

Agenda

Planning Decisions Committee

6.30pm, Tuesday 14 June 2022

Richmond Town Hall

www.yarracity.vic.gov.au

The Planning Decisions Committee

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

Participating in the Meeting

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

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

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

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

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

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

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

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

Arrangements to ensure our meetings are accessible to the public

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

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

1. Appointment of Chair

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

2. Statement of recognition of Wurundjeri Woi-wurrung Land

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

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

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

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

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

3. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

Cr Claudia Nguyen
Cr Gabrielle de Vietri
Cr Sophie Wade

Council officers

Sarah Griffiths (Senior Co-ordinator Continuous Improvement - Statutory Planning)
Nish Goonetilleke (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 3 May 2022 be confirmed.

6. Committee business reports

Item		Page	Rec. Page
6.1	PLN21/0670 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - Full demolition of Nos. 223 – 229 Johnston Street, partial demolition of No.369 Gore Street and the construction of multi-storey building, plus basement levels and roof terrace, use of the land for dwellings (apartments) and ground level Restricted Retail premises and Food and Drink premises (no permit required uses), a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2.	5	90
6.2	PLN21/0325 - 2 - 8 Brighton Street, 1 - 3 Wiltshire Street & 5 Little Lesney Street, Richmond - Construction of a multi-storey, mixed use building, use of the land for office and food and drink premises (permit required) and dwellings (no permit required) and a reduction of the car parking requirements	268	343

6.1 PLN21/0670 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - Full demolition of Nos. 223 – 229 Johnston Street, partial demolition of No.369 Gore Street and the construction of multi-storey building, plus basement levels and roof terrace, use of the land for dwellings (apartments) and ground level Restricted Retail premises and Food and Drink premises (no permit required uses), a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2.

Executive Summary

Purpose

1. This report provides Council with an assessment of the planning permit application PLN21/0670 submitted for Nos. 223 – 229 Johnston Street & 369 Gore Street, Fitzroy. The application seeks the full demolition of Nos. 223 – 229 Johnston Street, partial demolition of No.369 Gore Street and the construction of a multi-storey building, plus basement levels and roof terrace, use of the land for dwellings (apartments), Restricted Retail premises and Food and Drink premises (no permit required uses), a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2.

2. The application will be assessed against the relevel planning provisions of the Yarra Planning Scheme and relevantly against the VCAT decision of March 2021 that assessed an earlier application for the subject site.

Key Planning Considerations

3. 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 22.05 – Interface uses policy;
   (f) Clause 34.01 – Commercial 1 zone;
   (g) Clause 43.01 – Heritage overlay;
   (h) Clause 52.06 – Car parking;
   (i) Clause 52.29 – Land adjacent to the principal road network;
   (j) Clause 52.34 – Bicycle parking; and
   (k) Clause 58 – Apartment developments.

Key Issues

4. The key issues for Council in considering the proposal relate to:

   (a) Policy and strategic support;
   (b) Built form, urban design and heritage;
   (c) On-site amenity impacts, including Clause 58;
   (d) Off-site amenity impacts;
   (e) Car parking, traffic and alteration of access;
   (f) Bicycle facilities and strategic transport;
   (g) Environmental Audit Overlay; and
   (h) Objector concerns.

Submissions Received

5. 25 objections were received to the application, these can be summarised as:

   (a) Built form and design (overdevelopment, height, scale, bulk, character);
   (b) Heritage impacts;
   (c) Amenity (off-site, on-site, visual bulk, overlooking, loss of light);
   (d) Traffic and car parking;
   (e) Loss of views;
   (f) Reduction in rental / property prices;
   (g) Noise; and
   (h) Construction impacts.

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

Conclusion

7. 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) Ground level windows and activation introduced to west facing wall to the laneway;
   (b) Refine the positioning / layout of the co-working space as not to inhibit the views or functionality of the terrace of Apartment 1.12;
   (c) A second door added to the ground level western return wall of the inset fronting Johnston Street, and any associated changes to the bicycle spaces; and
   (d) Provision of additional vertical greening and climbing vegetation.

CONTACT OFFICER: **Nish Goonetilleke**
TITLE: **Senior Statutory Planner**
TEL: **9205 5005**

6.1 PLN21/0670 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - Full demolition of Nos. 223 – 229 Johnston Street, partial demolition of No.369 Gore Street and the construction of multi-storey building, plus basement levels and roof terrace, use of the land for dwellings (apartments) and ground level Restricted Retail premises and Food and Drink premises (no permit required uses), a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2.

Reference	D22/93428
Author	Nish Goonetilleke - Senior Statutory Planner
Authoriser	Coordinator Statutory Planning

Ward:	Nicholls Ward
Proposal:	Full demolition of Nos. 223 – 229 Johnston Street, partial demolition of No.369 Gore Street and the construction of multi-storey building, plus basement levels and roof terrace, use of the land for dwellings (apartments) and ground level Restricted Retail premises and Food and Drink premises, a reduction in the car parking requirements and alteration of access to a Transport Zone (Category 2).
Existing use:	Vacant commercial building
Applicant:	Pace Development Group P/L
Zoning / Overlays:	Commercial 1 Zone (C1Z) Abutting Transport Zone (Category 2) Design and Development Overlay (Schedules 10 and 36) Development Contribution Plan Overlay (Schedule 1) Environmental Audit Overlay Heritage Overlay – Schedule 334
Date of Application:	10 September 2021
Application Number:	PLN21/0670

Planning History/Background

1. The subject site has relevant planning history applicable to the consideration of this application.

2. Planning Application PLN19/0928 was received on 23 December 2019 for the *full demolition of Nos. 223 – 229 Johnston Street, partial demolition of No. 369 Gore Street and reg construction of a twelve-storey building with roof terrace (plus three basement levels) for use as dwellings with a ground floor restricted retail premises and food and drinks premises (no permit required for all uses), a reduction in the car parking requirements associated with the restricted retail premises and food and drinks premises and alteration of access to a road zone, category 1*. Images of the previous design are provided at Figures 1 and 2 below:



Figure 1: Original Johnston Street Façade (SJB Architects March 2020)



Figure 2: Original Gore Street Façade (SJB Architects March 2020)

3. On 3 August 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). On 22 October 2022 Council informed all parties, including the Victorian Civil and Administrative Tribunal (VCAT) that had it been in a position to make a decision, it would have issued a Notice of Refusal to planning application PLN19/0928 based on the following grounds:

   (a) The proposed height, setbacks, massing and design of the building will dominate the surrounding streetscapes and will not positively respond to the surrounding context.

   (b) The proposed height, setbacks, massing and design of the building would unreasonably impact the heritage character of the area and the heritage significance of the South Fitzroy heritage precinct.

   (c) The proposal fails to respond to the off-site amenity of the surrounding properties and public realm, resulting in unreasonable visual bulk, noise, overlooking and overshadowing impacts.

   (d) The proposal would result in an unacceptable internal amenity outcome, contrary to clause 15.01-2 (Urban design principles), clause 21.05-2 (Urban design), and clause 58 (Apartment Developments) of the Yarra Planning Scheme.

(e) *The proposal has not adequately dealt with wind matters with regard to on-site and off-site amenity.*

4. On 16 December 2020, prior to the hearing (which was undertaken over 5 days from 12 February 2021), the applicant substituted amended plans showing the construction of an eleven-storey, mixed-use building including the full demolition of No. 223 – 229 Johnston Street and partial demolition of No. 369 Gore Street. The proposal continued to include use of dwellings at ground floor as well as a food and drink premises and a restricted retail premises. A reduction in car parking requirements and alteration and access to a road zone category 1 was also sought. An image of the design is provided at Figure 3.



