have been added to the amended plans confirming all resident parking bays will be set up with the necessary electrical infrastructure to enable owners to install EV chargers.

*Green Travel Plan*

361. The application includes a Green Travel Plan (GTP). Council's Strategic Transport Officer has confirmed that the GTP provides all the required information and is suitable for endorsement.

Waste Management/Loading

362. The waste storage rooms will be located within the basement levels, ensuring that all waste will be stored within the development and hidden from external views. Waste will be collected from these internal points by a private waste contractor. A standard permit condition will manage the hours of waste collection. A Waste Management Plan, prepared Leigh Design and dated 23 August 2021 was reviewed by Council's City Works Branch and deemed satisfactory. This document will also be endorsed to ensure all waste management procedures are undertaken correctly.
363. A separate loading bay is provided at the rear of the site, with access from Fitzroy Street. This loading bay is proposed to be used for the retail and residential uses (when required). Council's Engineers have confirmed that the dimensions of the loading bay are satisfactory, and with the inclusion of the convex mirror discussed earlier, pedestrian safety along Fitzroy Street will be maintained.

Removal of an easement

364. The application seeks to remove the drainage easement along the southern section of the land; this being the easement shown on LP26202 burdening Lot 1 on Title Plan TP645707U. The current design of the proposal would result in construction on and above this easement. The removal of this easement was included in the advertising description for this application. No objections to the removal of the easement by beneficiaries were received.
365. Clause 52.02 of the Scheme enables the removal of an easement, with the decision guidelines at this clause noting that the Responsible Authority must consider the interests of affected people prior to the approval of a planning permit to allow this to occur.
366. A current application to remove this easement sits with Council; this application was submitted in August 2017 (SPEAR reference S107926E). Following lodgement of this application, the beneficiaries of the easement received notice, with none of the beneficiaries lodging an objection to the removal of the easement. City West Water and Melbourne Water were also notified at this time, with no objections received. It is noted that referral to these Service Authorities is required under the *Subdivision Act* 1988, but not under the *Planning and Environment Act* 1987. In addition, it is noted that none of the beneficiaries to the easement are using the easement for drainage or for any other purposes. At this stage the application still has not been approved. It is expected that this application will be withdrawn if a permit is granted for the current application.
367. The removal of the easement was not initially supported by Council's Engineering Services Unit, who had concerns about ongoing drainage of the abutting property to the south and possible overland flow considerations.

However, upon further investigation, Council Engineers confirmed that Council can allow for the development to build over the easement, subject to seeking consent from all service authorities that may have easement rights, and after seeking approval from the abutting property owner of No. 95-101 Victoria Street. This advice specified that all lots are to have their own separate drainage systems. Further to this, Council can confirm that there are no Council drainage assets within the easement.

368. At the time the previous application was being considered, the applicant submitted legal advice which confirmed that there is no Council public drain in the easement or any part of the land along the site's southern boundary. This advice also stated that even if this were the case, the siting of a public drain does not of itself give rise to any sort of implied easement in favour of the Council, nor does it supersede or change the status of the easement into one in Council's favour.
369. As such, this advice concludes that the easement is not in favour of Council, and it only benefits the current owners of each lot shown on the Plan (i.e., the Beneficiaries). The Council subsequently does not have any right or interest in the easement and cannot rely upon the easement to construct any drainage infrastructure within this section of the land.
370. Based on the above, given the lack of objections to the removal of the easement by all beneficiaries, and as no Council infrastructure will be impacted by its removal, the removal of the easement is supported.

#### Objector concerns

371. 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) *Built form and design (overdevelopment, inappropriate height, massing, bulk that is out of character with the area, lack of setbacks);*

The above built form considerations are discussed within paragraphs 168 to 195.

- (b) *Heritage impacts;*

Heritage impacts are discussed within paragraphs 168 to 195.

- (c) *Off-site amenity (visual bulk, overlooking, loss of daylight, wind impacts);*

The above considerations are discussed within paragraphs 325 to 338.

- (d) *On-site amenity (small balconies, poor ESD outcomes);*

The above considerations are discussed within paragraphs 300 to 304 and 245 to 250.

- (e) *Increased traffic congestion*

The above considerations are discussed within paragraphs 353 to 355.

- (f) *Increased car parking demand;*

The above considerations are discussed within paragraphs 339 to 350.

- (g) *Impacts on existing live music venues;*

The above considerations are discussed within paragraphs 271 to 278.

(h) *Construction of the screening along the site's southern boundary;*

The above considerations are discussed within paragraphs 211 to 215.

(i) *Lack of necessary infrastructure;*

The above consideration is discussed within paragraph 243.

(j) *No affordable housing is provided*

The site is privately owned. Council has no enforceable authority to require a landowner to develop the land for affordable housing.

(k) *Devaluation of property values*

Fluctuations in property prices are not a relevant consideration in assessing an application under the provisions of the *Planning & Environment Act 1987* or the Yarra Planning Scheme.

## Conclusion

372. 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.

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

## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the demolition of the existing building and construction of a multi-storey building, use of the land for dwellings (apartments), a reduction in the statutory car parking rate and removal of an easement at 84-104 Johnston Street, Fitzroy generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by Hayball Architects – TP00.01 (Rev A), TP01.0B1 - TP01.0B2 (Rev B), TP01.0B3, TP01.0G, TP01.0Ga, TP01.01 (Rev C), TP01.02 TP01.03 (Rev B), TP01.04, TP01.05 (Rev C), TP01.06 (Rev B), TP01.07 (Rev A), TP01.08, TP01.09 (Rev C), TP03.01 (Rev B), TP03.02, TP03.03, TP03.04 (Rev C), TP03.05, TP03.06 (Rev B), TP03.07, TP03.08, TP03.09, TP03.10 (Rev C), TP03.11, TP03.12 (Rev B), TP03.13 (Rev C), TP03.14 (Rev B), TP03.15 (Rev C), TP03.16 (Rev B), TP06.01(Rev E), TP06.02, TP06.03 (Rev C), TP06.04 (Rev D), TP06.05 (Rev C), TP07.01 – TP07.04 (Rev C) and exterior material palette, but modified to show:
  - (a) An amended ground floor plan to include;
    - (i) Details of the proposed treatment to delineate public and private realm surfaces;
    - (ii) Spot levels at all entrances to confirm that compliant levels transitions are achieved by all entrance thresholds;
    - (iii) A notation confirming that the design of the fire booster doors will not obstruct footpath access when opened (i.e. openable to 180 degrees).
  - (b) The notation referencing the ‘raised planter’ removed from Drawing TP01.0Ga;

- (c) The awning along Johnston Street reduced in depth to 1.5m;
  - (d) Confirmation that the 1.8m high screening between balconies will have a maximum transparency of 25%;
  - (e) The material/design and transparency of all proposed privacy screening to be included on the materials schedule;
  - (f) The 'tall planting' on the terrace of Apt. 507 replaced with a permanent privacy screen a minimum 1.7m high and maximum 25% transparent;
  - (g) The provision of an overlooking diagram demonstrating whether unreasonable views to lower-level terraces will be available, and if so, appropriate mitigation measures to be incorporated into the design;
  - (h) A notation added to all relevant Clause 58 Apartment layout drawings to confirm that any inward opening doors for accessible bathrooms will have 'removable hinges';
  - (i) All employee bicycle spaces to be within secure enclosures, with a maximum of 2 enclosures provided;
  - (j) The layout of Apts. 101 & 102 amended to achieve a room depth no greater than 9m, to ensure compliance with Standard D26 of the Yarra Planning Scheme;
  - (k) Any changes required by the amended Acoustic Report at Condition 6;
  - (l) Any changes required by the amended Landscape Plan at Condition 10.
2. The development and the removal of the easement 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. 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 illustrating typical podium details, entries and doors, and utilities and typical upper-level facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the façade will be maintained; and,
  - (d) a sample board and coloured drawings outlining colours, materials and finishes.
4. As part of the ongoing consultant team, Hayball 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.

#### Sustainable Management Plan

5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (prepared by Ark Resources and dated 11 February 2022) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Acoustic Report

6. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Renzo Tonin & Associates and dated 25 August 2021, but modified to include or show:
- (a) The removal of all sections/discussions relating to the previous design;

- (b) Discussion on how potential noise impacts in the roof terrace will be addressed.
- 7. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority.
- 8. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), sleep disturbance targets or any other requirement to the satisfaction of the Responsible Authority at existing dwellings. When approved, the Acoustic Report will be endorsed and will then form part of this permit.
- 9. The provisions, recommendations and requirements of the endorsed post development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Landscape Plan

- 10. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plans prepared by Tract and dated 4 February 2022, but modified to include (or show):
  - (a) Planting plans showing species location and plant numbers.
  - (b) Notation that load bearing weights for the building are to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass proposed.
  - (c) Confirmation that the proposed street trees on Johnston Street will not obstruct vehicle doors.
  - (d) The removal of the notation regarding the relocation of the street tree on Fitzroy Street.
- 11. 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; andreplacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
- 12. The provisions, recommendations and requirements of the endorsed Landscape Maintenance Plan (prepared by Tract and dated 4 February 2022) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Tree Management Plan

- 13. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
  - (a) the protection of the northern-most tree on Fitzroy Street (adjacent to the site);



- (i) pre-construction;
  - (ii) during construction; and
  - (iii) post construction
  - (b) the provision of any barriers;
  - (c) any pruning necessary; and
  - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.

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

#### Street Trees

15. Before the development commences, the permit holder must make a one off contribution of \$4,326.00 including GST to the Responsible Authority to be used for replacement/new street tree plantings that are required as a result of the development.

#### Wind Report

16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report (prepared by MEL Consultants and dated 16 November 2021) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Green Travel Plan

17. The provisions, recommendations and requirements of the endorsed Green Travel Plan (prepared by GTA Consultants and dated 14 December 2021) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

18. The provisions, recommendations and requirements of the endorsed Waste Management Plan (prepared by Leigh Design and dated 23 August 2021) must be implemented and complied with to the satisfaction of the Responsible Authority.
19. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
20. 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.
21. 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.

#### Car Parking

22. 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.

### Lighting

23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian, bicycle and vehicular entrances provided within the property boundary. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

### General

24. The amenity of the area must not be detrimentally affected by the 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.
25. 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.
26. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
27. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
28. 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.
29. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
30. 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.
31. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
32. The plan of removal of easement submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

### Road Infrastructure

33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the reconstruction of the footpaths along both the Johnston Street and Fitzroy Street frontages:
- (a) in accordance with Council's Road Materials Policy;

- (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
34. 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 (including trenching and excavation for utility service connections) must be reinstated:
- (a) at the permit holder's cost,
  - (b) to the satisfaction of the Responsible Authority.
35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
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 the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (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 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.

#### Development Infrastructure Levy

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

#### Community Infrastructure Levy

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

Construction Management Plan

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

- (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
  - (c) vehicle borne material must not accumulate on the roads abutting the land;
  - (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
44. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
45. 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.

#### Permit Expiry

46. This permit will expire if:
- (a) The development is not commenced within two years of the date of this permit;
  - (b) A plan of removal of easement is not certified under the *Subdivision Act* 1988 within two years of the date of this permit;
  - (c) The development is not completed within four years of the date of this permit;
  - (d) A plan of removal of easement is not completed within five years of the date of certification under the *Subdivision Act* 1988.

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. If a plan of removal of easement is not certified within two years of the issue of the permit, the Responsible Authority may extend this period if a request is made before the permit expires or within six months after the expiry date.

#### Notes:

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

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

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

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.

Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Transport 2 Zone (Johnston Street). Please contact Head, Transport for Victoria prior to commencing any works.

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, boundary traps, valves or meters on Council property will be accepted.

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

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

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

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

The permit holder must obtain approval from the relevant authorities to remove the easement.

## Attachments

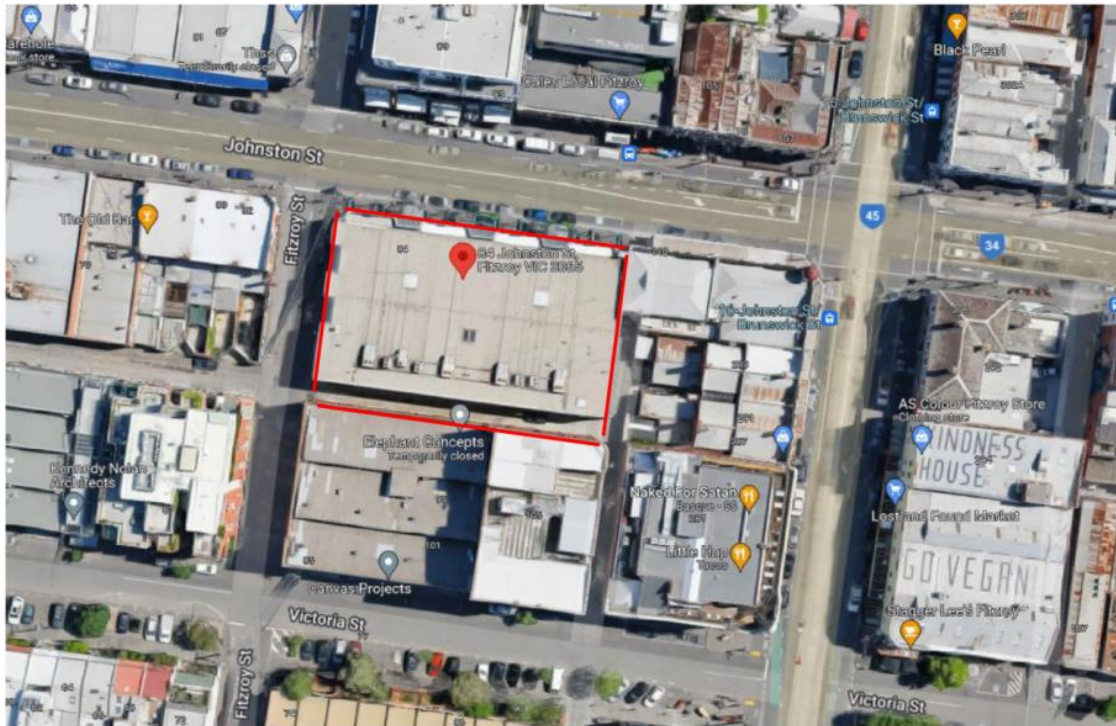
- 1 PLN21/0625 - 84-104 Johnston Street, Fitzroy - Site Plan
- 2 PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans
- 3 PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice
- 4 PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice
- 5 PLN21/0625 - 84-104 Johnston Street, Fitzroy - ESD referral comments
- 6 PLN21/0625 - 84-104 Johnston Street, Fitzroy - ESD comments on Daylight issues
- 7 PLN21/0625 - 84 - 104 Johnston Street Fitzroy - Engineering referral comments
- 8 PLN21/0625 -84-104 Johnston Street, Fitzroy - Internal urban design and open space comments
- 9 PLN21/0625 - 84-104 Johnston Street, Fitzroy - Additional Open Space comments

- 10** PLN21/0625 -84-104 Johnston Street, Fitzroy - Arborist comments
- 11** PLN21/0625 - 84-104 Johnston Street Fitzroy - Strategic Transport comments
- 12** PLN21/0625 - 84-104 Johnston Street, Fitzroy - Waste comments
- 13** PLN21/0625 - 84-104 Johnston Street, Fitzroy - Acoustic review
- 14** PLN21/0625 - 84-104 Johnston Street, Fitzroy - Wind Review



**Attachment 1 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Site Plan**

**84-104 Johnston Street, Fitzroy**



**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

SMA Projects  
25 February 2022

Project No  
2221

# Regent Apartments 84-104 Johnston St, Fitzroy

## Town Planning Referral Response

REVISION E UPDATE



## Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

### Table of Contents

<b>A</b>	<b>Architectural Drawings</b>	<b>3-50</b>			
	TP00.00	Cover Sheet	3	TP07.01	Section 3
	TP00.01	Demolition Plan	4	TP07.04	Section 4
	TP01.00	Site Plan	5		49
	TP01.0B1	Basement 3 Plan	6		50
	TP01.0B2	Basement 2 Plan	7		
	TP01.0B3	Basement 1 Plan	8		
	TP01.0G	Ground Floor Plan	9		
	TP01.0Ga	East Laneway Entry Plan Detail	10		
	TP01.01	Level 1 Plan	11		
	TP01.02	Level 2 Plan	12		
	TP01.03	Level 3 Plan	13		
	TP01.04	Level 4 Plan	14		
	TP01.05	Level 5 Plan	15		
	TP01.06	Level 6 Plan	16		
	TP01.07	Level 7 Plan	17		
	TP01.08	Level 8 Plan	18		
	TP01.09	Roof Plan	19		
	TP02.01	Shadow Study - September 22 - 9am	20		
	TP02.02	Shadow Study - September 22 - 11am	21		
	TP02.03	Shadow Study - September 22 - 1pm	22		
	TP02.04	Shadow Study - September 22 - 3pm	23		
	TP02.05	Shadow Study - September 22 - 10am	24		
	TP03.00	Clause 58 Matrix	25		
	TP03.01	Clause 58 Apartment Layouts - 1B1B	26		
	TP03.02	Clause 58 Apartment Layouts - 1B1B	27		
	TP03.03	Clause 58 Apartment Layouts - 2B2B	28		
	TP03.04	Clause 58 Apartment Layouts - 2B2B	29		
	TP03.05	Clause 58 Apartment Layouts - 2B2B	30		
	TP03.06	Clause 58 Apartment Layouts - 2B2B	31		
	TP03.07	Clause 58 Apartment Layouts - 3B2B	32		
	TP03.08	Clause 58 Apartment Layouts - 3B3B	33		
	TP03.09	Clause 58 Apartment Layouts - 3B3B	34		
	TP03.10	Clause 58 Apartment Layouts - 3B3B	35		
	TP03.11	Clause 58 Apartment Layouts - 3B3B	36		
	TP03.12	Clause 58 Apartment Layouts - 3B3B	37		
	TP03.13	Clause 58 Apartment Layouts - Penthouse	38		
	TP03.14	Clause 58 Apartment Layouts - Penthouse	39		
	TP03.15	Clause 58 Apartment Layouts - Penthouse	40		
	TP03.16	Clause 58 Apartment Layouts - Penthouse	41		
	TP06.01	North Elevation	42		
	TP06.02	South Elevation	43		
	TP06.03	East Elevation	44		
	TP06.04	West Elevation	45		
	TP06.05	South Boundary Wall Elevation	46		
	TP07.01	Section 1	47		
	TP07.01	Section 2	48		
<b>B</b>	<b>Schedules</b>	<b>51-53</b>			
	Development Summary	51			
	Storage Schedule	52			
	Exterior Materials Palette	53			
<b>C</b>	<b>Design Renders</b>	<b>54-65</b>			
	View 1	NE Corner Streetscape	54		
	View 2	Shopfronts	55		
	View 3	NW Corner Streetscape	56		
	View 4	Johnston St View from East	57		
	View 5	Johnston St View from West	58		
	View 6	NE Interface Detail	59		
	View 7	Podium Facade Detail	60		
	View 8	Tower Facade Detail	61		
	View 9	North Elevation	62		
	View 10	Rooftop Terrace	63		
	View 11	Rooftop Dining / BBQ Deck	64		
	View 12	North East Ground Floor Courtyard	65		
<b>D</b>	<b>Context Renders</b>	<b>66-72</b>			
	Key Plan	66			
	View Looking East from 63 Johnston Street	67			
	View Looking East from 15 Johnston Street	68			
	View Looking West from 133 Johnston Street	69			
	View Looking North from 236 Brunswick Street	70			
	View Looking North from 313 Fitzroy Street	71			
	View Looking NW from Corner of Brunswick & Fitzroy St	72			

Hayball 3



1	02/27/2021	Referral Responses
A	05/26/2021	Youth Planning Submittals
REV	DATE	DESCRIPTION

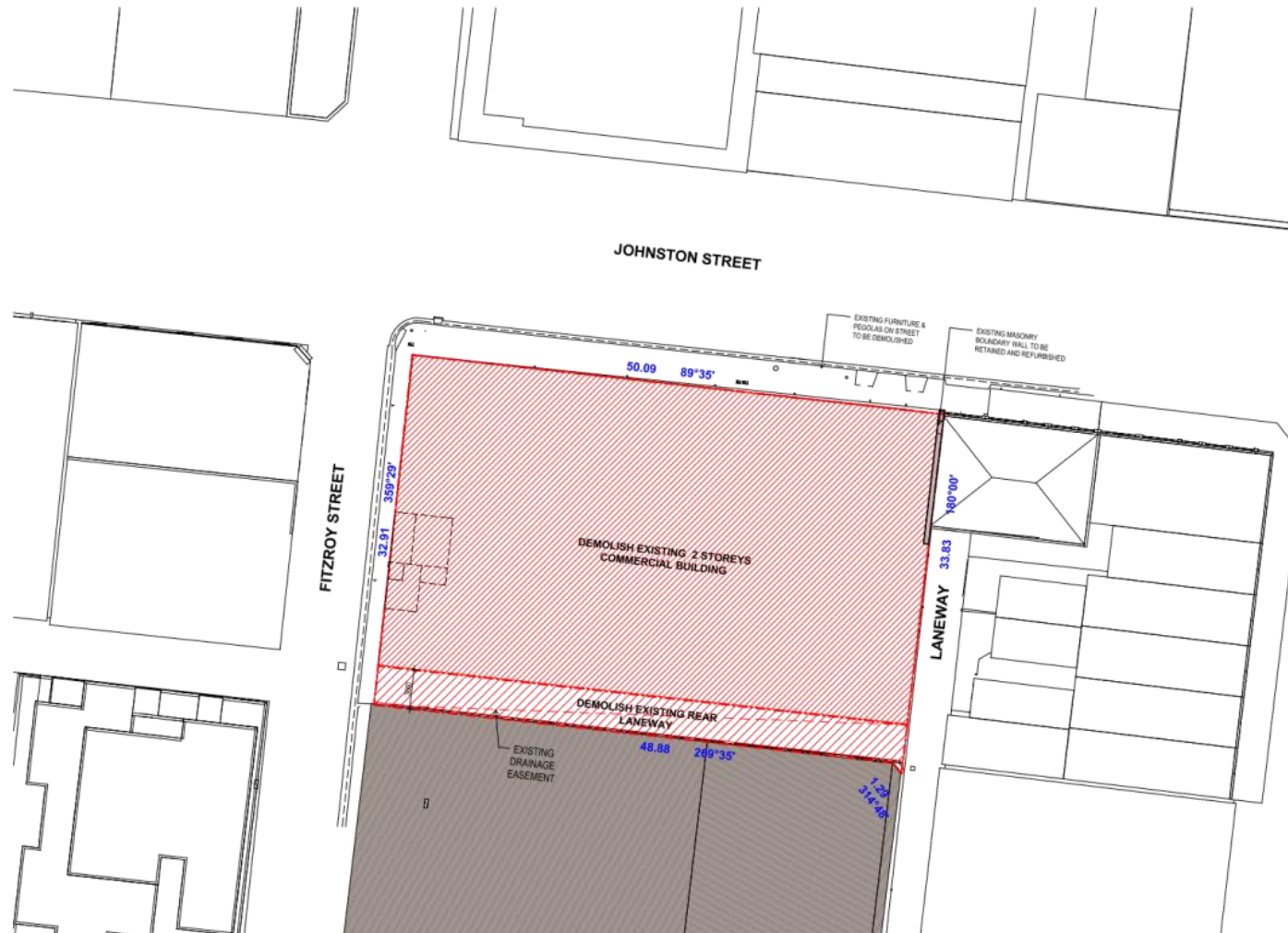
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**DEMOLITION PLAN**

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1:4000 A3  
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**2221**  
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DWG NO  
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Hayball 5



PROJECT NAME  
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A	25.08.2021	Town Planning Submittal
REV	DATE	DESCRIPTION

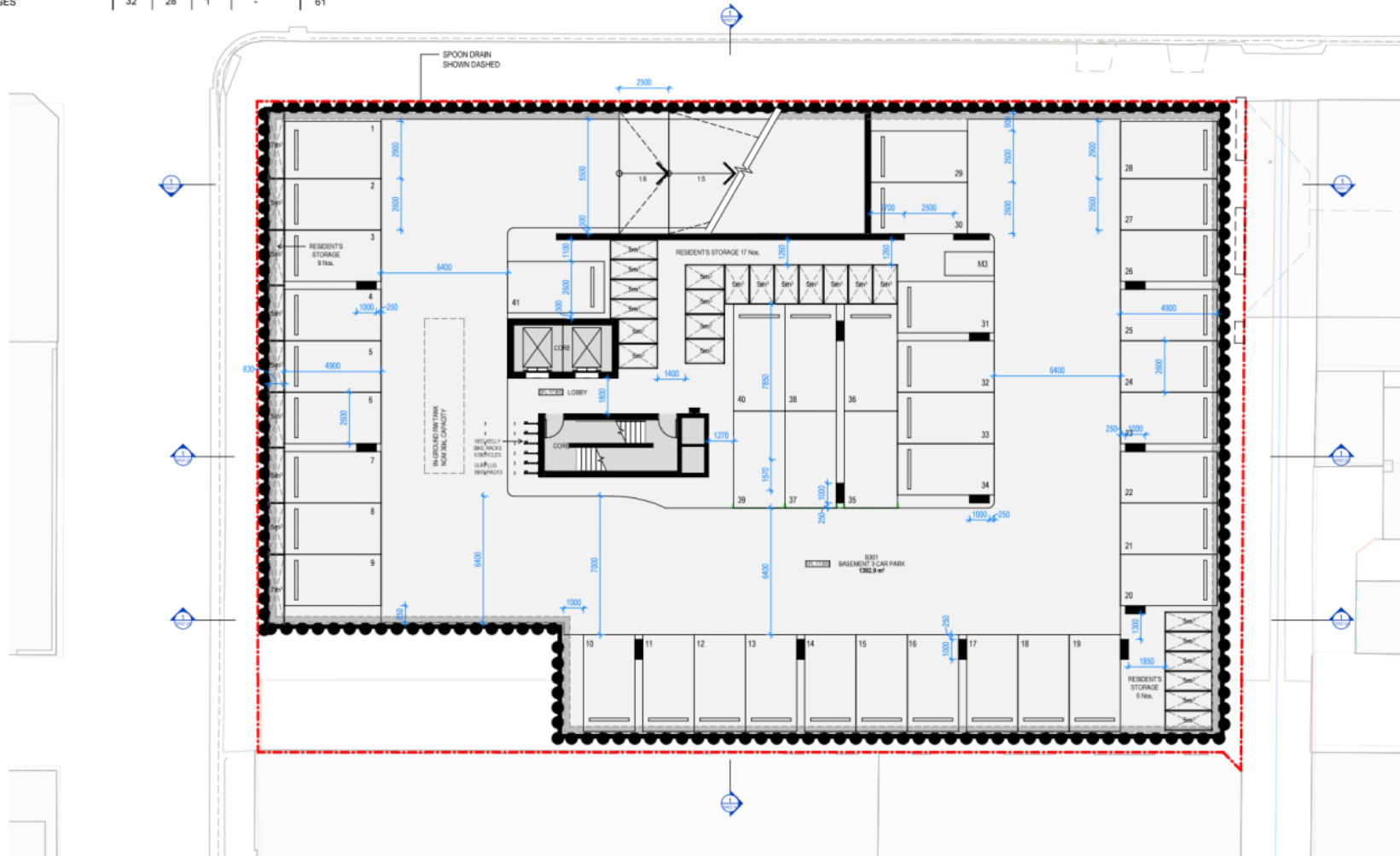
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PARKING SCHEDULE	B3	B2	B1	GROUND	TOTAL
CAR SPACES (RESIDENTIAL)	41	39	5	-	85
CAR SPACES (RETAIL VISITOR)	-	-	11	-	11
CAR SPACES (RETAIL STAFF)	-	-	7	-	7
ALL CAR SPACES					103
MOTORCYCLE SPACES	1	1	1	-	3
BICYCLE SPACES	6	6	69	20	101
STORAGE CAGES	32	28	1	-	61

NOTE: ALL RESIDENT CAR PARKING BAYS TO BE ELECTRICALLY WIRED FOR FUTURE INSTALLATION OF EV CHARGING STATIONS AS REQUIRED BY OWNERS

Hayball 6



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Regent Apartments  
PROJECT ADDRESS  
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BASEMENT 3

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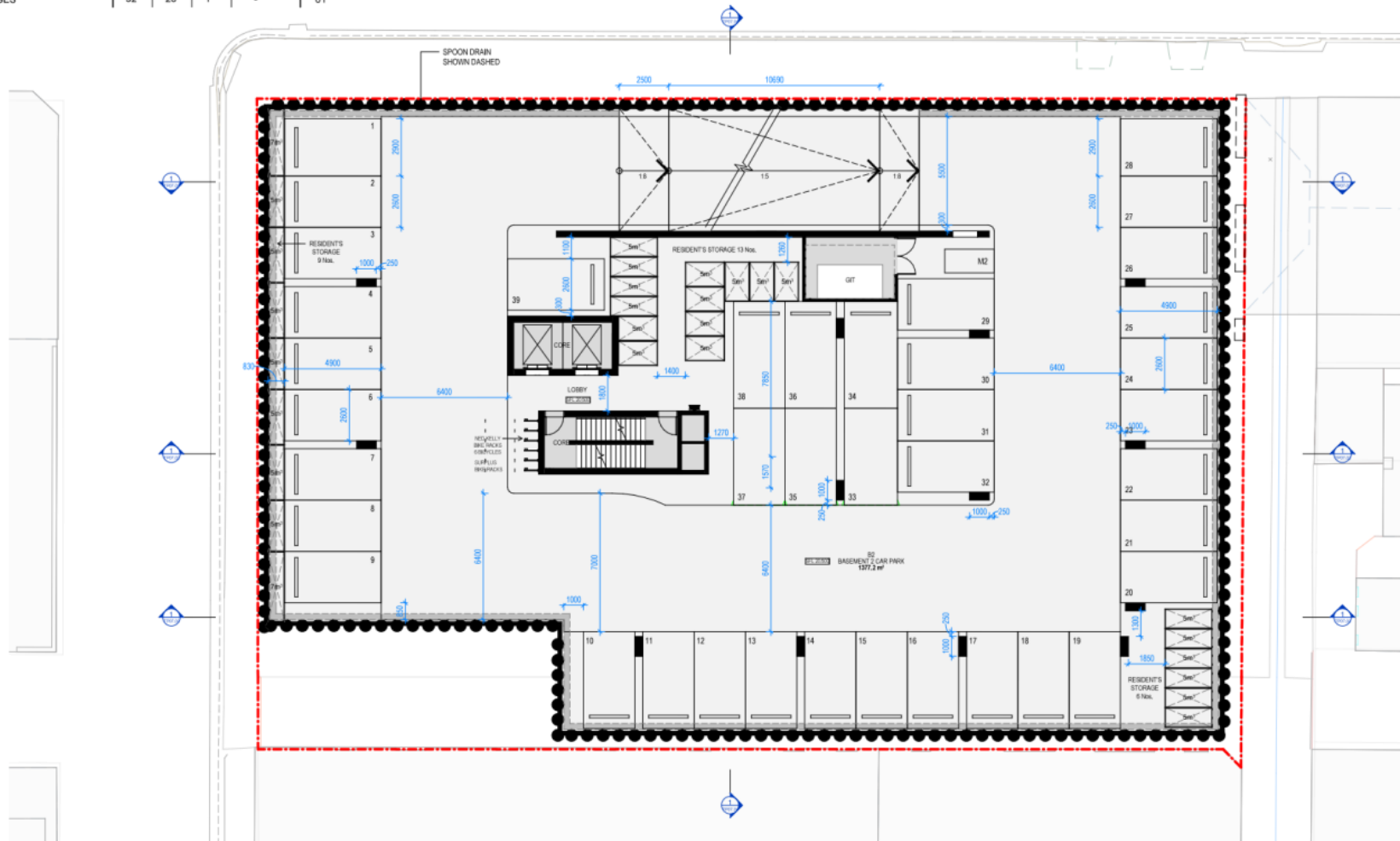


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PARKING SCHEDULE	B3	B2	B1	GROUND	TOTAL
CAR SPACES (RESIDENTIAL)	41	39	5	-	85
CAR SPACES (RETAIL VISITOR)	-	-	11	-	11
CAR SPACES (RETAIL STAFF)	-	-	7	-	7
ALL CAR SPACES					103
MOTORCYCLE SPACES	1	1	1	-	3
BICYCLE SPACES	6	6	69	20	101
STORAGE CAGES	32	28	1	-	61

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PROJECT NAME  
Regent Apartments  
PROJECT ADDRESS  
84 Johnston Street, Fitzroy

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BASEMENT 2

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1:2000 A3  
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2221  
STATUS  
TOWN PLANNING

DWG NO  
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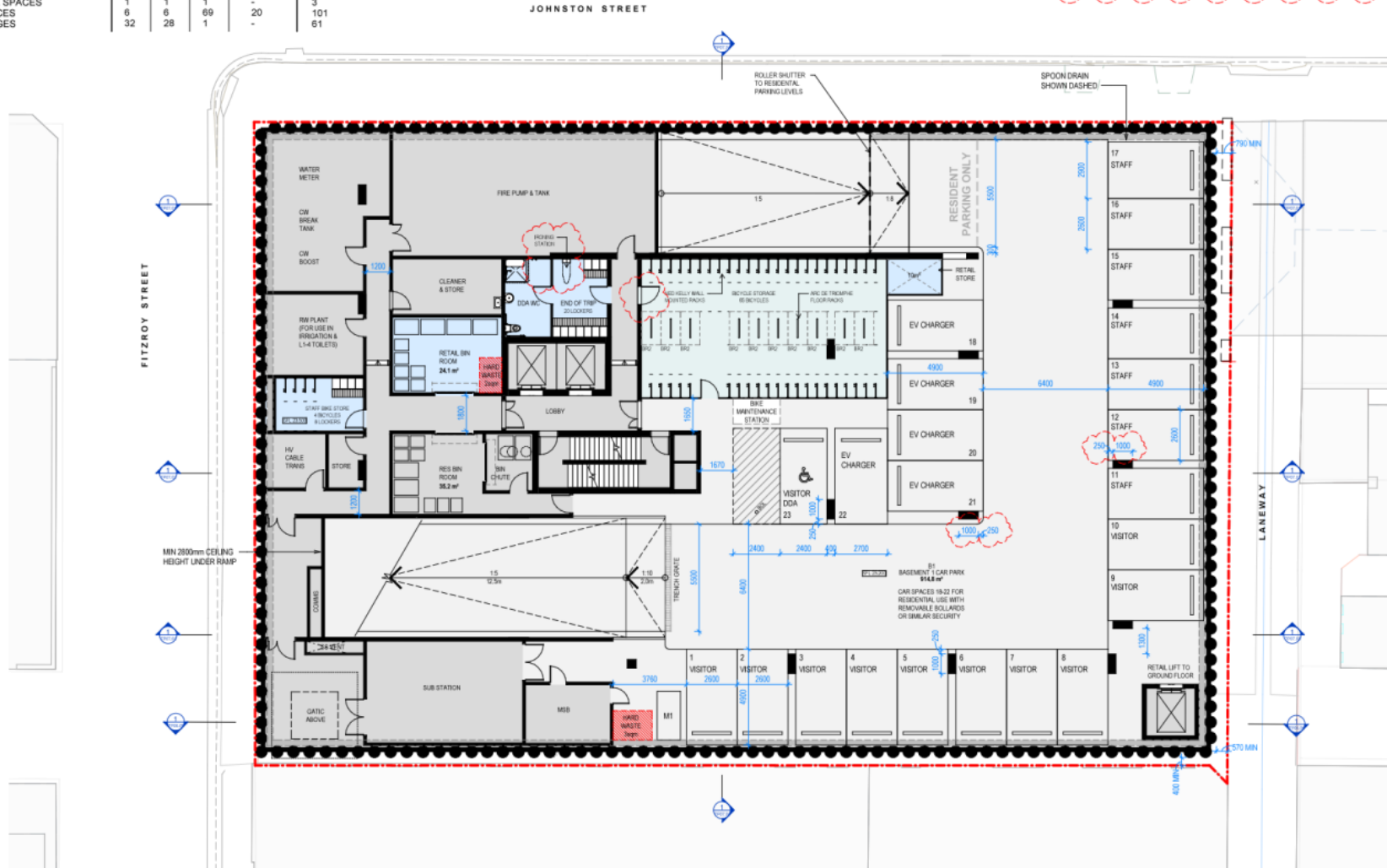
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CAR SPACES (RETAIL VISITOR)	-	-	11	-	11
CAR SPACES (RETAIL STAFF)	-	-	7	-	7
<b>ALL CAR SPACES</b>					<b>103</b>
MOTORCYCLE SPACES	1	1	1	-	3
BICYCLE SPACES	6	6	69	20	101
STORAGE CAGES	32	28	1	-	61

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PROJECT  
NAME  
**Regent Apartments**  
PROJECT ADDRESS

DRAWING TITLE  
**BASEMENT 1**

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PROJECT NO  
**2221**  
STATUS

DWG NO: **TP01.0B3**      REV: **C**

C	04/02/2022	Referral Response
<del>E</del>	<del>28/07/2021</del>	<del>RP Response</del>
A	25/08/2021	Teen Planning Submission
REV	DATE	DESCRIPTION

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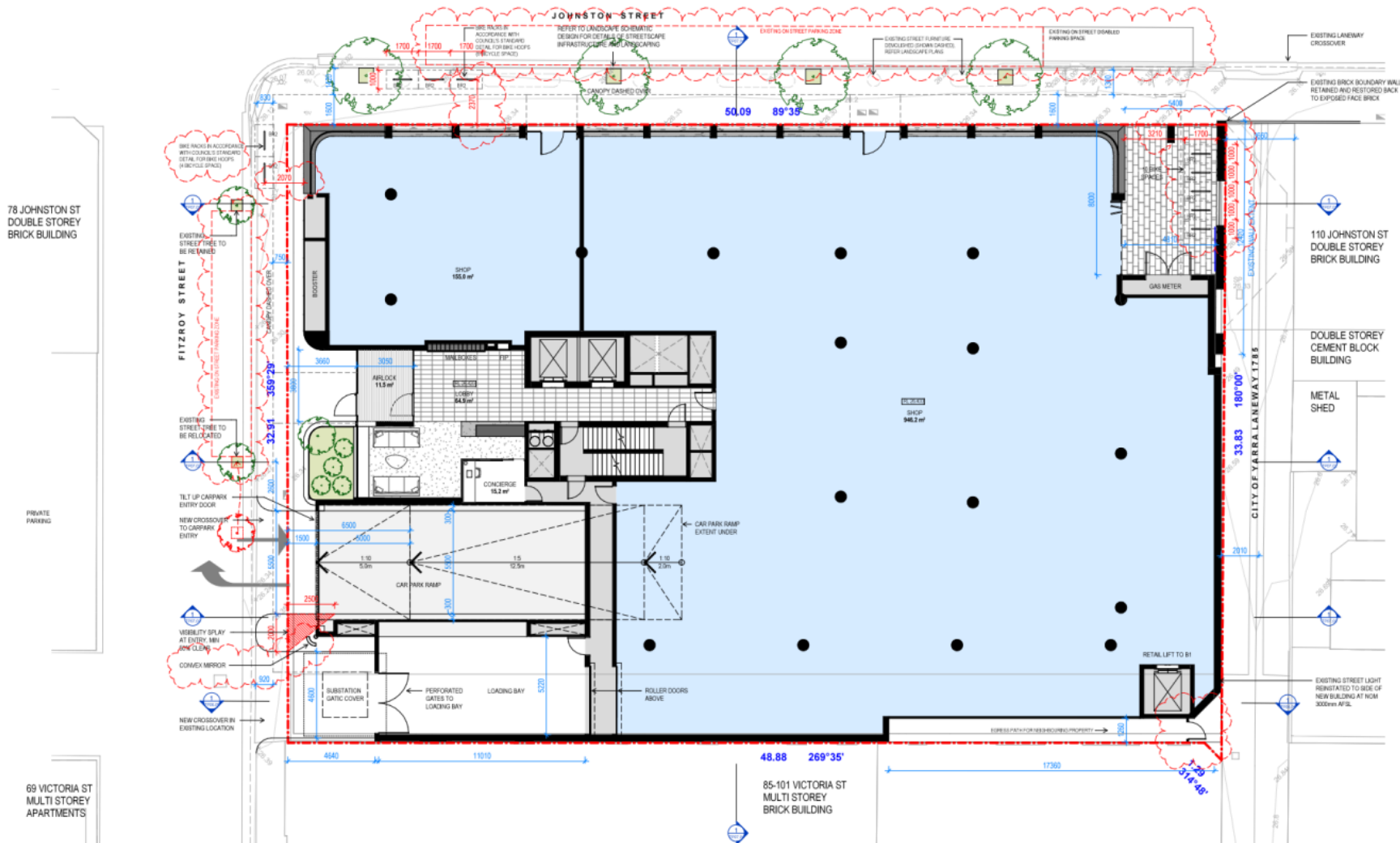
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**Regent Apartments**  
PROJECT ADDRESS