Figure 3: Revised Johnston Street Façade (SJB Architects December 2020)

5. Amongst other changes, the plans included:

(a) Reduction in the overall building height by 1m;
(b) Variety of increased setbacks at the upper levels; and
(c) Reductions in the Nett Saleable Area (NSA) and Gross Floor area (GFA);

6. Having assessed the amended plans, Council maintained its opposition to the grant of a permit, with no changes to the original refusal grounds.

7. On 9 March 2021, VCAT affirmed Council's position with no planning permit issued, stating the following in relation to the proposed 11-storey building (*Pace Development Group Pty Ltd v Yarra CC* [2021] VCAT 164):

> [4] *We are not satisfied the proposal provides a built form response that is sufficiently responsive to its physical and planning scheme setting*.

Current Application

8. Planning Application PLN21/0670 was submitted on 10 September 2021. This application comprises a revised scheme to the earlier proposal, with the amended design based on the outcomes 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.

	Previous application	**VCAT decision**	**Current proposal**	**DDO36**
Street wall - Johnston Street	4-storeys (14.95m) further west increasing to 6-storeys (20.81m) at the corner with	4-storey street wall height will provide an acceptable	4-storey street wall to Johnston Street, stepping up to 6-storeys at	Preferred street-wall height - 14.4m

	Gore Street, with centrally located cut outs	relationship to the existing context and will not have a detrimental impact on the heritage values of H0334. However, VCAT was concerned that the proposed façade to Johnston Street would read broadly as a 6-storey podium rather than a 4-storey due to the corner accents and protruding balconies above. Given the existing physical context VCAT recommended a predominantly 4-storey street wall with some taller corner-only 'accent' at the intersection with Gore Street.	the corner, but with reduced curved balconies.	
Street wall - Gore & Argyle Streets	Along Gore Street the street wall stepped down from 20.9m to 7m where the heritage façade is retained which also wraps around Argyle Street. Several curved balconies form part of this street wall.	The proposed heights dominate the heritage focused surrounds.	Steps down from 6-storeys (20.92m) to 7m where the heritage façade is retained, which wraps around Argyle Street. A 3-storey street wall is proposed in the north-western corner of the site. A 6.21m wide x 10.32m deep central courtyard is located along the Gore Street frontage which extends from ground level to the topmost level.	Preferred street wall height -14.4m Gore Street and 11.2m to Argyle Street
Upper form to Johnston Street	Minimum setback of 2.58m above the podium, increasing to 12.64m at the roof terrace. Several curved balconies encroach these various setbacks from Johnston Street.	The proposed building will more distinctly read as a 10 to 11-storey building along Johnston Street. The upper form draws attention to	The two levels above the western end of the 4-storey Johnston Street podium, setback 3.95m to the main façade, with curved balconies	Minimum setback 6m

		itself in the skyline and increase prominence through an overtly stepped form, rather than clearly recessed form behind the street wall. It has been recommended that any form visible above, from the south-east to be simpler and highly recessed so as to not confuse or diminish the corner feature.	encroaching this setback. Levels 7 and 8 are setback a minimum of 7.8m from the southern boundary to their respective balconies, with Level 9 setback a minimum of 8.8m from this boundary. This level includes the roof terrace, indoor/outdoor communal spaces, the lift overrun and stairwell.	
Upper form to Gore/ Argyle Streets	Minimum setback of 2.35m above the podium on Gore Street, increasing to a maximum of 7m further north-east of the site at the roof terrace. Several curved balconies encroach these various setbacks from Gore Street. Minimum setback of 3.46m above the retained heritage façade along Argyle Street, increasing to a maximum of 13m at the roof terrace. Several curved balconies encroach these various setbacks from Gore Street.	Ensure the individually-significant building at the corner of Gore and Argyle Streets can be easily read as a building and not limited to a façade. In addition, a more modest building representation to the north and north-east by incorporating reduced heights and increased setbacks.	Further north-east of the site, Levels 2 to 5 are setback a minimum 2.46m, with this setback increasing at various points along this façade. The eastern setback is further increased to a minimum of 7m for the remainder of the upper levels. Above the Argyle Street podium, upper floors are setback a minimum 5m, with this increasing to 10.5m from Level 5 and 17m from Level 7.	Minimum setback 6m to Gore and minimum 10m setback to Argyle
Overall height of development, including curved balconies	12-storeys	The overall height and massing of the building dominates the immediate area, with the combination of projecting balconies and minimal upper-level setbacks overpowering the prevailing street character.	10-storeys (plus communal roof garden), with numerous curved and angled balconies straightened to align with the façade and have less prominence.	Preferred height 30.4m

Recommendation to remove Level 9 or 1-storey.

9. This planning application was referred to internal Council departments and external consultants, and notification was undertaken. A total of 25 objections were received.

Planning Scheme Amendments

Amendment C269

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

11. Amendment C269 was on public exhibition between 20 August 2020 and 4 December 2020 and proceeded to a panel hearing in October 2021.

12. The Panel report was released on 18 January 2022. Council resolved on 19 April 2022 that having considered the Panel report, to submit the adopted Amendment to the Minister for Planning for approval.

13. The revised local policy seeks to direct the majority of new housing development to locations within a major or neighbourhood activity centre as per the Strategic Framework Plan at Clause 02.04 of the Scheme. The subject site being located within a Neighbourhood Activity Centre (NAC) is identified as a 'high change area', consistent with the findings of the Yarra Housing Strategy (YHS). The following strategy is relevant:

    Encourage higher density residential and mixed-use development in the form of apartment buildings that establish a new character for the site or precinct.

14. At its Council meeting on 19 April 2021, Council adopted Amendment C269 and on 12 May 2022 it was submitted to the Minister for Planning for approval, in accordance with section 31(1) of the Act. As such, Amendment C269 is seriously entertained planning policy and relevant to the consideration of this application.

15. Of particular relevance to this application, Amendment C269 proposes:

Proposed C269 Local Policy reference	**Brief Assessment**
Clause 02.04 – Strategic Framework Plan	The Site is formally identified as being located within the Johnston Street Neighbourhood Activity Centre (NAC), consistent with DDO36.
Clause 11.03-1L – Activity Centres	The proposal will contribute positively to the Retail Centre Precinct of the Johnston Street NAC.
Clause 13.07-1L – Interfaces and Amenity	The policy aspirations of this clause is addressed under the off-site amenity and on-site amenity assessments below.
Clause 15.01-1L – Urban Design	Built form and design is discussed extensively in the officer assessment below and concludes that the proposal exhibits high quality architectural and urban design.
Clause 15.01-2L – Building Design	Built form and design is discussed in the officer

	assessment below and concludes that the proposal exhibits high quality architectural and urban design.
Clause 15.02-1L – Environmentally Sustainable Development	The proposal achieves ESD commitments (subject to condition).
Clause 16.01-2L – Housing affordability	The proposal does not provide affordable housing.
Clause 17.01-1L – Employment	The proposal features a mix of land uses at ground floor, consisting of restricted retail and a food and drink premises. These offerings will provide a positive contribution to employment opportunities within the Johnston Street NAC.
Clause 18.02-1L – Sustainable Transport	The provision of extensive bicycle facilities and reduction of car parking proposed will ensure this policy is met.
Clause 18.02-4L – Car Parking	The proposal seeks a reduction of the car parking requirements to reduce reliance on private vehicle usage associated with the commercial use. A car parking management plan has been included as part of the conditions.
Clause 19.03-2L – Development Contributions	This is addressed via permit conditions.
Clause 19.03-3L – WSUD	Subject to condition, the proposal is consistent with this policy, as outlined in the submitted Sustainable Management Plan.
Clause 19.03-5L – Waste	Waste management is discussed in the assessment section below and addressed via a Waste Management Plan that will be implemented by permit condition.

Amendment VC174

16. This Amendment was gazetted on 20 December 2021, incorporating a number of updates/revisions to clauses within the Better Apartment Design Standards at Clause 58 of the Scheme. Pursuant to *Clause 34.01.8* of the Scheme, as the application was lodged prior to this amendment, the Clause 58 requirements that applied at the time of lodgement apply to the proposal under transitional provisions.

Amendment C270

17. On 17 December 2019, Council requested the Minister for Planning to consider the approval of proposed interim built form controls (interim Design and Development Overlays/DDOs) for activity centres in Fitzroy and parts of Collingwood (Amendment C270) under Section 20(4) of
the Planning and Environment Act 1987 (Amendment without giving of notice).

18. On 20 August 2021, under delegation from the Minister for Planning the Department for Environment, Land, Water and Planning (DELWP) decided to approve Amendment C270yara with changes, however only four of the proposed DDOs were approved out of the proposed nine.

19. The subject site is in one of the four approved interim DDOs (DDO36), which outlines built form controls in the area of the Fitzroy East and Johnston Street North. A thorough assessment of this control is included in the assessment section of this report. It is also noted that there is reference to DDO36 within the VCAT decision and referral comments provided for this application.

The Proposal

20. The proposal is to demolish the existing building at No.223 - 229 Johnston Street and partial demolition of No.369 Gore Street and the construction of a ten-storey mixed-use development with roof terrace (plus three levels of basement), for use as dwellings and ground level Restricted Retail premises and Food and Drink premises (no permit required uses), a reduction in the car parking requirements and alteration of access to a Transport Zone (Category 2). Key features of the proposal include:

Use

21. Two commercial tenancies at ground level with an overall net leasable floor area of 748sqm:

    (a) Restricted retail premises – 648.7sqm; and
    (b) Food and drink premises - 99.3sqm respectively.

22. Entrances to these commercial tenancies will be via Johnston Street and Gore Street, respectively;

23. Primary residential entry is via Gore Street, with a total of 107 dwellings proposed between ground floor and Level 8;

    (a) The dwelling breakdown is as follows;

1 bedroom	21
2 bedroom	59
3 bedroom	27
Total	107

24. Of the abovementioned dwellings; 7 are 3 Bedroom duplexes located between ground floor and mezzanine level and wrap around the Gore and Argyle Street interfaces, behind the retained heritage façade;

25. Secondary residential entry is provided via Argyle Street, with duplex dwellings consisting of their own entries via Gore Street;

Car parking/bicycle parking

26. A total of 146 car parking spaces, 165 bicycle spaces, 9 motorbike spaces and 117 storage cages, spread across 3 basement levels;

    (a) Of these car parking spaces;
        (i) 140 for residential use, 5 for the commercial tenancies and 1 dedicated communal electric vehicle charging space;
        (ii) 54 car parking spaces to be provided within double garages and 6 pairs of tandem spaces;

    (b) Of these bicycle parking spaces;
        (i) 142 for residents and 7 for staff; all provided within internal secure facilities and accessed via Argyle street

(ii) 6 visitor spaces provided within the residential lobby and accessed via Gore Street;
(iii) 3 bicycle hoops and 4 on-street spaces provided on Johnston Street;

27. Basement access to be provided via the western Right-of-Way (ROW) off Argyle Street. This ROW is to be widened from 2.8m to 7.4m including some landscaped areas and walkway;

28. A loading bay is provided to the west of the site, also accessed via the ROW extension along the western interface;

Demolition

29. The demolition of the existing crossovers on Johnston Street (alteration of access to a Transport Zone Category 2);

30. The demolition of the existing crossovers on Johnston, Gore and Argyle Streets;

31. The demolition of all buildings on-site, with the exception of the Gore Street and Argyle Street heritage facades associated with the former Argyle Shirt factory. With regard to these facades, the following are proposed to be removed (see Figures 4 to 5):

(a) Two roller-doors facing Gore Street;
(b) Timber door facing Gore Street;
(c) White paint from the Gore Street and Argyle Street façades; and
(d) Roller-door facing Argyle Street.

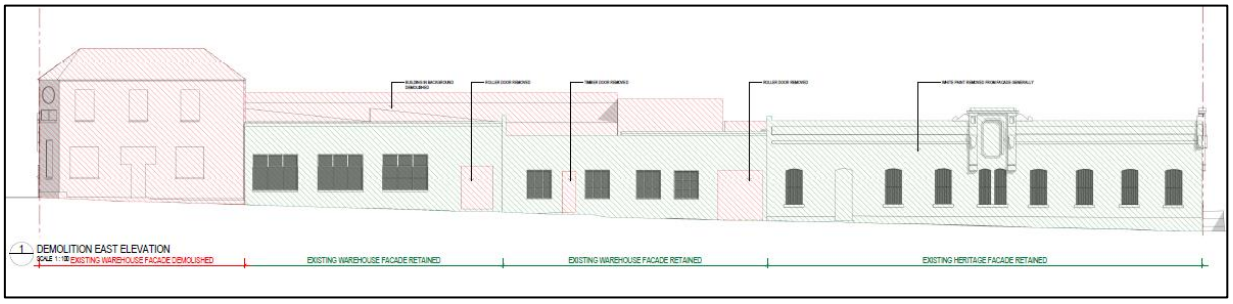


Figure 4: Extent of demolition along the Gore Street Façade (SJB Architects March 2020)

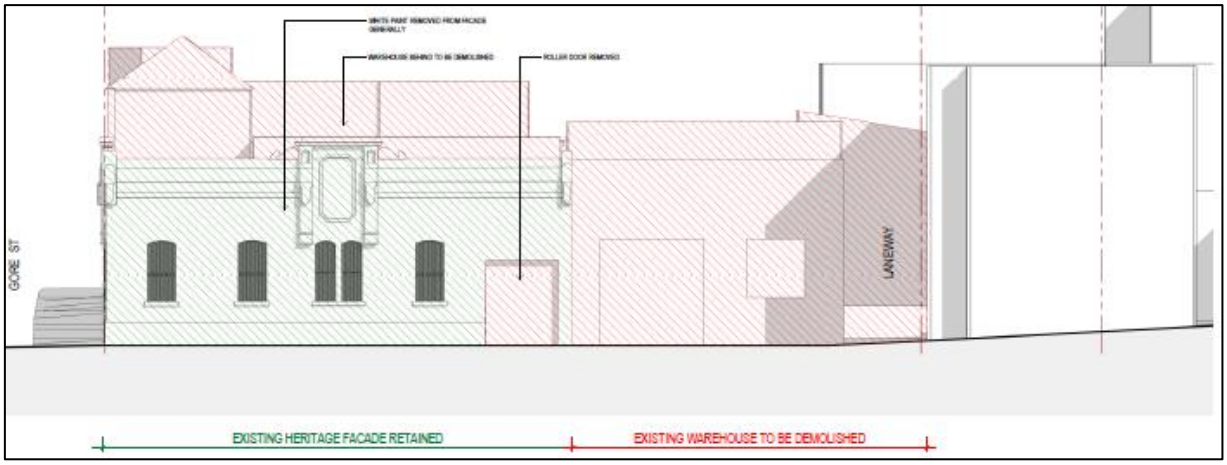


Figure 5: Extent of demolition along the Argyle Street Façade (SJB Architects March 2020)