84 Johnston Street, Fitzroy

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**GROUND**

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DATE PRINTED	04.02.2022

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**2221**  
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DWG NO: **TP01.0G**      REV: **C**

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**TP01.0Ga**

REV  
**C**

TOWN PLANNING

Agenda Page 246

REV	DATE	DESCRIPTION
C	04.02.2024	Referral Response
B	18.04.2021	Ref Response
A	25.08.2021	Town Planning Submittal



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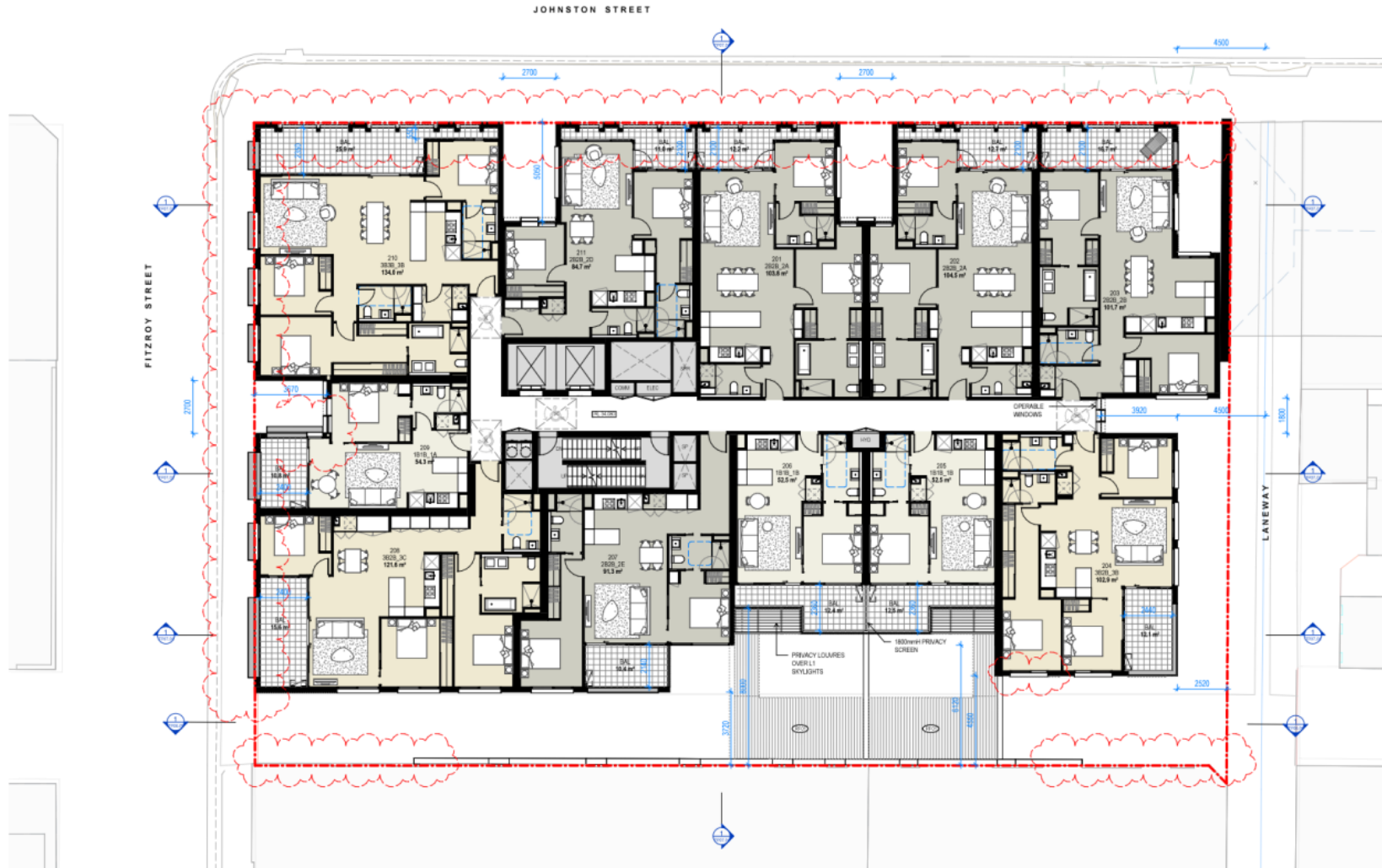
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**Regent Apartments**  
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**LEVEL 2**

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**2221**  
STATUS

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Hayball 13



PROJECT NAME  
**Regent Apartments**  
PROJECT ADDRESS

DRAWING TITLE  
**LEVEL 3**

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SCALE	1 : 100 @ A1 1 : 200 @ A3
DATE PRINTED	04.02.2022

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**2221**  
STATUS

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**TP01.03**

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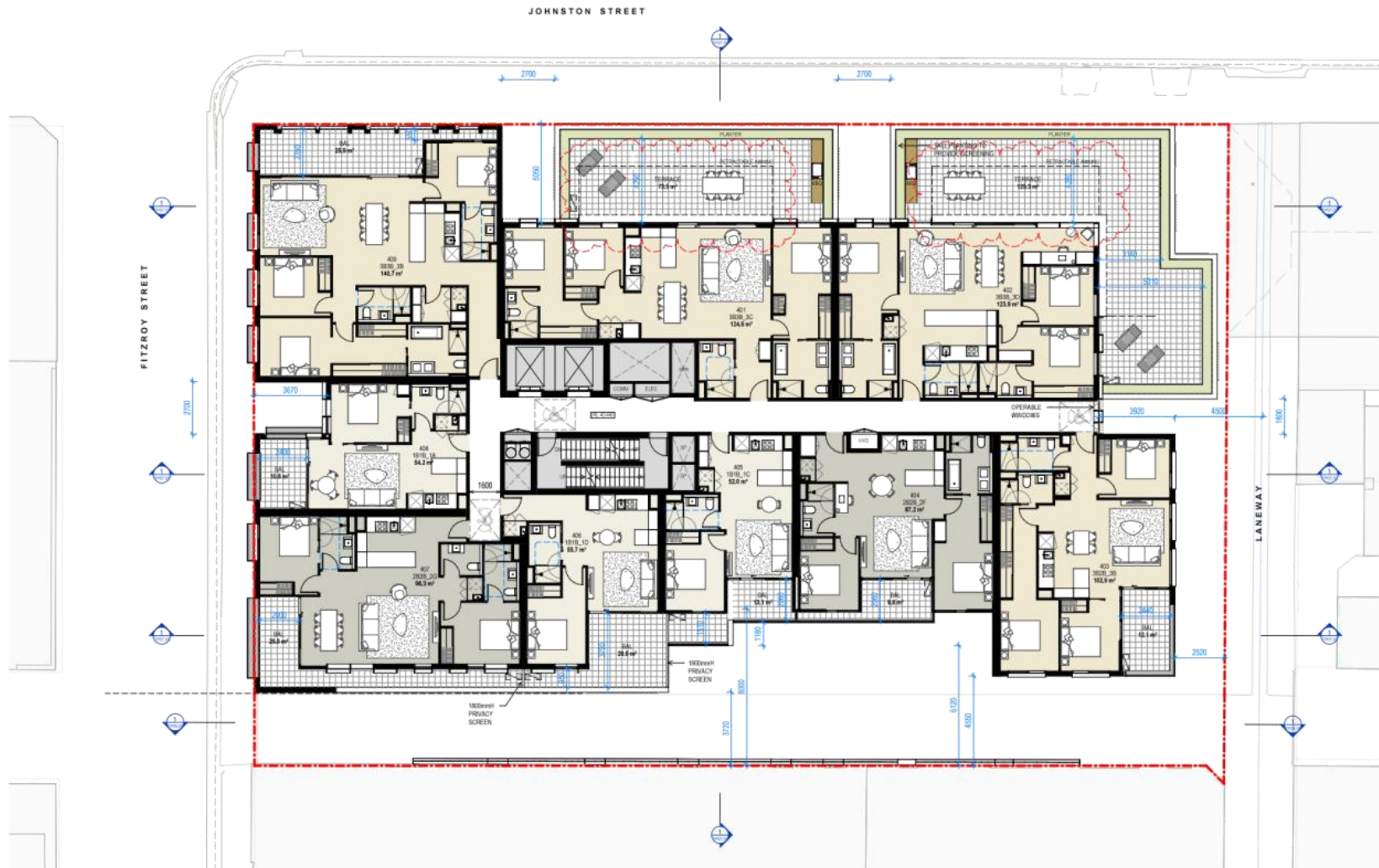
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**2221**  
STATUS  
TOWN PLANNING

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**TP01.04**  
REV  
**C**

REV	DATE	DESCRIPTION
1	20.02.2007	Issued as Approved
2	20.02.2007	Revised Response
3	20.02.2007	Revised Response

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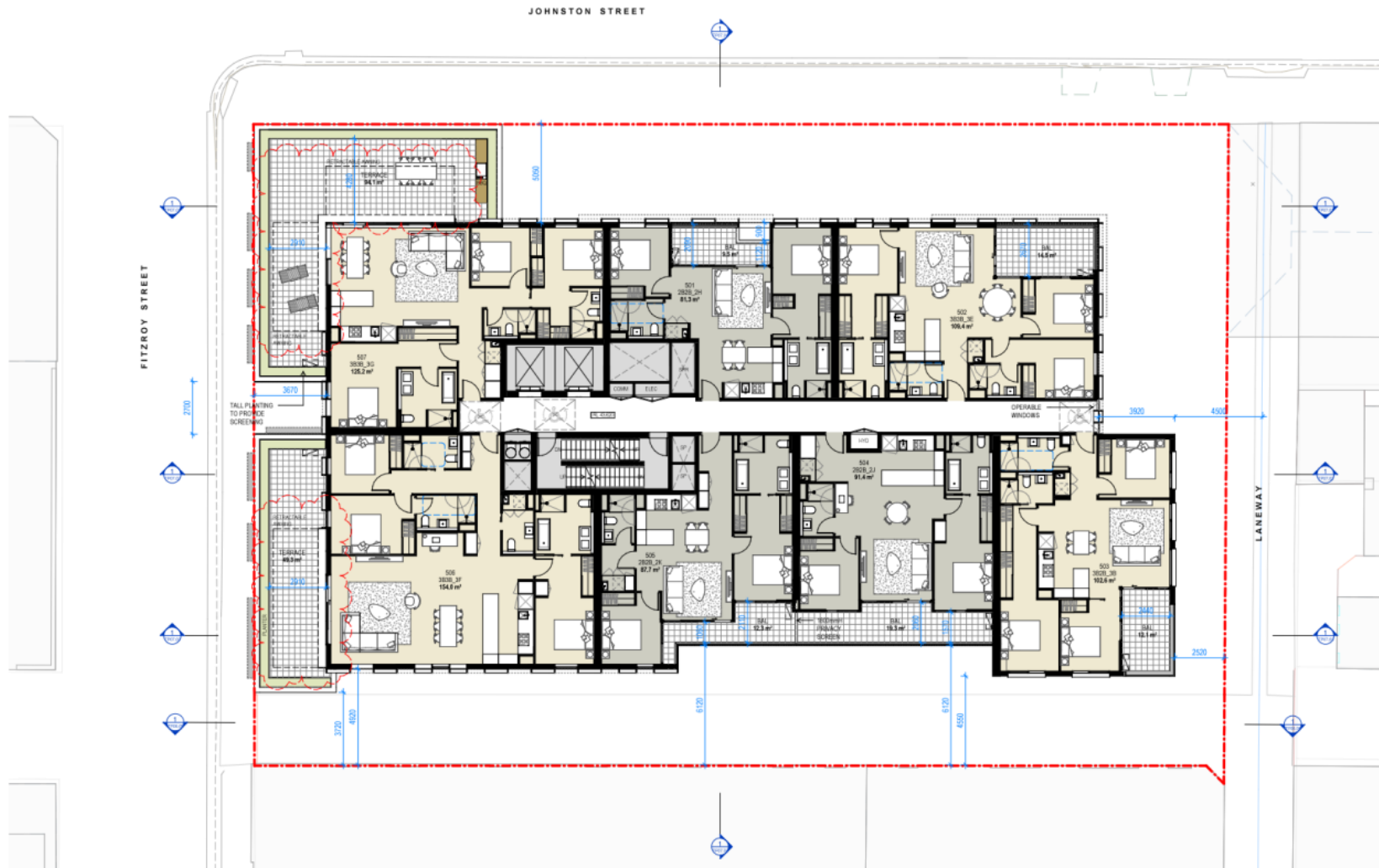
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PROJECT NAME  
Regent Apartments  
PROJECT ADDRESS  
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LEVEL 5

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20.02.2007

PROJECT NO  
2221  
STATUS  
TOWN PLANNING  
DWG NO  
TP01.05  
REV  
C  
Agenda Page 251

REV	DATE	DESCRIPTION
1	20.02.2007	Issued as Approved
2	20.02.2007	Revised Response
3	20.02.2007	Final Response

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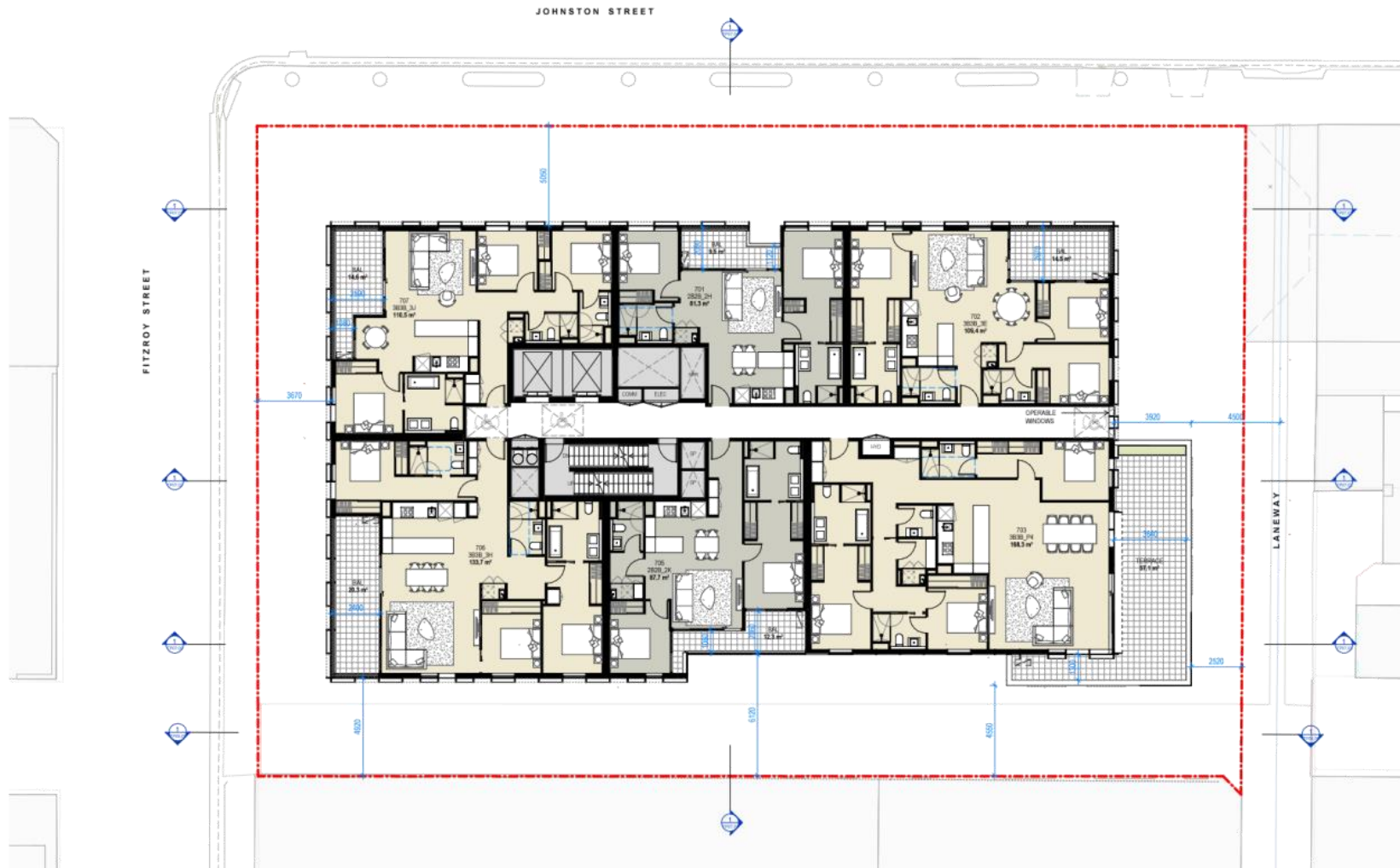
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**LEVEL 7**

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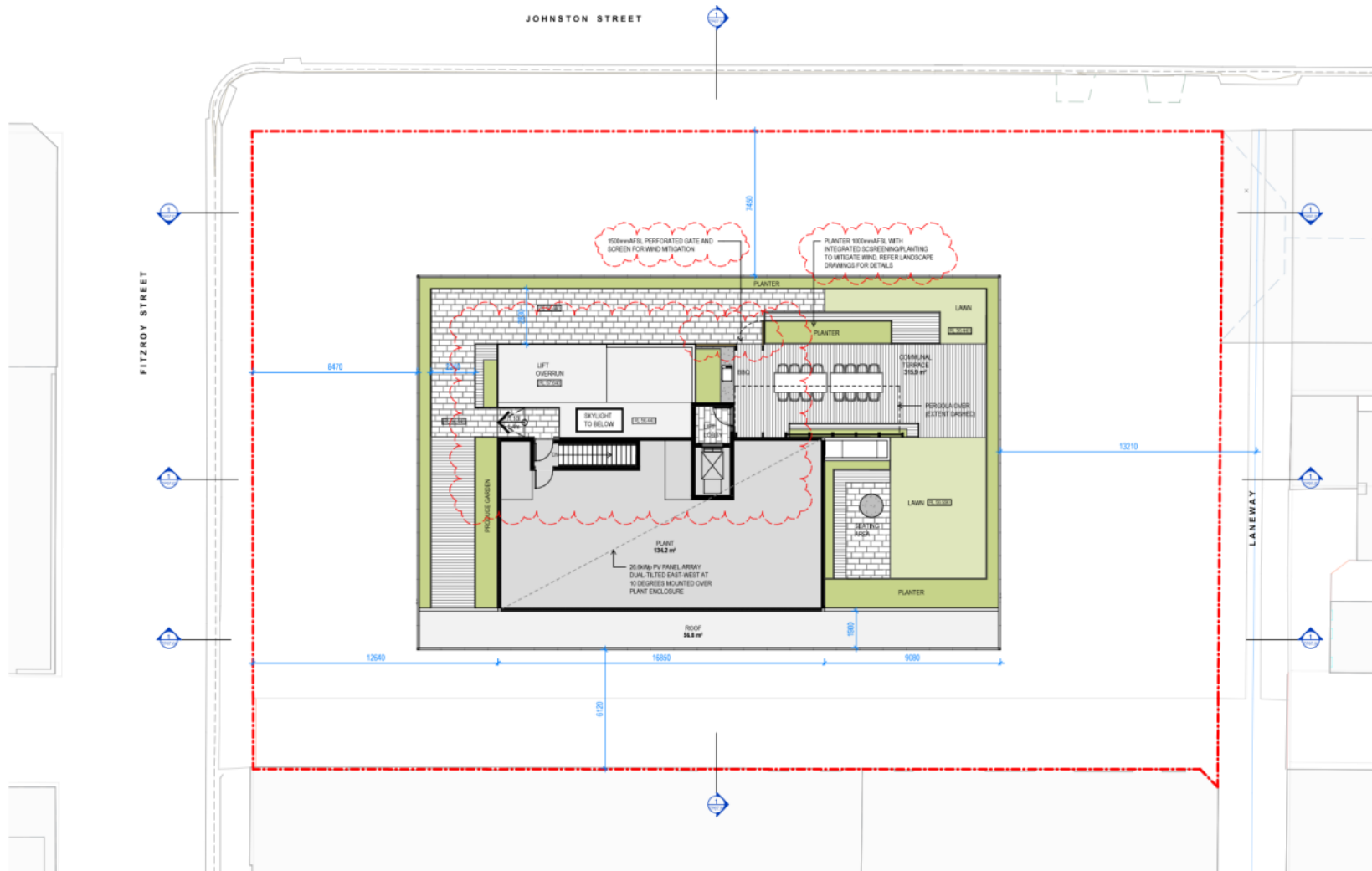
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**2221**  
STATUS  
TOWN PLANNING  
DWG NO  
**TP01.09**  
REV  
**C**  
Agenda Page 255

REV	DATE	DESCRIPTION
1	10.10.2021	Wind Mitigation Revisions
2	10.10.2021	Wind Mitigation Revisions
3	10.10.2021	Wind Mitigation Revisions

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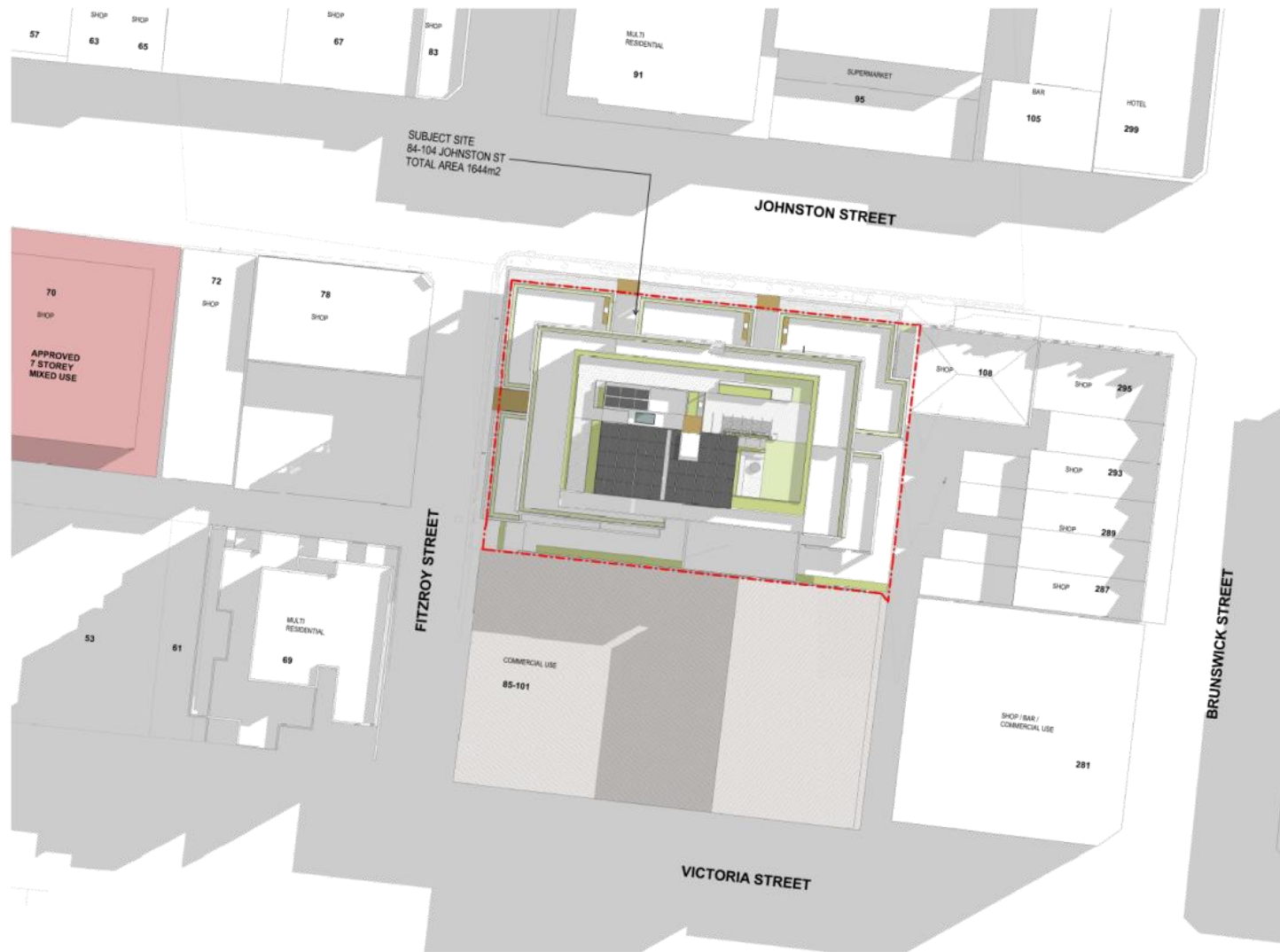
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PROJECT ADDRESS

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**SHADOW STUDY - SEPTEMBER 22 - 9AM**

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1:5000 A3  
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DWG NO  
**TP02.01**  
REV  
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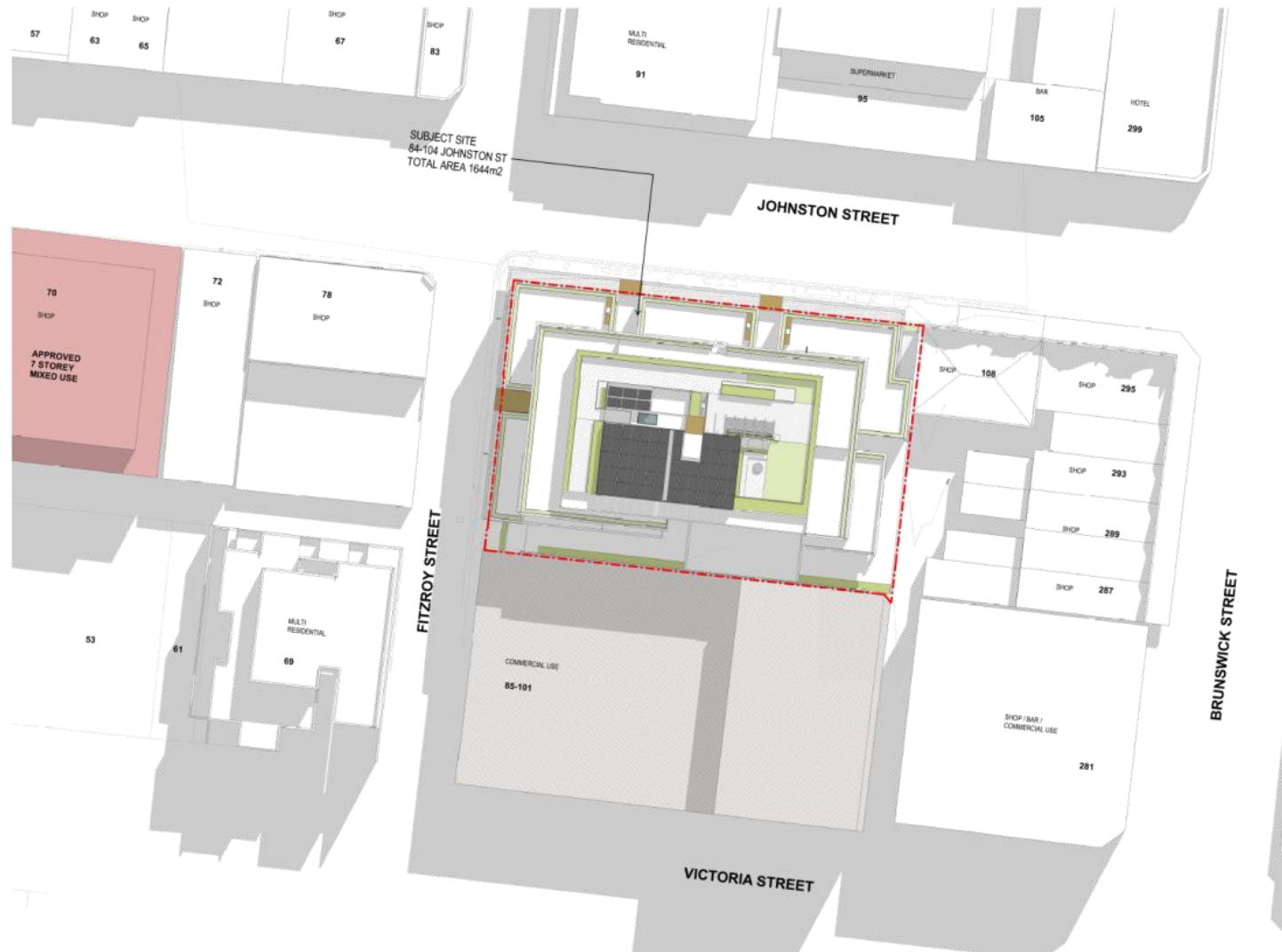
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1:5000 A3

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REV DATE DESCRIPTION

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Hayball 22



PROJECT  
NAME  
**Regent Apartments**  
PROJECT ADDRESS

DRAWING TITLE  
**SHADOW STUDY - SEPTEMBER 22 - 1PM**

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1:5000 A3  
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STATUS

DWG NO  
**TP02.03**  
REV  
**A**

TOWN PLANNING

**hayball**

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NBN Nominated Architects:  
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Richard Leonard 7522,  
David Truitt 8038,  
AEN 84 005 394 261

84 Johnston Street, Fitzroy

DATE PRINTED  
20.08.2021

Agenda Page 258

REV DATE DESCRIPTION

Subsequent drawings shall be submitted to the Architect/Consultant and manufacturer shall not commence prior to the receipt of the required shop drawings signed by the Architect/Consultant. Hayball warrants copyright and grants the client a license to use the Design for the purposes of this project and for the particular stage of services for which the Hayball has been commissioned only. © Copyright 2021 All rights reserved.

# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Hayball 23



PROJECT NAME  
Regent Apartments  
PROJECT ADDRESS

DRAWING TITLE  
SHADOW STUDY - SEPTEMBER 22 - 3PM

DRAWN BY  
Author  
CHECKED  
Checker  
SCALE  
1:2500 A1  
1:5000 A3  
DATE PRINTED  
28.08.2021

PROJECT NO  
2221  
STATUS  
DWG NO  
TP02.04  
REV  
A

TOWN PLANNING  
Agenda Page 259

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AEN 84 005 394 261

Notwithstanding to whomsoever, the Architect warrants that the drawings are prepared in accordance with the requirements of the Building Act 1993 and the Building Regulations 2006. All drawings shall be submitted to the Architect for review and approval prior to the issue of any final drawings. The Architect warrants that the drawings are prepared in accordance with the requirements of the Building Act 1993 and the Building Regulations 2006. All drawings shall be submitted to the Architect for review and approval prior to the issue of any final drawings. The Architect warrants that the drawings are prepared in accordance with the requirements of the Building Act 1993 and the Building Regulations 2006. All drawings shall be submitted to the Architect for review and approval prior to the issue of any final drawings.

84 Johnston Street, Fitzroy



# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Hayball 25

APT NUMBER	APT TYPE	APT AREA	Accessible	Cross Ventilated	Living Depth Min 3m	Living Width Min 3.3m (incl 0.5m 2-beds)	Living Area Min (Depth 3m x 3m)	Main Bedroom 3.4m x 3m	Other Bedroom 3m x 3m	Balcony Depth & Area	Storage (Internal)	Storage (External)
181	2B25_2A	133.8 m²	No	No	UAB	Yes	Yes	Yes	Yes	Yes	14.79 m²	
182	2B25_2A	134.5 m²	No	No	UAB	Yes	Yes	Yes	Yes	Yes	14.79 m²	
183	2B25_2B	131.7 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	15.03 m²	5.00 m²
184	2B25_3A	114.4 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	15.03 m²	5.00 m²
185	1B25_1E	97.3 m²	Yes	No	Yes	Yes	Yes	Yes	N/A	Yes	12.94 m²	
186	1B25_1E	97.4 m²	Yes	No	Yes	Yes	Yes	Yes	N/A	Yes	12.94 m²	
187	2B25_2C	101.5 m²	No	No	Yes	Yes	Yes	Yes	Yes	Yes	15.03 m²	
188	3B30_3A	137.2 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	23.62 m²	
189	1B15_1A	54.3 m²	No	No	Yes	Yes	Yes	Yes	N/A	Yes	7.63 m²	5.00 m²
190	3B30_3B	134.0 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	22.00 m²	
191	2B25_2D	84.7 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	15.03 m²	
201	2B25_2A	133.8 m²	No	No	UAB	Yes	Yes	Yes	Yes	Yes	14.79 m²	
202	2B25_2A	134.5 m²	No	No	UAB	Yes	Yes	Yes	Yes	Yes	14.79 m²	
203	2B25_2B	131.7 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	14.88 m²	5.00 m²
204	3B30_3B	132.9 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	UAB	15.03 m²	5.00 m²
205	1B15_1B	52.5 m²	Yes	No	Yes	Yes	Yes	Yes	N/A	Yes	6.46 m²	5.00 m²
206	1B15_1B	52.5 m²	Yes	No	Yes	Yes	Yes	Yes	N/A	Yes	6.46 m²	5.00 m²
207	2B25_2C	91.3 m²	No	No	Yes	Yes	Yes	Yes	Yes	Yes	15.03 m²	
208	3B30_3C	121.6 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	24.55 m²	
209	1B15_1A	54.3 m²	No	No	Yes	Yes	Yes	Yes	N/A	Yes	7.63 m²	5.00 m²
210	3B30_3B	134.0 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	22.00 m²	
211	2B25_2D	84.7 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	15.03 m²	
301	2B25_2A	133.8 m²	No	No	UAB	Yes	Yes	Yes	Yes	Yes	14.79 m²	
302	2B25_2A	134.5 m²	No	No	UAB	Yes	Yes	Yes	Yes	Yes	14.79 m²	
303	2B25_2B	131.7 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	14.88 m²	5.00 m²
304	3B30_3B	133.3 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	UAB	15.03 m²	5.00 m²
305	1B15_1B	52.5 m²	Yes	No	Yes	Yes	Yes	Yes	N/A	Yes	6.46 m²	5.00 m²
306	1B15_1B	52.5 m²	Yes	No	Yes	Yes	Yes	Yes	N/A	Yes	6.46 m²	5.00 m²
307	2B25_2E	91.3 m²	No	No	Yes	Yes	Yes	Yes	Yes	Yes	15.03 m²	
308	3B30_3C	121.6 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	24.55 m²	
309	1B15_1A	54.3 m²	No	No	Yes	Yes	Yes	Yes	Yes	Yes	7.63 m²	5.00 m²
310	3B30_3B	134.0 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	22.00 m²	
311	2B25_2D	84.7 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	15.03 m²	
401	3B30_3C	124.6 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	18.89 m²	
402	3B30_3C	123.9 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	22.38 m²	
403	3B30_3B	132.9 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	UAB	15.03 m²	5.00 m²
404	2B25_2F	87.2 m²	No	No	Yes	Yes	Yes	Yes	Yes	Yes	13.51 m²	5.00 m²
405	1B15_1C	52.0 m²	Yes	No	Yes	Yes	Yes	Yes	N/A	Yes	6.00 m²	5.00 m²
406	1B15_1D	56.7 m²	Yes	No	Yes	Yes	Yes	Yes	N/A	Yes	7.46 m²	5.00 m²
407	2B25_2D	96.3 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	11.27 m²	5.00 m²

APT NUMBER	APT TYPE	APT AREA	Accessible	Cross Ventilated	Living Depth Min 3m	Living Width Min 3.3m (incl 0.5m 2-beds)	Living Area Min (Depth 3m x 3m)	Main Bedroom 3.4m x 3m	Other Bedroom 3m x 3m	Balcony Depth & Area	Storage (Internal)	Storage (External)
408	1B15_1A	54.2 m²	No	No	Yes	Yes	Yes	Yes	Yes	N/A	Yes	7.63 m²
409	3B30_3B	143.7 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	22.00 m²	5.00 m²
501	2B25_2H	81.3 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	11.13 m²	5.00 m²
502	3B30_3C	133.4 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	15.03 m²	5.00 m²
503	3B30_3B	132.6 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	UAB	15.03 m²	5.00 m²
504	2B25_2J	91.4 m²	No	No	Yes	Yes	Yes	Yes	Yes	Yes	14.23 m²	
505	2B25_2A	87.2 m²	No	No	Yes	Yes	Yes	Yes	Yes	Yes	14.88 m²	
506	3B30_3F	154.8 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	15.77 m²	
507	3B30_3C	125.2 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	19.96 m²	
601	2B25_2H	81.3 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	11.13 m²	5.00 m²
602	3B30_3C	133.4 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	15.03 m²	5.00 m²
603	3B30_3B	132.6 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	UAB	15.03 m²	5.00 m²
604	2B25_2J	91.4 m²	No	No	Yes	Yes	Yes	Yes	Yes	Yes	14.23 m²	
605	2B25_2A	87.2 m²	No	No	Yes	Yes	Yes	Yes	Yes	Yes	14.88 m²	
606	3B30_3H	133.7 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	25.13 m²	
607	3B30_3J	110.3 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	15.01 m²	5.00 m²
701	2B25_2H	81.3 m²	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	11.13 m²	5.00 m²
702	3B30_3C	133.4 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	15.03 m²	5.00 m²
703	3B30_3A	148.3 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	26.36 m²	
705	2B25_2K	87.7 m²	No	No	Yes	Yes	Yes	Yes	Yes	Yes	14.89 m²	
706	3B30_3H	133.7 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	23.13 m²	
707	3B30_3J	110.3 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	15.01 m²	5.00 m²
801	3B30_3I	158.4 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	22.07 m²	
802	3B30_3E	110.3 m²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	24.81 m²	
803	3B30_3D	158.8 m²	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	32.71 m²	

Grandtotal: 85

CLAUSE 58 CROSS VENTILATION PERCENTAGE **47% PROVIDED** (min required 40%)  
 CLAUSE 58 ACCESSIBLE APARTMENTS PERCENTAGE **54% PROVIDED** (min required 50%)

NOTE: EXTERNAL STORAGE ONLY REQUIRED FOR APARTMENT TYPES WHERE NOTED. REFER TO STORAGE SCHEDULE FOR MORE INFORMATION

PROJECT NAME  
 Regent Apartments  
 PROJECT ADDRESS

DRAWING TITLE  
 CLAUSE 58 MATRIX

DRAWN BY  
 CHECKED  
 SCALE  
 STATUS

PROJECT NO  
 2221  
 T221

DWG NO  
 TP03.00  
 B

84 Johnston Street, Fitzroy

TOWN PLANNING

Agenda Page 261

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 AEN 84 005 394 261

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## Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

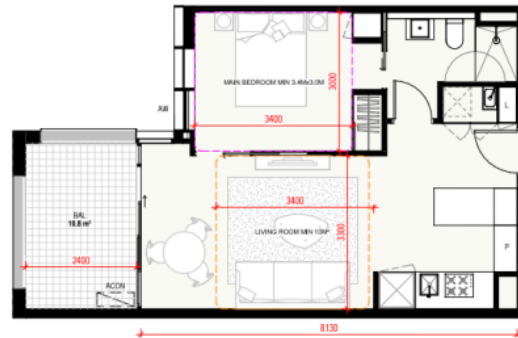
CLAUSE 58 REQUIREMENTS  
LEGEND

- |   |   |
|---|---|
|  | 1-BED LINED - MIN. DIMENSIONS 3.0m x 3.0m (10 Sqm)                |
|  | 2-BED LINED - MIN. DIMENSIONS 3.0m x 3.0m (10 Sqm)                |
|  | MINI BED - MIN. DIMENSIONS 3.0m x 3.0m                            |
|  | OTHER BEDS - MIN. DIMENSIONS 3.0m x 3.0m                          |
|  | BATHROOM TYPE A - CIRCULATION TO OPTION A-07 REQUIREMENTS         |
|  | BATHROOM TYPE B - CIRCULATION TO OPTION B-07 REQUIREMENTS         |
|  | CIRCULATION - MIN. 1.2M WIDE IN ACCORDANCE WITH C-07 REQUIREMENTS |

AW	OPENABLE WINDOW
ACH	AIR-CONDITIONING CONDENSER
P	PALTRY
L	LINEN CUPBOARD

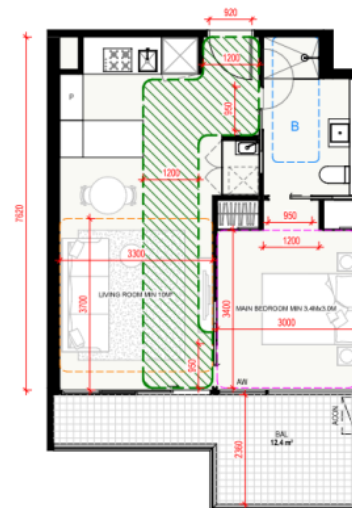
## NOTES

- ALL SHOWERS TO BE HOBLESS / STEP/FREE
- OPTION A BATHROOMS TO HAVE REMOVABLE HINGES ON HINGED ENTRY DOORS
- OPTION B BATHROOMS TO HAVE REMOVABLE SHOWER SCREENS



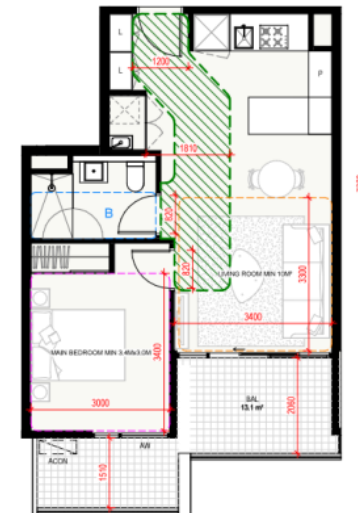
APARTMENT TYPE 1B1B_1A					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
109	No	No	54.3 m <sup>2</sup>	7.63 m <sup>3</sup>	5.00 m <sup>3</sup>
209	No	No	54.3 m <sup>2</sup>	7.63 m <sup>3</sup>	5.00 m <sup>3</sup>
309	No	No	54.3 m <sup>2</sup>	7.63 m <sup>3</sup>	5.00 m <sup>3</sup>
409	No	No	54.3 m <sup>2</sup>	7.63 m <sup>3</sup>	5.00 m <sup>3</sup>

Grand total: 4



APARTMENT TYPE 1B1B_1B					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
205	Yes	No	52.5 m <sup>2</sup>	6.46 m <sup>3</sup>	5.00 m <sup>3</sup>
206	Yes	No	52.5 m <sup>2</sup>	6.46 m <sup>3</sup>	5.00 m <sup>3</sup>
305	Yes	No	52.5 m <sup>2</sup>	6.46 m <sup>3</sup>	5.00 m <sup>3</sup>
306	Yes	No	52.5 m <sup>2</sup>	6.46 m <sup>3</sup>	5.00 m <sup>3</sup>

Grand total: 4



APARTMENT TYPE 1B1B_1C					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
405	Yes	No	52.0 m <sup>2</sup>	8.50 m <sup>3</sup>	5.00 m <sup>3</sup>

Grand total

PROJECT  
NAME  
**Regent Apartments**  
PROJECT ADDRESS

DRAWING TITLE  
**CLAUSE 58 APARTMENT LAYOUTS - 1B1B**

DRAWN BY	Author
CHECKED	Checker
SCALE	1 : 50 @ A1

DATE PRINTED 28 09 2021

PROJECT NO  
**2221**  
STATUS

TOWN PLANNING

DWG NO  
**TP03.01**

REV  
B

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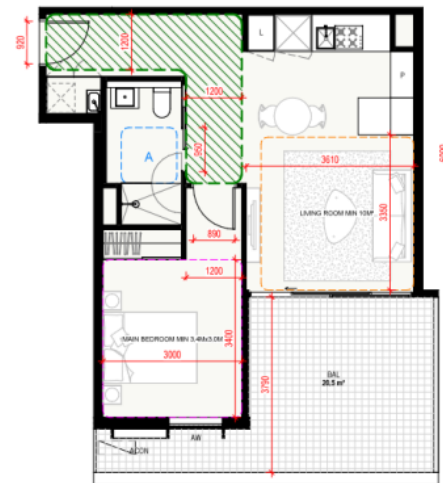
**NSW Nominated Architects:**  
Tom Jordan 7521,  
Richard Leonard 7522,  
David Tordoff 6026,  
AFN 84 006 794 201

Builder/Contractors shall verify all dimensions before any job commences. If any dimensions shall take precedence over scaled work, work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. Hayball retains copyright and grants the client a license to use the Design for the purposes of this project and for the particular stage of services for which the Hayball has been commissioned only. © Copyright 2008 All rights reserved.

# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

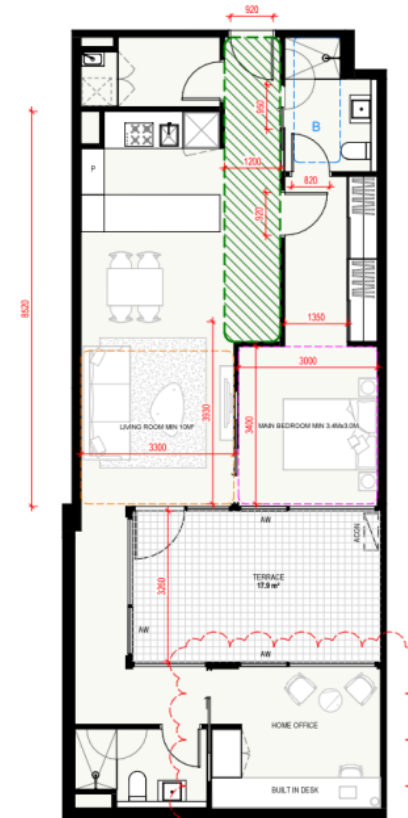
Hayball 27

- CLAUSE 58 REQUIREMENTS  
LEGEND**
- 1-BED LIVING - MIN DIMENSIONS 3.0m x 3.0m (15 Days)
  - 2-BED LIVING - MIN DIMENSIONS 3.0m x 3.0m (15 Days)
  - MAIN BED - MIN DIMENSIONS 3.0m x 3.0m
  - OTHER BED - MIN DIMENSIONS 3.0m x 3.0m
  - BATHROOM TYPE A - CIRCULATION TO OPENED A/D REQUIREMENTS
  - BATHROOM TYPE B - CIRCULATION TO OPENED B/D REQUIREMENTS
  - CIRCULATION - MIN 1.2M WIDE IN ACCORDANCE WITH D/D REQUIREMENTS
  - AW - OPENABLE WINDOW
  - ACON - AIR CONDITIONING/COOLING
  - P - PANTRY
  - L - LINEN CUPBOARD
- NOTES:**
- ALL SHOWERS TO BE HOBLESS / STEP FREE
  - OPTIONAL BATHROOM TUBING REMAINABLE
  - HINGES ON HINGED ENTRY DOORS
  - OPTIONAL BATHROOM TUBING REMAINABLE
  - SHOWER SCREENS



APARTMENT TYPE 1B1B_1D					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
400	Yes	No	55.7 m²	7.45 m²	15.55 m²

Grand total 1



APARTMENT TYPE 1B2B_1E					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
100	Yes	No	57.3 m²	12.84 m²	
100	Yes	No	57.4 m²	12.84 m²	

Grand total 2

PROJECT NAME  
**Regent Apartments**  
PROJECT ADDRESS

84 Johnston Street, Fitzroy

DRAWING TITLE  
**CLAUSE 58 APARTMENT LAYOUTS - 1B1B**

DRAWN BY Author  
CHECKED Checker  
SCALE 1:50 @ A1

DATE PRINTED 25 02 2022

PROJECT NO 2221  
STATUS

DWG NO TP03.02  
REV C

TOWN PLANNING

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NBN Homestead Architects  
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Richard Leonard 7522,  
David Tassell 8028,  
ABN 84 006 394 261

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## Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

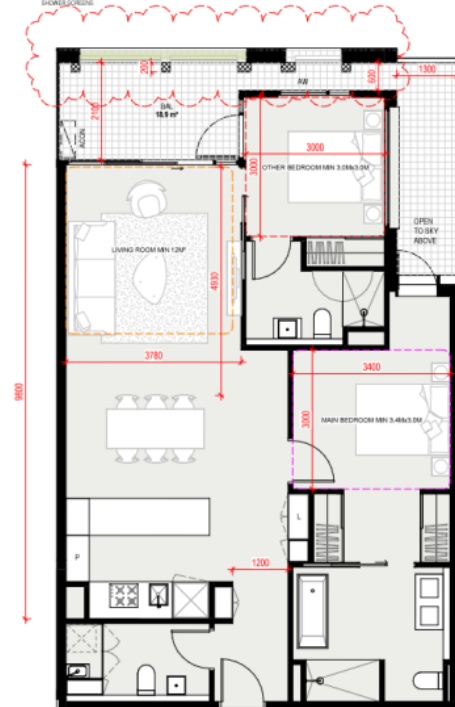
CLAUSE 58 REQUIREMENTS  
LEGEND

- |   |  |
|---|--|
|  | 1-RED LINED - MIN. DIMENSIONS 3.0m x 3.0m (10 Sqm)                 |
|  | 2-RED LINED - MIN. DIMENSIONS 3.0m x 3.0m (10 Sqm)                 |
|  | MIN RED - MIN. DIMENSIONS 3.0m x 3.0m                              |
|  | OTHER RED - MIN. DIMENSIONS 3.0m x 3.0m                            |
|  | BATHROOM TYPE A - CIRCULATION TO OPTION A-D-17 REQUIREMENTS        |
|  | BATHROOM TYPE B - CIRCULATION TO OPTION B-D-17 REQUIREMENTS        |
|  | CIRCULATION - MIN. 1.2m x 2.0m IN ACCORDANCE WITH C-4 REQUIREMENTS |

AW	OPENABLE WINDOW
ACH	AIR-CONDITIONING CONDENSER
P	PALTRY
L	LINEN CUPBOARD

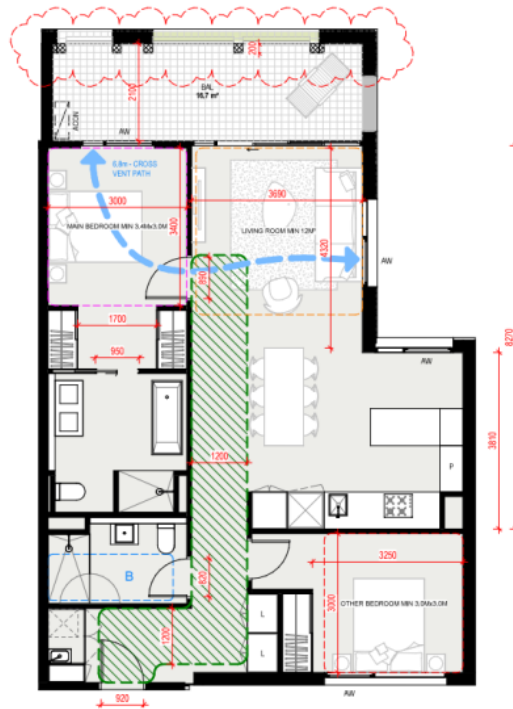
## NOTES

- ALL SHOWERS TO BE HOBLESS / STEP-FREE
- OPTION A BATHROOMS TO HAVE REMOVABLE HINGES ON HINGED ENTRY DOORS
- OPTION B BATHROOMS TO HAVE REMOVABLE



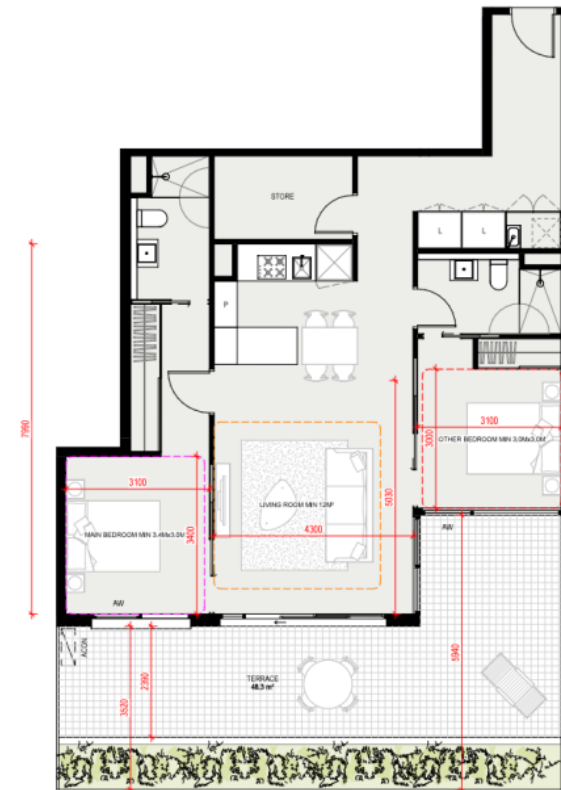
APARTMENT TYPE 2B2B_2A					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
1011	No	No	933,8 m²	14,79 m³	
102	No	No	945,5 m²	14,79 m³	
2011	No	No	933,8 m²	14,79 m³	
202	No	No	945,5 m²	14,79 m³	
3011	No	No	933,8 m²	14,79 m³	
302	No	No	945,5 m²	14,79 m³	

Grand total: 6



APARTMENT TYPE 2B2B_2B					
Number	Accessible	Gross Verified	Area	Storage (Internal)	Storage (External)
103	Yes	Yes	101,7 m <sup>2</sup>	54,87 m <sup>2</sup>	
203	Yes	Yes	101,7 m <sup>2</sup>	54,87 m <sup>2</sup>	
303	Yes	Yes	101,7 m <sup>2</sup>	54,87 m <sup>2</sup>	

Grand total :



APARTMENT TYPE 2B2B_2C					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
107	No	No	101.5 m <sup>2</sup>	35.53 m <sup>2</sup>	

Grand total: 1

PROJECT  
NAME  
**Regent Apartments**  
PROJECT ADDRESS

DRAWING TITLE  
**CLAUSE 58 APARTMENT LAYOUTS - 2B2B**

DRAWN BY	Author
CHECKED	Checker
SCALE	1 : 50 @ A1

PROJECT NO  
**2221**  
STATUS

DWG NO  
**TP03.03**

DATE PRINTED 04.02.2022

0 500 1000 1500 2000

TOWN PLANNING

Agenda Page 264

# haybald

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**NSW Nominated Architects:**  
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Richard Leonard 7522,  
David Tordoff 6026,  
AFN 84 006 794 201

Builder/Contractor shall verify dimensions before any job commences. If found dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. Haykal retains copyright and grants the client a license to use the Design for the purposes of this project and for the particular stage of services for which the Haykal has been commissioned only. © Copyright 2008 All rights reserved.

**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

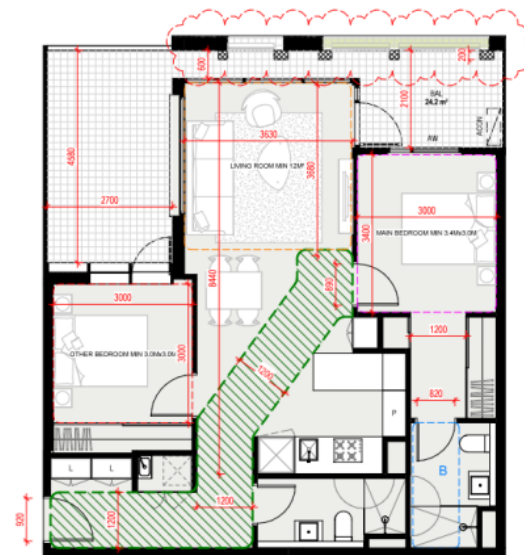
CLAUSE 58 REQUIREMENTS  
LEGEND

- |   |   |
|---|---|
|  | 1-BED LINED - MIN. DIMENSIONS 3.0m x 3.0m (10 Sqm)                |
|  | 2-BED LINED - MIN. DIMENSIONS 3.0m x 3.0m (10 Sqm)                |
|  | MINI BED - MIN. DIMENSIONS 3.0m x 3.0m                            |
|  | OTHER BEDS - MIN. DIMENSIONS 3.0m x 3.0m                          |
|  | BATHROOM TYPE A - CIRCULATION TO OPTION A-07 REQUIREMENTS         |
|  | BATHROOM TYPE B - CIRCULATION TO OPTION B-07 REQUIREMENTS         |
|  | CIRCULATION - MIN. 1.2M WIDE IN ACCORDANCE WITH C-07 REQUIREMENTS |

- |      |                            |
|------|----------------------------|
| AB   | OPERABLE WINDOW            |
| ACON | AIR-CONDITIONING CONDENSER |
| P    | PENTRY                     |
| L    | LINEN CUPBOARD             |

## NOTES

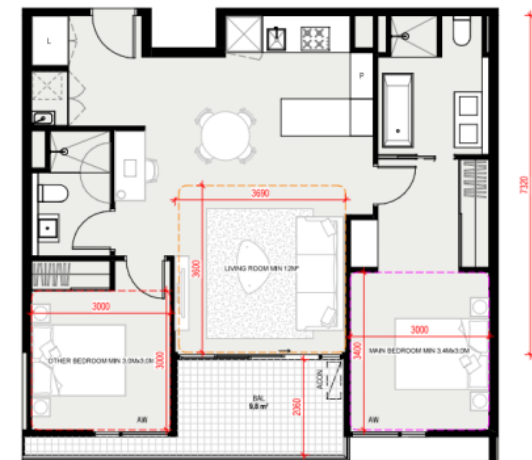
- ALL SHOWERS TO BE HOBLESS / STEP/FREE
- OPTION A BATHROOMS TO HAVE REMOVABLE HINGES ON HINGED ENTRY DOORS
- OPTION B BATHROOMS TO HAVE REMOVABLE SHOWER SCREENS



APARTMENT TYPE 2B2B_2D					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
111	Yes	No	84.7 m <sup>2</sup>	16.28 m <sup>2</sup>	
211	Yes	No	84.7 m <sup>2</sup>	16.28 m <sup>2</sup>	
311	Yes	No	84.7 m <sup>2</sup>	16.28 m <sup>2</sup>	



APARTMENT TYPE 2B2B_2E					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
207	No	No	91.3 m <sup>2</sup>	15.55 m <sup>2</sup>	
307	No	No	91.3 m <sup>2</sup>	15.55 m <sup>2</sup>	



APARTMENT TYPE 2B2B_2F					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
404	No	No	87.2 m <sup>2</sup>	13.51 m <sup>3</sup>	5.00 m <sup>3</sup>

Grand total

PROJECT  
NAME  
**Regent Apartments**  
PROJECT ADDRESS

84 Johnston Street, Fitzroy

DRAWING TITLE  
**CLAUSE 58 APARTMENT LAYOUTS - 2B2B**


DRAWN BY	Author
CHECKED	Checker
SCALE	1 : 50 @ A1
DATE PRINTED	04.02.2022

DATE PRINTED 04.02.2022

PROJECT NO  
**2221**  
STATUS

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DWG NO  
**TP03.04**

REV  
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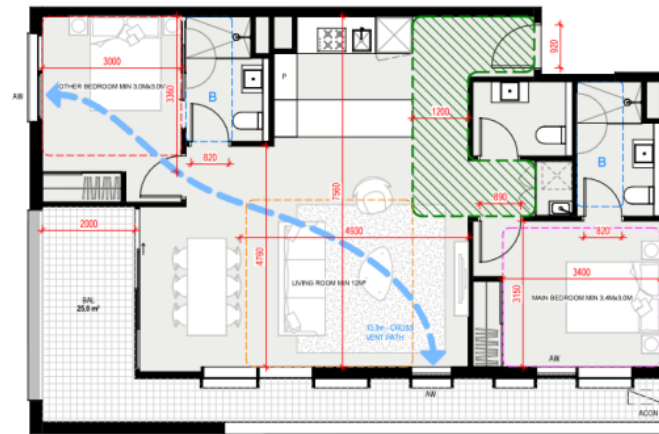
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**NDW Nominated Architects:**  
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Richard Leonard 7522,  
David Tordoff 8028,  
APN 84 006 394 261

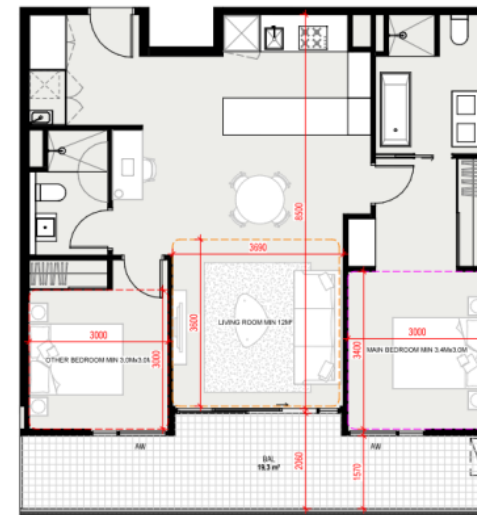
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## Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

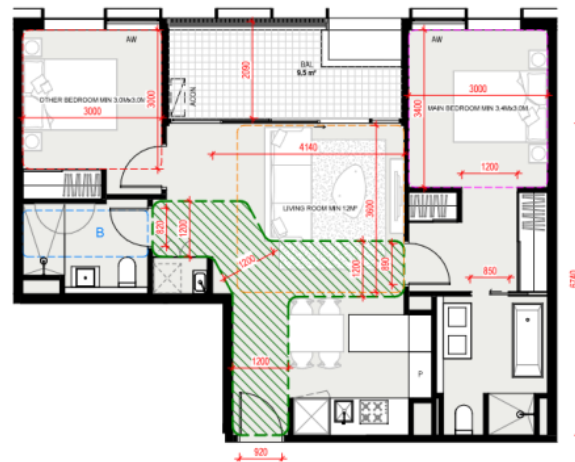
Hayball 30



APARTMENT TYPE 2B2B_2G					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
437	Yes	Yes	98.3 m²	11.27 m³	5.08 m³
Grand total 1					



APARTMENT TYPE 2B2B_2J					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
504	No	No	91.4 m <sup>2</sup>	14.23 m <sup>2</sup>	
604	No	No	91.4 m <sup>2</sup>	14.23 m <sup>2</sup>	
Grand total: 2					



APARTMENT TYPE 2B2B_2H					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
501	Yes	No	81.3 m <sup>2</sup>	11.13 m <sup>2</sup>	5.08 m <sup>2</sup>
501	Yes	No	81.3 m <sup>2</sup>	11.13 m <sup>2</sup>	5.08 m <sup>2</sup>
701	Yes	No	81.3 m <sup>2</sup>	11.13 m <sup>2</sup>	5.08 m <sup>2</sup>

CLAUSE 58 REQUIREMENTS  
LEGEND

-  1 BED LIVING - MIN. DIMENSIONS 3.3m x 3.2m (10.8m)
-  2+ BED LIVING - MIN. DIMENSIONS 3.6m x 3.6m (12.3m)
-  MAIN BED - MIN. DIMENSIONS 3.4m x 3.0m
-  OTHER BED - MIN. DIMENSIONS 3.0m x 3.0m
-  BATHROOM TYPE A - CIRCULATION TO OPTION A/DIT REQUIREMENTS
-  BATHROOM TYPE B - CIRCULATION TO OPTION B/DIT REQUIREMENTS
-  CIRCULATION - MIN 1.2M WIDTH IN ACCORDANCE WITH DIT REQUIREMENTS

AW	OPERABLE WINDOW
ACON	AIR CONDITIONING CONDENSER
P	PARTY
L	LINEN CUPBOARD

- NOTES:
- ALL SHOWINGS TO BE NOBLESS / STEP FREE
  - OPTION A BATHROOMS TO HAVE REMOVABLE HINGES ON HINGED ENTRY DOORS
  - OPTION B BATHROOMS TO HAVE REMOVABLE SHOWER / SEATING

PROJECT  
NAME  
**Regent Apartments**  
PROJECT ADDRESS

DRAWING TITLE  
**CLAUSE 58 APARTMENT LAYOUTS - 2B2B**

DRAWN BY	Author
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SCALE	1 : 50 @ A1

PROJECT NO  
**2221**  
STATUS

DWG NO: **TP03.05**      REV: **B**

REV  
B

84 Johnston Street, Fitzroy

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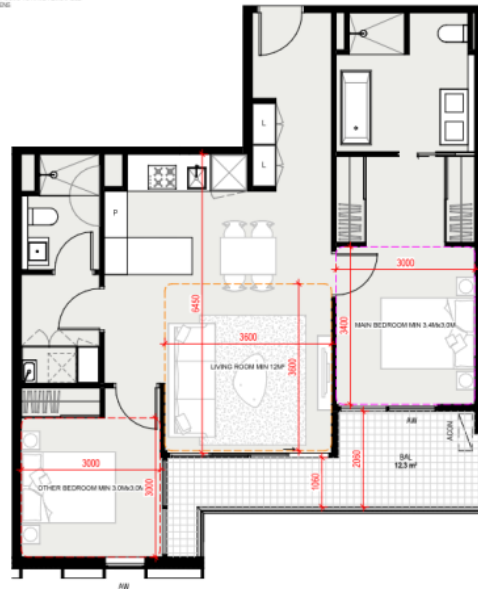
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Richard Leonard 7522,  
David Tordoff 6026,  
AEN 84 006 594 201

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# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

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- CLAUSE 58 REQUIREMENTS  
LEGEND**
- 1-BED LIVING - MIN DIMENSIONS 3.0m x 3.0m (10 Bay)
  - 2-BED LIVING - MIN DIMENSIONS 3.0m x 3.0m (10 Bay)
  - MIN BED - MIN DIMENSIONS 3.0m x 3.0m
  - OTHER BED - MIN DIMENSIONS 3.0m x 3.0m
  - BATHROOM TYPE A - CIRCULATION TO OPENING & 107 REQUIREMENTS
  - BATHROOM TYPE B - CIRCULATION TO OPENING & 107 REQUIREMENTS
  - CIRCULATION - MIN 1.2m WIDE IN ACCORDANCE WITH 107 REQUIREMENTS
  - AW - OPENABLE WINDOW
  - ACON - AIR CONDITIONING CONDENSER
  - P - PATIO
  - L - LINEN CUPBOARD
- NOTES:**
- ALL SHOWERS TO BE HOLES / STEP FREE
  - OPTIONAL BATHROOM TUNING RESPONSIBLE
  - HINGES ON HINGED ENTRY DOORS
  - OPTIONAL BATHROOM TUNING RESPONSIBLE
  - SHOWER SCREENS



APARTMENT TYPE 2B2B_2K					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
525	No	No	87.7 m²	14.99 m²	
526	No	No	87.7 m²	14.99 m²	
705	No	No	87.7 m²	14.99 m²	
Grand total: 3					

PROJECT NAME  
**Regent Apartments**

PROJECT ADDRESS  
**84 Johnston Street, Fitzroy**

DRAWING TITLE  
**CLAUSE 58 APARTMENT LAYOUTS - 2B2B**

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DATE PRINTED 28 08 2021

PROJECT NO **2221**  
STATUS  
DWG NO **TP03.06**  
REV **B**

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Agenda Page 267

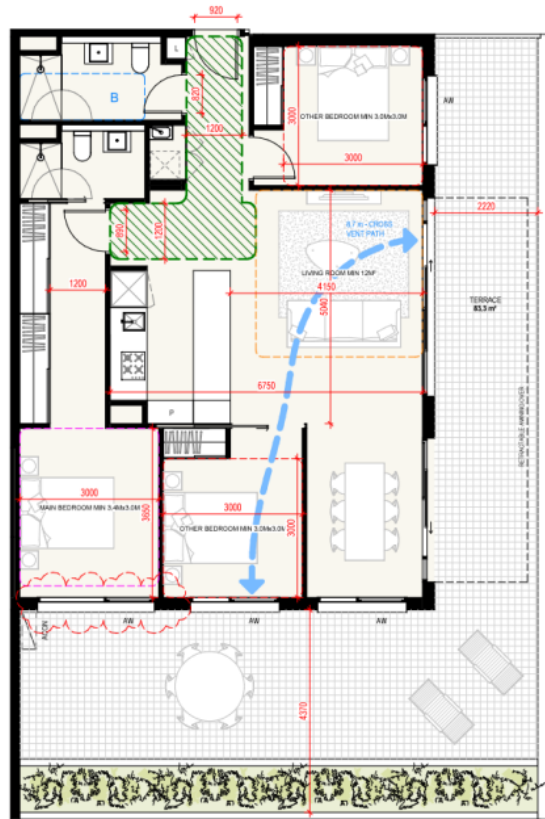
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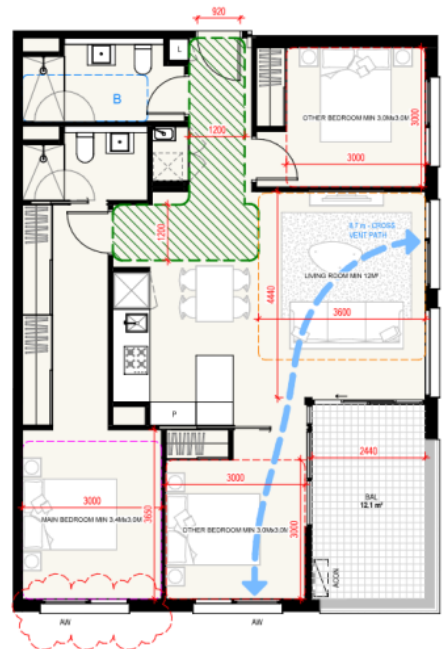
NBN Nominated Architects:  
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AEN 84 005 394 261

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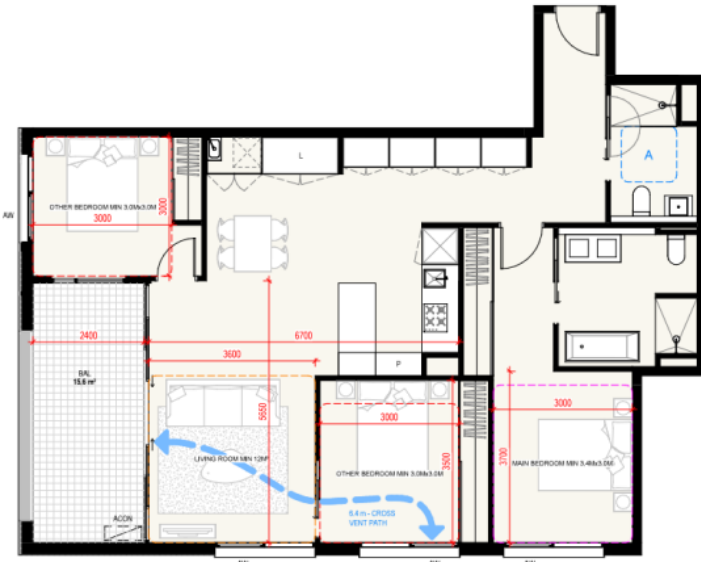
# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans



APARTMENT TYPE 3B2B_3A					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
304	Yes	Yes	114.4 m <sup>2</sup>	16.03 m <sup>3</sup>	5.00 m <sup>3</sup>
Grand total: 1					



APARTMENT TYPE 3B2B_3B					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
304	No	Yes	102.9 m <sup>2</sup>	16.03 m <sup>3</sup>	5.00 m <sup>3</sup>
304	No	Yes	102.9 m <sup>2</sup>	16.03 m <sup>3</sup>	5.00 m <sup>3</sup>
403	No	Yes	102.9 m <sup>2</sup>	16.03 m <sup>3</sup>	5.00 m <sup>3</sup>
503	No	Yes	102.9 m <sup>2</sup>	16.03 m <sup>3</sup>	5.00 m <sup>3</sup>
603	No	Yes	102.9 m <sup>2</sup>	16.03 m <sup>3</sup>	5.00 m <sup>3</sup>
Grand total: 5					



APARTMENT TYPE 3B2B_3C					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
304	No	Yes	102.9 m <sup>2</sup>	16.03 m <sup>3</sup>	5.00 m <sup>3</sup>
304	No	Yes	102.9 m <sup>2</sup>	16.03 m <sup>3</sup>	5.00 m <sup>3</sup>
403	No	Yes	102.9 m <sup>2</sup>	16.03 m <sup>3</sup>	5.00 m <sup>3</sup>
503	No	Yes	102.9 m <sup>2</sup>	16.03 m <sup>3</sup>	5.00 m <sup>3</sup>
603	No	Yes	102.9 m <sup>2</sup>	16.03 m <sup>3</sup>	5.00 m <sup>3</sup>
Grand total: 5					

- CLAUSE 58 REQUIREMENTS**
- LEGEND**
- Hayball 32**
- 1-BED LIVING - MIN DIMENSIONS 3.0m x 3.0m (12m<sup>2</sup>)
  - 2-BED LIVING - MIN DIMENSIONS 3.0m x 3.0m (12m<sup>2</sup>)
  - 3-BED LIVING - MIN DIMENSIONS 3.0m x 3.0m
  - OTHER BED - MIN DIMENSIONS 3.0m x 3.0m
  - OTHER BED - MIN DIMENSIONS 3.0m x 3.0m
  - BATHROOM TYPE A - CIRCULATION TO OPEN A DIT REQUIREMENTS
  - BATHROOM TYPE B - CIRCULATION TO OPEN A DIT REQUIREMENTS
  - CIRCULATION - MIN 1.2m WIDTH IN ACCORDANCE WITH DIT REQUIREMENTS
  - CRASHABLE WINDOW
  - NO COVERING/CLADDING
  - PAVING
  - LEVEL SURFACING
- NOTES**
- ALL SHOWING TO BE HOLDSITE STEP FREE
  - OPTION A: BALCONIES TO HAVE REMOVABLE FENCES OR FIXED ENTRY DOORS
  - OPTION B: BALCONIES TO HAVE REMOVABLE SHOWER SCREENS

PROJECT NAME  
**Regent Apartments**

PROJECT ADDRESS  
**84 Johnston Street, Fitzroy**

DRAWING TITLE  
**CLAUSE 58 APARTMENT LAYOUTS - 3B2B**

DRAWN BY  
Author

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Checker

SCALE  
1:50 @ A1

DATE PRINTED  
04 02 2022

PROJECT NO  
**2221**

DWG NO  
**TP03.07**

REV  
**C**

STATUS  
**TOWN PLANNING**

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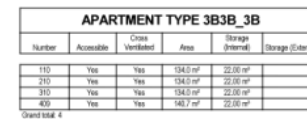
**NBN Nominated Architects:**  
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Richard Leonard 7522  
David Toubert 8028  
AEN 84 005 394 261

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PROJECT  
NAME  
**Regent Apartments**  
PROJECT ADDRESS  
**84 Johnston Street, Fitzroy**

**NDW Nominated Architects:**  
Tom Jordan 7521,  
Richard Leonard 7522,  
David Tordoff 6026,  
ABN 84 006 394 261



**NDW Nominated Architects:**  
Tom Jordan 7521,  
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David Tordoff 6026,  
AEN 84 006 594 201

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## Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

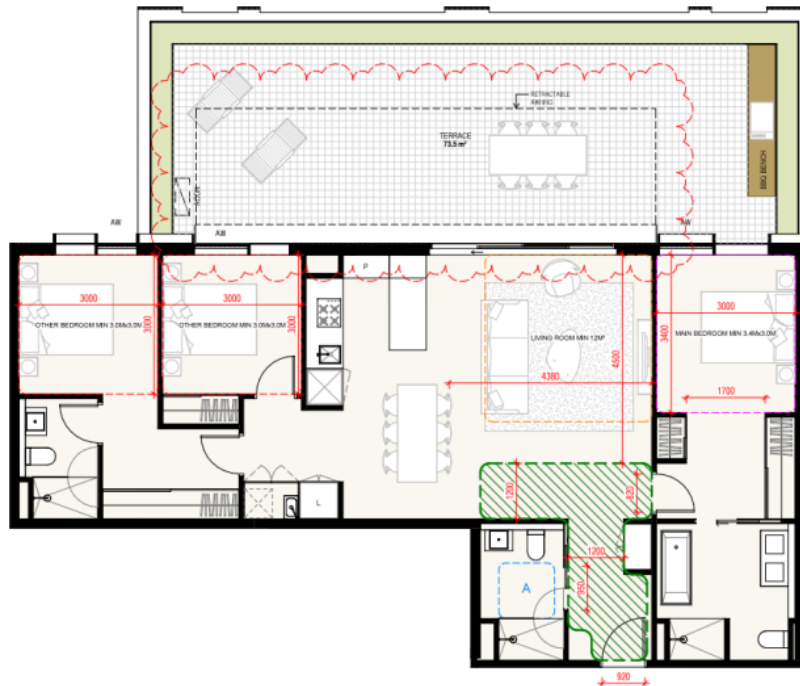
CLAUSE 58 REQUIREMENTS  
LEGEND

- |   |   |
|---|---|
|  | 1-BED LIVING - MIN. DIMENSIONS 3.3m x 3.3m (10 Sqg)               |
|  | 2-BED LIVING - MIN. DIMENSIONS 3.8m x 3.8m (12 Sqg)               |
|  | 3-BED LIVING - MIN. DIMENSIONS 4.4m x 3.0m                        |
|  | OTHER BED - MIN. DIMENSIONS 3.3m x 3.3m                           |
|  | BATHROOM TYPE A - CIRCULATION TO OPTION A-D-17 REQUIREMENTS       |
|  | BATHROOM TYPE B - CIRCULATION TO OPTION B-D-17 REQUIREMENTS       |
|  | CIRCULATION - MIN. 1.2M WIDE IN ACCORDANCE WITH C-17 REQUIREMENTS |

AW	OPENABLE WINDOW
ACH	AIR-CONDITIONING CONDENSER
P	PALTRY
L	LINEN CUPBOARD

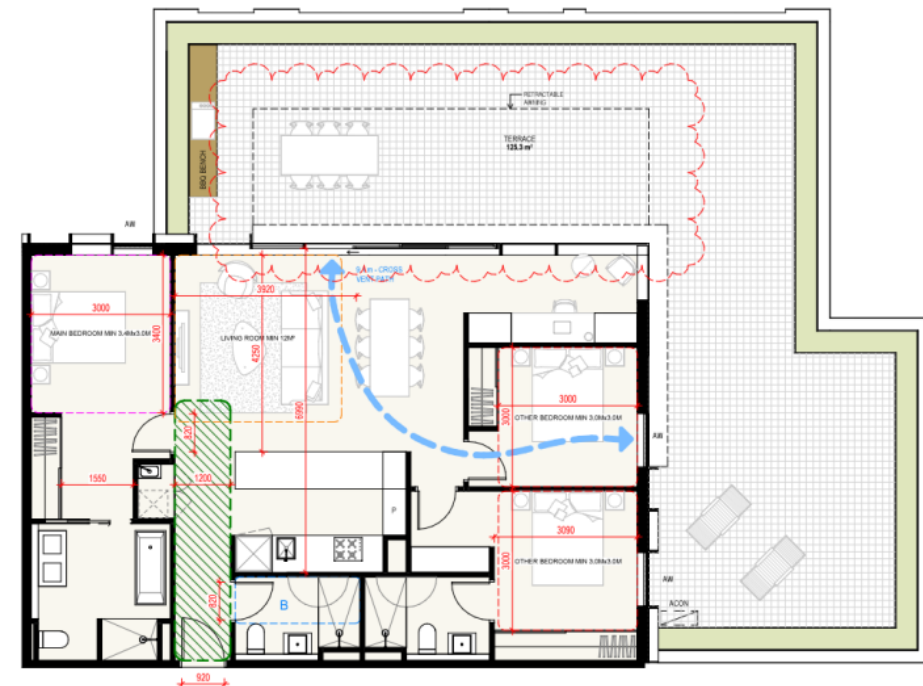
## NOTES

- ALL SHOWERS TO BE HOBLESS / STEP-FREE
- OPTION A BATHROOMS TO HAVE REMOVABLE HINGES-ON HINGED ENTRY DOORS
- OPTION B BATHROOMS TO HAVE REMOVABLE SHOWER SCREENS



APARTMENT TYPE 3B3B_3C					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
401	Yes	No	124.6 m <sup>2</sup>	18.68 m <sup>3</sup>	
Grand total: 1					

Grand total: 1



APARTMENT TYPE 3B3B_3D					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
402	Yes	Yes	123.9 m <sup>2</sup>	20.26 m <sup>2</sup>	
Grand Total: 1					

Grand total

PROJECT  
NAME  
**Regent Apartments**  
PROJECT ADDRESS

DRAWING TITLE  
**CLAUSE 58 APARTMENT LAYOUTS - 3B3B**

DRAWN BY	Author
CHECKED	Checker
SCALE	1 : 50 @ A1
DATE PRINTED	25.02.2022

PROJECT NO  
**2221**  
STATUS

DWG NO  
**TP03.09**

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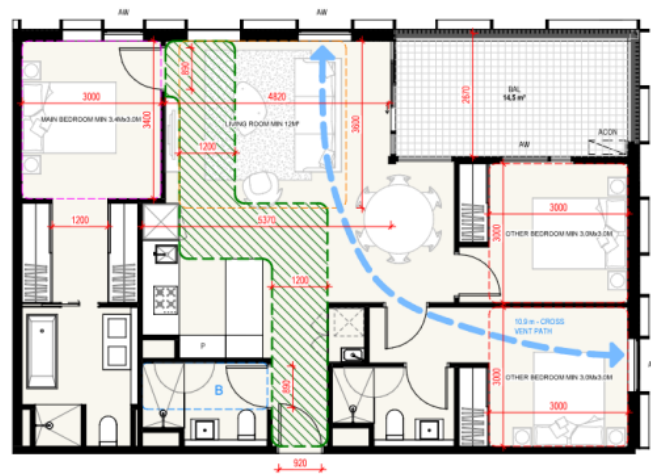
CLAUSE 58 REQUIREMENTS  
LEGEND

- |   |   |
|---|---|
|  | 1-BED LIVING - MIN. DIMENSIONS 3.3m x 3.3m (10 Sqg)               |
|  | 2-BED LIVING - MIN. DIMENSIONS 3.8m x 3.8m (12 Sqg)               |
|  | 3-BED - MIN. DIMENSIONS 5.4m x 3.0m                               |
|  | OTHER BED - MIN. DIMENSIONS 3.0m x 3.0m                           |
|  | BATHROOM TYPE A - CIRCULATION TO OPTION A-D-17 REQUIREMENTS       |
|  | BATHROOM TYPE B - CIRCULATION TO OPTION B-D-17 REQUIREMENTS       |
|  | CIRCULATION - MIN. 1.2M WIDE IN ACCORDANCE WITH C-17 REQUIREMENTS |

AW	OPENABLE WINDOW
ACH	AIR-CONDITIONING CONDENSER
P	PALTRY
L	LINEN CUPBOARD

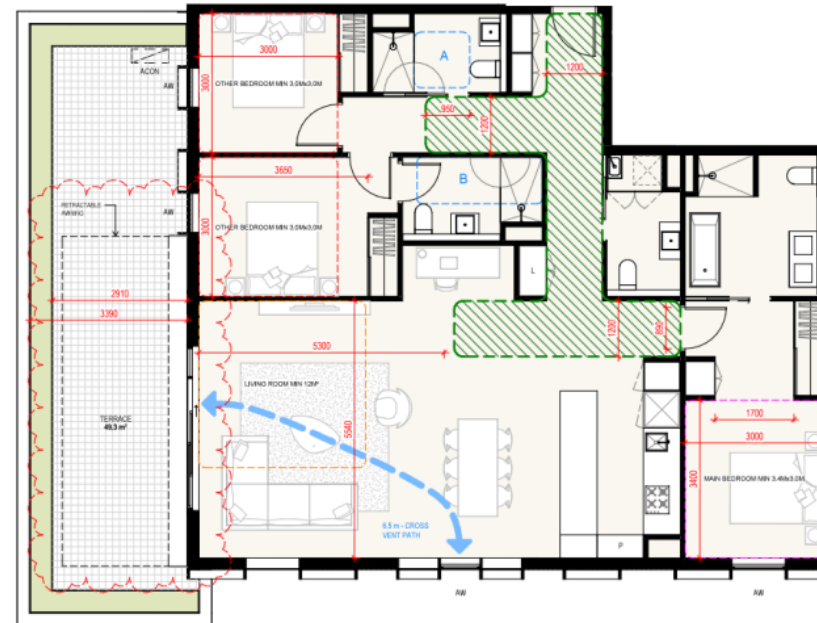
## NOTES

- ALL SHOWERS TO BE HOBLESS / STEP-FREE
- OPTIONAL-B BATHROOMS TO HAVE REMOVABLE HINGES ON HINGED ENTRY DOORS
- OPTIONAL-B BATHROOMS TO HAVE REMOVABLE SHOWER SCREENS



APARTMENT TYPE 3B3B_3E					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
502	Yes	Yes	136.4 m <sup>2</sup>	15.50 m <sup>3</sup>	5.00 m <sup>3</sup>
602	Yes	Yes	136.4 m <sup>2</sup>	15.50 m <sup>3</sup>	5.00 m <sup>3</sup>
702	Yes	Yes	136.4 m <sup>2</sup>	15.50 m <sup>3</sup>	5.00 m <sup>3</sup>

Grand total: 3



APARTMENT TYPE 3B3B_3F					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
508	Yes	Yes	154.0 m²	10.77 m²	

Grand total

PROJECT  
NAME  
**Regent Apartments**  
PROJECT ADDRESS

84 Johnston Street, Fitzroy

DRAWING TITLE  
**CLAUSE 58 APARTMENT LAYOUTS - 3B3B**

DRAWN BY	Author
CHECKED	Checker

DATE PRINTED: 26.03.2022

PROJECT NO  
**2221**  
STATUS

STATUS

DWG NO  
**TP03.10**

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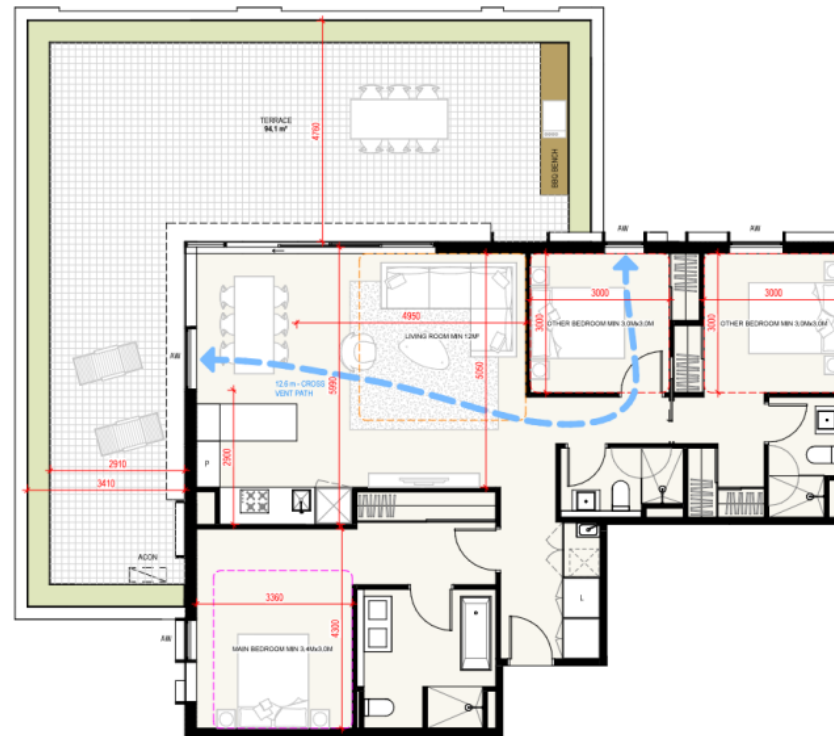
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David Tordoff 8028,  
ABN 84 006 394 261

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# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

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- CLAUSE 58 REQUIREMENTS  
LEGEND**
- 1-BED LIVING-MIN DIMENSIONS 3.0m x 3.0m (15.0sqm)
  - 2-BED LIVING-MIN DIMENSIONS 3.0m x 3.0m (15.0sqm)
  - MIN BED-MIN DIMENSIONS 3.0m x 3.0m
  - OTHER BED-MIN DIMENSIONS 3.0m x 3.0m
  - BATHROOM TYPE A-CIRCULATION TO OPENING & 17 REQUIREMENTS
  - BATHROOM TYPE B-CIRCULATION TO OPENING & 17 REQUIREMENTS
  - CIRCULATION-MIN 1.2M WIDE IN ACCORDANCE WITH 17 REQUIREMENTS
  - AW OPENABLE WINDOW
  - ACOR AIR CONDITIONING/COOLING
  - P PATIO
  - L LINEN CLOSET
- NOTES:**
- ALL SHOWERS TO BE HOBLESS / STEP FREE
  - OPTIONAL BATHROOM TUNING REMOVABLE
  - HINGES ON HINGED ENTRY DOORS
  - OPTIONAL BATHROOM TUNING REMOVABLE
  - SHOWER SCREENS



APARTMENT TYPE 3B3B_3G					
Number	Accessible	Crack Ventilated	Area	Storage (Internal)	Storage (External)
107	No	Yes	125.2 m²	10.00 m²	
Grand Total 1					

PROJECT NAME  
**Regent Apartments**

PROJECT ADDRESS  
**84 Johnston Street, Fitzroy**

DRAWING TITLE  
**CLAUSE 58 APARTMENT LAYOUTS - 3B3B**

DRAWN BY Author  
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DATE PRINTED 28 08 2021

PROJECT NO  
**2221**

STATUS

DWG NO  
**TP03.11**

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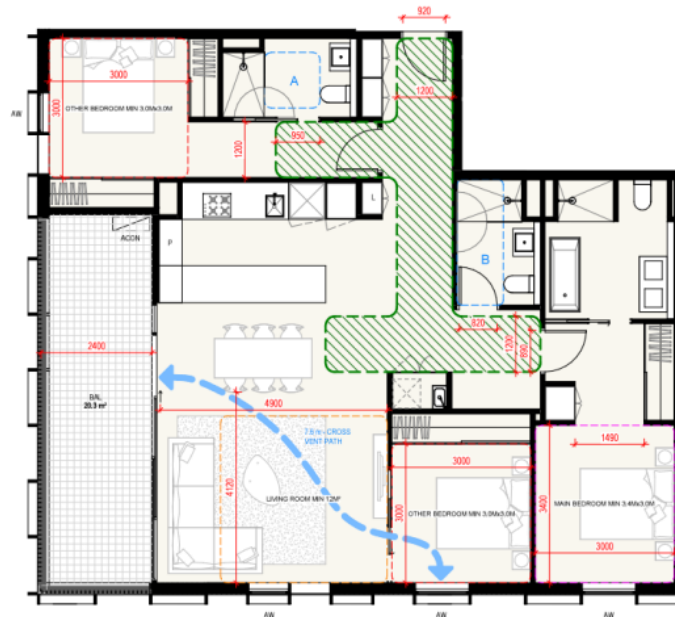
NBN Nominated Architects:  
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Richard Leonard 7522,  
David Treadwell 8028,  
AEN 84 005 304 261

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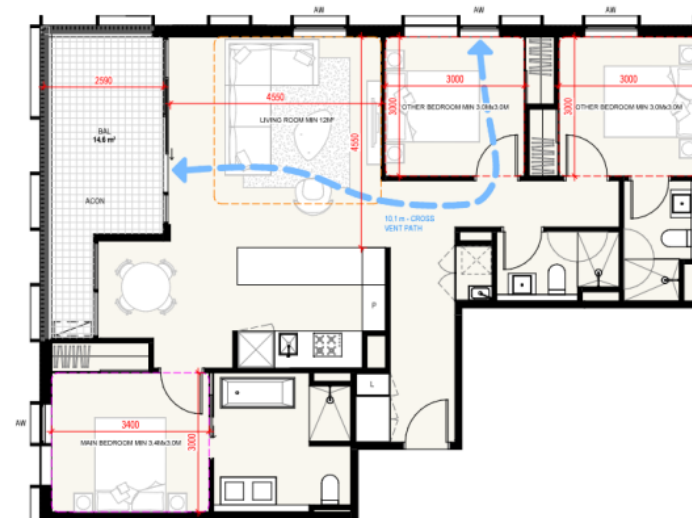
# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Hayball 37

- CLAUSE 58 REQUIREMENTS  
LEGEND**
- 1-BED LIVING - MIN DIMENSIONS 3.0m x 3.0m (15 Days)
  - 2-BED LIVING - MIN DIMENSIONS 3.0m x 3.0m (15 Days)
  - MIN BED - MIN DIMENSIONS 3.0m x 3.0m
  - OTHER BED - MIN DIMENSIONS 3.0m x 3.0m
  - BATHROOM TYPE A - CIRCULATION TO OPENING & 17 REQUIREMENTS
  - BATHROOM TYPE B - CIRCULATION TO OPENING & 17 REQUIREMENTS
  - CIRCULATION - MIN 1.2M WIDE IN ACCORDANCE WITH 17 REQUIREMENTS
- AW: OPENABLE WINDOW  
ACON: AIR CONDITIONING CONDENSER  
P: PATIO  
L: LINEN CUPBOARD
- NOTES:**
- ALL SHOWERS TO BE HOBLESS / STEP FREE
  - OPTIONAL BATHROOM TUNING: REASONABLE
  - HINGES ON HINGED ENTRY DOORS
  - OPTIONAL BATHROOM TUNING: REASONABLE
  - SHOWER SCREENS



APARTMENT TYPE 3B3B_3H					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
606	Yes	Yes	133.7 m²	23.13 m³	
706	Yes	Yes	133.7 m²	23.13 m³	
Grand total 2					



APARTMENT TYPE 3B3B_3J					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
607	No	Yes	110.5 m²	15.61 m³	5.93 m³
707	No	Yes	110.5 m²	15.61 m³	5.93 m³
Grand total 2					

PROJECT NAME  
**Regent Apartments**  
PROJECT ADDRESS  
**84 Johnston Street, Fitzroy**

DRAWING TITLE  
**CLAUSE 58 APARTMENT LAYOUTS - 3B3B**

DRAWN BY  
Author  
CHECKED  
1: 50 @ A1  
DATE PRINTED  
28 09 2021

PROJECT NO  
**2221**  
STATUS

DWG NO  
**TP03.12**  
REV  
**B**

Agenda Page 273

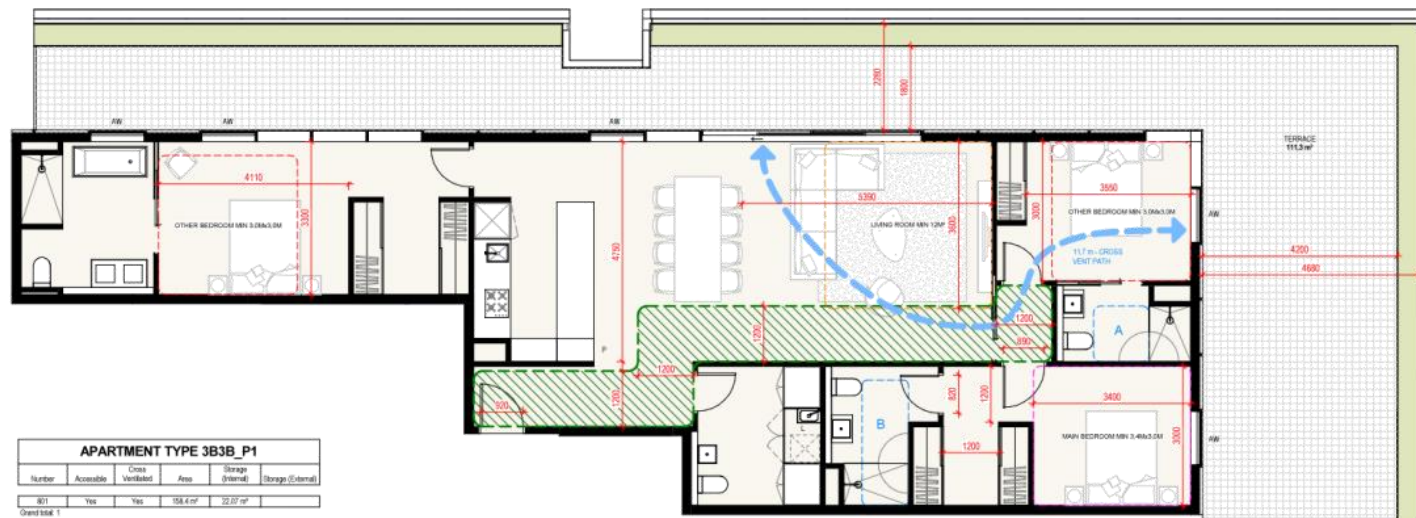
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www.hayball.com.au

NBN Nominated Architects:  
Tom Jordan 7521,  
Richard Leonard 7522,  
David Toubert 8028,  
AEN 84 005 304 261

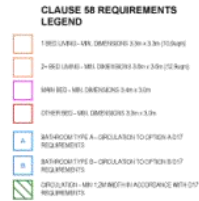
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## Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans



APARTMENT TYPE 3B3B_P1					
Number	Accessible	Cross Ventilated	Fees	Storage (Internal)	Storage (External)
801	Yes	Yes	158.4 m <sup>2</sup>	22.07 m <sup>2</sup>	
Grand total: 1					

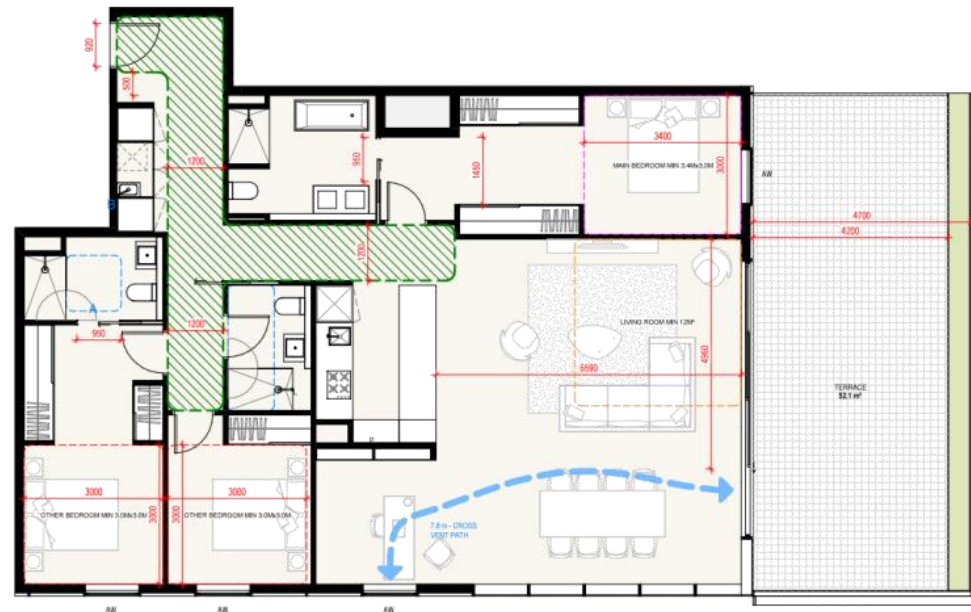
## Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans



NR	OPTICAL WINDOW
ACH	AIR-CONDITIONING CONDENSER
P	PANTRY
L	LINEN CUPBOARD

## NOTES

- ALL SHOWERS TO BE HOBLESS / STEP-FREE
- OPTION A BATHROOMS TO HAVE REMOVABLE HINGES ON HINGED ENTRY DOORS
- OPTION B BATHROOMS TO HAVE REMOVABLE SHOWER SCREENS



APARTMENT TYPE 3B3B_P2					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
802	Yes	Yes	172.9 m <sup>2</sup>	24.81 m <sup>3</sup>	
Grand Total: 5					

Grand total

PROJECT  
NAME  
**Regent Apartments**  
PROJECT ADDRESS

84 Johnston Street, Fitzroy

DRAWING TITLE  
**CLAUSE 58 APT LAYOUTS - PENTHOUSES**

DRAWN BY	Author
CHECKED	Checker
SCALE	1 : 50 @ A1


DATE PRINTED 28 09 2021

0 500 1000 1500 2000

PROJECT NO  
**2221**  
STATUS

TOWN PLANNING

DWG NO: **TP03.14** REV: **B**



A		
BIV		

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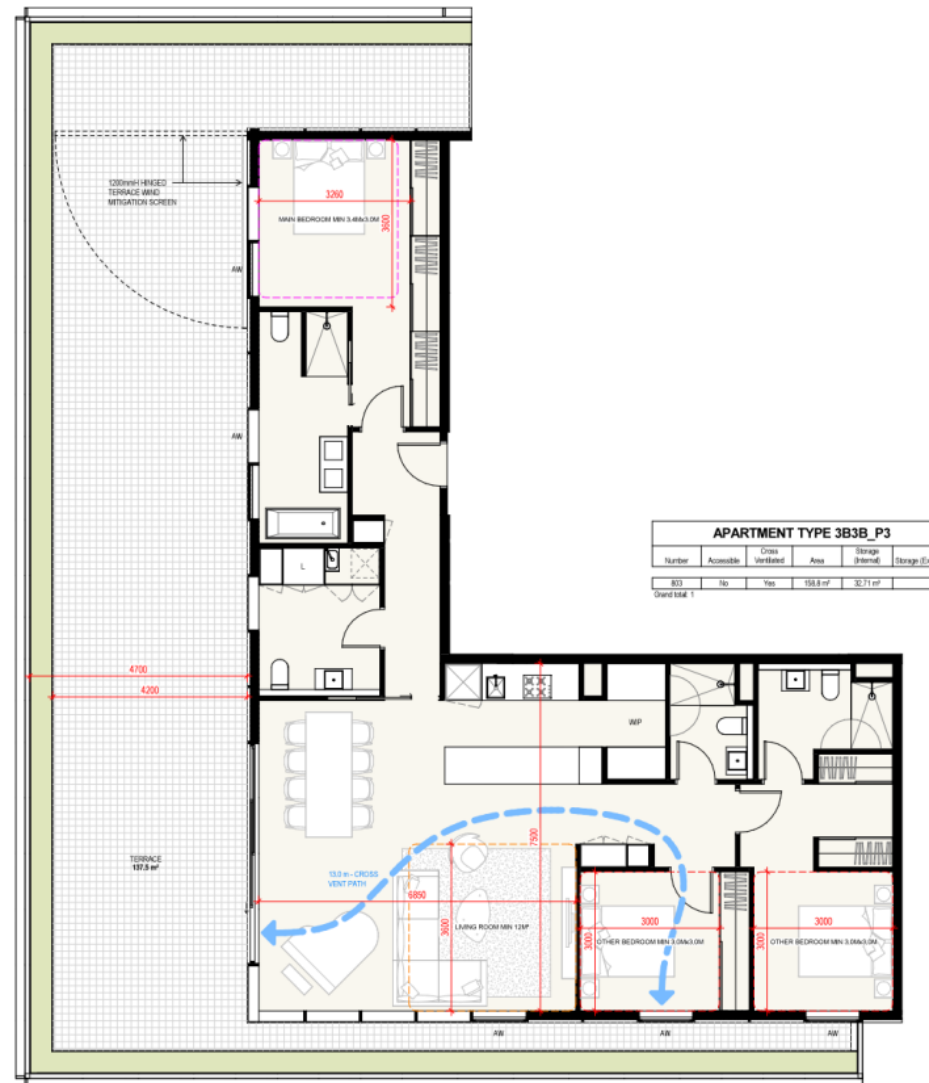
**NSW Nominated Architects:**  
Tom Jordan 7521,  
Richard Leonard 7522,  
David Tordoff 8028,  
ARN 84 006 794 201

Submittals/Contractors shall submit all drawings and details before any job commences. Elected dimensions shall give precedence over posted work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacturer shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. Material retains copyright and grants the user a license to use the Design for the purposes of the project and for

# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

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- CLAUSE 58 REQUIREMENTS  
LEGEND**
- 1 BED LIVING - MIN DIMENSIONS 3.0m x 3.0m (15 Days)
  - 2+ BED LIVING - MIN DIMENSIONS 3.0m x 3.0m (15 Days)
  - MIN BED - MIN DIMENSIONS 3.0m x 3.0m
  - OTHER BED - MIN DIMENSIONS 3.0m x 3.0m
  - BATHROOM TYPE A - CIRCULATION TO OTHER A/D7 REQUIREMENTS
  - BATHROOM TYPE B - CIRCULATION TO OTHER B/D7 REQUIREMENTS
  - CIRCULATION - MIN 1.2M WIDE IN ACCORDANCE WITH D77 REQUIREMENTS
  - AW - OPENABLE WINDOW
  - ACON - AIR CONDITIONING/COOLING
  - P - PANTRY
  - L - LINEN CUPBOARD
- NOTES:**
- ALL SHOWERS TO BE HOBLESS / STEP FREE
  - OPTIONAL BATHROOM TUBING REMOVABLE
  - HINGES ON HINGED ENTRY DOORS
  - OPTIONAL BATHROOM TUBING REMOVABLE
  - SHOWER SCREENS



PROJECT NAME  
**Regent Apartments**  
PROJECT ADDRESS  
**84 Johnston Street, Fitzroy**

DRAWING TITLE  
**CLAUSE 58 APT LAYOUTS - PENTHOUSES**

DRAWN BY  
Author  
CHECKED  
1:50 @ A1  
DATE PRINTED  
21.10.2021

PROJECT NO  
**2221**  
STATUS  
TOWN PLANNING

DWG NO  
**TP03.15**  
REV  
**C**

REV	DATE	DESCRIPTION
1	21.10.2021	Issue Migration Reviews
2	21.10.2021	Issue Migration Reviews
3	21.10.2021	Issue Migration Reviews

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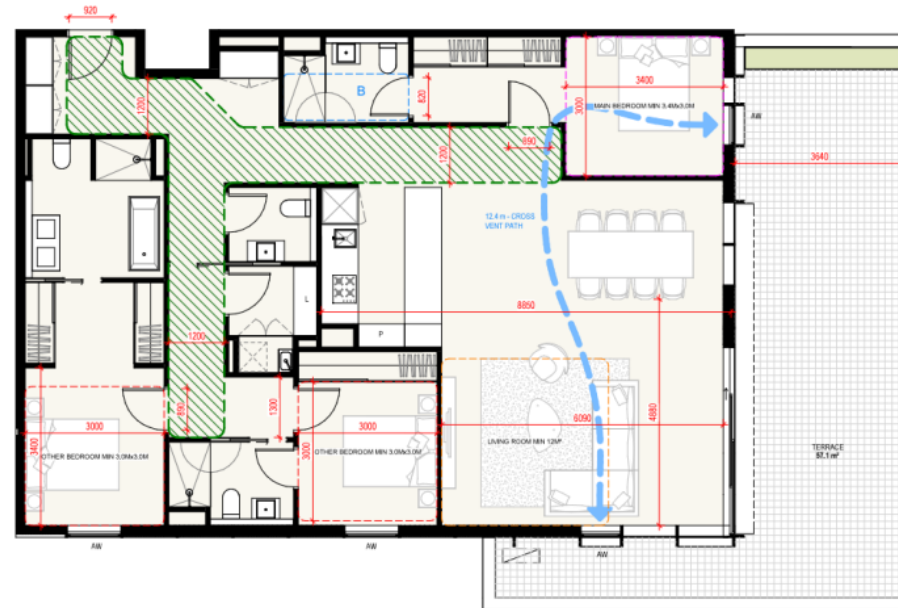
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## Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans



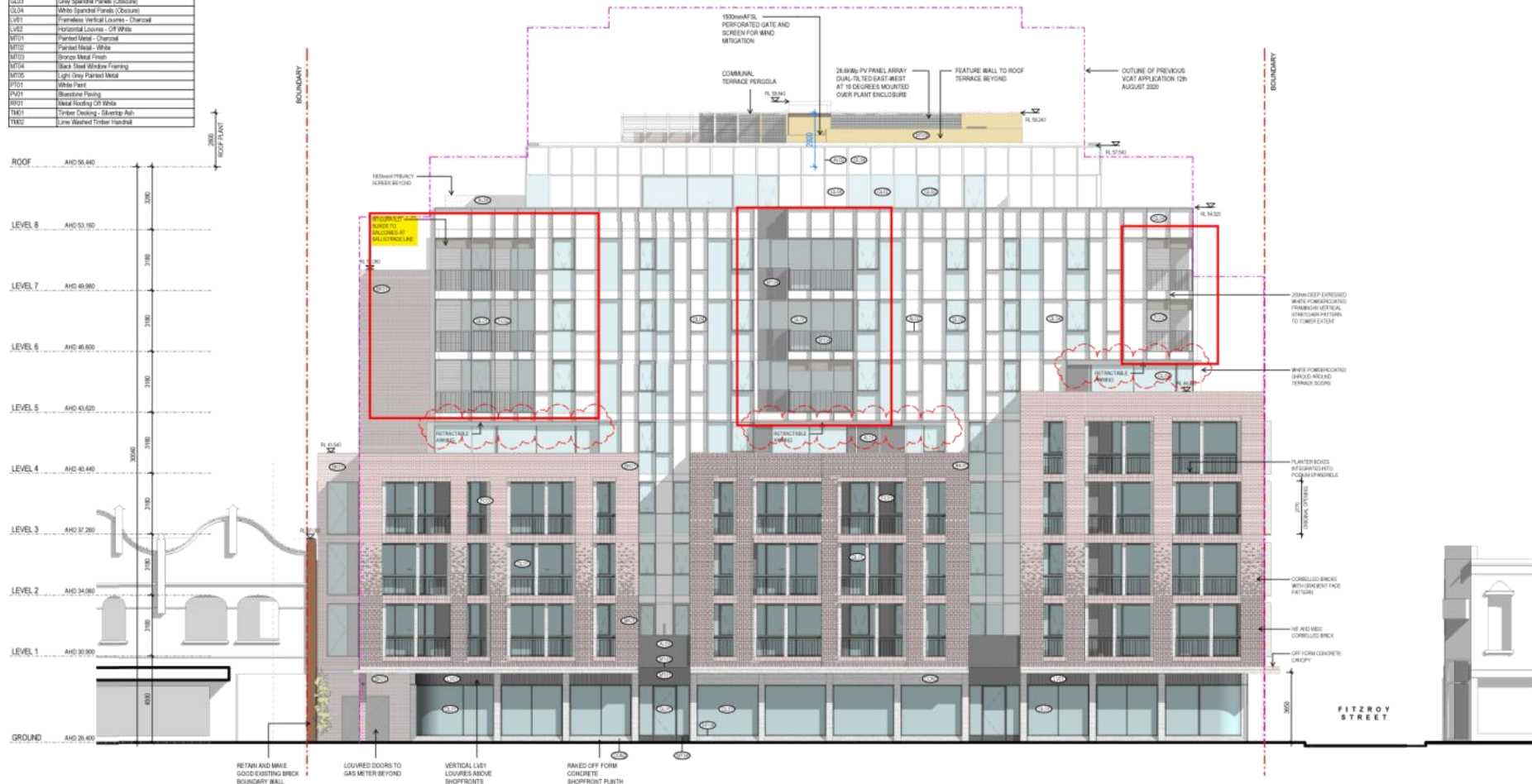
APARTMENT TYPE 3B3B_P4					
Number	Accessible	Cross Ventilated	Area	Storage (Internal)	Storage (External)
703	Yes	Yes	168.3 m <sup>2</sup>	25.36 m <sup>2</sup>	
Grand total: 1					



## Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

EXTERNAL MATERIALS AND FINISHES	
CODE	DESCRIPTION
AL1	Charcoal Powdercoated Aluminium
AL2	White Powdercoated Aluminium
AL3	Charcoal Perfluo Powdercoated Aluminium
AL4	White Perfluo Powdercoated Aluminium
AL5	White Solignum Powdercoated Aluminium
AL6	Grey Solignum Powdercoated Aluminium
AL7	Grey Gloss Rollcoated Powdercoated Aluminium
AL8	Slue Brick with Contrasting Details
C1	Smooth Glass
C2	Clear Tempered Glass
C3	Clear Tempered Glass On Frame
C4	White Tinted Tempered Glass
C5	Neutral Tinted Tempered Glass
C6	Low Emiss Glass
C7	Low Emiss Glass
C8	Low Emiss Glass
C9	Grey Spandrel Panels (Obscure)
C10	White Spandrel Panels (Obscure)
L1	Horizontal Vertical Louvers - Charcoal
L2	Horizontal Louvers - Off White
L3	Horizontal Metal - Charcoal
L4	Horizontal Metal - White
L5	Horizontal Metal - White
M1	Black Steel Windows Frame
M2	Light Grey Painted Metal
M3	White Paint
P1	Blissstone Paint
P2	Isolux Roofing Off White
P3	White Roofing - Standing Seam
P4	White Roofing - Standing Seam
P5	White Washed Timber Windows

Hayball 42



PROJECT  
NAME  
**Regent Apartments**  
PROJECT ADDRESS  
**84 Johnston Street, Fitzroy**

DRAWING TITLE  
**NORTH ELEVATION**

DRAWN BY	Author
CHECKED	Checker
SCALE	1 : 100 @ A1
DATE PRINTED	25.02.2022

PROJECT NO  
**2221**  
STATUS

DWG NO  
**TP06.01**

E	25.02.2022	Revisions as Clouded
D	04.02.2022	Referral Response
C	27.10.2021	Need Mitigation Revisions
B	18.09.2021	at Revisions
A	25.08.2021	Town Planning Submission
REV	DATE	DESCRIPTION

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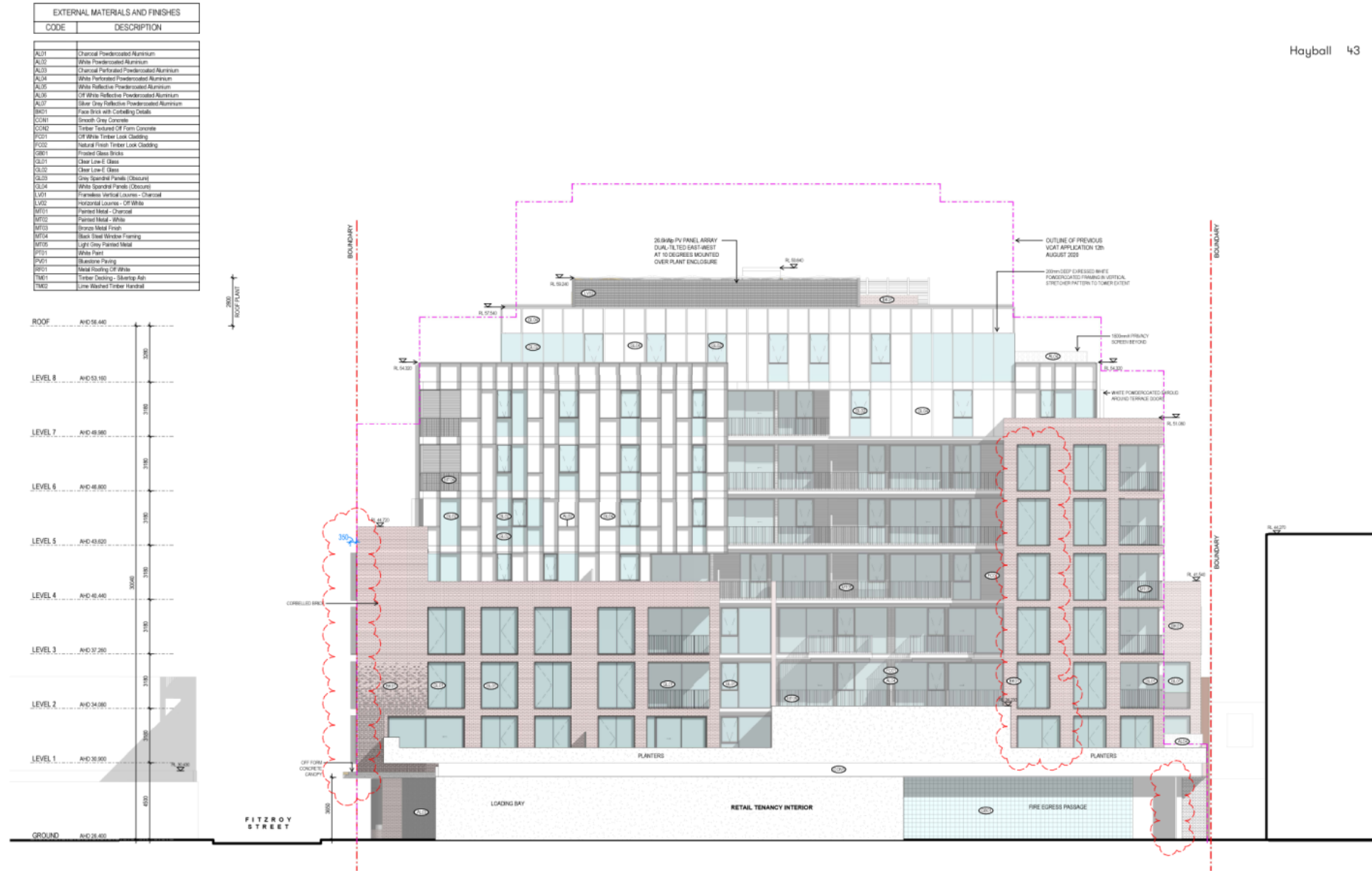
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ABN 84 006 394 261

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Hayball 43



PROJECT NAME  
**Regent Apartments**  
PROJECT ADDRESS  
**84 Johnston Street, Fitzroy**

DRAWING TITLE  
**SOUTH ELEVATION**

DRAWN BY  
Author  
CHECKED  
SCALE 1:1000 A1  
DATE PRINTED  
04 02 2022

PROJECT NO  
**2221**  
STATUS  
**TOWN PLANNING**

DWG NO  
**TP06.02**  
REV  
**C**

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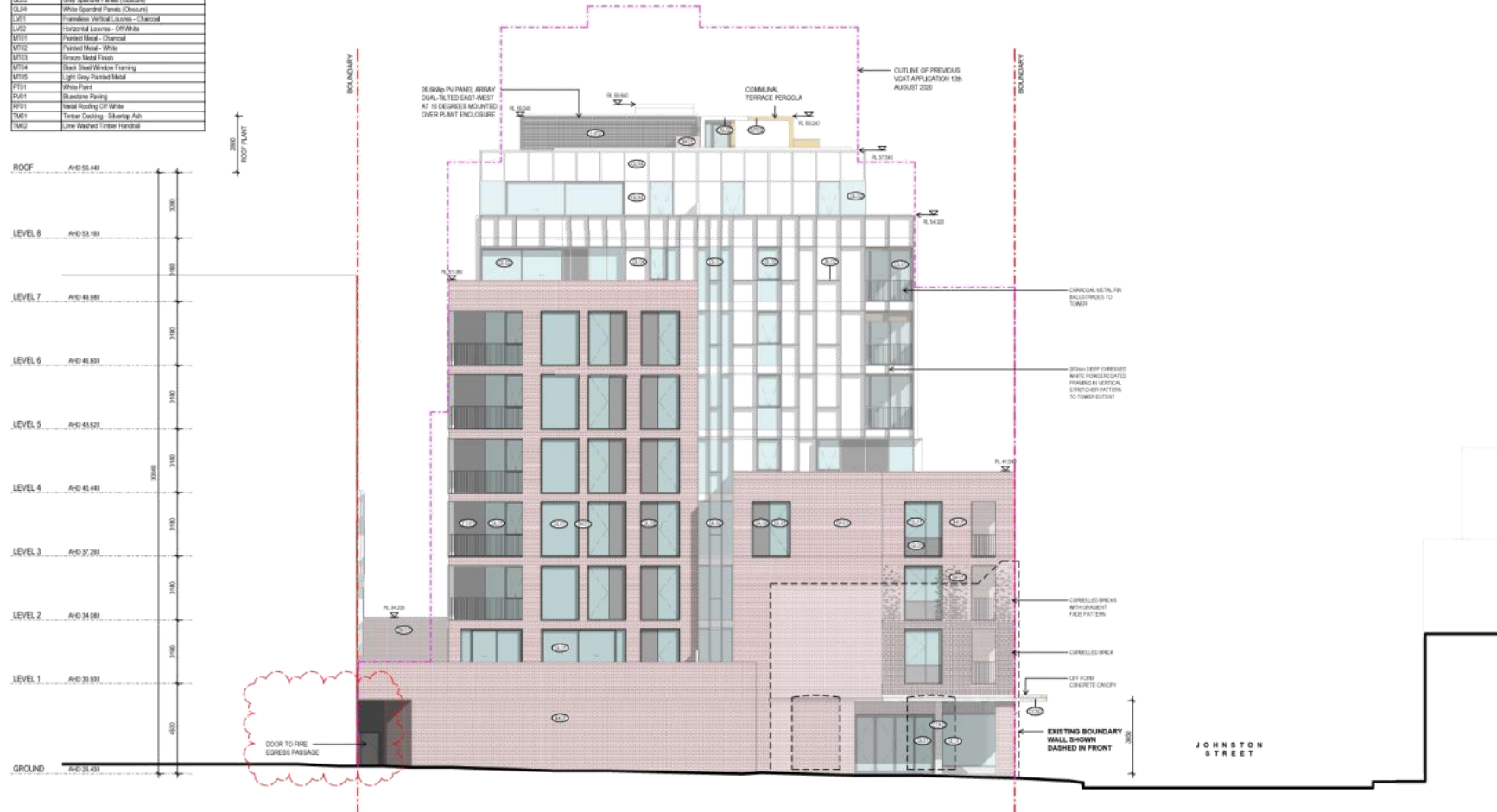
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Richard Leonard 7522,  
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AEN 84 005 394 261