Built Form:

32. The construction of a 10-storey building, to a maximum overall height of 33.5m (excluding lift overrun).

(a) Two separate sections of street-walls of 4 (14.95m) & 6 storeys (20.86m) addressing Johnston Street (see image below). The street-wall is proposed to be patterned (boardmark) concrete in a grey finish with punctuated slightly arched profile windows and incorporated balconies;



Figure 6: Proposal viewed from Johnston Street (SJB Architects September 2021)

(b) The 6-storey street-wall wraps the corner of Johnston and Gore Streets (20.86m) continues along the downward slope of the land further north, and partially incorporates the retained heritage building (see image below);



Figure 7: Proposal viewed from Gore Street (SJB Architects September 2021)

(c) The retained portion of the heritage fabric continues along the Gore Street frontage and wraps around to Argyle Street, where a new 3-storey street-wall (10.48m) is proposed in the north-west corner of the site (see image below);



Figure 8: Proposal viewed from Argyle Street (SJB Architects September 2021)

(d) A front setback of 3.95m above the Johnston Street podium is introduced at level 4 for a portion of the frontage with some balconies projecting into this setback. The setback increases to 8.8m at level 6 with large balcony areas projecting to the boundary. The setback is more obvious at levels 7 – 8 with small projections for balconies at these levels. The upper most level is setback 11.49m with the communal terrace balustrade setback 8.8m from the Johnston Street boundary.

(e) To Gore Street above the retained heritage wall, new built form is setback between 2.6m – 5m with some balconies projecting into this setback. At level 5 the built form further setback to 7.0m with some balconies forward of this setback, the projections fall away at levels 6 – 8 and the communal roof top area.

(f) Above the 6-storey corner element to Johnston and Gore Street, built form recedes to a setback of 4.15m with balcony projections into this setback. The central open stair element is setback 10m from Gore Street.

(g) Above the Argyle Street podium, setbacks of the upper wall are generally 5m, increasing to 10.5m from Level 5 to 6 (some projections in to the setback are proposed), from level 7 setbacks increase to 17m again with some balcony incursions into the setback.

(h) The development will be setback a minimum 5.89m from the western boundary as a result of the widening of the existing western ROW;

(i) The upper-level apartments are accessed from the open central stairwell which separates the northern and southern wings of the building. One lift well containing two lifts is provided in the southern portion of the building, with access on each level to the north portion through a covered central ‘bridge-link’;

(j) The building provides a communal terrace at Level 1 (116.7sqm), including a co-working space (32.8sqm), as well as a roof top terrace (320sqm) with both indoor and outdoor facilities (total of 515sqm);

Basement (3 levels)

33. Generally constructed to all title boundaries, the three basement levels are proposed and accessed via the widened western ROW (off Argyle Street). Across the three basement levels are all the car parking spaces which includes 74 regular car spaces, 54 double car garages (including storage), 6 pairs of tandem spaces and 5 staff car spaces. There are also 9 motorcycle spaces and one unallocated EV dedicated space provided;
34. The basement areas house all the storage cage rooms (109 storage cages), two separate bicycle storage areas (total of 84 bicycle spaces), a smoke lobby, a range of service cupboards and the rainwater tank (total 45,000Ltrs);

Ground floor



Figure 9: Ground floor (SJB Architects November 2021)

35. The majority of the ground floor is setback a minimum 0.46m from the Johnston Street frontage, with the exception of maintaining the existing south-eastern corner splay and a 3.3m wide x 4.5m deep central cut out to house 6 visitor bicycle spaces. The proposal provides a continuous 1.5m canopy along the majority of the Johnston Street façade that wraps around the corner into the Gore Street façade, terminating at the retained heritage façade. Two service cabinets are proposed; one along the Johnston Street façade and the other along the Gore Street façade;

36. Along Gore Street, the new built form is proposed to be built to the boundary. The main entrance to the residential component and food and drink premises of the development is provided via Gore Street, within the location of the existing southernmost roller door. Individual entries for the duplexes are also proposed from Gore Street.

37. To Argyle Street, and west of the retained heritage façade, nib walls and fencing associated with a duplex dwelling are built to the boundary, with the façade of the dwelling setback 2.4m from this street. A secondary pedestrian entrance to the development is provide via Argyle Street;

38. The southern portion along the western boundary is to be built to the boundary where adjacent to 219 Johnston Street and the rear of 192 Argyle Street. The remainder of this interface is to be setback a minimum of 5.5m from this boundary. Within this setback area, the existing western ROW is proposed to be widened to allow for vehicle access to the proposed basements off Argyle Street. The loading bay is accessed directly from the widened ROW with the substation also proposed with a direct abuttal to this ROW;

39. The ground floor will accommodate two separate commercial tenancies, 7 duplex dwellings, a centrally located waste storage area for both residential and commercial use, lift, stairs, including 7 staff bicycle parking spaces and associated end-of-trip (EOT) facilities. A further 66 resident bicycle parking spaces are also located at this level;

40. Other services include fire pump room, security/NBN/communication room, substation, switch room, and parking supply air fan room further west of this floor;

41. Two bicycle hoops will be located on the Johnston Street footpath, including public seating and street trees are proposed along all three streets (5 in total);

Mezzanine Level

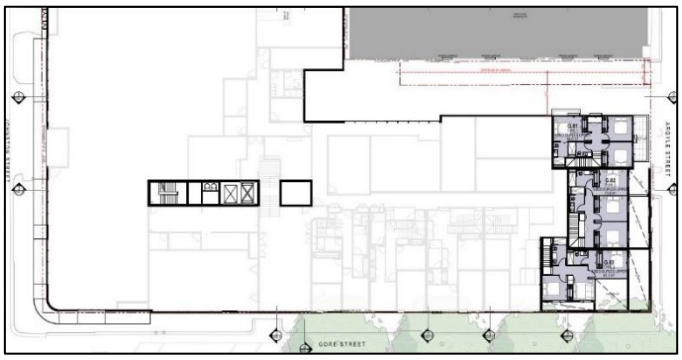


Figure 10: Mezzanine floor (SJB Architects November 2021)

42. Due to the slope of the land, a mezzanine level associated with three duplex dwellings fronting Argyle Street is proposed setback from the parapet. The western most dwelling proposes a balcony.

Floor plans

43. From level 1 and above, the floor plates accommodate residential dwellings ranging in size from 1, 2 and 3 bedroom dwellings.

44. As described above, as the upper levels recede as the scale of development rises (see a selection of floor plates below

Level 2



Figure 11: Level 2 (SJB Architects November 2021)

Level 5



Figure 12: Level 5 (SJB Architects November 2021)

Level 7



Figure 13: Level 7 (SJB Architects November 2021)

Level 8



Figure 14: Level 8 (SJB Architects November 2021)

Level 9



Figure 15: Level 9 (SJB Architects November 2021)

45. This level proposes to accommodate the second communal open space area and an enclosed communal space;

Roof plan

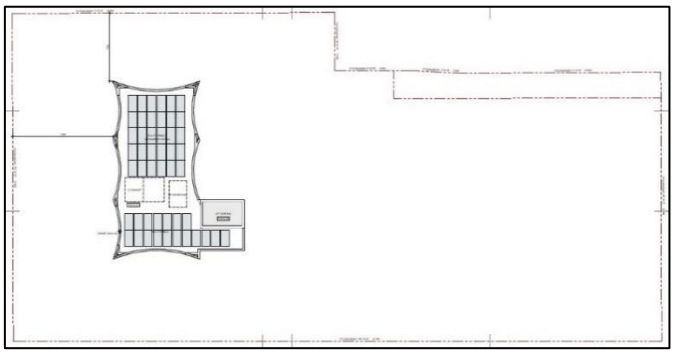


Figure 16: Roof plan (SJB Architects November 2021)

46. The roof is setback a minimum 11.5m from Johnston Street, 7.7m from the western boundary, 9.3m from Gore Street and 48m from Argyle Street. The lift overrun is setback 22m from Johnston Street and 13m from Gore Street;

47. Solar panels are accommodated to the majority of the roof with additional services also proposed;

Materials and Finishes

48. The podium fronting Johnston and Gore Streets are proposed to be a mix of 'concrete off-white ribbed texture' and 'concrete grey boardmarked' with the podium closer to Gore and Argyle Streets consisting of 'fluted concrete formliner in a green oxide' colour;

49. The balconies are clad in a mix of 'metal – charcoal powdercoat', 'metal green powdercoat' and 'metal charcoal powdercoat wall cladding';

50. The upper levels are proposed to be 'façade panel with brick pattern in green';

51. The amenities and service rooms on the rooftop level are proposed to be 'concrete – grey boardmarked'; and

52. The material palette is provided in Figure 17 below:

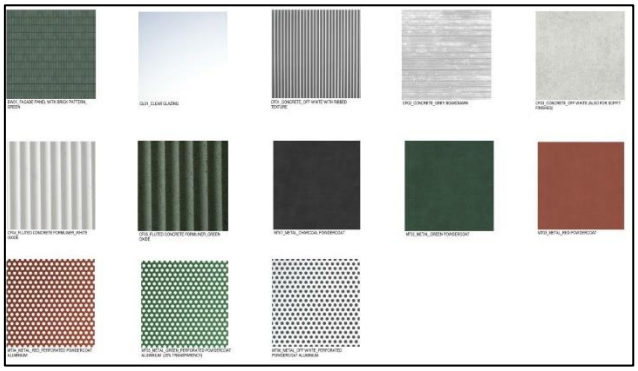


Figure 17: Materials and finishes schedule (SJB Architects November 2021)

Existing Conditions

Subject Site

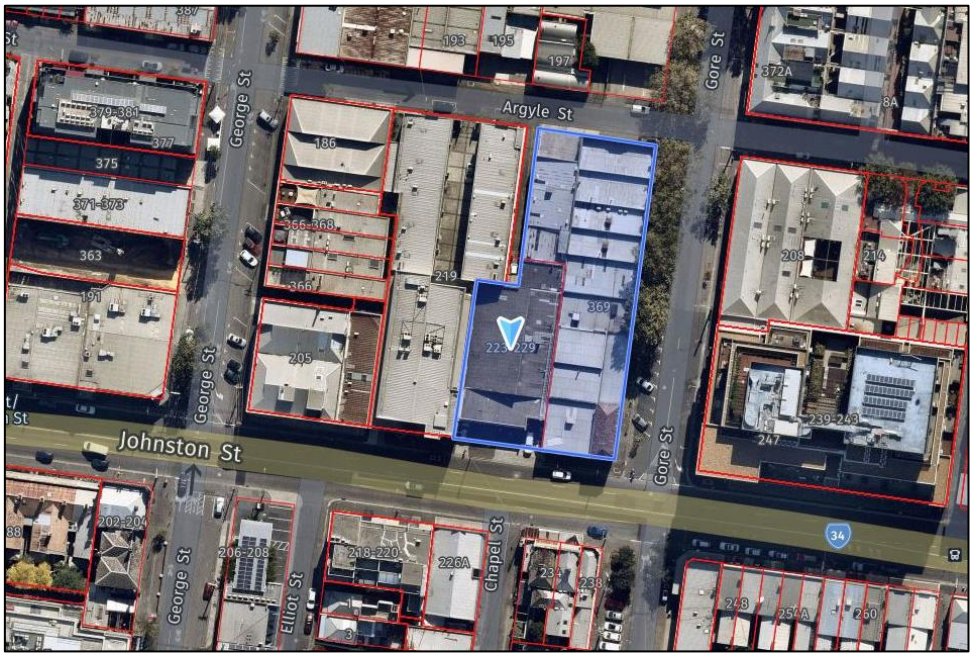


Figure 18: Aerial view of the subject site (Nearmap, April 2022)

53. The subject site is located on the northern side of Johnston Street, the western side of Gore Street and southern side of Argyle Street in Fitzroy. The site consists of two addresses and seven titles, as follows:

(a) Nos. 223 – 229 Johnston Street, Fitzroy (Lot 1 TP 227539W);
(b) Nos. 223 – 229 Johnston Street, Fitzroy (Lot 1 TP 326260S);
(c) No. 369 Gore Street, Fitzroy (Lot 1 TP 688936L);
(d) No. 369 Gore Street, Fitzroy (Lot 1 TP 757987K);
(e) No. 369 Gore Street, Fitzroy (Lot 1 TP 744709N);
(f) No. 369 Gore Street, Fitzroy (Lot 1 TP 707950S); and
(g) No. 369 Gore Street, Fitzroy (Lot 1 TP 592180B).

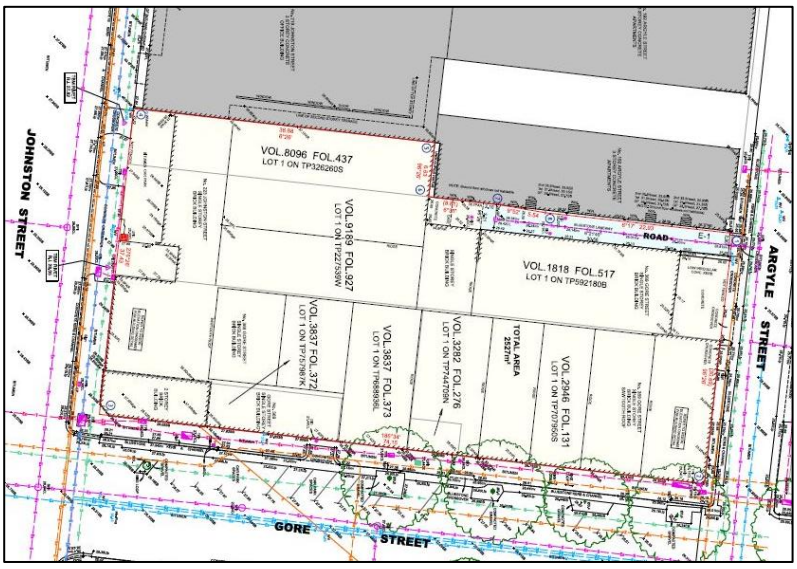


Figure 19: All titles that form the subject site (Reeds consulting, November 2019)

54. Collectively, the site is 37.43m in width along Johnston Street, 74.15m in length along Gore Street and 27.79m width along Argyle Street. The western boundary is atypical with a total site area of 2,437sqm. The subject site has two crossovers onto Johnston Street, with these crossovers providing access to the existing car parking area in the frontage of No. 223 – 229 Johnston Street.
The site has one crossover to an internal loading area along Gore Street and three crossovers, side-by-side, along the Argyle Street interface providing pedestrian access into the building, access to an internal loading bay as well as an existing car parking area. Access to a further loading area appears to be provided from the western ROW. The land has a significant fall of approximately 2m in a northerly direction, with the Argyle Street frontage lower than the Johnston Street frontage.