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# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

EXTERNAL MATERIALS AND FINISHES	
CODE	DESCRIPTION
AL31	Charcoal Powdercoated Aluminium
AL32	White Powdercoated Aluminium
AL33	Charcoal Perforated Powdercoated Aluminium
AL34	White Perforated Powdercoated Aluminium
AL35	White Reflective Powdercoated Aluminium
AL36	Off White Reflective Powdercoated Aluminium
AL37	Silver Grey Reflective Powdercoated Aluminium
BR01	Face Brick with Combining Details
CR01	Smooth Grey Concrete
CR02	Timber Insulated Off Form Concrete
FC01	Off White Timber Look Cladding
FC02	Natural Finish Timber Look Cladding
GL01	Fixed Glass Window
GL02	Clear Low-E Glass
GL03	Clear Low-E Glass
GL04	Grey Spandrel Panels (Obscure)
GL05	White Spandrel Panels (Obscure)
LV01	Frameless Vertical Louvers - Charcoal
LV02	Horizontal Louvers - Off White
MT01	Painted Metal - Charcoal
MT02	Painted Metal - White
MT03	Brass Metal Finish
MT04	Black Steel Window Framing
MT05	Light Grey Painted Metal
PT01	White Paint
PT02	Bluestone Paving
PT03	Timber Decking - Off White
TM01	Timber Decking - Silver Ash
TM02	Line Washed Timber Handrail

Hayball 44



PROJECT NAME  
**Regent Apartments**  
PROJECT ADDRESS

DRAWING TITLE  
**EAST ELEVATION**

DRAWN BY  
Author  
CHECKED  
Chenier  
SCALE  
1:1000 A1  
DATE PRINTED  
04 02 2022

PROJECT NO  
**2221**  
STATUS

DWG NO  
**TP06.03**  
REV  
**C**

TOWN PLANNING  
Agenda Page 280

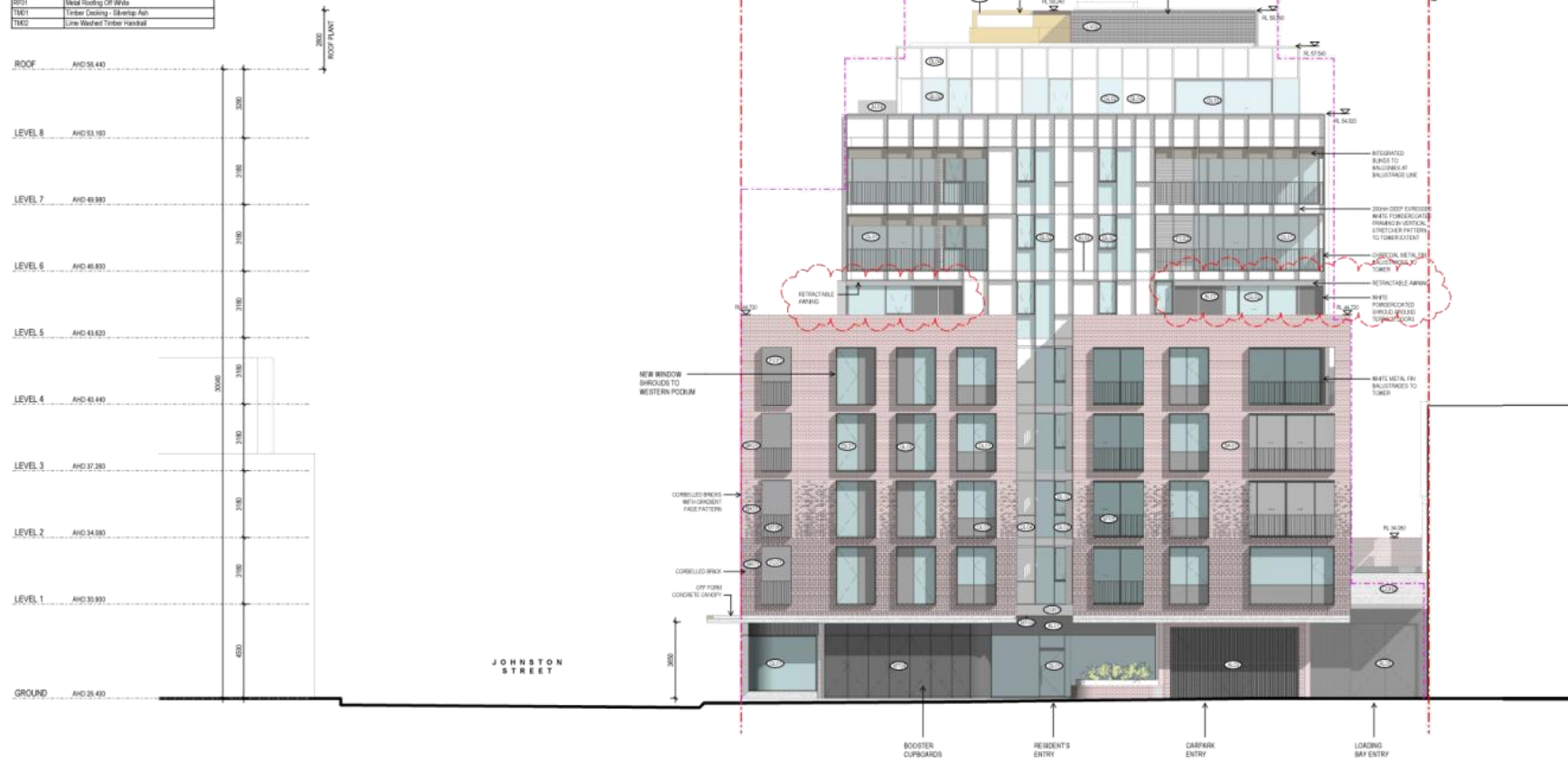
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David Treadwell 8026,  
AEN 84 005 394 261

84 Johnston Street, Fitzroy

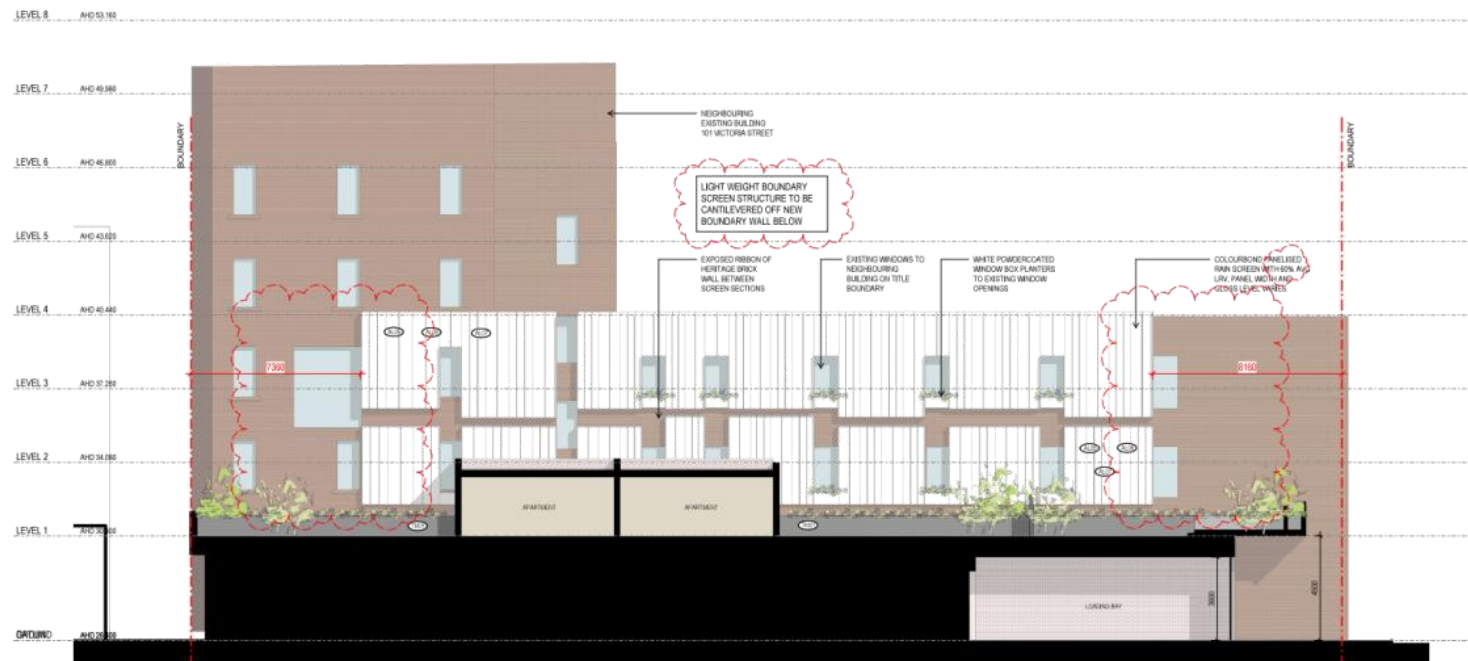
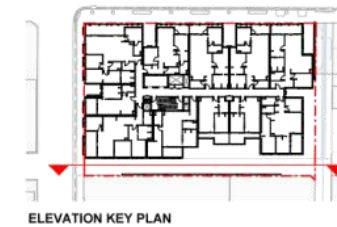
EXTERNAL MATERIALS AND FINISHES	
CODE	DESCRIPTION
AL1	Charcoal Powdercoated Aluminium
AL2	White Powdercoated Aluminium
AL3	Charcoal Powdercoated Aluminium
AL4	White Powdercoated Aluminium
AL5	White Reflective Powdercoated Aluminium
AL6	Grey Reflective Powdercoated Aluminium
AL7	Silver Grey Reflective Powdercoated Aluminium
BN1	Black with Coexisting Details
C1	Smooth Glass
C2	Polished
C3	Off White Textured Opal Glass Concrete
CF1	Off White Timber Look Cladding
CF2	Natural Timber Look Cladding
CF3	Pressed Glass Concrete
GL1	Clear Glass Cladding
GL2	Clear Glass Cladding
GL3	Clear Glass Cladding (Obscure)
GL4	White Spandrel Panels (Obscure)
GL5	Horizontal Laminated - Off White
GL6	Horizontal Laminated - Charcoal
GL7	Horizontal Laminated - White
GL8	Horizontal Laminated - White
GL9	Horizontal Laminated - White
GL10	Black Solid Window Framing
GL11	White Slim Placed Metal
GL12	White
GL13	Brushed Piping
GL14	Brushed Piping
GL15	Brushed Piping
GL16	Brushed Piping
GL17	Brushed Piping
GL18	Brushed Piping
GL19	Brushed Piping
GL20	Brushed Piping
GL21	Brushed Piping
GL22	Brushed Piping
GL23	Brushed Piping
GL24	Brushed Piping
GL25	Brushed Piping
GL26	Brushed Piping
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GL95	Brushed Piping
GL96	Brushed Piping
GL97	Brushed Piping
GL98	Brushed Piping
GL99	Brushed Piping
GL100	Brushed Piping





# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Hayball 46



PROJECT NAME  
**Regent Apartments**

PROJECT ADDRESS  
**84 Johnston Street, Fitzroy**

DRAWING TITLE  
**SOUTH BOUNDARY WALL ELEVATION**

DRAWN BY  
Author

CHECKED  
Checker

SCALE  
As indicated @ A1

DATE PRINTED  
04 02 2022

PROJECT NO  
**2221**

DWG NO  
**TP06.05**

REV  
**C**

STATUS  
**TOWN PLANNING**

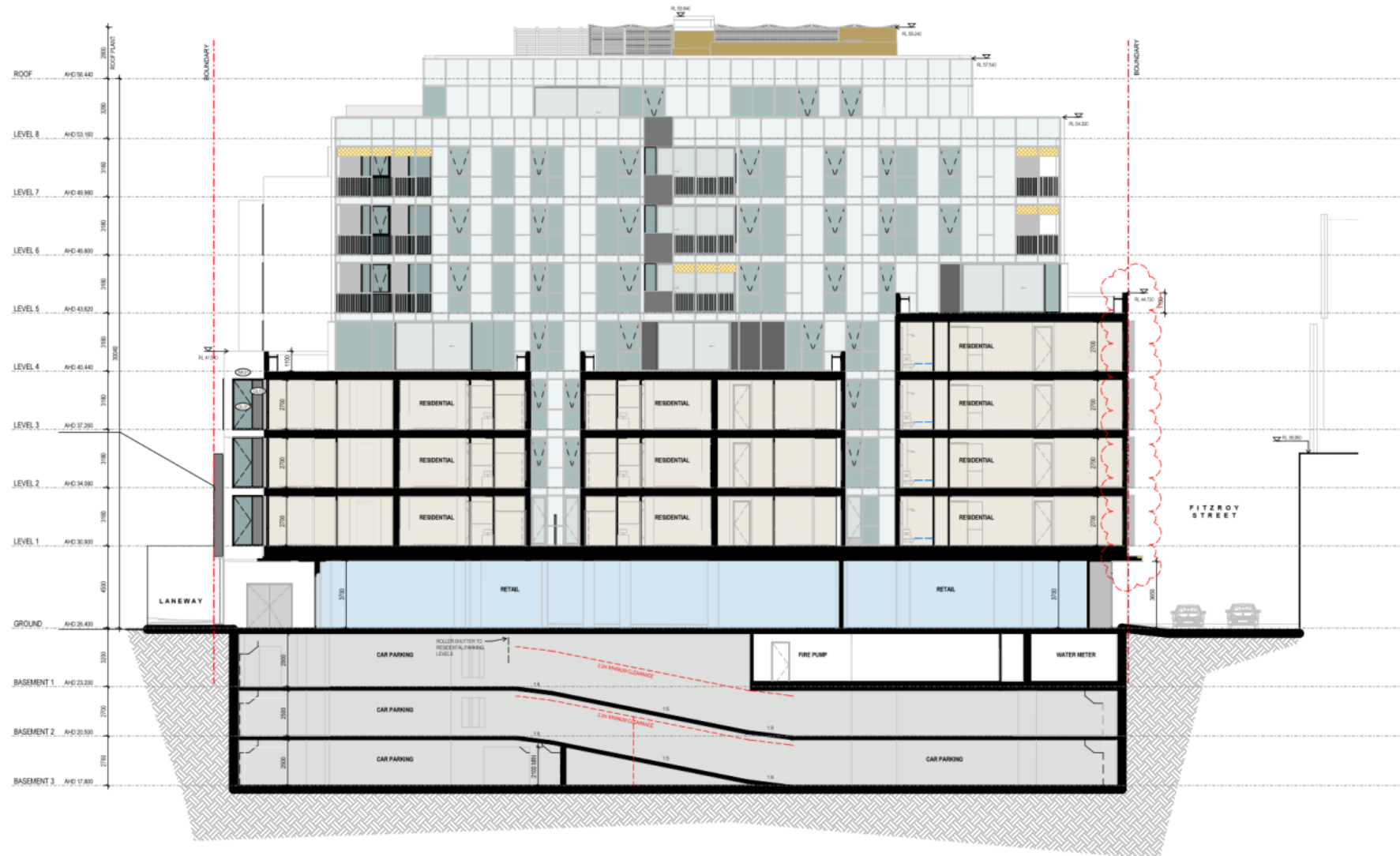
REV	DATE	DESCRIPTION
1	04/02/2022	Initial Response
2	04/02/2022	Revised Response
3	04/02/2022	Final Response

**hayball**

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NBN Nominated Architects:  
Trent Jordan 7521,  
Richard Leonard 7522,  
David Tinsley 8028,  
AEN 84 005 394 261

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PROJECT  
NAME  
**Regent Apartments**  
PROJECT ADDRESS  
**84 Johnston Street, Fitzroy**

DRAWING TITLE  
**SECTION 1**

DRAWN BY	Author
CHECKED	Checker
SCALE	1 : 1000 A1 1 : 2000 A3
DATE PRINTED	04.02.2022

PROJECT NO  
**2221**  
STATUS  
TOWN PLANNING

PROJECT NO  
**2221**  
STATUS

DWG NO  
**TP07.01**

REV  
**C**

---

TOWN PLANNING

Agenda Page 283

REV  
C

C	04/02/2021	Referral Response
B	03/09/2021	MT Response
A	25/08/2021	Team Planning Submission
REV	DATE	DESCRIPTION

# halbab

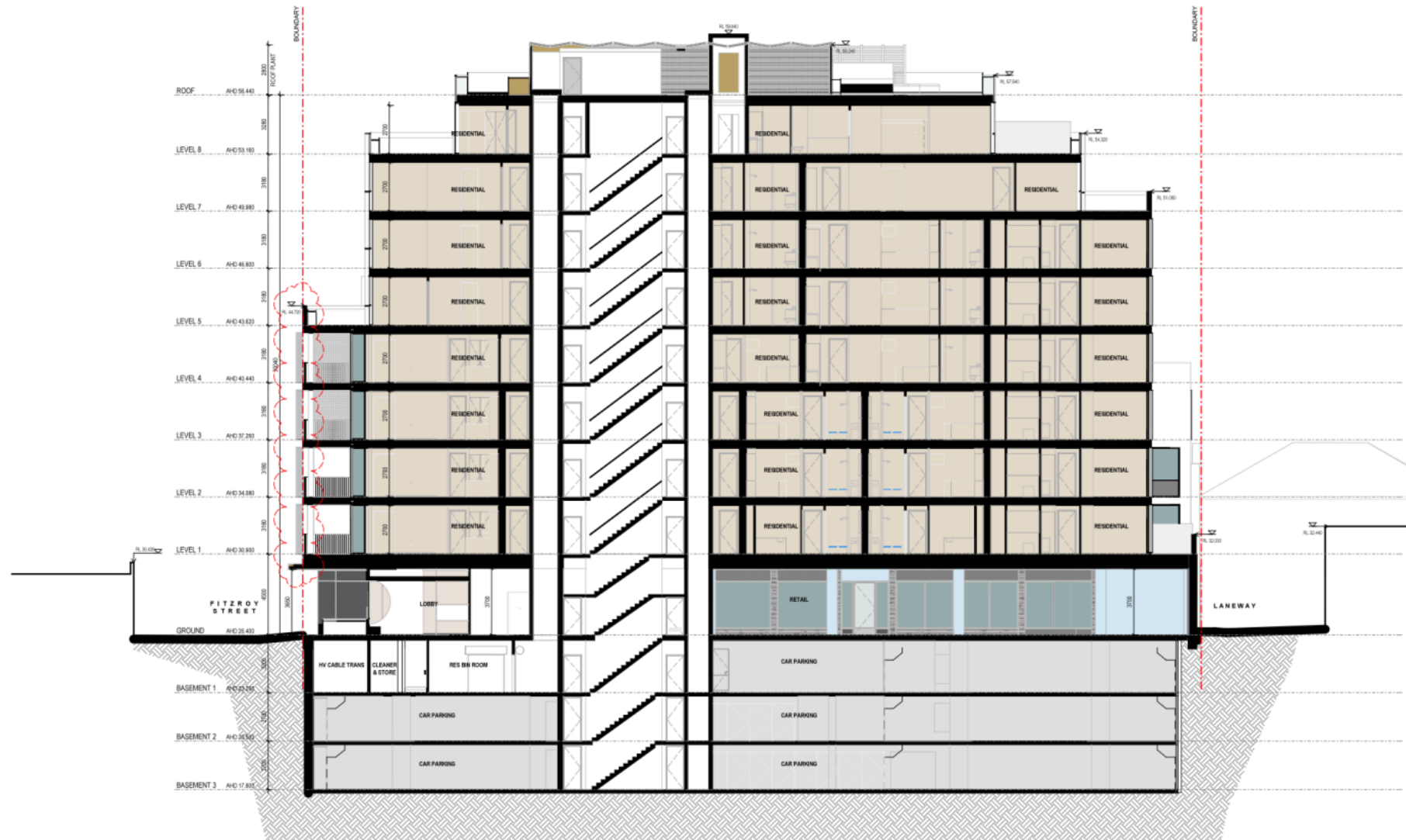
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**NSW Nominated Architects:**  
Tom Jordan 7521,  
Richard Leonard 7522,  
David Torduff 8028,  
ABN 84 006 394 261

Builder/Contractor shall, prior to and before any job, commence, figure dimensions that are in accordance with available drawings. All drawings shall conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacturer shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. Builder/Contractor shall retain copyright and grants the Architect/Consultant a license to use the Design for the purposes of this project and for

## Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Hayball 48



PROJECT NAME  
**Regent Apartments**  
PROJECT ADDRESS

84 Johnston Street, Fitzroy

DRAWING TITLE  
**SECTION 2**

DRAWN BY	Author
CHECKED	Checker
SCALE	1 : 1000 @ A1 1 : 200 @ A3
DATE PRINTED	04.02.2022

PROJECT NO  
**2221**  
STATUS

TOWN PLANNING

DWG NO  
**TP07.02**

REV  
**C**

C	04.02.2022	Referral Responses
A	28.09.2021	RTF Response
A	25.08.2021	Town Planning Submissions
REV	DATE	DESCRIPTION

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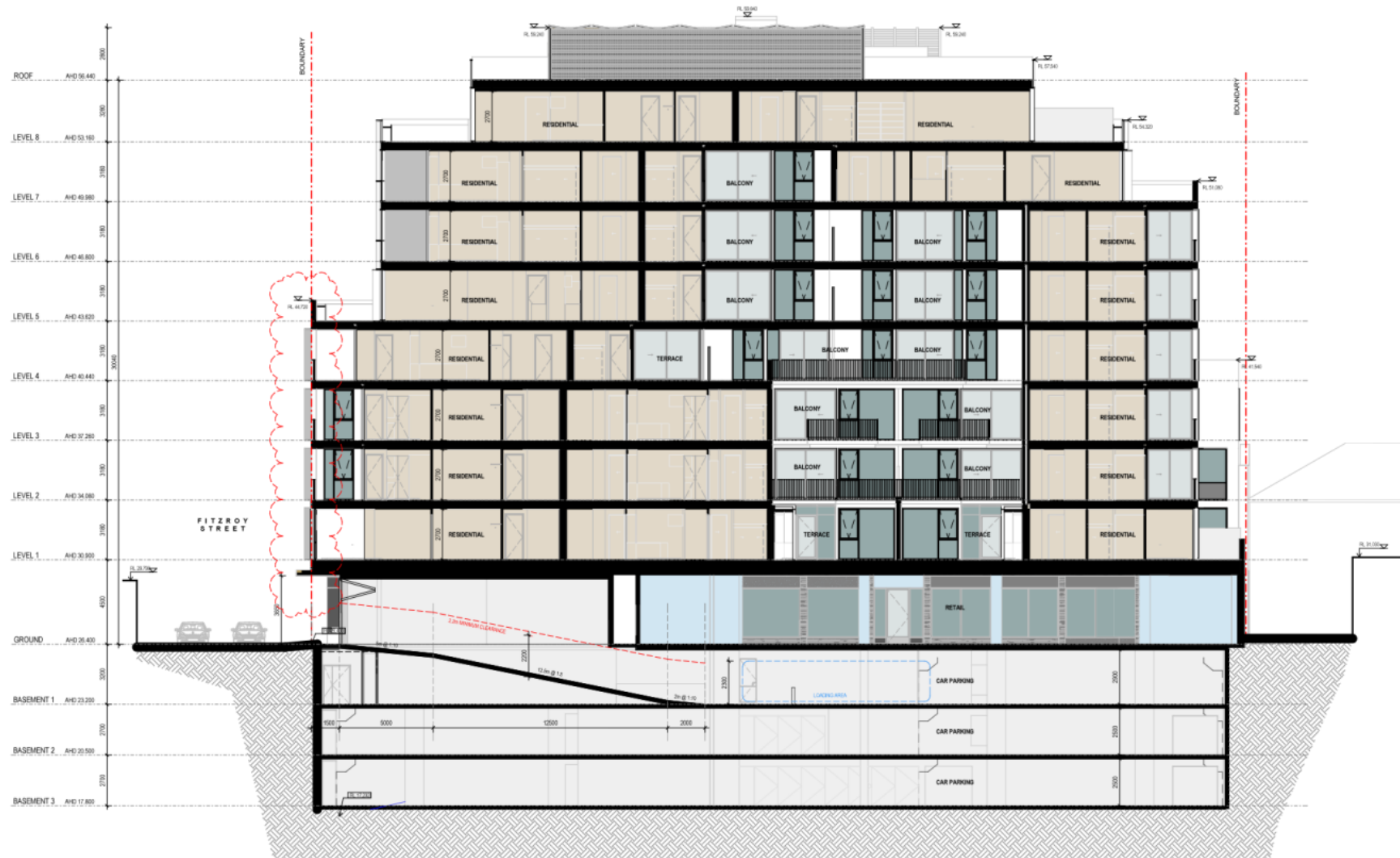
**NDW Nominated Architects:**  
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Richard Leonard 7522,  
David Tordoff 6026,  
AFN 84 006 794 201

[illegible]



# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Hayball 49



PROJECT NAME  
**Regent Apartments**  
PROJECT ADDRESS

DRAWING TITLE  
**SECTION 3**

DRAWN BY  
Author  
CHECKED  
Cheney  
SCALE  
1:1000 A1  
1:2000 A3  
DATE PRINTED  
08.02.2007

PROJECT NO  
**2221**  
STATUS

DWG NO  
**TP07.03**  
REV  
**C**

TOWN PLANNING

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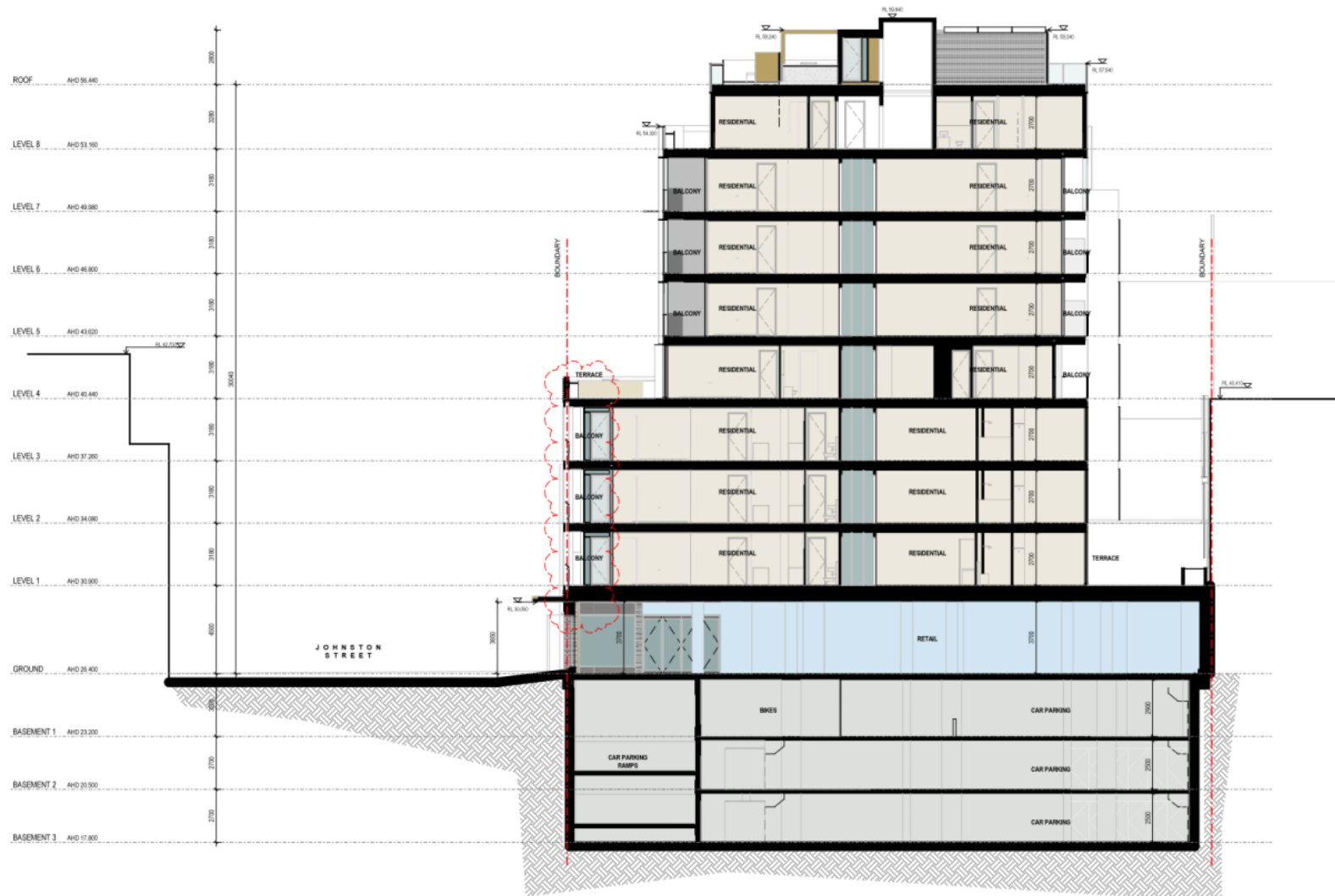
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NBN Nominated Architects:  
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Richard Leonard 7522,  
David Tisdell 8028,  
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84 Johnston Street, Fitzroy

# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Hayball 50



PROJECT NAME  
**Regent Apartments**  
PROJECT ADDRESS

DRAWING TITLE  
**SECTION 4**

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PROJECT NO  
**2221**  
STATUS

DWG NO  
**TP07.04**  
REV  
**C**

TOWN PLANNING

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84 Johnston Street, Fitzroy

## Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

## Regent Apartments

### 84-101 Johnston St, Fitzroy



Hayball 51

NEW APARTMENT DEVELOPMENT  
DEVELOPMENT AREA SUMMARY  
22.09.2021

REVISIONS SHOWN IN RED

LEVEL	1B1B	2B1B	2B2B	3B2B	3B3B	TOTAL APARTMENTS	NSA (m2) (ex balcony area)	Balcony Area (m2)	Terrace Area (m2)	Common Open Space (m2)	NLA Retail (m2)	GFA	Car Spaces	Bicycle Spaces
BASEMENT 3												1437	41	6
BASEMENT 2												1437	39	6
BASEMENT 1											5	1423	23	69
GROUND	-	-	-	-	-	-	-	-	-	-	1101	1382		20
LEVEL 1	3		5	1	2	11	1131	116	211	-	-	1261		
LEVEL 2	3		5	2	1	11	1004	152	-	-	-	1134		
LEVEL 3	3		5	2	1	11	1004	147	-	-	-	1134		
LEVEL 4	3		2	1	3	9	840	117	199	-	-	967		
LEVEL 5			3	1	3	7	752	68	143	-	-	815		
LEVEL 6			3	1	3	7	717	103	-	-	-	780		
LEVEL 7			2		4	6	691	71	57	-	-	754		
LEVEL 8					3	3	488	-	301	-	-	559		
ROOF LEVEL										316		5		
TOTAL	12	0	25	8	20	65	6625	774	911	316	1106	13087	103	101

TOTAL (NSA + NLA)

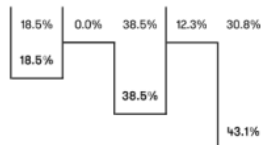
7731

PERCENTAGES

1B TOTAL

2B TOTAL

3B TOTAL



Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Hayball 52

**Regent Apartments**  
**84-101 Johnston St, Fitzroy**

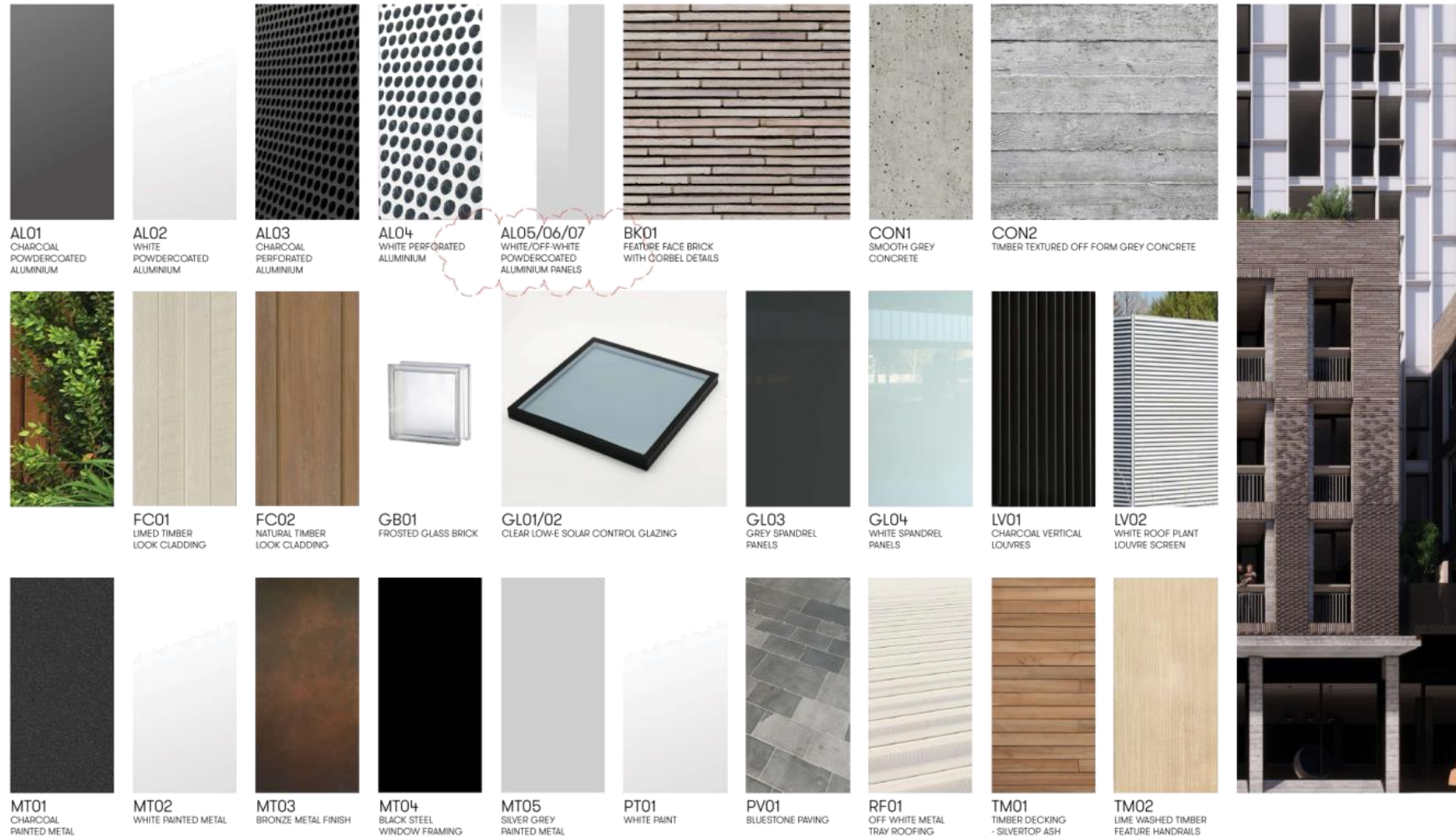


NEW APARTMENT DEVELOPMENT  
CLAUSE 58 STORAGE SCHEDULE  
22.09.2021

APARTMENT TYPE	# OF INSTANCES	STORAGE PROVISIONS & CLAUSE 58 REQUIREMENTS			EXTERNAL STORAGE REQUIREMENTS	
		INT STORAGE AREA PROVIDED	CS8 MIN INT REQ	CS8 MIN TOTAL REQ	EXTERNAL STORE REQ	EXTERNAL STORE NOT REQ
1B1B_1A	4	7.63	6	10	4	0
1B1B_1B	4	6.46	6	10	4	0
1B1B_1C	1	8.59	6	10	1	0
1B1B_1D	1	7.49	6	10	1	0
1B2B_1E	2	12.94	6	10	0	2
2B2B_2A	6	14.79	9	14	0	6
2B2B_2B	3	14.87	9	14	0	3
2B2B_2C	1	15.53	9	14	0	1
2B2B_2D	3	16.28	9	14	0	3
2B2B_2E	2	15.55	9	14	0	2
2B2B_2F	1	13.51	9	14	1	0
2B2B_2G	1	11.27	9	14	1	0
2B2B_2H	3	11.13	9	14	3	0
2B2B_2J	2	14.23	9	14	0	2
2B2B_2K	3	14.99	9	14	0	3
3B2B_3A	1	16.83	12	18	1	0
3B2B_3B	5	16.03	12	18	5	0
3B2B_3C	2	24.55	12	18	0	2
3B3B_3A	1	23.82	12	18	0	1
3B3B_3B	4	22	12	18	0	4
3B3B_3C	1	18.68	12	18	0	1
3B3B_3D	1	20.26	12	18	0	1
3B3B_3E	3	15.59	12	18	3	0
3B3B_3F	1	19.77	12	18	0	1
3B3B_3G	1	19.96	12	18	0	1
3B3B_3H	2	23.13	12	18	0	2
3B3B_3J	2	15.01	12	18	2	0
3B3B_P1	1	22.07	12	18	0	1
3B3B_P2	1	24.81	12	18	0	1
3B3B_P3	1	32.71	12	18	0	1
3B3B_P4	1	25.36	12	18	0	1
TOTALS	65				26	39

Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

## Exterior Materials Palette





Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Design Renders

View 1 - NE Corner Streetscape



Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Design Renders  
View 2 - Shopfronts





**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

**Design Renders**

**View 3 - NW Corner Streetscape**



**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

**Design Renders**

**View 4 - Johnston Street View from East**



**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

**Design Renders**

**View 5 - Johnston Street View from West**





**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

**Design Renders**

**View 6 - NE Interface Detail**



**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

**Design Renders**

**View 7 - Podium Facade Detail**





**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

**Design Renders**

**View 8 - Tower Facade Detail**



**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

**Design Renders**

**View 9 - Northern Elevation**





**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

**Design Renders**

**View 10 - Rooftop Terrace**



**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

**Design Renders**

**View 11 - Rooftop Dining / BBQ Deck**





**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

**Design Renders**

**View 12 - North East Ground Floor Courtyard**



Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Streetscape Renders  
Key Plan





# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

## Streetscape Renders

### 1. View Looking East from 63 Johnston St

- |   |                            |   |                              |
|---|----------------------------|---|------------------------------|
|  | PREVIOUS SUBMISSION TOWER  |  | APPROVED FUTURE DEVELOPMENT  |
|  | PREVIOUS SUBMISSION PODIUM |  | POTENTIAL FUTURE DEVELOPMENT |
|  | PREVIOUS SUBMISSION BEHIND |  | 84-101 JOHNSTON ST BEYOND    |



Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Streetscape Renders

2. View Looking East from 15 Johnston St

- |   |                            |   |                              |
|---|----------------------------|---|------------------------------|
|  | PREVIOUS SUBMISSION TOWER  |  | APPROVED FUTURE DEVELOPMENT  |
|  | PREVIOUS SUBMISSION PODIUM |  | POTENTIAL FUTURE DEVELOPMENT |
|  | PREVIOUS SUBMISSION BEHIND |  | 84-101 JOHNSTON ST BEYOND    |





Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Streetscape Renders

3. View Looking West from 133 Johnston St

- |  |  |
|--|--|
|  PREVIOUS SUBMISSION TOWER  |  APPROVED FUTURE DEVELOPMENT  |
|  PREVIOUS SUBMISSION PODIUM |  POTENTIAL FUTURE DEVELOPMENT |
|  PREVIOUS SUBMISSION BEHIND |  84-101 JOHNSTON ST BEYOND    |