55. The subject site is occupied by a number of buildings, as follows:

Nos. 223 – 229 Johnston Street



Figure 20: Subject site - Corner of Johnston and Gore Streets (Urbis, November 2021)

56. Occupying this site is a single-storey commercial building with a generous front setback to accommodate car parking directly from Johnston Street. This building is generally built to the side and rear boundaries and is utilised as a restricted retail premises.

No. 369 Gore Street



Figure 21: Subject site - Corner of Gore and Argyle Streets (Urbis, November 2021)

57. Located at the corner of Johnston Street and Gore Street, this site consists of a part single, part double-storey, rendered brick building built to all title boundaries. The double-storey component is sited at the intersection of the two streets. The building was previously utilised as a restricted retail premises, but is currently vacant.

The balance of the site, along Gore and Argyle Streets, consists of two, single-storey buildings including the former shirt factory that is built to the Gore and Argyle Street boundaries. The former shirt factory building is individually-significant to the heritage overlay and has been rendered.



Figure 22: Subject site – Argyle Street façade (Urbis, November 2021)

58. The second single-storey building fronts Argyle Street and has been constructed with a setback to the street to allow for car parking.

Title and Plan of Subdivision

59. The titles submitted with the application do not show any covenants, restrictions or easements with the exception of Lot 1 TP 227539W which shows a 2.9m wide and 30.61m long easement for ROW (as outlined in Figure 19 above).

60. This easement is shown as a road on Lot 1 TP 592180B and is included on Yarra's Road Register as Lane No. 1809.

Surrounding Land

61. The stretch of Johnston Street between Brunswick Street to the west and Smith Street to the east is located within a Neighbourhood Activity Centre (NAC), as defined in Figure 1 of the Strategic Framework Plan of *Clause 21.03* of the Scheme.
62. The Johnston Street NAC is located between two designated Major Activity Centres (MAC) of Brunswick Street (360m to the west) and Smith Street (115m to the east), and as such, the surrounding area includes a mixture of commercial uses (taverns, restaurants, retail stores, furniture stores, restricted retail, art galleries, offices etc.), light industrial, warehouses and pockets of residential buildings. Whilst there are a variety of live music venues in the surrounds, these are located in excess of 50m from the subject site (The Rochester Hotel and The Birmingham Hotel).

63. Johnston Street is covered by the Transport Zone, Category 2 and carries two lanes of traffic in each direction. The outside lanes are also provided with parallel parking on both sides of the road, except in front of the site where no stopping restrictions apply. The subject site has good access to public transport, including:

    (a) Johnston Street bus routes immediately south of the subject site;
    (b) Smith Street tram lines approximately 100m east;
    (c) Brunswick Street tram lines approximately 350m to the west; and
    (d) Nicholson Street bus routes approximately 660m to the west.

64. The surrounding area is a mixture of commercially zoned land along Johnston Street, and Mixed-Use Zone (MUZ) further north directly across Argyle Street. The nearest residential uses occurring within the C1Z are located approximately 3m to the west at No. 192 Argyle Street, and also within the development under construction on the opposite side of Gore Street, at the south-eastern corner with Johnston Street. There are also dwelling uses to the north, within the MUZ (closest residential use located 10m opposite the site, at No. 197 Argyle Street), and to the south across Johnston Street within the Neighbourhood Residential Zone. The mix of zoning and surrounding built form is shown in the figures below:

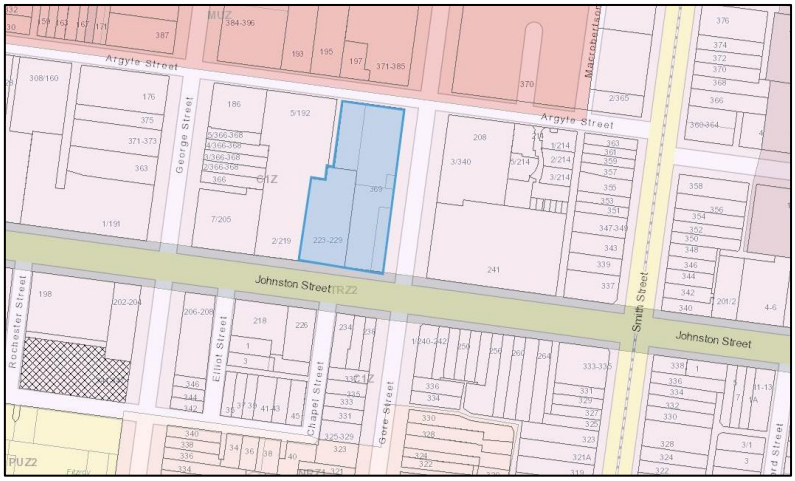


Figure 23: Zoning map (VicPlan, May 2022)

65. The built form is varied and contains a mixture of contemporary designs and heritage buildings. The wider area of Fitzroy is currently going through a period of transition from lower scale buildings to higher density development. The older building stock typically has high site coverage with buildings presenting to the public realm with no setbacks and single to three-storey high boundary walls. The emerging building stock consists of contemporary architectural responses, with generally rectilinear forms, and typically consisting of materials ranging from red brick, concrete and metal cladding with high proportions of glazing. The following developments within this section of Fitzroy have been approved and:

(a) yet to be constructed:

(i) Nos. 371 – 385 Gore Street & 195 – 197 Argyle Street (10m north across Argyle Street): 8-storey residential building (PLN21/0807);
(ii) No. 411 Smith Street (220m north-east): 9-storey apartment building (PLN18/0888);

(b) under construction:

(i) No. 363 George Street (70m west): 6-storey residential building (PLN16/0829);
(ii) No. 341 – 347 George Street (90m south-west): 7-storey mixed-use building (PLN16/1116);
(iii) Nos. 71 – 75 Argyle Street (430m north-west): 7-storey mixed-use building (PLN16/1181);

(c) already completed:

(i) No. 377-379 George Street (78m west): 6-storey apartment building (PLN12/0192);
(ii) Nos. 160 – 164 Argyle Street (120m west): 6-storey mixed-use building (PLN11/1094);
(iii) Nos. 142 – 144 Johnston Street & 3 Chapel Street (250m south-west): 6-storey mixed-use building (PLN15/0632);

(iv) Nos. 178-182 Johnston Street (130m south-west), 7-storey mixed-use building (PLN16/0563);
(v) Nos. 239-249 Johnston Street (15m east across Gore Street): 10-storey residential building (PLN13/0566);
(vi) No. 365 – 379 Smith Street (80m north-east): 8-storey apartment development (PLN15/0646);
(vii) No. 221 Kerr Street / 397 Smith (100m north-east): 7-storey apartment building (PLN11/0648); and
(viii) No. 250 Gore Street and No. 221 Moor Street (390m south of the subject site): Part 4 and part 8-storey apartment building (PLN14/0826).

66. Immediately surrounding the subject site are the following properties:

North

67. To the north of the site is Argyle Street; a one-way local street, with car parking provided on the southern side of the street.

68. The property on the north-western corner of Argyle and Gore Streets is utilised as an Australian Post distribution centre. It appears that the site was previously occupied by a service station, with the ground floor utilised as car parking and a large canopy provided over the concrete apron. A basement entrance ramp is also provided with direct access to Argyle Street. A single-storey building exists along the sites northern boundary.

69. To the west of this property, at No. 197 Argyle Street, is a double-storey dwelling. At ground floor, the dwelling is built to the street with car parking and pedestrian access provided via Argyle Street, with several first-floor windows fronting the street, as shown below.



Figure 24: No. 197 Argyle Street (Google Street View, January 2021)

70. Further west are a series of single-storey commercial buildings which orient their back of house areas to Argyle Street. Crossovers, car parking areas and loading bay access areas are common along Argyle Street in respect to these buildings.

71. To the north-east of the subject site, on the opposite side of Gore Street at Nos. 356-390 Gore Street are double-storey redbrick converted apartments. The apartments are part of a large whole-block site bound by Argyle, Kerr and Gore streets and MacRoberston Lane.

72. Further north, at Nos. 371 – 385 Gore Street & 195 – 197 Argyle Street Council approved an 8-storey residential building under Planning Permit PLN21/0807. The development is shown below.



Figure 25: 3D image of the development looking north down Gore Street (Woods Bagot 2021)



Figure 26: 3D image of the development looking east down Argyle Street (Woods Bagot 2021)

South

73. Immediately south of the subject site, across Johnston Street, are a number of commercial buildings 2-storey to 4-storey in scale, used for shops, furniture retailing, a hairdressing academy, bars, food premises and offices.

East

74. Immediately to the east of the subject site is Gore Street, a 20m wide (including both footpaths) two-way street, with on-street car parking provided on both sides of this street. Four mature street trees line the western side of the street, with two on the eastern side.

75. On the north-eastern corner of Johnston and Gore Streets is No. 239-249 Johnston Street; a site with a recently constructed 10-storey mixed-use development in accordance with Planning Permit PLN13/0566. The approved allotment extends away from Johnston Street and along Gore Street by approximately 34m.



Figure 27: Nos. 239 – 249 Johnston Street (Google Street View, January 2021)

76. On the south-eastern corner of Argyle Street and Gore Street is a two-storey office building (a former MacRobertson factory/ warehouse building) with entry from either Gore or Argyle Streets. Much of the ground level is used for car parking. At the first floor are offices arranged around a central, communal area which is open to the air due to a cut-out provided within the roof.

West

77. To the west; on the northern portion of the site is a 2.9m wide bluestone clad ROW. The ROW is approximately 30m in length and terminates within the internal boundary of the subject site.

78. On the western side of the ROW is No. 192 Argyle Street, a development consisting of ten units. Units 2, 3, 4, 5, 6, 7, 8, 9 and Unit 10 are lawfully used as dwellings pursuant to Planning Permits PLN11/0038 and PLN19/0579, respectively. The endorsed plans for Planning Permit PLN11/0038 are provided below, showing the layout of the units:

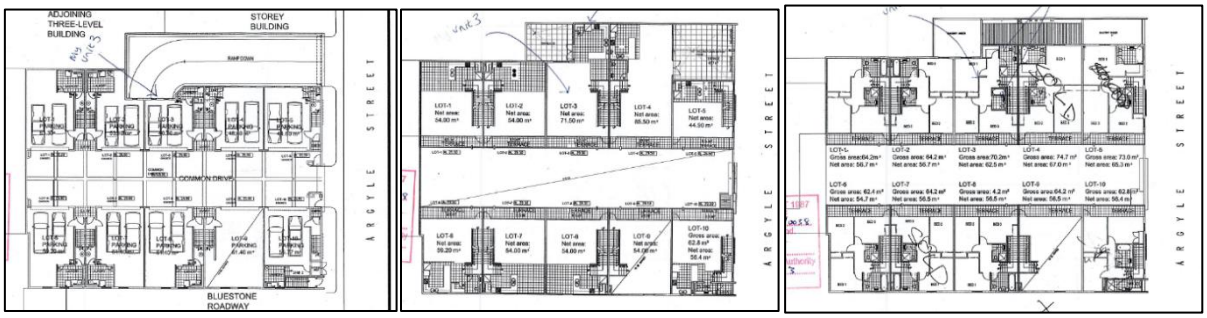


Figure 28: All levels of No. 192 Argyle Street (Interarc Design January 2011)

79. As identified above, all secluded private open spaces (SPOS) face the central accessway provided on site. The development has numerous windows along their eastern boundary with the ROW, including non-habitable room windows at the ground level, habitable room windows (HRW) associated with kitchens at the first-floor and HRWs associated with bedrooms at the second-floor. These windows are shown below:



Figure 29: Eastern boundary wall of No. 192 Argyle Street (Urbis, November 2021)

80. To the west of the southern portion of the site at No. 219 Johnston Street is a three-storey commercial building used as an office and showroom. This site was developed with the aforementioned No. 192 Argyle Street site, with vehicle access from Argyle Street provided to a basement servicing No. 219 Johnston Street. At the second-floor the building adopts a 3m setback from the common boundary where a terrace is accommodated.



Figure 30: Nos. 219 Johnston Street (Google Street View, January 2021)

Planning Scheme Provisions

Zoning

Commercial 1 Zone (C1Z)

81. Pursuant to the Table of Uses at *Clause 34.01-1* of the Scheme the proposed uses fall within the following categories:

    (a) The food and drinks premises and restricted retail uses (both nested under 'retail premises') are 'Section 1' permit not required uses; and

    (b) Dwelling (nested under accommodation) does not require a planning permit provided any frontage at ground level does not exceed 2m. The dwelling entrances front on to Gore and Argyle Streets, as the building maintains its primary frontage to Johnston Street, and therefore no planning permit is required for the dwelling use.

82. The above is consistent with VCAT decision *ATJ Holdings Pty Ltd v Yarra CC* [2019] VCAT 1189 where the Members found whilst a site may have several road abuttals, there is only one frontage to which the building faces. In this instance, it is clear that the development faces Johnston Street.

    (a) Pursuant to *Clause 34.01-4* of the Scheme, a planning permit is required to construct a building or construct or carry out works.

Transport Zone (Category 2 – Principal Road Network)

83. Pursuant to *Clause 36.04-2* of the Scheme, a permit is required to construct a building.

84. Clause 36.04-3 of the Scheme requires written consent from Head, Transport Victoria.

85. *Clause 36.04-5* (*Decision guidelines*) of the Scheme considers:

    (a) *the effect of the proposal on the development, operation and safety of the transport system;*
    (b) Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines

Overlays

Clause 43.01 – Heritage Overlay (Schedule 334 – South Fitzroy Precinct)

86. Pursuant to *Clause 43.01-1* of the Scheme, a planning permit is required to demolish or remove a building, construct a building or construct and carry out works.

Design and Development Overlay Schedule 10 (DDO10 – Johnston Street Precinct – West of Smith Street) and Schedule 36 (DDO36 – Fitzroy East and Johnston Street North)

87. Pursuant to *Clause 43.02-2* of the Scheme, a planning permit is required to construct a building or construct or carry out works unless exempted under the schedule. Buildings and works for a multi-level development are not exempt under both schedules to the DDO and as such a permit is required under the DDO provisions.