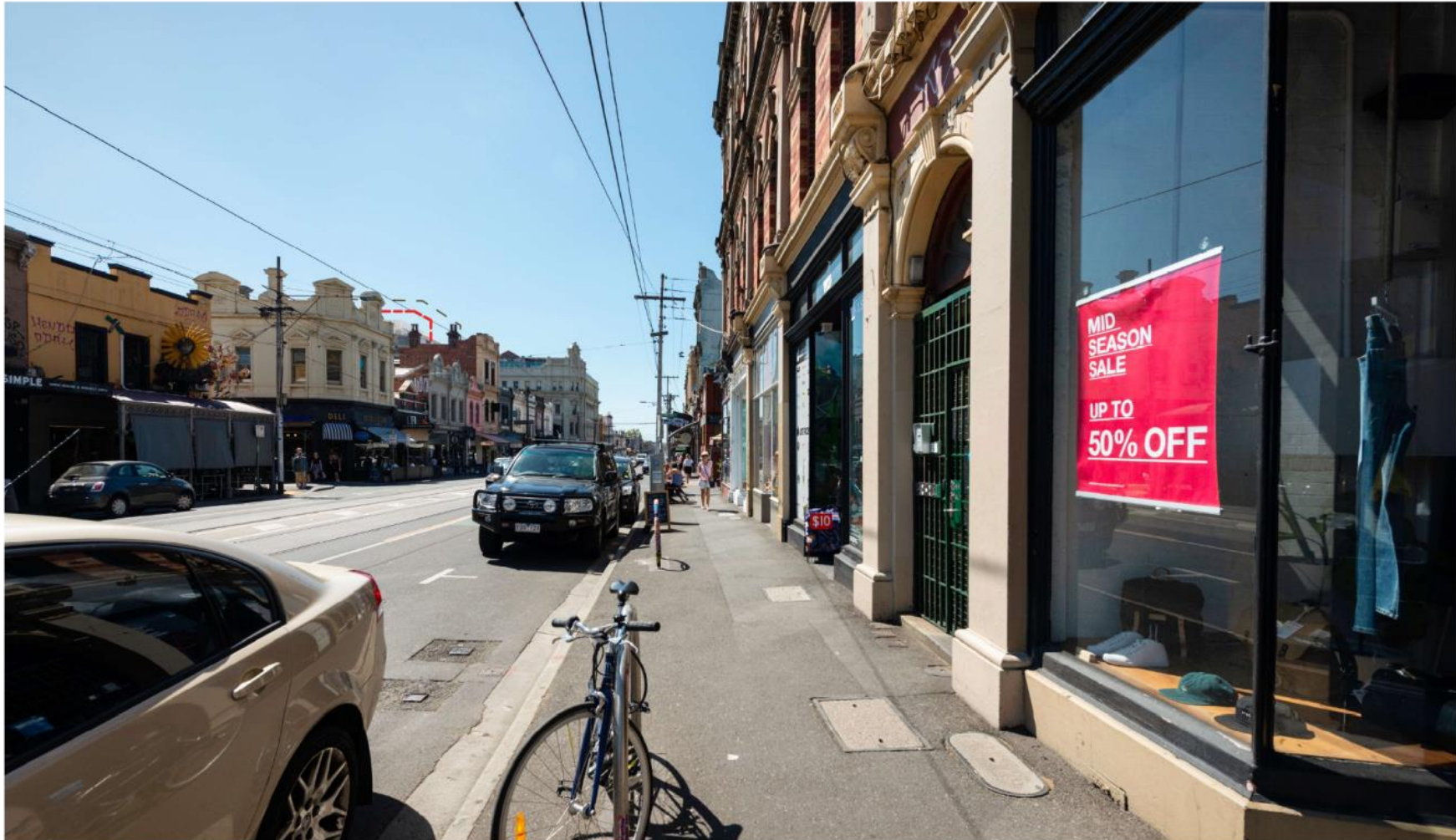


Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Streetscape Renders

4. View Looking North from 236 Brunswick St

- |   |                            |   |                              |
|---|----------------------------|---|------------------------------|
|  | PREVIOUS SUBMISSION TOWER  |  | APPROVED FUTURE DEVELOPMENT  |
|  | PREVIOUS SUBMISSION PODIUM |  | POTENTIAL FUTURE DEVELOPMENT |
|  | PREVIOUS SUBMISSION BEHIND |  | 84-101 JOHNSTON ST BEYOND    |





Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

Streetscape Renders

5. View Looking North from 313 Fitzroy St

- |  |  |
|--|--|
|  PREVIOUS SUBMISSION TOWER  |  APPROVED FUTURE DEVELOPMENT  |
|  PREVIOUS SUBMISSION PODIUM |  POTENTIAL FUTURE DEVELOPMENT |
|  PREVIOUS SUBMISSION BEHIND |  84-101 JOHNSTON ST BEYOND    |



# Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans

## Streetscape Renders

### 6. View Looking Northwest from corner of Brunswick & Victoria St

- |   |                            |   |                              |
|---|----------------------------|---|------------------------------|
|  | PREVIOUS SUBMISSION TOWER  |  | APPROVED FUTURE DEVELOPMENT  |
|  | PREVIOUS SUBMISSION PODIUM |  | POTENTIAL FUTURE DEVELOPMENT |
|  | PREVIOUS SUBMISSION BEHIND |  | 84-101 JOHNSTON ST BEYOND    |



**Attachment 2 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Decision Plans**

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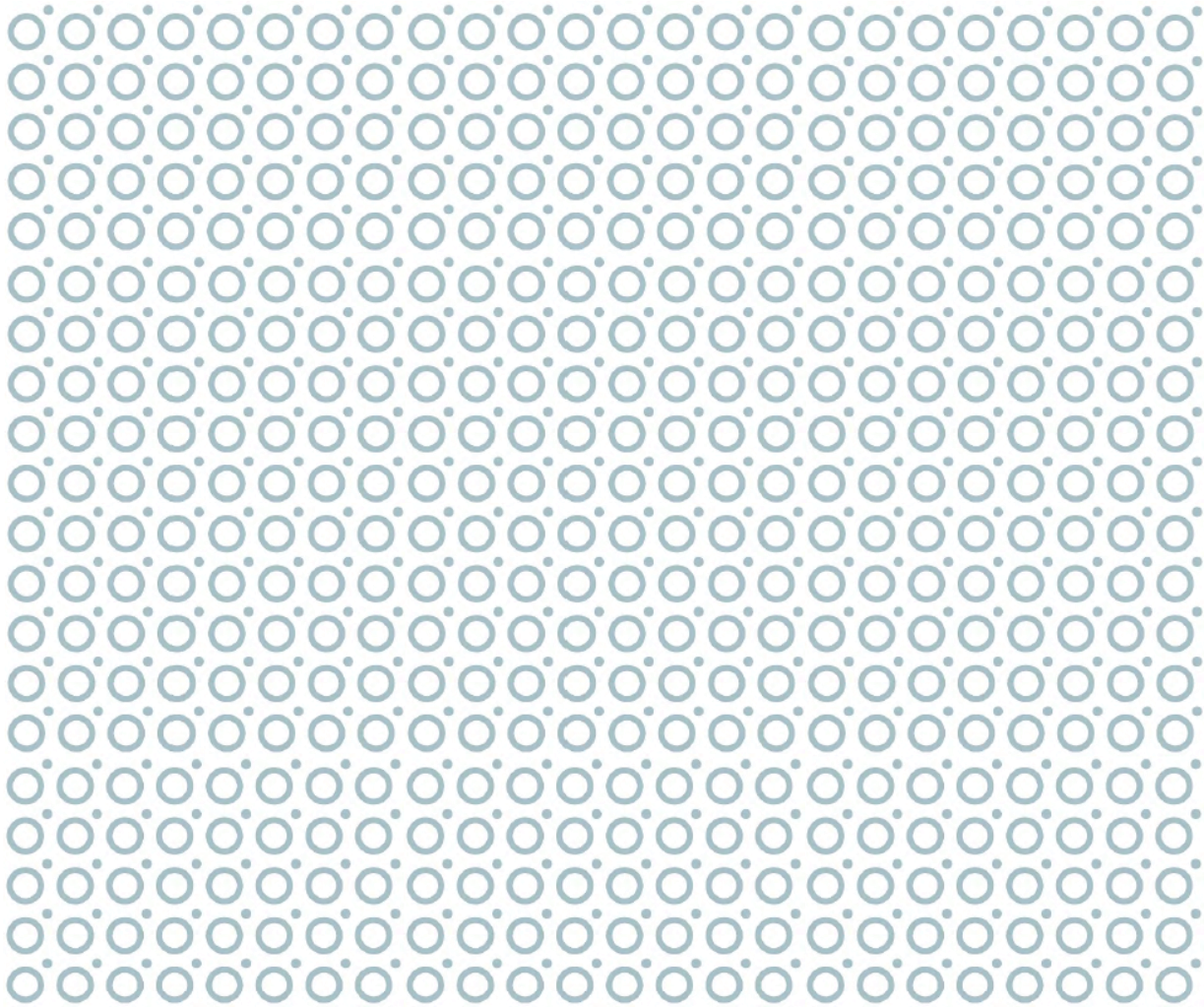
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**Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice**



**Urban Design Review**

Proposed Residential/Mixed-Use Development, 84-104 Johnston Street,  
Fitzroy (Revised Plans)

Prepared by Simon McPherson, for Yarra City Council

26 October 2021



**Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice****Table of Contents**

<b>1.0 Introduction</b>	<b>4</b>
1.1 Process and previous involvement with this site/proposal	4
1.2 Background: previous concerns/recommendations	4
1.3 Qualifications and experience to prepare this Statement	5
1.3.1 Qualifications and registrations	5
1.3.2 Experience	5
<b>2.0 Context</b>	<b>7</b>
2.1 Strategic context	7
2.1.1 Activity Centre location	7
2.1.2 Zoning	7
2.1.3 Heritage Overlay	7
2.1.4 Proposed Design and Development Overlay	7
2.1.5 Planning Policy Framework	8
2.1.6 Local Planning Policy Framework	9
2.2 Built form context	11
2.2.1 Site location and local context	11
2.2.2 On-site built form	12
2.2.3 Surrounding built form	12
2.3 Streetscape context and character	15
2.4 Discussion on built form context	16
2.4.1 Built form context: lower-scale heritage fabric	16
2.4.2 Built form context: robust heritage fabric (warehouse buildings)	17
2.4.3 Built form context: contemporary interventions	19
2.5 The proposal	21
2.5.1 Configuration/land use	21
2.5.2 Form and materials	21
2.5.3 Heights	21
2.5.4 Setbacks	21
<b>3.0 Review of the proposed development</b>	<b>23</b>
3.1 Is the built form siting appropriate?	23
3.1.1 Guidance	23
3.1.2 Assessment	23
3.2 Is the land use mix appropriate?	24
3.2.1 Guidance	24
3.2.2 Assessment	24
3.3 Is the built form height and massing appropriate?	26
3.3.1 Previous recommendations	26
3.3.2 Guidance	26
3.3.3 Assessment	27
3.3.4 Fitzroy Street interface	27
3.3.5 Eastern interface	27

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## Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice

3.3.6 Southern interface	28
3.3.7 Assessment of building height against Strategy 17.2	28
3.3.8 Assessment of heights against street width	28
3.4 <i>Are the upper-level setbacks appropriate?</i>	29
3.4.1 Johnston Street frontage	29
3.4.2 Fitzroy Street frontage	29
3.4.3 Rear interface	29
3.4.4 Side (east) interface	29
3.5 <i>Are the public realm interfaces / frontages appropriate?</i>	30
3.5.1 Guidance	30
3.5.2 Assessment	30
3.6 <i>Is the architectural expression appropriate?</i>	30
3.6.1 Guidance	30
3.6.2 Assessment	30
<b>4.0 Conclusion</b>	<b>35</b>

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## Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice

### 1.0 Introduction

#### 1.1 Process and previous involvement with this site/proposal

In March 2020 I prepared an independent Urban Design Review (referral) report on request from Yarra City Council, for a proposed mixed-use development on the land at 84-104 Johnston Street, Fitzroy.

That Planning Permit Application was subsequently refused by Council, and the decision was appealed at VCAT by the Permit Applicant.

I was engaged by Council as an Expert Witness (Urban Design) for the VCAT hearing in September 2020. VCAT upheld Council's decision to refuse the Planning Permit.

In June 2021 I was asked by Council officers to briefly review and discuss preliminary concept plans for a revised design on the review site. I met (remotely) with Council officers to go through my comments.

In October 2021 I was asked by Yarra City Council officers to prepare a report comprising urban design review and advice, regarding the revised RFI plans for the proposed development.

This report has been prepared in response to that request. It draws on my context analysis from the previous reports.

In preparing this review, I have:

- Received and reviewed the RFI plans and documents, as follows:
  - Plans (Town Planning RFI Response), dated 28 September 2021, by Hayball;
  - Town Planning Report, dated August 2021, by SJB Planning.
- Reviewed the applicable provisions of the Yarra Planning Scheme relating to urban design;
- Visited the site and surrounding area on multiple occasions previously. The photos in this report are my own, except where specified.

#### 1.2 Background: previous concerns/recommendations

My Statement of Evidence for the VCAT hearing in September 2020 made the following recommendations for design changes, which were largely supported by VCAT:

- **Recommendation 01:** The street wall at the corner of Johnston and Fitzroy Streets should be reduced to 5-6 storeys (including the Fitzroy Street frontage). This height will still be quite prominent in the local context, but will support a more effective contextual fit in both streetscapes.
- **Recommendation 02:** Reduce the height of the middle-section by one (1) level, to reduce its visual prominence in the streetscape and in relation to the street walls, and to reduce the substantial height contrast with neighbouring built form.
- **Recommendation 03:** Reduce the uppermost levels by one (1) level, as part of an overall height reduction of two (2) levels.
- **Recommendation 04:** Consider 'grounding' the masonry street wall forms, by extending the masonry to the ground in some locations, to support increased visual stability or 'anchoring' of the street wall forms, in response to the built form context, to reduce the visual imposition of the frontage forms.

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## Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice

### 1.3 Qualifications and experience to prepare this Statement

#### 1.3.1 Qualifications and registrations

My academic qualifications are as follows:

- **Executive Masters (MSc) in Cities (Distinction)**, inaugural programme (September 2016 - completed February 2018), London School of Economics and Political Sciences (LSE Cities), UK;
- **Master of Science (MSc): Built Environment - Urban Design (Distinction)**, The Bartlett School, University College London, 2005-06, UK;
- **Bachelor of Architecture (BArch) (First Class Honours)**, The University of Melbourne, 1996-97;
- Bachelor of Planning and Design (BPD) (Architecture), The University of Melbourne, 1992-94.

My professional registrations and memberships are as follows:

- **Registered Architect**, Architects Registration Board of Victoria: individual registration number 15838;

I am engaged on the following professional organisations:

- Member, inaugural **Melbourne Design Review Panel** (City of Melbourne, 2021);
- Member, **Victorian Design Review Panel** (OVGA, since 2016);
- Member, **South Australian Design Review Panel** (ODASA, since 2011);
- Member, Latrobe University Design Review Panel (currently inactive);
- Global Advisor, United Nations Global Compact – Cities Programme (discontinued);
- Member, Built Environment Task Force, Smart Cities Council – Australia/New Zealand (discontinued).

#### 1.3.2 Experience

##### Professional experience

I hold over 15 years of dedicated professional experience in urban design, including:

- Urban Designer, Victorian State Government (2002-2007, including study leave);
- Director, SJB Urban (2007-2016);
- Director, Global South (2016-present).

I hold approximately 5 years of prior experience in architectural practice, in Australia and the UK.

##### Project experience

My urban design experience includes the following projects:

- 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;
  - Lead consultant, Urban Design Guidelines, Bowden, SA (SJB Urban, 2015).

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### Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice

- 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:
  - Sunshine NEIC Urban Design Analysis and Framework Plans, for Brimbank City Council, in collaboration with Kinetica;
  - 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
  - Sunshine Station Master Plan 2021, for Department of Transport, in collaboration with Development Victoria;
  - Revitalising Central Dandenong (Sites 11-15) Master Plan/Development Plan, for Capital Alliance and Development Victoria, 2021;
  - 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

I have presented evidence at VCAT and Planning Panels Victoria on numerous occasions.

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## Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice

## 2.0 Context

### 2.1 Strategic context

#### 2.1.1 Activity Centre location

The subject land is located close to the intersection of Johnston Street and Brunswick Street. The Brunswick Street corridor is identified as a Major Activity Centre under *Plan Melbourne*, and the subject site is at the edge of this corridor.

#### 2.1.2 Zoning

The subject site is predominantly situated within the **Commercial 1 Zone (C1Z)**. The purposes of this Zone are to:

- *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.*

A narrow strip along the southern edge of the site is located within the **Mixed Use Zone**. The purposes of this Zone are to:

- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.

#### 2.1.3 Heritage Overlay

The site is located within precinct **Heritage Overlay HO334**. Heritage is not my area of expertise and I recognise that the existing building on the subject site is not of heritage value. I will therefore consider heritage insofar as it informs the proposal's urban design response to the context.

#### 2.1.4 Proposed Design and Development Overlay

The site is not subject to a gazetted Design and Development Overlay currently.

The **proposed DDO32: Johnston Street West** formed part of the Amendment C270, which resulted in the approval of four (4) interim DDOs, as follows:

- DDO30: Smith Street Shops
- DDO35: Johnston Street South
- DDO36: Fitzroy East and Johnston Street North
- DDO37: Smith Street North and South

The proposed DDO32: Johnston Street West, applicable to the review site, was not approved through Amendment C270 (four DDOs were approved, no decision was made on five DDOs).

The proposed DDO32 controls comprise (relevant to the subject site):

- Objective for a new mid-rise character (4-8 storeys) behind a low, consistent heritage street wall on the south side of Johnston Street;
- Maximum height on the subject site of 27.2m (8 storeys);
- Street wall: match adjoining heritage parapet heights on south side (mandatory);
- Maximum street wall height 14.4m on the subject site (4 storeys);

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## Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice

- Upper levels above the Johnston and Nicholson Street street wall must be set back by a minimum of 6 metres.
- Upper level above a side street wall should be set back by a minimum of 3 metres.
- Within a heritage overlay, the top most level of development over 5 storeys should be set back a further 3.2 metre from the main street frontage, measured from the level below.

These proposed controls have been informed by:

- Brunswick & Smith Street Built Form Review – Background Analysis Report (Hansen Partnership, November 2019); and
- Johnston Street Built Form Framework (Hansen Partnership, June 2019 – Final Draft).

While this provides useful context for consideration of the proposal, I have not given this DDO significant weight in my assessment, because it is not part of the Yarra Planning Scheme.

### 2.1.5 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 11 Settlement** provides a range of Strategies for development in established Activity Centres, with a focus on quality, amenity, diversity and responding to context.

- **11.03-1R Activity Centres – Metropolitan Melbourne** provides strategies for developing activity centres to accommodate significant growth and provide high levels of amenity;
- **11.03-1S Activity Centres** provides strategies for building up Activity Centres as a focus for high-quality development, activity and living.

**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, and promotes good urban design along transport corridors;
- **15.01-2S Building design** guides buildings which contribute positively to context and enhance the public realm;
- **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** seeks to ensure the conservation of places of heritage significance, and encourages appropriate development that respects places with identified heritage values.

**Clause 16 Housing** addresses supporting infrastructure, accessibility and affordability of housing:

- **16.01-1S Integrated housing** seeks to increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- **16.01-2R Housing opportunity areas - Metropolitan Melbourne** provides strategies for identifying opportunities for medium and high-density housing and creating a

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## Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice

sustainable city through well-located housing and mixed-use development. It facilitates increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.

- **16.01-2S Location of residential development** seeks to locate new housing in designated locations that offer good access to jobs, services and transport.
- **16.01-3R Housing diversity – Metropolitan Melbourne** seeks to create mixed-use neighbourhoods at varying densities that offer more choice in housing.

### 2.1.6 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** includes a Strategic Framework Plan for Yarra, which indicates the subject site is on the edge of the Brunswick Street Major Activity Centre, and within the Johnston Street Neighbourhood Activity Centre. This policy states that *Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks.*

**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. However, I consider heritage generally in the context of a comprehensive urban design review.

**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.*

This Clause (at **Strategy 17.2**) states that *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.*

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

**Clause 21.05-4 Public environment** states that new development must add positively to Yarra's overall character and help create a safe and engaging public environment where pedestrian activity and interaction are encouraged. It seeks to ensure that buildings have a human scale at street level.

**Clause 21.08 Neighbourhoods** identifies Fitzroy as a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/industrial activities.

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Clause 21.08 states that *the part of Johnston Street between Brunswick Street and Smith Street (which the subject site is narrowly outside of, being just west of Brunswick Street) is undergoing revitalisation as a focal point for furniture manufacture and showrooms. The Business 2 Zone is considered appropriate for this area as it will provide the opportunity to encourage restricted retail uses at ground level with residential or offices uses above.*

**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.*

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### 2.2 Built form context

#### 2.2.1 Site location and local context

The subject site is on the south side of Johnston Street, on the corner of Fitzroy Street. It is a large rectangular site, approximately 50m by 33m, with its long frontage to Johnston Street. This site's interfaces are as follows:

- **North:** Johnston Street, a busy thoroughfare extending to Melbourne University to the west, and Collingwood and the Yarra River to the east;
- **East:** Open laneway, which runs under the first floor built form of the adjoining building at 110 Johnston Street;
- **South:** Open rear laneway;
- **West:** Fitzroy Street, which extends south from Johnston Street to Victoria Parade.

The Johnston Street streetscape around the subject site includes:

- **West** (across Fitzroy Street): 2-storey Georgian terrace buildings with shopfronts, contemporary 2-storey building, and further 2-storey historic terrace buildings.
- **East:** 2-storey historic built form with shopfronts and decorative parapets.
- **North** (across Johnston Street): 5-storey apartment development with shops at ground floor.



Figure 01: The subject site, Johnston Street frontage.



Figure 02: The subject site (left) in the Johnston Street corridor, looking west.



Figure 03: The subject site (right) in the Johnston Street corridor, looking east.



Figure 04: Built form opposite the subject site on the north side of Johnston Street (looking east).

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# **Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice**



Figure 05: Panoramic view of the subject site (far left) and local context, looking north across Johnston street and up Brunswick Street, from a nearby rooftop bar space.

## **2.2.2 On-site built form**

The subject site is occupied by a 2-storey commercial office building of minimal architectural quality, which occupies the full extent of the site.

## **2.2.3 Surrounding built form**

The local context contains a varied mix of historic, intricate and decorative buildings, more robust historic warehouse buildings, and contemporary infill developments, as shown below.

Johnston Street reflect a mix of heritage and contemporary built form, with several recent developments of significant scale.

Victoria Street to the south of the site features more robust, heritage warehouse buildings as discussed in more detail below.

While the immediate context in Johnston Street is relatively low-scaled, the wider neighbourhood context contains several larger, taller and more robust buildings.

I previously prepared the table (below) of nearby recent developments and approvals. While this analysis does not cover all approvals and applications, and some items may require updating based on recent information, I have endeavoured to provide a reasonably comprehensive set of relevant proposals and developments, as an indication of the emerging built form context. Several of these references are shown in the photographs below.

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**Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice**

Address	Building height (storeys)	Height noted in Urban Context Report (storeys)	Street wall height (storeys)	Distance from subject site (direct, approx.)	Information source
69 Victoria Street (Abito)	7	N/A	6	10m	Site
91 Johnston Street (Tyrian) (Complete)	5	N/A	2 3 (corner)	20m	Site
62-70 Johnston Street (Approved)	7	7	3-4	40m	Urban.com.au / goodesigns.com.au
57-61 Johnston Street (The Spanish Club) (Construction)	7	8	2 (heritage frontage)	65m	Endorsed Plans (endorsed 31/1/20)
71-75 Argyle Street (Fitzroy House) (Construction)	7	7	3 (aligned with heritage façade)	105m	UCR/Project website
81 Argyle Street (Complete)	6	N/A	4	100m	Site
142-144 Johnston Street (Complete)	6	6	3 (both streets)	140m	Onsite/photo
11-13 Spring Street (approved)	4-5	4-5	2 (heritage)	155m	UCR and online maps

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**Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice**

<b>300 Young Street (The Artist/'cheese grater')</b> (Complete)	6	N/A	4-5	180m	Site
<b>419 Fitzroy Street</b> (Planning)	7	7	3	250m	Planning Application Plans/ Report (online)
<b>178-182 Johnston Street (The Rochester)</b> (Construction)	7	7	3 (both streets)	270m	Urban.com.au / castran.com.au
<b>61 Rose Street</b> (Construction/complete)	6	6	3	290m	UCR / Urban.com.au
<b>97-99 Rose Street</b> (Approved)	6	6	1 (heritage)	290m	UCR / Urban.com.au
<b>338 Gore Street / 239-249 Johnston Street (The Lyric)</b> (Construction)	10	8	8 (corner); 4 (remainder)	460m	Endorsed Plans (endorsed 27/3/18)
<b>211 Kerr Street</b> (Construction)	7	8	5 (Kerr St), 7 (Gore St)	510m	Endorsed Plans (endorsed 22/8/17)
<b>305-311 Smith Street</b> (Approved)	6	6	4	520m	UCR / corelogic.com.au
<b>365-379 Smith Street</b> (Approved)	8	9	1 (heritage); 3 (new)	530m	Plans submitted for endorsement (dated 26/4/19)

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<b>366 Smith Street</b> (Approved)	7	N/A	2	580m	Approval decision plans (dated 16/2/16)
<b>368-374 Smith Street</b> (Approved)	9	N/A	2 (heritage)	580m	Approval decision plans (dated 12/9/18)
<b>423-425 Smith Street</b> (Approved)	8	8	2 (heritage frontage)	620m	Endorsed Plans (endorsed 7/3/18)
<b>416-422 Smith Street (Haus)</b> (Complete)	7	N/A	2	660m	Endorsed Plans (endorsed 3/10/17)
<b>150 Cecil Street (One Fifty Cecil)</b> (Approved)	6/7	7	4	690m	a-d.com.au / gooddesigns.com.au
<b>444-452 Smith Street (You and I)</b> (Complete)	7	N/A	3	710m	Endorsed Plans (endorsed 7/5/15)
<b>468-482 Smith Street (Trilby)</b> (Complete)	10	N/A	3	760m	Endorsed Plans (endorsed 2/2/18)

**2.3 Streetscape context and character**

Johnston Street has an eclectic, evolving and 'gritty' built form character, with a mix of old and new, and smaller, fine-grain built form, and larger-scale infill developments.

Brunswick Street in this locality has a more consistent heritage, fine grain and lower-scale character, particularly north of Johnston Street. However, there are various larger developments positioned 'back' from the Brunswick street corridor.

Both Johnston Street and Brunswick Street are approximately 20m wide, between property boundaries.

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**Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice****2.4 Discussion on built form context**

It is apparent from the above sample of the emerging context from the Urban Context Report that overall building heights are generally in the 'moderate' mid-rise range of 6-8 levels, with height typically mediated by lower-level frontages of 2-4 storeys typically.

The local built form context around the subject site is highly diverse. It characterised by

- Extensive lower-scale heritage fabric, including terrace-type forms with decorative parapets, and wider frontages, including along Johnston and Brunswick Streets;
- Larger, more robust heritage fabric (warehouse buildings), particularly along Victoria Street to the rear of the site;
- Contemporary interventions, typically at larger scale, as discussed above.

Examples of these are shown below.

**2.4.1 Built form context: lower-scale heritage fabric**

Figure 06: Fine grain heritage fabric Brunswick Street, west side, south of Johnston Street, looking north-west.



Figure 07: Fine grain terrace-type shop buildings along Brunswick Street, west side, north of Johnston Street, looking north-west.



Figure 08: Fine-grain, highly articulated fabric along Johnston Street, south side, looking west towards the subject site across Brunswick Street in the distance.



Figure 09: Fine-grain, terrace-type heritage fabric along Johnston Street south side, from about 70m west of the subject site (image source: Google).

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# Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice



Figure 10: Heritage fabric on Johnston Street, north side, opposite the subject site.



Figure 11: Predominant 2-storey, fine grain heritage fabric and Johnston Street, looking north-east over the building adjoining the subject site, at the intersection of Johnston and Brunswick Streets.



Figure 12: Aerial view of Johnston Street between Brunswick Street (left) and Nicholson Street (right), looking south, showing predominantly low-rise built form west of the site (image source: Google).



Figure 13: Johnston Street east of Brunswick Street contains more recent, less sensitive built form, but is also within HO334 (image source: Google).

## 2.4.2 Built form context: robust heritage fabric (warehouse buildings)

South of the site, the heritage buildings reflect height and massing as follows:

- Moran & Cato warehouse, corner Fitzroy Street and Victoria Street: 3 storeys (approx. equivalent 4 modern storeys) and 5 storeys (approx. equivalent 6-7 modern storeys), which the Planning Report states has a Planning Permit for two additional levels, above the taller component.
- Moran & Cato Merchants, corner Victoria Street and Brunswick Street: 4 storeys (approx. equivalent 5-6 modern storeys), with a rooftop bar in an additional recessed level.

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Figure 14: Moran & Cato buildings on Victoria Street, immediately south of the subject site.



Figure 15: Abito Apartments (corner Fitzroy and Victoria Streets, 7 storeys) responds to the robust qualities of the nearby heritage warehouse buildings.



Figure 16: Aerial view of Moran & Cato buildings directly south of the subject site (image source: Google)



Figure 17: The Moran & Cato warehouse, Victoria Street, displays a robust, solid, vertically-oriented form and expression.

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## 2.4.3 Built form context: contemporary interventions



Figure 18: Apartment development (5-storeys) on Johnston street, opposite the subject site.



Figure 19: View along Johnston street to the east, showing the evolving built form character of this corridor.



Figure 20: Johnston Street context, looking east towards current/emerging developments.



Figure 21: Johnston Street context, looking west, with 7-storey (approx.) infill development.



Figure 22: Contemporary development, Argyle Street, approximately 170m north-east of the subject site.



Figure 23: Contemporary development, Johnston Street, approximately 100m east of the subject site.

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Figure 24: Contemporary infill development, Argyle Street, approximately 120m north of the subject site, adjacent to the under-construction Fitzroy House development (far left).



Figure 25: Development context along Johnston Street, west of the subject site (in foreground).



Figure 26: 71-75 Argyle Street (Fitzroy House) (7 storeys, 3-storey street wall, in early construction).



Figure 27: Abito Apartments, 69 Victoria Street (corner Fitzroy Street) (7-storeys, 3-6 storey street walls).

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**Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice****2.5 The proposal****2.5.1 Configuration/land use**

The proposed development comprises:

- Basement: 3 basement levels for car parking and services;
- Ground floor: Two shop units (large and small), with external courtyard in north-east corner adjacent to the existing lane/through link;
- Levels 1-8: Residential apartments;
- Roof Level: Communal terrace and lawn spaces; plant enclosure.

**2.5.2 Form and materials**

The proposed building is expressed as a composition of elements.

Viewed from Johnston Street, the Ground Floor level features glazed shopfront windows with off-form concrete columns in between. Levels 1-3 and Level 4 in the north-west corner comprise three separate forms at the street frontage with breaks in between. These forms comprise brickwork piers and off-form concrete horizontal panels.

The recessive upper levels are composed as a singular form, comprising clear and obscure white glazing within a protruding aluminium frame, with recessed balconies in some locations.

**2.5.3 Heights**

The street wall forms at Johnston Street are approximately 15.14m in height to parapet level (eastern and central 4-storey components), and 18.32m (western corner component).

The upper levels extend to 27.92m in height to the parapet level above Level 7, and 31.14m to parapet level above Level 8 (Roof Level). This constitutes the overall building height.

**2.5.4 Setbacks**

The proposed setbacks at each floor level are as follows (to walls or balconies where applicable):

	Front	Rear	East	West
<b>Ground</b>	0m	0m	0m (with corner recessed courtyard)	0.8m approx. – 1.5m
<b>1</b>	0m	0m	0m; 2.74m (north corner)	0m
<b>2</b>	0m	3.72m – 4.55m, central recess	0m (north); 2.52m (south)	0m
<b>3</b>	0m	3.72m – 4.55m, central recess	0m; 2.74m (north corner); 2.52m (south)	0m
<b>4</b>	0m (west); 5.05m (east)	3.72m – 4.55m, central recess	0m; 2.74m (north corner); 2.52m (south)	0m

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**Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice**

<b>5</b>	0m (west/balcony); 5.05m (east)	4.55m – 4.92m – 6.12m (centre)	2.52m (south); 6.44m (north)	0m (3.67m to wall)
<b>6</b>	5.05m	4.55m – 4.92m – 6.12m (centre)	2.52m (south); 6.44m (north)	3.67m
<b>7</b>	5.05m	4.55m – 4.92m – 6.12m (centre)	2.52m (south); 6.44m (north/wall)	3.67m
<b>8</b>	5.05m to balcony (7.35m approx. to wall)	6.12m	6.44m to balcony (11.14m approx. to wall)	3.67m to balcony (8.37m approx. to wall)

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## 3.0 Review of the proposed development

### 3.1 Is the built form siting appropriate?

#### 3.1.1 Guidance

**Clause 15.01-1S Urban Design** seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Strategies include:

- *Ensure the interface between the private and public realm protects and enhances personal safety;*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport;*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm; and*
- *Promote good urban design along and abutting transport corridors.*

**Clause 15.01-2S Building Design** seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm. Strategies include:

- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm; and*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*

**Clause 21.05-4 Built form (Public environment)** seeks to provide a public environment that encourages community interaction and activity. It requires buildings to provide a safe and attractive public environment, and for new development to make a clear distinction between public and private spaces.

#### 3.1.2 Assessment

The proposed building occupies the full extent of the site at the lower levels. This is consistent with the existing building on the site, and many buildings in the local area. This provides zero (0m) setbacks at all street and lane interfaces, which is appropriate and contextually responsive in this urban location, and which effectively frames the public realm and creates clear distinction between the public and private realms.

I consider this siting appropriate in principle, subject to consideration of the interface conditions, below.

The proposal provides for a recessed courtyard space in the north-east corner, adjacent to the existing laneway which extends below the upper level of the adjoining building, with retention of the existing brickwork boundary wall, which contains openings to the existing Council-owned laneway.

This outdoor space measures 5.4m wide (including the retained boundary wall), and 8.0m deep. It contains bicycle racks and is partly covered over, and partly open to sky,

While I do not consider this outdoor space necessary from an urban design perspective, or a significant public benefit, I recognise that it can provide 'spillover' space for outdoor seating (and proposed bike parking) associated with the retail tenancy, and could integrate with the adjoining laneway space, considering the Johnston Street footpath is relatively narrow, and affected by traffic noise.

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## Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice

The increased width and reduced depth of this space, relative to previous plans, makes it more open and visible from the public realm, and therefore presents a reduced potential safety or CPTED risk.

I therefore consider the proposed building siting to be acceptable and appropriate to the context.

### 3.2 Is the land use mix appropriate?

#### 3.2.1 Guidance

The **Commercial 1 Zone** encourages uses which contribute to vibrant mixed-use centres, and residential uses at densities complementary to the role and scale of the commercial centre.

**Clause 11.01-1R Settlement – Metropolitan Melbourne** encourages a network of vibrant activity centres, and mixed-use neighbourhoods

**Clause 11.03-1S Activity Centres** encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible.

**Clause 16.01-1S Integrated Housing** seeks to increase the supply of housing in existing urban areas, by facilitating increased yield in appropriate locations including under-utilised urban land.

**Clause 16.01.2R Housing opportunity areas – Metropolitan Melbourne** encourages developing housing and mixed-use development opportunities in major activity centres and neighbourhood activity centres, and areas with appropriate infrastructure.

**Clause 16.01-2S Location of residential development** aims to locate new housing in designated locations that offer good access to jobs, services and transport.

**Clause 16.01-3S Housing diversity** encourages a mix of housing types and adaptable internal dwelling design, to improve housing choice while respecting neighbourhood character and making better use of existing infrastructure.

**Clause 21.08 Neighbourhoods** states that *the part of Johnston Street between Brunswick Street and Smith Street* (which the subject site is narrowly outside of, being just west of Brunswick Street) *is undergoing revitalisation as a focal point for furniture manufacture and showrooms, and seeks to encourage restricted retail uses at ground level with residential or offices uses above.*

#### 3.2.2 Assessment

##### Residential

The provision of higher-density residential accommodation within well-serviced locations in and around activity centres has strong strategic policy support, in providing for urban consolidation, activation, access to services and facilities, and encouraging sustainable transport, and well as providing for housing diversity in established urban areas.

The subject site's location at the edge of the Brunswick Street Major Activity Centre, and within the Johnston Street Neighbourhood Activity Centre, its central location with excellent public transport access and proximity to a range of facilities and services, makes the location appropriate for higher density residential development.

The proposed development contains 107 dwellings, as follows:

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- 28 no. 3 bedroom and penthouse dwellings (43%);
- 25 no. 2 bedroom dwellings (38%); and
- 12 no. 1-bedroom dwellings (19%).

This mix represents a significant shift from the previous plans, with a much greater proportion of larger dwelling sizes, which are potentially appropriate to families and other larger households. I support this approach, given the general prevalence of smaller dwellings in apartment developments in inner Melbourne.

### Retail

The site's frontage to Johnston Street and proximity to Brunswick Street makes it appropriate for ground floor retail uses. The large retail tenancy may accommodate a showroom-type shop, for which there are precedents in the local area.

### Communal spaces

The proposal provides extensive communal outdoor spaces at Roof Level, which enhance resident amenity and provide increased choice for recreation, dining, entertaining guests, and accessing views and sunlight.

This is also new in the revised plans, and is supported.

### Car parking

While the appropriate extent of car parking provision is beyond my expertise, I support the location of car parking within full basement levels, as this avoids impacts to the public realm, and additional building bulk above ground level.

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### 3.3 Is the built form height and massing appropriate?

The scale and massing of the proposed development is central to consideration of its urban design merit, and appropriateness of its response to the context.

While the relatively large site provides opportunities for substantial development, and strategic policy supports urban intensification in activity centres and transport corridors, this must be balanced against streetscape, context and heritage setting considerations.

#### 3.3.1 Previous recommendations

I previously recommended changes to the built form to achieve:

- The street wall at the corner of Johnston and Fitzroy Streets should be reduced to 5-6 storeys (including the Fitzroy Street frontage).
- Reduce the height of the middle-section by one (1) level, to reduce its visual prominence in the streetscape and in relation to the street walls, and to reduce the substantial height contrast with neighbouring built form.
- Reduce the uppermost levels by one (1) level, as part of an overall height reduction of two (2) levels.

#### 3.3.2 Guidance

**Clause 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.

**Clause 15.03-1S Heritage conservation** seeks to ensure the conservation of places of heritage significance, and encourages appropriate development that respects places with identified heritage values.

**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.*

**Clause 21.05-1 Heritage** seeks to protect and enhance Yarra's heritage places, and supports the restoration of heritage places. Strategy 14.6 seeks to protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.

**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.*

This Clause (at **Strategy 17.2**) states that 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*

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- *Positive contribution to the enhancement of the public domain*
- *Provision of affordable housing.*

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

**Clause 21.05-4 Public environment** states that new development must add positively to Yarra's overall character.

**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.*

### 3.3.3 Assessment

#### Johnston Street frontage: profile and massing

The proposed development's Johnston Street interface is configured generally as follows:

- 3 distinct, adjacent forms, of 4, 4, and 5 storeys (east to west), at the street frontage, with 2.7m wide / 5.05m deep recesses in between (above ground floor). The 5-storey western form 'turns the corner' into Fitzroy Street;
- Upper level glazed form set 'behind' the frontage forms, set back 5.05m from the front boundary, up to 8 storeys;
- Top level (Level 8) set back a further 2.3m approx.

Relative to the previous (VCAT Amended) plans, the following changes have been made to the massing:

- Corner street wall form reduced from 7 storeys to 5 storeys;
- Middle section (upper levels) reduced from 9 levels overall, to 8 levels;
- Upper form reduced from 2 storeys to 1 storey.

**Therefore the revised massing responds to my three previous recommendations (noted above).**

The 5-storey corner street wall form is more appropriate in the streetscape context, being less overt and visually dominant. While still higher than most other frontage forms, I consider it acceptable in that it occupies a limited extent of the frontage and marks a (minor) street corner, and exists within a mixed, diverse streetscape context.

### 3.3.4 Fitzroy Street interface

Where the proposed development turns the corner into Fitzroy Street, the 5-storey corner form extends to a recess at approximately the mid-point of this frontage, adjacent to another 5-storey masonry form, which extends to 4.5m from the southern boundary.

### 3.3.5 Eastern interface

The 4-storey form fronting Johnston Street turns the corner to extend to a recess located approximately centrally in the eastern frontage (but is set back approximately 2.1m from the eastern boundary).

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Across this recess, a 7-storey masonry form is proposed, extending to the 4.5m setback from the southern boundary.

### 3.3.6 Southern interface

At the rear interface, the 5-storey masonry form fronting Fitzroy Street turns the corner at the south-west then steps down to 4-storeys. At the south-east corner, a 7-storey masonry form turns the corner to the eastern frontage.

### 3.3.7 Assessment of building height against Strategy 17.2

While I do not consider the criteria at Strategy 17.2 of Clause 21.05-2 to be definitive or absolute in determining the appropriate height of development, they provide a useful reference, alongside the urban context. My evaluation of the proposal against these criteria is as follows:

The proposal does provide **significant upper level setbacks**, stepping back 5.05 above the Johnston Street frontages, and varied setbacks to other interfaces as shown above.

**Architectural design excellence** is difficult to determine or benchmark. However as discussed further below, while the design is clearly considered and resolved, I have recommend further design refinement.

**Best practice environmental sustainability** is beyond my expertise, and I have not received current ESD report.

**Restoration and adaptive re-use of heritage buildings** is not relevant to the subject site/proposal.

The proposed retail spaces, upper level windows and balconies, and positioning of car parking in basement levels, make a **positive contribution to the enhancement of the public domain**.

The proposal does not include **provision of affordable housing** to my knowledge.

**Based on this evaluation, I consider that the proposed development can extend beyond 5-6 storeys in height.** The appropriate extent of built form above this 'base' height for activity centres is then a question of response to context, as discussed below.

### 3.3.8 Assessment of heights against street width

The overall building height (excluding lift overrun) is 36.35m, comprising 9 residential floors of 3.12m height, ground floor 4.5m and top floor 3.77m.

In relation to the 20m wide Johnston Street corridor, this reflects a frontage width-to-height ratio of between 1:0.8 and 1:0.9 for the frontage forms. That is, the street is wider than the street wall heights, supporting a relatively open profile at the street frontage.

For the 8-storey upper-level form, taking the upper-level setback into account, the ratio of width-to-height is approximately 1:0.9.

As an indicative guide, a ratio of approximately 1:1 is considered appropriate for urban streets, providing a balance between enclosure and openness, while higher ratios create more enclosure and verticality.

**I consider the above ratios to be acceptable and appropriate in the context.**

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Given that the current proposal meets my previous recommendations, and achieves other effective outcomes in the context, I consider the proposed height and massing to be acceptable.

**3.4 Are the upper-level setbacks appropriate?****3.4.1 Johnston Street frontage**

The proposed increased upper-level setback of 5.05m, with increased setback to the top level, is considered acceptable. I consider a setback of approximately 5m to be appropriate to the scale of this building, with 4-5-storey street walls and 8-storey predominant height (with additional level set further back).

**3.4.2 Fitzroy Street frontage**

I also consider the 3.7m upper-level setback to Fitzroy Street to be acceptable, given that this is a secondary or minor street, and recognising the limited length of the built form at this interface. This setback provides clear distinction between lower and upper levels.

**3.4.3 Rear interface**

As in the previous plans, the proposal occupies the existing rear laneway and builds to the rear boundary at Ground Floor level (and partly at Level 1 in the revised plans).

The neighbouring building to the south (corner Victoria and Fitzroy Streets) contains rear, north-facing windows on the boundary. I understand this building contains commercial uses currently, and that it has planning approval for one additional level to accommodate a bar. I recognise that windows on boundaries are not permitted in contemporary development, and that in effect, this interface is inequitable in relation to the subject site, in that the windows prevent, for example, the subject proposal also building up to the boundary. However, I assume this was constructed in relation to the existing laneway interface.

The proposed provides for 3.7m-4.5m setbacks above Ground Level, but with two Level 1 apartments extending to the boundary with internalised courtyard terraces. I assume these apartments do not obstruct any existing boundary windows in the adjoining building to the south, and I accept this aspect of the proposal on that basis. The 'courtyard' apartments provide a distinctive typology with a semi-separate 'home office' space, which would support increasing work-from-home patterns.

There appears to be potential overlooking to the courtyards from the terraces at Level 2 (to the study/home office spaces below), but I assume this can be managed through blinds if required.

In line with my previous opinions, I accept the predominant setbacks of 3.7m and 4.5m up to Level 4, with increased setbacks from Level 5.

**3.4.4 Side (east) interface**

Above Level 3 (street wall height), the minimum setback is 4.5m from the centreline of the adjoining laneway. Recognising the complexity and heritage status of the adjoining building to the east (which is partly built over the laneway), I consider this setback to be acceptable, in that it provides for 9m building separation if the adjoining site was to be redeveloped and provided the equivalent setback.

I also note that approximately half of the east frontage is at the 4.5m setback, with the other half set back a further 3.9m.

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### 3.5 Are the public realm interfaces / frontages appropriate?

#### 3.5.1 Guidance

**Clause 15.01-1S Urban design** supports safe and enjoyable urban environments, including by ensuring that public realm interfaces protect and enhance personal safety and public realm amenity.

**Clause 21.05-4 Public environment** seeks to provide a safe and attractive public environment that encourages interaction and activity, and to ensure that buildings have a human scale at street level.

#### 3.5.2 Assessment

##### Interface to Johnston Street

The proposed development's ground floor interface to Johnston Street comprises a fully glazed ground floor frontage to the retail units, with clear glazing and off-form concrete columns and plinths.

I consider this outcome appropriate and responsive to the context and to maximising activation and passive surveillance opportunities.

I discuss the design expression in the facades below (4.5).

##### Interface to Fitzroy Street (west)

The Fitzroy Street frontage incorporates extensive 'inactive' frontage (car park entry, loading bay and building services cupboards), but with some activation from the corner retail window, and the glazed residential entry.

I support the containment of services to this secondary street frontage, which allows the Johnston Street frontage to be fully activated, and consider the extent of activation to Fitzroy Street to be acceptable.

### 3.6 Is the architectural expression appropriate?

#### 3.6.1 Guidance

**Clause 21.03 Vision** states that all new development will demonstrate design excellence.

**Clause 21.05-2 Urban design** identifies design excellence as a criteria for exceeding the 5-6 storey 'base' height in activity centres.

**Clause 22.02 Development guidelines for sites subject to the heritage overlay** encourages new development to be distinguishable from heritage fabric.

#### 3.6.2 Assessment

I previously expressed general support for the external expression of the building and quality of the architectural design, including:

- The brickwork and colouring of the masonry components which responds to the materiality of the local built form context, and provides texture and tactility at the lower levels;
- The expressed brick corbelling which adds further texture and visual interest at the lower levels of the street wall components

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## Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice

- The upper-level expression of glazing and white perforated screening, which appears to be carefully detailed to provide visual interest and a sense of refinement, as a neutral visual expression to reduce its visual prominence, as a backdrop to the street wall.

I also recommended that the masonry street wall forms be further 'grounded' by extending the masonry to the ground in some locations, to support increased visual stability or 'anchoring' of the street wall forms, in response to the built form context.

However, while the broad design approach is retained, the detail of the external expression has changed substantially, as discussed below.

**Overall, I consider that the quality and refinement of the external architectural expression is less successful and effective in the current revised plans, than it was in the original/VCAT application plans.**

I endeavour to explain and demonstrate why this is the case in the following paragraphs.

### Ground Floor frontage interface

The Ground Floor frontage appears to be highly considered in its combination of brickwork (limited at Ground Floor, more extensive above), off-form (timber textured) concrete in columns and canopy, and black metal window framing and expressed blade above the shopfront windows (see View 12 in the plans).

The example of Elwood House (Ormond Road, Elwood) uses a similar palette of materials, including glazed shopfront (café) and off-form concrete canopy over the footpath, as shown below.



Figure 28: Elwood House development, which utilises a combination brickwork, off-form concrete and dark metal window frames, similar to the review proposal (image source: ArchitectureAU).



Figure 29: The street canopy at Elwood House is in off-form concrete (image source: ArchitectureAU).

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## Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice



Figure 30: Side street frontage of Elwood House, with recessed balconies in the street wall (image source: Elite Agents).



Figure 31: Brickwork and off-form concrete panels and columns regularly extend down to the ground (image source: LouvreClad).

### Johnston Street street walls

The main street frontage utilises brickwork in vertical piers, and off-form concrete in horizontal panels, with balustrades comprising vertical metal bars.

While I support the intent of using robust yet refined materials in this frontage, I consider that it requires further design refinement.

The street wall forms at the Johnston Street frontage are less 'solid' than previously, and more visually open. This creates less contrast with the lighter upper levels, and makes the street wall expression less contextually responsive in my view, and less visually interesting/appealing.

The brick piers are predominantly quite thin, so the visual effect of the corbelled and toned bricks is lessened substantially, to being almost imperceptible at a distance.

Some of the brick piers do not align with or appear to relate to the Ground Floor columns, and so appear 'applied' rather than integral with the building structure.

The previous design featured solid brickwork walls with 'punched' openings and protruding metal reveals to openings, with subtle shifting in the window width and spacing, and gradated brickwork in between.

The open metal balustrades exacerbate the visually open expression of the street walls, whereas a more solid, 'mass' expression would be more contextually responsive.

Conversely, the Fitzroy Street frontage street walls are more successful, being more solid, with continuous brickwork and punched openings.

### Upper levels

In the previous proposal, the combination of glazing and perforated screening created a visually continuous surface that was visually neutral and appeared refined and carefully detailed. Its apparent aim was to recede from view, and to emphasise the street wall forms.

The current proposal has an expressed framework of protruding vertical mullions and staggered horizontal slats, with white opaque glazing, clear glass and recessed balconies behind the continuous frame.

The result is a more prominent expression, increased variation of tone, less visual lightness and a less 'delicate' expression, and less contrast with the street walls.

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### Distinction

The Streetscape Renders show that the street wall forms and the upper-level form are clearly visually distinct, and the upper form reads as recessive and visually lighter than the lower forms, which is appropriate.

### Prominence

The renders also demonstrate that the proposal overall will still be very prominent, large and bulky in the context, even with the reduced massing as outlined above. Therefore a highly crafted and refined design expression is important.



Figure 32: Previous plans: The upper-level form, is 'veiled' using perforated metal screens and 'frosted' glass, while the street wall forms are solid and enclosed to express their visual mass.



Figure 33: Current plans: The upper level form contains more contrast or dark and white, and a prominent frame, and the street wall forms are more open and 'then' in their expression.

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**Attachment 3 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Urban Design advice**

**Recommendation 1:**

I therefore recommend further design refinement in the facades, towards the more effective design expression in the previous plans.

I recommend consideration of:

- Increased solidity and visual mass in the Johnston Street street wall components, to reinforce the corbelled and toned brickwork;
- Increased enclosure of street wall balconies;
- Extension of brickwork piers/panels down to ground level in some locations, for continuity and 'grounding' and increased visual stability;
- Visually lighter and more consistent expression in the upper-level form.

In making this recommendation, I do not consider the current proposal to be unacceptable in its design expression, but I do consider that it is less successful than previous design iterations in this aspect, and that further refinement is warranted for this prominent location and large development.

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## 4.0 Conclusion

The subject site's size and location presents significant opportunities for redevelopment in a vibrant and diverse activity centre location, with a high level of prominence and visibility, but with strong heritage qualities and extensive fine grain, lower scale streetscapes in the immediate vicinity, at what is a major intersection of two street-based activity centres.

Therefore, the proposed development is required to balance the strategic objectives for urban intensification, with a considered response to the heritage fabric and prevailing streetscape scale.

The revised plans present a more modest, lower-scaled form at the street frontage and upper levels, in line with my previous recommendations. I have therefore accepted the built form massing as proposed.

However, I consider that the external expression would benefit from further design refinement, to increase the visual quality and contextual responsiveness of the proposal.

Apart from this recommendation, I consider the proposal to be supportable from an urban design perspective.

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**Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice**



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## **MEMORANDUM OF ADVICE:**

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### **PRELIMINARY HERITAGE OPINION**

### **84-104 JOHNSTON STREET, FITZROY**

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PREPARED FOR    Lara Fiscalini, Principal Planner, Statutory Planning, City of Yarra  
DATE:                25 October 2021  
FILE:                2021-043

#### **1. INTRODUCTION**

GJM Heritage has been engaged to provide our preliminary opinion on the Planning Permit Application (PLN21/0625) for a nine-storey apartment building at 84-104 Johnston Street, Fitzroy (the subject site). This application comprises a revised scheme which has been prepared following the outcome of a Victorian Civil and Administrative Tribunal hearing (VCAT reference No. P422/2020) in 2020 for the subject property which resulted in a refusal.

In preparing this advice we have relied on the following information:

- Architectural drawings (Town Planning RFI Response) prepared by Hayball (28 September 2021)

In addition, we have been provided with the accompanying Heritage Impact Statement prepared by Lovell Chen (October 2021).

The view provided below is preliminary in nature.

#### **2. SITE LOCATION AND DESCRIPTION**

The subject land is a large rectangular site comprising 84 to 104 Johnston Street, Fitzroy. It is located on the south side of Johnston Street, to the west of the Johnston and Brunswick street intersection (Figure 1). The property is located at the corner of Johnston and Fitzroy streets, with a street frontage to Johnston Street of approximately 49m and a frontage to Fitzroy Street of 29m. A small laneway runs east-to-west to the rear of the site.



**Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice**

The subject site currently comprises a two-storey Post-modern style office building, constructed in the 1980s, which encompasses the whole site (Figure 2). The building is constructed of rendered masonry painted in a grey tone, with large expanses of metal-framed glazing and a flat roof. To Johnston Street, the building presents as four separate tenancies, defined by curved corners and recessed entries. A post-supported verandah-like structure projects over the footpath with arched canopies extending over each tenancy entrance.



**Figure 1.** Aerial view of 84-104 Johnston Street (outlined in red), 4 June 2020 (Source: Nearmap)



**Figure 2.** Looking south-east towards subject site from Johnston Street (Source: Lovell Chen HIS)



**Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice****3. LOCAL CONTEXT**

The subject site is located in close proximity to the prominent Johnston Street and Brunswick Street intersection. In this location, Johnston Street is typified by the fine grained 'high street' character of Victorian and Edwardian shop residences (Figure 3). The street largely retains a consistent street wall height of two-storeys with the exception of some more recent infill, including the five-storey Tyrian Apartments opposite the subject site on the north side of Johnston Street (Figure 4). Brunswick Street, in proximity to the subject site, generally comprises two and three-storey Victorian buildings, with some later infill buildings. A.O.F House, located at the corner of Brunswick and Johnston streets to the east of the subject property (Figure 5), is a prominent two-storey building constructed in the early twentieth century. With its circular cupola addressing the street corner and curvilinear parapet, the property is identified as an individually significant heritage place within the Brunswick Street Precinct (HO311).

Victoria Street, to the rear of the subject site, comprises a varied streetscape with the warehouse buildings of the former grocery chain, Moran & Cato, being prominent elements (Figure 6). This complex comprises a three-storey brick warehouse and a six-storey office building and both properties are included in the South Fitzroy Precinct (HO334) as individually significant heritage places.

Victoria Street also comprises a mix of single-storey Victorian cottages (west of Fitzroy Street on the southern side of Victoria Street), more recent two-storey attached brick residences (to the east of Fitzroy Street on the southern side of Victoria Street) and a seven-storey apartment complex at the north-west corner of Victoria and Fitzroy streets.



**Figure 3 (left):** Looking south-west along the south side of Johnston Street (GJM Heritage, 2020).

**Figure 4 (right):** North side of Johnston Street opposite the subject property, looking north-west (GJM Heritage, 2020).



**Figure 5 (left):** A.O.F. House at the intersection of Brunswick and Johnston streets, Fitzroy (GJM Heritage, 2020).

**Figure 6 (right):** The Moran & Cato warehouse and office fronting Victoria Street to the rear of the subject property (GJM Heritage, 2020).

## Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice

### 4. STATUTORY HERITAGE CONTROLS

#### 4.1 Heritage Act 2017

The subject land is not included in the Victorian Heritage Register.

#### 4.2 Planning and Heritage Controls

The subject land is zoned Commercial 1 Zone (C1Z) and is included within HO334 South Fitzroy Precinct in the Schedule to the Heritage Overlay of the Yarra Planning Scheme (Figure 8). External paint controls do not apply to this precinct (Figure 9). The laneway to the rear of the property is zoned Mixed-Use Zone (MUZ).

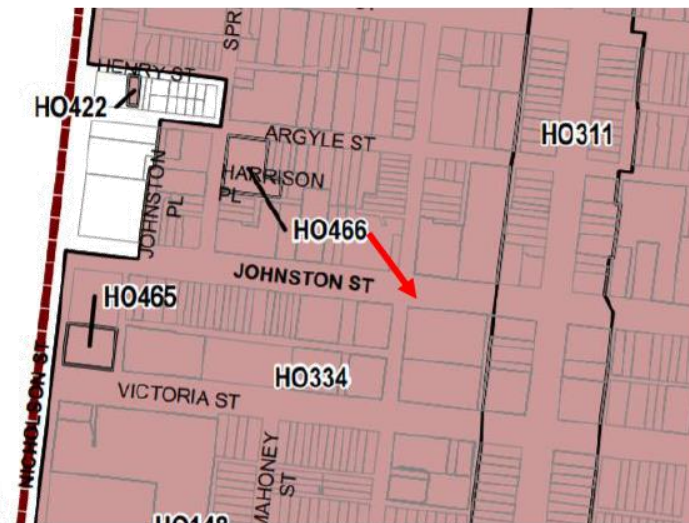


Figure 7. SHO showing part of HO334. The subject land is indicated (Planning Schemes Online)

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO334	South Fitzroy Precinct Incorporated plan:	No	No	No	No	No	No	No

Figure 8. HO334 Schedule to the Heritage Overlay (Planning Schemes Online)

The Statement of Significance for HO334 (included in the *City of Yarra Review of Heritage Overlay Areas*, Graeme Butler and Associates, 2007) identifies that the South Fitzroy Precinct is significant:

- As the earliest urban area outside the Melbourne City grid to be settled in the Melbourne municipality, with several buildings from the mid nineteenth century surviving as testimony to its early establishment;
- For the unusually high number of early Victorian-era and some Regency period buildings, being generally simply detailed and a clear reflection of the early date of Fitzroy's settlement. As a substantially intact collection of well-preserved late nineteenth and early twentieth century commercial and retail buildings of note, including hotels, shops, and some industrial buildings to the north of Johnston Street;

gim

## Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice

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

### 4.3 Heritage Gradings

The City of Yarra Review of Heritage Overlay Areas 2007 - Appendix 8 (revised May 2018) (Appendix 8), an Incorporated Document in the Yarra Planning Scheme, identifies 84-104 Johnston Street as a non-contributory building.

Non-contributory places are defined at Clause 22.02-3 of the Yarra Planning Scheme as:

*Not contributory: The place is not individually significant and not contributory within the heritage place.*



## Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice

### 4.4 Schedule 32 to the Design and Development Overlay (DDO32)

Planning Scheme Amendment C270 to the Yarra Planning Scheme sought to introduce DDO32 – Johnston Street West on an interim basis which would apply built form controls to the subject land. DDO32 was informed by the *Johnston Street Built Work Framework* (prepared by Hansen Partnership and dated June 2019) and *Brunswick Street and Smith Street Built Form Review Heritage Analysis & Recommendations* (prepared by GJM Heritage and dated 25 November 2019). The Minister for Planning approved a number of the DDOs proposed to be introduced by C270yara but did not make a decision in relation to DDO32.

DDO32 includes a number of heritage objectives including:

*[Supporting] a mid-rise character (ranging from 4 to 8 storeys) behind a low, consistent heritage street wall on the south side of Johnston Street.*

*To ensure development respects the lower-scale street wall through recessive upper levels and façade composition and articulation that complements the heritage character of the street.*

and specific built form requirements including:

*Infill development must match the frontage street wall height of an adjoining heritage property for a minimum length of 6 metres along the front boundary.*

*Development should retain the visual prominence of:*

- *the heritage street wall in the vistas along the street; and*
- *heritage fabric of the return façades of heritage buildings on corner sites.*

*Within a heritage overlay, the top most level of development over 5 storeys should be set back a further 3.2 metre from the main street frontage, measured from the level below.*

*Upper levels should:*

- *be visually recessive from Johnston Street frontages and side streets to ensure development does not overwhelm the heritage buildings and minimise upper level bulk;*
- *be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street; and*
- *contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.*

The heritage related decision guidelines include:



## Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice

- *whether development retains the prominence of the heritage street wall in the vistas along Johnston Street;*
- *whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Johnston Street;*
- *whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street;*
- *whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings;*

While I acknowledge that DDO32 has not been approved as an interim built form control it will form the basis of the proposed permanent controls and is based on thorough strategic work. I have therefore considered DDO32 in the provision of this advice.

### 5. PLANNING APPLICATION BACKGROUND

A planning application was submitted in mid-2019 for the proposed development of the subject land at 84-104 Johnston Street. This involved the demolition of the existing building and the construction of an 11-storey building, with four levels of basement. An application for review against Council's failure to determine a permit within the prescribed time was lodged with VCAT on 3 March 2020.

On 26 June 2020, Yarra City Council issued a letter stating that it would have issued a Notice of Refusal if it had been in the position to do so. A compulsory conference was held on 22 July 2020, after which amended plans were produced and circulated to respond to issues raised by Council and third parties. A VCAT hearing was held on 21-25 September 2020. VCAT affirmed the decision of the City of Yarra and no permit was granted, on the grounds that:

*[The proposal] will not represent an acceptable planning outcome in heritage and urban design terms when assessed against the relevant policies and provisions of the Planning Scheme.*

The current application responds to recommendations provided by VCAT.



## Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice

### 6. REVISED PROPOSAL

The revised development involves the construction of a nine-storey mixed-use retail and apartment building, which is detailed in plans titled 'Regent Apartments 84-104 Johnston Street, Fitzroy Town Planning RFI Response' prepared by Hayball Architects, dated 28 September 2021.



**Figure 9.** Render of the proposed Johnston Street elevation (TP00.00 Cover Sheet, Hayball, 25 August 2021)

#### 6.1 Demolition

The proposed works involve the complete demolition of the current building at 84-104 Johnston Street.

#### 6.2 New development

The new development involves the construction of a nine-storey mixed-use building with four basement levels. The development will rise to a height of 30.04m (plus plant enclosure) with retail tenancies at ground floor level and apartments (accessed via Fitzroy Street) above.

At the ground floor level, the retail tenancies will comprise full height glazed windows set within off-form concrete rectangular columns with a cantilevered off-form concrete canopy projecting over the footpath.

Above this, the development comprises a podium ranging in height from four to five levels (five levels at the corner of Johnston and Fitzroy streets), and divided into three discrete elements when viewed from Johnston Street.

The tower element above is set back 5m from the podium level and generally comprises a single mass to Level 8 with one setback penthouse level above. The tower comprises clear and opaque glazing, set within white powder-coated aluminium framing with open and enclosed balconies with metal balustrades, timber screens and operable blinds.

**gjm**  
2021-043 84-104 Johnston Street, Fitzroy | PAGE 8



**Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice****6.3 Comparison of previous and current application**

The following table provides a comparison of the previous scheme against the current application. The VCAT decision included a number of recommendations for design refinements to address the concerns of Council and objectors. These are also outlined in the table below:

	Previous application	Recommendations from VCAT decision	Current application
<b>Street wall height to Johnston Street</b>	4 storeys, increasing to 7 at the corner with Fitzroy Street	Tribunal considered that a 4-storey street wall height will provide an acceptable relationship to the existing context and will not have a detrimental impact on the heritage values of HO334	4 storey street wall to Johnston Street, stepping up to 5 storeys at the corner.
<b>Street wall height at corner of Johnston and Fitzroy streets</b>	7 storeys	A significant reduction in height is required; this should be reduced to provide an approximate one storey 'step up' from the street wall. Corner element should be a maximum of 5 storeys.	5 storeys
<b>Overall height of development</b>	9 storeys plus 2-storey penthouse (38.35m)	If the tower and penthouse are reduced by one storey each (to a maximum 9 storeys), the visual bulk of the overall development will be reduced to an acceptable level.	8 storeys plus one-storey penthouse (30.04m)
<b>South-east corner podium element (return façade to Brunswick Street)</b>	8 storeys	At the south-east corner of the building, this element needs to be reduced by one storey to reduce its visual impact behind AOF House.	7 storeys South-east corner has been reduced by one-storey.
<b>Street wall to Fitzroy Street/transition to Moran &amp; Cato buildings</b>	Steps down from the 7-storey corner element to 5 storeys	It is not necessary to reduce the parapet where it abuts the warehouse building. The current five storey height is acceptable.	Five storey height to corner and then transition to four storeys on the return to Victoria Street
<b>Setbacks</b>	Tower set back 5m from podium level	No comment	No changes to setbacks

**Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice**

Street wall articulation to Johnston Street	Three distinct forms separated by recessed slots	No comment	Three distinct forms separated by recessed slots
Materiality and façade articulation	<p><u>Shopfronts:</u> Full height glazed windows set within copper clad rectangular columns.</p> <p><u>Podium:</u> Corbelled brickwork laid in a gradient pattern and articulated with framed punched openings and recessed balconies.</p> <p><u>Tower:</u> Clear curtain glazing, with sections of bifold perforated aluminium screens enclosing recessed balconies and wintergardens.</p>	While VCAT agreed that the proposal is visually prominent to the point where it will adversely impact the heritage values of the context, its decision was based largely on the height and massing of the development rather than the form, articulation and materiality of the development.	<p><u>Shopfronts:</u> Full height glazed windows set within off form concrete frames.</p> <p><u>Podium:</u> Feature face brick with corbel details, articulated by long horizontal recessed balconies with metal balustrades.</p> <p><u>Tower:</u> Clear and opaque glazing set within deep white powder-coated aluminium framing in a regular pattern, with open and enclosed balconies.</p>

**6.4 Response to Lovell Chen's Heritage Impact Statement**

Lovell Chen's Heritage Impact Statement (HIS) for the revised scheme is largely a copy of the HIS that was prepared for the previous Planning Application, with some minor edits where applicable. The majority of the Assessment against policy remains unchanged and this is particularly evident where it erroneously refers to the previous scheme (e.g. 'Assessment against policy', p 20).

I find Lovell Chen's HIS continues to be unclear in parts and reliant on unfounded assertions that do not relate back to the heritage provisions of the Yarra Planning Scheme and the heritage policies at Clause 22.02. The HIS continues to rely heavily on the development at 239-247 Johnston Street (former MacPherson Robertson factory at the corner of Gore Street) as a precedent example of new development in the area. I have addressed this, and other issues raised by Lovell Chen, in both my VCAT evidence and my response to Mr Lovell's evidence dated 14 September 2020.



## Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice

### 7. HERITAGE OPINION

The following opinion has been formed by assessing the revised scheme against the relevant heritage provisions of the Yarra Planning Scheme, along with some consideration of the *Brunswick Street and Smith Street Built Form Review Heritage Analysis and Recommendations* (Built Form Review) prepared by this office in November 2019.

#### 7.1 Demolition

The complete demolition of the existing building at 84-104 Johnston Street is considered acceptable considering the building is appropriately graded 'not contributory' within the South Fitzroy Precinct.

#### 7.2 New development

As outlined in the table at Section 6.3 above, the revised scheme for 84-104 Johnston Street largely responds to the design refinements provided by VCAT and it is evident that the modifications made to the design have addressed the recommendations from the VCAT hearing.

The revised proposal comprises a large building with a substantial off-form concrete 'podium' element ranging in height from four to seven storeys, a large tower rising to a height of eight storeys and a single-storey penthouse element capping the tower.

In its current form, the revised scheme generally responds to the recommendations from the VCAT decision. This includes:

- A four-storey street wall height to Johnston Street;
- Corner element reduced from seven to five storeys;
- Reduction in height of the tower by one storey and penthouse by one level, bringing the overall height of the development to nine storeys;
- Reduction in height of the south-east corner element by one-storey, with no change to materiality; and
- Reduction in height of the podium to the south (Victoria Street) elevation to four and seven storeys.

Despite the modifications outlined above, I remain of the opinion that the revised scheme represents an unacceptable heritage outcome that will adversely affect the heritage precinct and the surrounding streetscape character of Johnston and Brunswick streets.

While Council could accept the proposal in its current form as it largely responds to VCAT's decision, we continue to affirm that in order to achieve an acceptable heritage outcome, further changes are required. These are outlined below.



**Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice****7.2.1 Height and massing**

- The height and mass of the proposed building (at nine storeys) continues to exceed the existing predominantly two-storey heritage scale of this part of HO334, as well as the individually significant warehouses and offices of the Moran & Cato complex to the rear of the site. The proposed development also substantially exceeds new and emerging built form in the immediate area. While the reduction in height of the development from 11 storeys (38.35m) to nine (30.04m) helps to mitigate the impacts of the proposal on the surrounding heritage context, it remains my position that the tower element should be reduced by two storeys, rather than the one recommended by VCAT to further reduce the visual prominence of the overall development on the heritage precinct. This would also ensure the development is consistent with the recommendations of DDO32 which propose a 27.2m height limit in this location (maximum eight storeys, behind a maximum street wall height of 14.4m).
- I also maintain that a three-storey street wall height to Johnston Street would be a substantially better heritage outcome than the four-storeys deemed acceptable by VCAT (and as contemplated in proposed DDO32).
- While I maintain that the street wall height to Johnston Street should be consistent in height, I acknowledge that the reduction of the corner element from seven to five storeys goes some way towards lessening the impact of this element on the surrounding streetscape. As stated in my VCAT evidence a bold architectural gesture at the intersection with Fitzroy Street is inappropriate and demonstrates a lack of understanding or deference to the historic context of the subject site. The reduction in height of this element assists in reducing its visual prominence but I remain of the view that a consistent 2-3 storey street wall should be maintained along the southern side of Johnston Street between Nicholson and Brunswick Streets.
- The penthouse element has been significantly reduced in height from two to one storey, and is setback from the main tower element. This is, in my view, an acceptable outcome and significantly reduces the visual prominence of this element.
- The five-storey podium height to Fitzroy Street towards the south is considered appropriate where the two storey scale of Johnston Street transition to a taller (up to seven storey) built form of Victoria Street. Even though this height exceeds that of the parapet of the Moran & Cato warehouse building on the corner of Fitzroy and Victoria Streets I consider this acceptable in heritage terms.

Overall, it remains my view that, despite modifications which have reduced the overall prominence of the revised scheme, the development will remain unacceptably imposing and will visually dominate this part of Johnston Street.



## Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice

### 7.2.2 Setbacks

VCAT provided no recommendations in relation to setbacks.

- The setbacks of the tower to the podium are 5m from the Johnston Street boundary, which is consistent with the previous scheme. I maintain that a minimum 6m setback is required to mitigate the impact of substantial new built form behind and 5m is inadequate. This is consistent with the recommendations of DDO32 which states that *“upper levels above the Johnston and Nicholson Street street wall must be set back by a minimum of 6 metres”*.
- The setting back of the penthouse level above the body of the tower is appropriate.

### 7.2.3 Façade articulation and massing

I note that VCAT did not discuss in detail the architectural expression of the overall proposal in handing down its decision. Little discussion was included in the VCAT decision in relation to façade articulation of either the podium or the tower element and its overall impact on the surrounding streetscape and adjacent or nearby heritage buildings.

- The podium element to Johnston Street does not reflect the prevailing character and architecture of the surrounding heritage places. The long horizontal emphasis of the podium levels (as a result of the open balconies) is particularly incongruous with the detailing, articulation, rhythm and patterns of fenestration of the shopfronts along Johnston Street and diminishes the legibility of the consistent fine-grained streetscape character of Johnston Street. As recommended in DDO32, ‘development facades should create a suitable ratio of solid and void elements’, and this is not achieved in the proposed design which has a high proportion of void in comparison with the relatively slender brick elements. The relationship of solid and void could be greatly improved through the use of solid or hit-and-miss brick balustrades and the increase in the width and/or number of vertical elements.
- In its current form, the proposal remains inconsistent with policy at Clause 22.02-5.7.1 which encourages new development to:
  - *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- In this manner, the revised scheme continues to demonstrate a lack of understanding of the historic context of the subject site. It is my view that the architectural expression of the podium needs to be revised significantly to appropriately respond to its heritage context.
- The revised scheme introduces a more visually lightweight tower element above the podium, which includes a ‘slot’ element and variation in the

**Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice**

pattern of glazed and solid wall panels helps to break up the single 'slab-like' mass of the upper floors.

**7.2.4 Materials and finishes**

- The use of concrete and brick finishes for the podium element is appropriate, although a greater proportion of solid wall should be provided in the street wall.
- The powder-coated aluminium framing of the tower element, and use of a recessed glazing is also appropriate as these materials and finishes will be visually recessive and will provide a contrast to the heavier brick and dark coloured metal detail of the podium element. However, the framing should be a more muted colour rather than white to achieve a more recessive design outcome.
- The use of the solid (brick) material to the eastern elevation remains. Despite the reduction in height of this element by one-storey (consistent with the VCAT recommendation), it remains my opinion that this materiality will likely increase the visual prominence of this element when viewed from the east, including the northeast corner of the intersection of Brunswick and Johnston streets. To achieve a more recessive outcome, it continues to be my view that this part of the tower element should utilise more visually lightweight materials and finishes.

**8. RECOMMENDED CHANGES**

It is my view that the following changes to the proposal need to be made for an acceptable heritage outcome:

- Reduction in the street wall height to Johnston Street to a three-storey scale to align with the parapet height of the adjacent A.O.F. House. The stepping up of the podium to a five-storey scale on Fitzroy Street towards the south is acceptable.
- Revision of the articulation of the street wall and podium element so the continuity of the Johnston Street streetscape is maintained. The podium element's form and fenestration should relate to the rhythm of the terraced commercial buildings and shop/residences on Johnston Street.
- Reduction in the height of the tower by one additional storey.
- Increase of the upper-level setback of the tower above the street wall height to a minimum 6 metres as proposed in the Brunswick and Smith Street Built Form Review and proposed DDO32.
- Change the material of the south-east elevation of the tower element from brick above podium level to a more visually lightweight material and finish.





**Attachment 4 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Heritage advice****9. CONCLUSION**

It is my view that the revised scheme, in its current form, is an unacceptable heritage outcome that will adversely affect the significance of the South Fitzroy Precinct and the streetscape character of Johnston and Brunswick streets.

While the revised scheme has responded to recommendations in the VCAT decision, and there are elements that represent an improved heritage outcome – notably the reduction in height of the podium and the penthouse levels – it remains my view that the development will not achieve a visually recessive outcome and will continue to dominate the heritage place. Further refinements are required – particularly in the articulation and height of the street wall podium – to achieve an acceptable heritage outcome that responds appropriately to the heritage context.

The scale and mass of the new development continues to exceed the scale of heritage fabric as well as existing and emerging built form in the area, and does not adequately address the heritage policy at Clause 22.02-5.7.1 in relation to:

*Encouraging the design of new development ... to:*

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape*
- *Be visually recessive and not dominate the heritage place.*

The linear nature of the commercial strip and the strong two-storey street wall height of Johnston Street would be unacceptably diminished by the construction of the development. It is my view that the proposed development “will adversely affect the significance, character or appearance of the heritage place” (Clause 43.01-8) and the scale of the development in relation to the existing streetscape will not achieve an outcome that will “Be visually recessive and not dominate the heritage place” (Clause 22.02-5.7.2). The new built form will not “ensure an appropriate setting and context for heritage places [in this case the South Fitzroy Precinct] is maintained or enhanced” (Clause 15.03-1S).

It is my view that the proposed redevelopment, in its current form, is an unacceptable heritage outcome that will adversely affect the significance of the South Fitzroy Precinct and the streetscape character of Johnston and Brunswick streets.



Jim Gard'ner | Director  
**GJM Heritage**

25 October 2021



## Attachment 5 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - ESD referral comments



# MeMO

**TO:** Lara Fiscalini  
**CC:**  
**FROM:** Gavin Ashley, ESD Advisor  
**DATE:** 02.03.2022  
**SUBJECT:** 84 – 104 Johnston Street, Fitzroy

Hello Lara,

I have reviewed the email correspondence from Holly McFall of UPco (25.02.22) outlining responses to Council's previous ESD advice, amended architectural plans prepared by Hayball (25.02.22) and the JV3 report prepared by Ark Resources (25.02.22) for the above property in relation to the changes associated with previous ESD comments provided by Council on the 18th of February.

An assessment has been provided below (in bold), in relation to previous ESD comments.

Outstanding Information:

Daylight modelling

- **Previous advice** – Revise wall and ceiling inputs to 70-80% reflectance and amend results.
- **Response** – The correspondence from Ark Resources that there is no requirement in the Green Star technical guidelines to adopt 'default' reflectance value. The assumed 94% is the manufacturer's (Dulux) published reflectance value for the Dulux Vivid White internal paint which will be specified so if the specific paint/reflectance value is nominate in a Condition, the modelling will align. Therefore, the modelling and outcomes of such modelling is deemed appropriate. To assist council, this link to the technical guidelines published by Dulux in relation to Dulux Vivid White was provided - [https://www.dulux.com.au/colours/details/228157\\_201008](https://www.dulux.com.au/colours/details/228157_201008)
- **Unsatisfactory** – Whilst we accept that the initial specification of 'vivid white' will be implemented, this extremely high level of reflectance is highly unlikely to be maintained in the medium to long term. We therefore require that even if the specified paint is Vivid White, that the modelling be undertaken with more realistic assumptions for standard wall and ceiling paint. We would regard realistic assumptions as per the below taken from the Green Star IEQ Visual Comfort Daylight template. We would routinely accept up to 0.8 for walls.

Table 2: Opaque elements

Building Element	Surface Type	Colour	Reflectance
<b>Floor</b>	< floor type >	n/a	0.3
<b>Walls</b>	Paint	n/a	0.7
<b>Ceilings</b>	Paint	n/a	0.8
< other opaque surfaces >	< type >	< colour >	< reflectance >

Add rows as needed

## Attachment 5 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - ESD referral comments

Energy efficiency of non-residential component.

- **Previous advice** – Given the use of Green Star Buildings V1 and lack of information associated with the commercial component of the development in the SMP it is recommended that more context around how the commercial area will achieve energy efficiency targets and NCC compliance is included in the SMP energy section.
- **Response** – JV3 modelling provided in regard to the non-residential (ground floor) component of the proposal.
- **Satisfactory** – JV3 modelling demonstrates that the ground floor non-residential design is able to achieve compliance with NCC energy requirements through a 5.8% energy use reduction compared to a reference case. Note that although the Residential Pathway for GS Credit 22 (Energy Use) has been selected, it is recommended the development pursue a minimum reduction of 10%, aligned with the Minimum Expectation for the GS Reference Building Pathway.

### Application ESD Deficiencies:

Layout/design of apartments 105 and 106

- **Previous** – Review internal layout of two apartments to eliminate internal courtyard and potential conflicts.
- **Response** – Applicant believes the overall amenity of these dwellings is improved with the inclusion of a dedicated study area with built in desk & cabinetry, therefore the layouts have not been amended. Bedrooms and offices of the two apartments achieve energy and daylight requirements.
- **Satisfactory** – Whilst the outcome is acceptable, it is still believed that these apartment layouts result in less than optimal internal amenity outcomes, particularly given they result in no external facing windows and views to outside.

Where bedroom windows are exposed to north and west facing sun, external, preferably operable shading should be provided.

- **Previous advice** – Extend shrouds or include operable blinds for north and west facing habitable windows (i.e. to living areas) minimise risk of afternoon heat gain.
- **Response** – Annotations for external awnings on terraces to north of apartments 401, 402 and 507, and west of 506 and 507 (previously highlighted by Council) have been added to plans. Applicant has reiterated that blinds were proposed for all apartments (as indicated on plans) that have a balcony on the northern, eastern and western tower facade, with the installation concealed and integrated into the design.
- **Satisfactory** – External operable blinds/awnings provided to the upper levels.

Based on my review, the application has satisfied the energy requirements, but the daylight modelling still needs to be updated to reflect more realistic assumptions. Furthermore, the optimisation of the layout of apartments 105 and 106 should be further considered to improve internal amenity, including access to external views.

Cheers,  
Gavin

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**Attachment 6 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - ESD comments on Daylight issues**



# MeMO

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**TO:** Lara Fiscalini  
**cc:**  
**FROM:** Gavin Ashley, ESD Advisor  
**DATE:** 04.04.2022  
**SUBJECT:** 84 - 104 Johnson St

Dear Lara,

I have reviewed the information provided by David Hickey of Upco, leveraging discussions and additional modelling undertaken by Jan Talacko of Ark Resources (8<sup>th</sup> March 2022).

The information outlines a rationale for acceptance of a ceiling reflectance value of 88%, which would allow for a greater range of paints to be chosen and still maintain the daylight amenity outlined in the daylight modelling report.

We accept that in the absence of specific guidance on standard reflectance values either in the new Green Star Buildings tool or by prior communication by Council that this modification to the modelling to allow a greater range of colours that would maintain daylight amenity is appropriate in this instance.

Cheers,  
Gavin

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# Attachment 7 - PLN21/0625 - 84 - 104 Johnston Street Fitzroy - Engineering referral comments



## MEMO

**To:** Lara Fiscalini  
**From:** Mark Pisani  
**Date:** 9 November 2021  
**Subject:** Application No: PLN21/0625  
 Description: 8-Storey Mixed Use Development  
 Site Address: 84-104 Johnston Street, Fitzroy

I refer to the above Planning Application received on 11 October 2021 in relation to the proposed development at 84-104 Johnston Street, Fitzroy. Council's Engineering Referral team provides the following information:

### Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
Hayball Architects	TP01.0B1 <i>Basement 3</i>	A	25 August 2021
	TP01.0B2 <i>Basement 2</i>	A	25 August 2021
	TP01.0B3 <i>Basement 1</i>	B	28 September 2021
	TP01.0G <i>Ground</i>	B	28 September 2021
	TP01.0Ga <i>East Laneway Entry Plan Detail</i>	B	28 September 2021
	TP01.01 <i>Level 1</i>	A	25 August 2021
	TP06.01 <i>North Elevation</i>	B	28 September 2021
	TP06.02 <i>South Elevation</i>	B	28 September 2021
	TP06.03 <i>East Elevation</i>	B	28 September 2021
	TP06.04 <i>West Elevation</i>	B	28 September 2021
	TP07.01 <i>Section 1</i>	B	28 September 2021
	TP07.02 <i>Section 2</i>	B	28 September 2021
	TP07.03 <i>Section 3</i>	B	28 September 2021
	TP07.04 <i>Section 4</i>	B	28 September 2021
Stantec	Transport Impact Assessment	A-Dr	25 August 2021

## Attachment 7 - PLN21/0625 - 84 - 104 Johnston Street Fitzroy - Engineering referral comments

### CAR PARKING PROVISION

#### Proposed Development

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

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	12	1 space per dwelling	12	8
Two-bedroom dwelling	25	1 space per dwelling	25	24
Three-bedroom dwelling	28	2 spaces per dwelling	56	53
Retail (2 tenancies)	1,106 m <sup>2</sup>	3.5 spaces per 100 m <sup>2</sup> of leasable floor area	38	18
<b>Total</b>			<b>131 spaces</b>	<b>103 spaces</b>

\* 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 Dwellings</i>	To determine the car parking demand for the dwellings, Stantec has sourced average car ownership for flat type dwellings in Fitzroy from the 2016 ABS Census. The data indicates that that one-bedroom dwellings have 0.65 cars per dwelling and two-bedroom dwellings would have 0.95 cars per dwelling. For the three-bedroom dwellings, Stantec has adopted the statutory parking rate of 2 spaces per dwelling for the three-bedroom dwellings. Adopting these rates equates to a total resident parking demand of 88 spaces. According to Stantec, three of the three-bedroom dwellings would be provided with one space per dwelling, resulting in a parking rate of 1.9 spaces per three-bedroom dwelling. We are satisfied that the proposed on-site parking provision for the dwellings is appropriate.
<i>Parking Demand for the Shop Use</i>	For the shop use, Stantec has adopted a parking demand rate of 1.6 spaces per 100 square metres of floor area. This rate is the minimum parking rate identified in a study conducted by Traffix Group in 2007 for eight strip shopping centres in the City of Port Phillip. Using this rate equates to 17.7 spaces (say 18). From other studies we have reviewed of retail uses in the municipality, parking provision for shop use is typically 1 space per 100 square metres of floor area. The use of 1.6 spaces per 100 square metres for this development's retail use is considered appropriate.



## Attachment 7 - PLN21/0625 - 84 - 104 Johnston Street Fitzroy - Engineering referral comments

- *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:
  - Johnston Street buses – 90 metre walk
  - Brunswick Street trams – 60 metre walk
  - Nicholson Street trams – 280 metre walk
- *Multi-Purpose Trips within the Area.* Customers and visitors to the development might combine their visit by engaging in other activities or business whilst in the area.
- *Convenience of Pedestrian and Cyclist Access.* The site has easy pedestrian access to public transport services, shops, businesses, supermarkets, essential facilities and amenities. The site also has good connectivity to the on-road bicycle network.

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

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

- *Availability of Car Parking.* On-street parking in this part of Fitzroy is very high during business hours. The area surrounding the subject site is blanketed in time based parking restrictions, which would not be viable for residents and employees of the shop to park on-street.
- *Relevant Local Policy or Incorporated Document.* The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

### Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking for the dwellings and shop use is considered appropriate in the context of the development and the surrounding area. The provision of parking for these uses is consistent with other similar type mixed used developments that have been approved in the municipality. The occupation of the development should not adversely impact on 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 Stantec is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential (83 spaces)	0.12 trips per space in each peak hour. 1.2 trips per space per day	100	10	10
Shop (7 staff spaces 11 customer spaces)	AM peak hour – 1.0 trip per staff space PM peak hour – 1.0 trip per staff space + 2.0 trips per customer space 4.0 trips per staff space per day 20.0 trips per customer space per day	28 220	7	7 22
<b>Total</b>		<b>348 trips</b>	<b>17 trips</b>	<b>39 trips</b>

## Attachment 7 - PLN21/0625 - 84 - 104 Johnston Street Fitzroy - Engineering referral comments

Existing Traffic Generation:

Existing Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Office (83 spaces)	0.4 trips per space in each peak hour. 2 trips per space per day.	132 trips	26 trips	26 trips

The proposed development would see a decrease of 9 trips in the AM peak hour and an increase of 7 trips in the PM peak hour, when compared with the existing office on the property. The daily traffic volume generated by the new development would increase by 216 trips per day.

It is agreed that the peak hour traffic volumes generated by the development should not adversely impact the traffic operation of the surrounding road network.

### DEVELOPMENT LAYOUT DESIGN

#### Layout Design Assessment

Item	Assessment
<b>Access Arrangements</b>	
Development Entrance – Fitzroy Street	The 6.1 metre wide development entrance satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Visibility	A pedestrian sight triangle measuring 2.0 metres by 2.5 metres has been provided for the exit lane of the development entrance, which satisfies <i>Design standard 1 – Accessways</i> of Clause 52.06-9.
Headroom Clearance	A minimum headroom clearance of 2.2 metres has been provided, which satisfies AS/NZS 2890.1:2004.
Internal Ramped Accessways	Internal ramped accessways have wall-to-wall widths of 6.1 metres, which satisfy AS/NZS 2890.1:2004.
<b>Car Parking Modules</b>	
At-grade Parking Spaces	The dimensions of the parking spaces (2.6 to 2.9 metres by 4.9 metres) satisfy <i>Design standard 2: Car parking spaces</i> .
Tandem Parking Sets	Not dimensioned on the drawings. A check of the tandem parking sets using the Trapeze plan management tool indicates that the tandem parking sets have lengths of 10.3 metres, which satisfy <i>Design standard 2</i> .
Accessible Parking Space	With the exception of the lengths (4.9 metres as per <i>Design standard 2</i> ), the accessible parking space and shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009.
Aisles	The aisle widths range from 6.4 to 7.0 metres and satisfy <i>Table 2: Minimum dimensions of car parking spaces and accessways</i> of Clause 52.06-9.

## Attachment 7 - PLN21/0625 - 84 - 104 Johnston Street Fitzroy - Engineering referral comments

Item	Assessment
Column Depths and Setbacks	The column depths and setbacks have not been dimensioned on the drawings. A check of the columns using the Trapeze plan management tool indicates the columns are positioned outside the parking space clearance envelopes as required by <i>Diagram 1 Clearance to car parking spaces</i> of Clause 52.06-9.
Clearances to Walls	Clearance of no less than 300 mm have been provided to spaces adjacent to walls, which satisfy <i>Design standard 2</i> .
<b>Gradients</b>	
Ramp Grade for First 5.0 metres inside Property	From the property line, the ramp profile comprises a flat section for 1.5 metres, followed by a ramp section of 1 in 10 for a length of 5.0 metres. The ramp profile for the first 5.0 metres inside the property 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.
<b>Swept Path Assessment</b>	
Vehicle Entry and Exit Movements Via Fitzroy Street V143802-AT01-01* Issue P2	The swept path diagrams for a B85 design vehicle and an oncoming B99 design vehicle at the development entrance are considered satisfactory.
Truck Entry Movement Loading Bay off Fitzroy Street V143802-AT01-02	The swept path diagram for a medium rigid vehicle reversing into the loading bay via Fitzroy Street is considered satisfactory.
Truck Exit Movement Loading Bay off Fitzroy Street V143802-AT01-02	The swept path diagram for a medium rigid vehicle exiting out of the loading bay in a forward direction onto Fitzroy Street is considered satisfactory.
Vehicle Turnaround Movement Basement 1 V143802-AT02-01	The swept path diagrams for a B85 design vehicle undertaking a turnaround movement in Basement 1 (prior to the residential parking area) are considered satisfactory.
Waste Collection Vehicle Entry and Exit Movements V143802-AT02-02	The entry, turnaround and exit swept path diagrams for a 6.34 metre long waste collection vehicle are considered satisfactory.
<b>Other Items</b>	
Loading Arrangements	The development would be providing a dedicated on-site loading dock accessed via Fitzroy Street. The dimensions of the loading dock (5.22 metres by 11.01 metres) are adequate for accommodating an 8.8 metre long medium rigid vehicle. Visibility of the Fitzroy Street footpath to the south is obstructed the building of the adjoining property.
Vehicle Crossing Ground Clearance	The existing vehicle crossing on the east side of Fitzroy Street is to be demolished and reconstructed as two vehicle crossings, as shown on the Ground Floor Plan. A vehicle crossing ground clearance check is to be undertaken for each new vehicle crossing by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out (Please see under ' <i>Engineering Advice for Design Items to be Addressed by the Applicant</i> ' section).

\* Stantec swept path diagram drawing number.

## Attachment 7 - PLN21/0625 - 84 - 104 Johnston Street Fitzroy - Engineering referral comments

### Engineering Advice for Design Items to be Addressed by the Applicant

Item	Details
Tandem Parking Sets	The lengths of the tandem parking sets are to be dimensioned on the drawings.
Column Depths and Setbacks	To be dimensioned 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, Fitzroy 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>
Loading Arrangements - Visibility	It is suggested that a convex mirror be installed at the loading dock entrance to assist a driver viewing pedestrians on the footpath south of the site.

## Attachment 7 - PLN21/0625 - 84 - 104 Johnston Street Fitzroy - Engineering 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 and Kerb and Channel along Johnston Street and Fitzroy Street Frontages	
Footpath Reconstruction Kerb and Channel 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 footpaths and deteriorate their condition.</p> <p>The footpaths along the property's Johnston Street and Fitzroy Street frontages are to be reconstructed. 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. The kerb and channel along the Johnston Street and Fitzroy Street frontages are to also be reconstructed.</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 Fitzroy 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;
  - Internal finished floor levels (FFL) must be aligned to the proposed DDA compliant footpath levels at the interface with the property boundary;
  - 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.
- The kerb and channel along the property's Johnston Street and Fitzroy Street frontages must be reconstructed to Council's satisfaction and 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.

## **Attachment 7 - PLN21/0625 - 84 - 104 Johnston Street Fitzroy - Engineering referral comments**

- 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.

### **Vehicle Crossing**

- Before the development commences, or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design for each new crossing must be submitted to Council's Engineering department for approval, and:
  - Demonstrate satisfactory access into and out of the site with a vehicle ground clearance check using the B85 design vehicle or B99 design vehicle (where applicable),
  - Be fully dimensioned with actual reduced levels (to three decimal places) and comply with design requirements set out in Yarra City Council's Vehicle Crossing Information Sheet;
- Prior to the occupation of the development, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) must be constructed:
  - In accordance with any requirements or conditions imposed by Council;
  - At the permit holder's cost; and
  - To the satisfaction of the Responsible Authority.

### **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.



## Attachment 7 - PLN21/0625 - 84 - 104 Johnston Street Fitzroy - Engineering referral comments

- Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
- The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

### 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.
Clearance to Electrical Assets	Overhead power lines run along the south side of Johnston Street, close to the property boundary.  The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published guidelines for working around electrical assets and can be found at the following link:  <a href="https://esv.vic.gov.au/technical-information/electrical-installations-and-infrastructure/no-go-zones/">https://esv.vic.gov.au/technical-information/electrical-installations-and-infrastructure/no-go-zones/</a>
Removal of Drainage Easement	The advice provided by Council's Civil Engineering unit on 26 June 2020 with respect to the removal of the east-west aligned drainage easement that runs along the southern side of the property is still pertinent and relevant for this development:  <i>Council can confirm that there are no drainage assets within the easement. However, the developer is advised to ensure there are no other Service Authority assets within the easement and receive consent from the relevant authorities..</i>  <i>Upon further discussions, Engineering Services can allow for the development to build over the easement subject to seeking consent from all service authorities that may have easement rights, and seek approval from the abutting property owner of 95 Victoria Street to provide suitable drainage outlets to Council's legal point of discharge. The drainage system of 95 Victoria Street must be completely independent from the developments (84 Johnston St) drainage system.</i>  <i>All lots are to have their own separate drainage systems and be discharged to the LPD with new easements created on all relevant titles.</i>  <i>Please note the original refusal to build over was based on possible overland flow considerations. We are now satisfied that the lane</i>

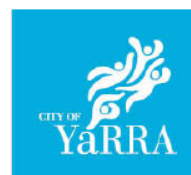
**Attachment 7 - PLN21/0625 - 84 - 104 Johnston Street Fitzroy - Engineering referral comments**

	<i>abutting the eastern property boundary is free draining does not rely on overland flow onto the said easement.</i>
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# Attachment 8 - PLN21/0625 -84-104 Johnston Street, Fitzroy - Internal urban design and open space comments

## MEMO




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**To:** Lara Fiscalini (Statutory Planning)  
**From:** Christian Lundh (Urban Design)  
**Date:** 4 November 2021  
**Site Address:** 84-104 Johnston Street, Fitzroy  
**Application No:** PLN21/0625  
**Description:** Demolition to allow for the development of an eight (8) storey mixed use development comprising lower ground retail, business and residential apartments over four (3) basement levels of car parking.

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### COMMENTS SOUGHT

Urban Design comments have been sought on following matters:

- Public realm interface to Johnston Street, Fitzroy Street and adjacent Council laneway.
- Whether there are any capital works approved or proposed within the area of the subject site.

*These comments are provided on Architectural Town Planning RFI Plans prepared by Hayball dated 28 September 2021 and Landscape Schematic Design Plans prepared by Tract dated 27 September 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.*

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### COMMENTS SUMMARY

This proposal is supported in principle, subject to the improvements outlined below, including the following:

- Reduction or removal of the proposed awning to accommodate street trees.
- Additional information shown on the drawings such as existing on street parking bays.
- Additional information regarding safety aspects associated with the east laneway entry and rear egress pathway.
- Review of street furniture locations.
- Additional levels and grading information.
- Street tree developer contribution.

Street tree planting is planned for autumn 2022 of the Fitzroy section of Johnston Street lead by the Urban Design team.

## Attachment 8 - PLN21/0625 -84-104 Johnston Street, Fitzroy - Internal urban design and open space comments

### Additional Information Required

The following details are required on the drawings:

- On-street parking bays.
- All streetscape fixtures and signage.
- Additional levels and grading information.

Additional details required on the drawings are set out in the relevant sections below.

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### URBAN DESIGN COMMENTS

#### Ground Floor Interface

##### Review of proposed awnings

- Requested that the proposed 1600mm awning especially along Johnston Street is either removed or reduced in width with to better accommodate the proposed street trees.

##### East laneway entry

The proposed layout of the east entry is supported, with the following recommendations for consideration;

- Remove any integrated seating that may encourage loitering.
- Plant species to be low growing with potential climbing plants to provide height, this to ensure that the sightlines provided into the entry space are not obstructed.

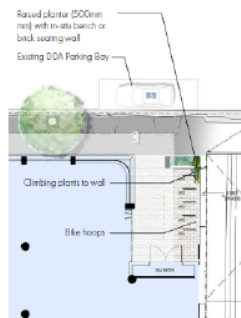


Figure 01: East laneway entry

##### Rear egress pathway

Safety concerns associated with the egress path for neighbouring property, additional details and clarifications are requested including but not limited to the following items;

- Will there be additional security lighting along the pathway providing after-hours lighting? Noting that light spill through the proposed frosted glass brick (GB01) wall could be assumed to be very minimal from the retail space during after-hours?
- Confirmation that maintenance and upkeep of the pathway will be undertaken by the site body corporate at all times to ensure that the perceived safety in the laneway is not compromised by for example litter and graffiti along the walkway.

## Attachment 8 - PLN21/0625 -84-104 Johnston Street, Fitzroy - Internal urban design and open space comments

### Street Furniture & Fixtures

#### Seats

- It is recommended that one of the proposed seats are re-positioned closer to the DDA parking bay as indicated below, new location to be considered to ensure seat does not obstruct access to the DDA bay.
  - Tree locations may have to be shifted slightly east to accommodate the seat by the DDA bay.
  - Refer typical detail for seat at the end of this Memo.

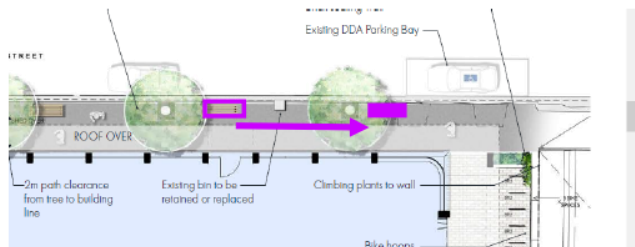


Figure 2: Seat location

#### Visitor bike hoops

- The proposed 5 no. bike hoops located by the corner of Johnston Street and Fitzroy Street are supported, noting that bike hoops locations may require re-positioning pending existing carparking bays, to ensure that opening of vehicle doors is not obstructed.
- The proposed 5 no. visitor bike hoops located in the east laneway entry area within the subject site boundary are supported.
- Refer typical detail for bike hoop at the end of this Memo.

#### Pavements, levels and grading

- Further details required of the proposed treatment to delineate public and private realm surfaces.
- All kerb, channel and pram ramps affected by the construction works must be re-instated to match exiting and be to Council standard details.
- Levels and grading
  - Drainage and surface interface detail to laneway required.
  - Additional levels and grading information around the subject site is required to ensure seamless and compliant levels transitions are achieved by all entrance thresholds.

#### Street Trees

##### Tree planting general requirements

- All footpath trees are required to be positioned with consideration to the Johnston Street parking layout so that opening of vehicle doors is not obstructed. Please include the parking layout on the drawings on the Ground Floor and Public Realm landscape plan.
- A minimum 1.8m clearance is required from the Johnston Street property boundary to enable access for the footpath cleaning vehicle.
- Council's street tree Contractor will source, plant and maintain the street trees.
  - Planting will occur as soon as possible after building works are completed.
  - Please keep Council updated on the progress of the project.

## Attachment 8 - PLN21/0625 -84-104 Johnston Street, Fitzroy - Internal urban design and open space comments

### Johnston Street frontage

- 4 x native trees are proposed, which is supported.
- The proposed WSUD pits are not supported. Remove reference to WSUD pits from all relevant plans.
  - It is Council's preference that the proposed footpath trees are planted as standard 1m x 1m tree cut outs.
- Council's tree species preference is for planting of *Nyssa sylvatica* 'Forum'. This species will be planted along the Fitzroy section of Johnston Street in autumn 2022. Remove all reference for *Tristanopsis* 'Luscious' from all relevant plans.

### Fitzroy Street frontage

- 1 x existing roadside tree is to be protected (*Hymenosporum flavum*) in accordance with AS1970-2009 Protection of Trees on Development sites.
- 1 x existing roadside tree proposed to be 'relocated'. It is not possible to transplant this tree therefore the applicant will be required to reimburse Council for the cost of removal and the planting of a replacement tree of equivalent size in the proposed location in Fitzroy Street as shown on plans.

### Developer contributions to cover street tree removal and planting

- The applicant is requested to contribute to tree removal and planting costs as follows:
  - Tree removal: \$713.00 includes, removal, hoop removal, asphalt re-instatement
  - Tree planting and maintenance 1 x 100L size *Hymenosporum flavum* in Fitzroy Street: \$560.00, includes 2 years maintenance, cut-out, hoop re-instatement
  - Tree planting and maintenance 4 x 45L size *Nyssa sylvatica* 'Forum' in Johnston Street: \$2,660 includes 2 years maintenance, cut-outs and hoops.
- Total developer contribution cost of **\$4,326.00 including GST** (\$3,933.00 + GST \$393.00) is provided to Council.

### Capital Works

Street tree planting is planned for autumn 2022 of the Fitzroy section of Johnston St.



**Attachment 9 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Additional Open Space comments**



**Date:** 14 February 2022

**Property Address:** 84-104 Johnston Street, Fitzroy

**Application No:** PLN21/0625

**COMMENTS:**

**Comments on updated Landscape Plan/Landscape Maintenance Plan**

We would still require planting plans showing the exact locations of plants and plant numbers, and for plant numbers to be shown in the plant schedule also.

The rest of the information is adequate, and the maintenance plan contains all the information that would be required.

Kevin Ayrey

**Landscape Architect**  
**Open Space Planning and Design**

**Attachment 10 - PLN21/0625 -84-104 Johnston Street, Fitzroy - Arborist comments**



**Date:** 21 April 2022

**Property Address:** 84-104 Johnston Street, Fitzroy

**Application No:** PLN21/0625

Advice from Justin Bates – Council Arborist – regarding the width of the proposed awning on Johnston Street and provision of street trees

**COMMENTS:**

- *The applicant proposes to plant four native trees 'Nyssa sylvatica 'Forum' along the frontage of Johnston Street. Council will be planting the trees on behalf of the applicant as part of a wide scale tree planting programme in mid-2022. The species and location of the trees has been determined by Council.*
- *Whilst the 1.6m wide awning may be acceptable along this frontage, reducing the width slightly to 1.5m will allow greater flexibility with regards to the location of these trees and will limit the extent of pruning required to maintain the trees.*

# Attachment 11 - PLN21/0625 - 84-104 Johnston Street Fitzroy - Strategic Transport comments



## Planning Referral

**To:** Lara Fiscalini  
**From:** Chloe Wright  
**Date:** 05/11/2021  
**Subject:** Strategic Transport Comments  
**Application No:** PLN21/0206  
**Description:** Mixed use development  
**Site Address:** 84-104 Johnston Street, Fitzroy

I refer to the above application and the accompanying Traffic report prepared by GTA Consultants in relation to the proposed development at 84-104 Johnston Street, Fitzroy. 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
Dwellings	65 dwellings	1 resident space per 5 dwellings	13 resident spaces	
		1 visitor space per 10 dwellings	7 visitor spaces	
Retail premises	1,106 sqm	1 employee space to each 300 sqm of leasable floor area	4 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area	2 visitor spaces	
Bicycle Parking Spaces Total			17 resident spaces	81 resident / employee spaces
			9 visitor spaces	20 visitor spaces
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	0 showers / change rooms	1 showers / change rooms

## Attachment 11 - PLN21/0625 - 84-104 Johnston Street Fitzroy - Strategic Transport comments

### Adequacy of visitor spaces

The following comments are provided in relation to the provision of visitor bicycle spaces:

- 20 visitor spaces are proposed, which exceeds Councils best practice rate<sup>1</sup> recommendation of 18 visitor bicycle spaces.
- 4 visitor spaces are located at the Fitzroy Street footpath, 6 spaces at the Johnston Street footpath and 10 spaces within a courtyard off Johnston Street. All visitor spaces are visible and easily accessible to visitors of the site.
- Dimensions of visitor spaces are not shown on the plans; however, the layout of visitor spaces appear to be in accordance with access and clearance requirements of AS2890.3.
- Bicycle spaces at Fitzroy Street and Johnston Street must be installed in accordance with dimensions shown on Council's Urban Design bicycle hoop standard detail (attached).

### Adequacy of residential / employee spaces

#### Number of spaces

81 resident / employee bicycle spaces are proposed, which exceeds Council's best practice<sup>2</sup> recommendation of 69 resident / employee spaces.

#### Design and location of resident spaces and facilities

The following comments are provided in relation to provision of resident bicycle parking:

- 65 resident bicycle spaces are provided within a secure facility at Basement level 1, with access via the lift and entrance at Fitzroy Street.
- 16 employee bicycle spaces are located across basement levels 1, 2 and 3, including 4 employee spaces within a secure facility at basement level 1, 6 spaces within the car park area at basement level 2 and 6 spaces within the car park area at basement level 3. Bicycle spaces at basement levels 2 and 3 are not provided within a secure facility. Pursuant to Clause 52.34-3 & Australian Standard AS2890.3 bicycle spaces must be provided in a bicycle locker or in a lockable compound (i.e. access is with a swipe card or key). All employee bicycle spaces should be consolidated into 1 secure facility.
- 20 bicycle spaces are provided as bicycle hoops, which satisfies the requirement for at least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces.
- Dimensions of bicycle spaces are not noted on the plans; however the layout appears to be in accordance with access and clearance requirements of AS2890.3.
- An end of trip facilities area is located at basement level 1 and includes 28 lockers and 1 shower / change room, which is supported.

### Electric Vehicles

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). The provision of 4 EV charging bays is supported. To allow for easy future provision for EV charging, it is recommended that all resident 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 resident 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

<sup>1</sup> Category 6 of the Built Environment Sustainability Scorecard (BESS) recommends 1 visitor space to each 500sqm of office floor space and a rate of 0.25 visitor spaces to each dwelling.

<sup>2</sup> 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".

## Attachment 11 - PLN21/0625 - 84-104 Johnston Street Fitzroy - Strategic Transport comments

methodology (AS/NZS3000:2018, clause 2.2.2.b.i), thus not increasing building electrical peak demand requirements beyond business as usual.

### **Green Travel Plan**

Given the development has a total non-residential floor area of more than 1,000sqm, pursuant to Clause 22.17-4 a Green Travel Plan (GTP) must be provided. The following information should be included:

- a) Description of the location in the context of alternative modes of transport;
- b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
- c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
- e) Details of bicycle parking and bicycle routes;
- f) Details of Green Travel funding and management responsibilities;
- g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- h) Security arrangements to access the employee bicycle storage spaces;
- i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- j) Provisions for the GTP to be updated not less than every five years.

### **Recommendations**

The following should be shown on the plans before endorsement:

1. Visitor bicycle spaces at the Fitzroy Street and Johnston Street footpath positioned in accordance with Council's Standard Detail for Bicycle Hoops or otherwise to the satisfaction of the responsible authority.
2. All employee bicycle spaces provided within a maximum of two secure facilities.
3. 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 resident 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.

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

Regards

**Chloe Wright**

Sustainable Transport Officer

**Attachment 12 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Waste comments**



**Date:** 28 October 2021

**Property Address:** 84 -104 Johnston Street, Fitzroy

**Application No:** PLN21/0625

**COMMENTS:**

The waste management plan for 84-104 Johnston Street, Fitzroy authored by Leigh Design and dated 23/8/21 is satisfactory from a City Works Branch's perspective.

Regards,

Atha Athanasi  
Contract Management Officer

Service Contracts and Waste Services - City Works Branch  
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T (03) 9205 5547 F (03) 8417 6666  
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**Attachment 13 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Acoustic review**



9 December 2021

640.10090.06220-L01-v0.1-20211209.docx

City of Yarra  
PO Box 168  
RICHMOND VIC 3121

**Attention: Lara Fiscalini**

Dear Lara

**84-104 Johnston Street Fitzroy  
Development Application Acoustic Review  
PLN21/0625**

SLR Consulting Australia Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report prepared to support the application for the mixed used development at 84-104 Johnston Street Fitzroy.

Details of the report are as follows.

- Title: 84-104 Johnston Street, Fitzroy, Acoustic Report
- Date: 25 August 2021
- Reference: MC494-01F02 Acoustic Report (r4)
- Prepared for: SMA Projects
- Prepared by: Renzo Tonin & Associates ('RTA')

A number of previous reports have been submitted (and reviewed by SLR) for this site, and the development was also refused by Council / VCAT.

The report has been updated to reflect the current architectural drawings (August 2021 issue) and VCAT / Council coordinated permit conditions that were developed during the VCAT hearing.

The report further notes that it is effectively the same as the Expert Witness Statement issued by RTA as part of the VCAT hearing, with some modifications.

**Permit Conditions**

The report refers to the Council developed and coordinated permit conditions arising from the VCAT hearing, and these are reproduced below for reference.

**Attachment 13 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Acoustic review**

City of Yarra  
84-104 Johnston Street Fitzroy  
Development Application Acoustic Review  
PLN21/0625

SLR Ref: 640.10090.06220-L01-v0.1-20211209.docx  
Date: 9 December 2021

- #. *The provisions, recommendations and requirements of the endorsed Acoustic Report (generally in accordance with the Town Planning – Acoustic Report of Renzo Tonin & Associates and dated 28 August 2020) must be implemented and complied with to the satisfaction of the Responsible Authority.*
- #. *Prior to occupation of the development, an additional 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 also be endorsed and will form part of this permit. The Acoustic Report must assess the following:*
- a. *The noise levels associated with commercial mechanical services at No. 95-105 Victoria Street within all balconies;*
  - b. *Where mechanical noise levels within balconies exceed Leq,day 65 and Leq,eve/night 55 dB(A), co-ordinating measures (i.e. screening or relocation of services) with the permit holder of No. 95-105 Victoria Street are required to ensure these noise levels are met;*
  - c. *If coordination of measures are not agreed, appropriate attenuation measures at balcony thresholds of affected apartments must be provided to achieve these noise levels. If these attenuation measures result in changes to the built form, the endorsed plans must be formally amended to reflect these changes.*
- #. *The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.*

We note that the above permit conditions have not been adopted and the VCAT application was unsuccessful by the applicant.

In addition, while the above was a developed condition during the VCAT hearing, our advice has always been that the above process should occur earlier in the development (ie preferably during planning) and that the investigations / co-ordinated measures (ie item ‘# b’) should be undertaken where noise levels exceed the Noise Protocol (previously SEPP N-1) noise limits rather than the upper thresholds.

## 1 Introduction, Site and Development Overview

*(Sections 1 & 2 of the acoustic report)*

The report advises the acoustic considerations and general overview of the development application.

The proposed development includes the following general aspects:

- 4 levels of basement parking
- 2 x retail tenancies on ground level (previous business centre deleted) as well as loading bay
- Basement carpark access from Fitzroy Street
- Apartments from Level 1 to 9 (previously to L10)
- Roof level plant area as well as communal terrace (new)

The general surrounding uses are also described as well as the relevant zoning. Identified acoustically significant aspects include:

- Provincial Hotel at 105-107 John St / 299 Brunswick St, which includes nightclub and rooftop bar operations (up to 3 am operations Thursday to Sunday)
- Various surrounding commercial building and venues / bars (Old Bar, Naked for Satan at 277-285 Brunswick Street), including live music venue uses.

**Attachment 13 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Acoustic review**

City of Yarra  
84-104 Johnston Street Fitzroy  
Development Application Acoustic Review  
PLN21/0625

SLR Ref: 640.10090.06220-L01-v0.1-20211209.docx  
Date: 9 December 2021

- Residential / mixed use buildings at 89-93 Johnston St / 344 Fitzroy Street, 289-291 Brunswick Street, 67-69 Victoria Street.

**SLR Comments:**

*The overall building use concept is in essence very similar to the previous scheme, with the ground level loading bay and entry ramps in the same locations. Level 1 of the development now excludes the business centre and external communal area and is entirely comprised of apartments. Levels 1 to 9 also have different apartment layouts and setbacks in some area, and the roof now includes a communal outdoor terrace.*

*It would appear that the RTA report Section 3.1 is still referencing the previous general layout with reference to a business centre and communal terrace on level 1 (which are no longer applicable). RTA will need to ensure they have reviewed the current drawings and considered the new roof level communal terrace which would provide impact to apartments below the subject development.*

*Surrounding uses and sensitive receivers are appropriately identified and documented and are the same as previously issued reports.*

**2 Noise Measurements**

*(Section 4 of the report)*

The report presents the measurement results, methodology, as well as locations and times of measurements and also provides an assessment based on the proposal for 95-105 Victoria Street and 277-285 Brunswick Street (i.e. to the direct south of the subject development, part of the Naked for Satan venue)

This is all identical to previous issued reports by RTA and there is no additional site survey data collected since the original works in 2017.

It is noted that SLR previously queried if updated measurements could be undertaken once the Naked for Satan expansion was operational, but this was not possible (stated to be due to COVID restriction in Section 4.5.2 of the current report). At the moment, there are minimal restrictions on venues in Victoria, so some of these past issues are no longer relevant.

City of Yarra have advised that the Naked for Satan expansion has not yet been completed and is not operational. Given this, there is no formal way to obtain a more accurate representation of this operation so the allowances and measures adopted in the report are considered reasonable. However, we do see this as a high risk issue given the proximity of outdoor patron areas to the proposed development.

**3 Noise Policies / Noise Criteria**

*(Section 5 of the report)*

EPA noise policies as well as other developed noise criteria for various sources are presented in this section. The report includes all relevant updates to the new EPA Act and associated legislation (the new Regulations and Noise Protocol) and also notes the main technical changes (being time interval definitions for both entertainment noise and commercial noise, and the '20 dB' internal assessment adjustment).

## Attachment 13 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Acoustic review

City of Yarra  
84-104 Johnston Street Fitzroy  
Development Application Acoustic Review  
PLN21/0625

SLR Ref: 640.10090.06220-L01-v0.1-20211209.docx  
Date: 9 December 2021

The report also includes reference to previous SLR recommendations for commercial noise (Section 5.2.1.4), for masking noise to address music (Section 5.2.3.6), and internal patron noise level targets (5.2.5.1).

**SLR Comments:** *Generally appropriate, all relevant policies and provisions are considered as well as previous guidance and recommendations from Council / SLR. Music noise masking is also addressed as per previous guidance.*

### 4 Noise Impact Assessment and Recommendations

*(Section 6 of the report)*

Our review of the 25 August 2020 RTA report covered many issues in this section and RTA have responded to most if not all aspects.

Figure 2 of the report provides an updated response that accounts for the relevant SLR/Council design targets, and also provides predicted / measured noise levels from the many and varied surrounding noise sources. This and the discussion/commentary in Sections 6.2.2 to 6.2.5 generally address past queries.

We have the following comments in relation to the assessment and recommendations:

- 6.2.1.2 refers to an updated survey to be undertaken during the construction phase to determine if noise levels on balconies of the development will be above 65 dBA during the day, 55 dBA during the evening / night (and to engage in consultation with the business generating the noise to determine appropriate noise control). This is generally similar with the revised permit condition developed during the VCAT hearing (refer to introduction of this review letter).

**SLR COMMENT:** *We are concerned with two aspects; the actual trigger levels for when the discussions are undertaken with the adjacent businesses, and potentially with the proposed timing. Our original advice on this was for the consultation to occur with adjacent businesses when noise levels were determined to be above SEPP N-1 noise limits, not when they exceed the 55 dBA and 65 dBA targets (they are the absolute upper levels for mechanical plant noise above which we could not accept residential development exposure). The data collected to date clearly indicates noise levels from adjacent mechanical plant will range from 60-64 dBA, and this represents a significant risk of noise impacts if they occur during evening or night in particular. Our original advice indicated that it may be acceptable to consider the 65/55 dBA targets in some instances once all other options have been exhausted. Those targets were not intended to be the default trigger thresholds for investigation.*

### 5 Summary

SLR has undertaken a review of the acoustic report prepared to address the proposed development at 84-104 Johnston Street Fitzroy.

The development is similar to the previous design but with some layout changes.

The site is impacted by numerous sources, and at particularly excessive levels in relation to music and mechanical plant and equipment. As such there are significant interface challenges for this development.

RTA have generally addressed the impacts in line with previous advice and Council / SLR approaches, and this has addressed music noise, traffic noise, mechanical noise and patron noise sources in the area.

We provide the following general items that need some further consideration:

## Attachment 13 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Acoustic review

City of Yarra  
84-104 Johnston Street Fitzroy  
Development Application Acoustic Review  
PLN21/0625

SLR Ref: 640.10090.06220-L01-v0.1-20211209.docx  
Date: 9 December 2021

1. It is recommended that consultation with adjacent commercial uses be undertaken as soon as practically possible (prior to construction), and for all areas where there is a potential Noise Protocol noise limit breach, not where there is a 65 dBA day, 55 dBA evening/night breach. After consultation, if an amenable outcome cannot be achieved with consultation, then these targets could be reverted to as absolute maximum external levels to achieve.
2. The report still has some discussion within it that appears to relate to the previous design. The report should be updated to reflect the changes and also provide some comment in relation to control / management of the roof level communal area.

Regards,



Jim Antonopoulos  
Principal – Acoustics

Reviewed / checked by: DW

# Attachment 14 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Wind Review



**Vipac Engineers and Scientists Ltd**  
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City of Yarra

8 November 2021

Ref: 30N-21-0549-GCO-24616-0

Enter Client Address Here

Dear Lara Fiscalini,

## 84-104 Johnston Street, Fitzroy - Peer Review

This peer review of MEL Consultants "Environmental Wind Speed Measurements on a Wind Tunnel Model of the 84-104 Johnston Street Development, Fitzroy" (Report 138-20-WT-ENV-02), dated October 2021, is based on Vipac's experience as a wind engineering consultancy. No wind tunnels have been undertaken to support this review.

Vipac has reviewed the wind tunnel test report and the drawings provided (see attachments). Our comments are as follows:

- i. The wind tunnel test was set up with a minimum 400m radius proximity model at a 1:400 scale model, and the terrain Category 3 was used for the approach wind flows toward the structure. Vipac has no issue with this and finds it sufficient.
- ii. The hotwire anemometry was used to measure the local wind speeds at 48 locations (24 locations on ground level, 24 selected terraces on upper levels). Vipac has no issues with the measurement technique and spread of the test locations.
- iii. The test found that the proposed configuration fulfilled the recommended wind comfort criterion for walking or better at all ground test locations. Wind conditions outside of retail and residential entrances satisfy the standing criterion. Vipac has no issues with this, however, we note the following:
  - a. There is a graphical error in Figure 6a; Location 14 should be blue in colour. Similarly, Figures 6b: Location 14, 16 should be blue in colour.
- iv. The wind comfort criteria have been satisfied at all terrace locations on levels 1 to 4 for the proposed configuration. Vipac has no issues with this.
- v. The proposed configuration also satisfies the walking criterion on the terrace areas on levels 5 and 7. Vipac has no issues with this.
- vi. The data showed that the wind comfort criteria on level 8 are satisfied at all selected locations, except location P14 which failed the walking and safety criteria. The proposed control method (adding a 1.2 m planter screen) would improve the wind conditions to satisfy the standing and safety criteria at this location. Additional measurement has also been done on the north side of the planter screen and the results show the siting criterion is satisfied there. Vipac has no issues with this.
- vii. The proposed configuration on the rooftop terrace (roof) can satisfy both standing and sitting criteria. The recommendation for wind amelioration for location 21 is satisfying the sitting criterion. Vipac has no issue with this.
- viii. The report reviewed the updated design and stated that the updated design included all the recommended wind control measures. Vipac have reviewed the drawings provided on Oct 2021 and find that the above statement is correct.

In conclusion, the MEL consultants "Environmental Wind Speed Measurements on a Wind Tunnel Model of the 84-104 Johnston Street Development, Fitzroy" used the proper analysis and methodology to analyse the wind effects on the pedestrian level surrounding the proposed development and on some selected terraces in details. The report found that the proposed design would have an acceptable wind environment within the recommended



**Attachment 14 - PLN21/0625 - 84-104 Johnston Street, Fitzroy - Wind Review**



City of Yarra  
84-104 Johnston Street, Fitzroy - Peer Review  
Peer-Review

wind comfort criteria; and where the criteria were exceeded appropriate recommendations were proposed. The updated design included the recommended wind mitigation strategies and would be expected to have an acceptable wind environment.

Yours sincerely,

**Vipac Engineers & Scientists Ltd**

A handwritten signature in black ink, appearing to read "Farzin Ghanadi".

Farzin Ghanadi

**Consulting Engineer, Wind**

A handwritten signature in black ink, appearing to read "Eric Yuen".

Eric Yuen

**Wind Team Leader**

**ATTACHMENTS**

*Hayball. (21 October 2021). 84-104 Johnston St, Fitzroy (Architecture Drawing)*

*M. Hapsari, J. Tan. (October 2021). Environmental Wind Speed Measurements on a Wind Tunnel Model of the 84-104 Johnston Street Developemnt, Fitzroy. MEL Consultants.*

8/11/2021

30N-21-0549-GCO-24616-0

*Commercial-In-Confidence*

Page 2 of 2