88. The DDOs includes discretionary provisions in relation to design and built form, overshadowing and access, parking and loading which will be discussed in detail in the assessment section below.

Environmental Audit Overlay (EAO)

89. Pursuant to *Clause 45.03-1* of the Scheme, *before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:*
    (i) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
    (ii) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

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

Clause 45.06 – Development Contributions Plan Overlay (Schedule 1)

91. Pursuant to *Clause 45.06* of the Scheme, the Development Contributions Plan applies to the proposed residential uses, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths, as well as community facilities.
92.
93. Pursuant to *Clause 45.06-1* of the Scheme, 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

94. A planning permit is not required for works under the overlay.

Particular Provisions

Clause 52.06 (Car Parking)

95. The number of car parking spaces required under *Clause 52.06-5* of the Scheme must be provided to the satisfaction of the responsible authority. A planning permit is required for a reduction in the number of car parking spaces.

96. The following table identifies the car parking requirement under *Clause 52.06-5*, the provision on site, and the subsequent reduction:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
1 x Bedroom dwelling	21	1 space per dwelling	21	86
2 x Bedroom dwelling	59	1 space per dwelling	59	
3 x Bedroom dwelling	27	2 spaces per dwelling	54	54
Food and Drink	99.3m^2	3.5 spaces per 100 m^2 of leasable floor area	3	1
Restricted Retail	648.7m^2	2.5 spaces per 100 m^2 of leasable floor area	16	4
Communal Electrical Charging Space**	1	Not applicable	Not applicable	Not allocated
		Total	**153 spaces**	**145 spaces + 1 communal space**

97. A total of 145 car spaces are proposed on site, including one unallocated EV charging space. Furthermore, an additional six car parking spaces are to be provided to the dwelling uses above what is required by the Scheme. Therefore the application seeks a reduction of 2 car space associated with the food and drinks premises and 12 car spaces associated with the restricted retail premises.

98. 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 the decision guidelines at *Clause 52.06-6* of the Scheme.

Clause 52.29 – Land adjacent to the Principal Road Network

99. Pursuant to *Clause 52.29-2*, a permit is required to create or alter access to a road in a Transport Zone 2. The purpose of the clause is to ensure appropriate access to identified roads.

100. Pursuant to *Clause 52.29-4*, an application to create or alter access to a road declared as a freeway or arterial road under the *Road Management Act 2004,* in accordance with Clause 66.03 must be referred to Head, Transport for Victoria under Section 55 of the Act.

101. Pursuant to *Clause 52.29-5*, an application is exempt from the notice and third-party review requirements of the Act.

Clause 52.34 – Bicycle facilities

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	107 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	21 resident spaces	
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	10 visitor spaces.	
Retail premises	649.7m^2	1 employee space to each 300 sqm of leasable floor area	2 employee spaces	
		1visitor space to each 500 sqm of leasable floor area	1 visitor spaces	
Food and drink premises	99.3m^2	1 employee space to each 300 sqm of net floor area	0 employee spaces	
		1visitor space to each 500 sqm of net floor area	0 visitor spaces	
		Bicycle Parking Spaces Total	**22 resident / employee spaces**	**149 resident / employee spaces**
			11 visitor spaces	**16 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**

103. As outlined above, the proposal exceeds the bicycle parking rate for both the residential and commercial components.

104. *Clause 52.34-5* of the Scheme contains bicycle signage requirements.

Clause 53.18 – Stormwater Management in Urban Development

105. 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*.

Clause 58 Apartment Developments

106. The provisions apply to an apartment development in the C1Z. In accordance with the definition of an apartment as provided within *Cause 73.01* of the Scheme, the proposed duplexes are also considered apartments and subject to a review under this clause.

107. This clause seeks to encourage apartment development that provides reasonable standards of amenity for existing and new residents and to encourage apartment development that is responsive to the site and surrounding area. A development must meet all of the objectives and should meet all of the standards of the Clause.

General Provisions

Clause 62 – General exemptions

108. Pursuant to *Clause 62.02-2* (*Buildings and works not requiring a permit unless specifically required by the planning scheme*), of the Scheme:

(a) *Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to a:*
- *A solar energy facility attached to a building that primarily services the land on which it is situated;* and
- *An electric vehicle charging station.*

109. Therefore, the proposed solar panels on the roof and the EV charging stations within the car park do not trigger a planning permit under the C1Z.

Clause 65 - Decision Guidelines

110. 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.

Clause 66.02 – Use and Development Referrals

111. Pursuant to *Clause 66.02-1* of the Scheme, an application of the kind listed in the Table at *Clause 66.02-11 must be referred to the person or body specified as the referral authority. The tables specifies whether the referral authority is a determining referral authority or a recommending referral authority*.

112. Pursuant to the Table at *Clause 66.02-11* of the Scheme, an application for a residential development comprising 60 or more dwellings or lots is required to be referred to the Head, Transport for Victoria. This is also the determining referral authority.

Planning Policy Framework (PPF)

113. Relevant clauses are as follows:

Clause 11.01-1R (Settlement - Metropolitan Melbourne)

114. 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)

115. The objective is *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)

116. The relevant objectives is *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)

117. 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)

118. The objective is *to ensure that potentially contaminated land is suitable for its intended future use and that contaminated land is used safely*.

119. 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)

120. The objective is *to assist the control of noise effects on sensitive land uses*.

121. The relevant strategy is to *ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

122. 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)

123. The objective is *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)

124. The relevant objective of this clause is *to achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

125. Relevant strategies of this clause are to:

    (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.*

126. 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)

127. The objective is *to achieve neighbourhoods that foster healthy and active living and community wellbeing.*

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

128. The strategy is to *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)

129. The objective is *to recognise, support and protect neighbourhood character, cultural identity, and sense of place*.

130. 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 and resource efficiency)

131. The objective is *to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Clause 15.03 (Heritage)
Clause 15.03-1S (Heritage conservation)

132. The objective is *to ensure the conservation of places of heritage significance.*

133. Strategies include:

    (a) *Encourage appropriate development that respects places with identified heritage values.*
    (b) *Retain those elements that contribute to the importance of the heritage place.*
    (c) *Encourage the conservation and restoration of contributory elements of a heritage place.*
    (d) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
    (e) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 16.01 Residential Development
Clause 16.01-1S – Housing Supply

134. 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)

135. 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 17 (Economic development)
Clause 17.02-1S (Business)

136. The objective is *to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services.*

Clause 18.01 (Integrated Transport)
Clause 18.01-1S – (Land use transport planning)

137. The objective is *to create a safe and sustainable transport system by integrating land use and transport.*

138. 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)

139. The relevant objective of this clause is *to promote the use of sustainable personal transport*

140. 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 to:

(a) *Improve local travel options for walking and cycling to support 20minute 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)

141. The objective is *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)

142. A relevant strategy of this clause is to *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)

143. The objective is *to ensure an adequate supply of car parking that is appropriately designed and located.*

144. A relevant strategy is to *protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

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

Clause 21 Municipal Strategic Statement (MSS)
Clause 21.04 (Land Use)

146. Relevant objectives and strategies include;

(a) *Objective 3: To reduce potential amenity conflicts between residential and other uses.*
- *Strategy 3.2 Apply the Interface Uses policy at clause 22.05.*
- *Strategy 3.4 Discourage late night and 24hour trading activities located near residential zones to minimize impacts on residential amenity.*

Clause 21.04-2 (Activity Centres)

147. The relevant objective of this clause is *to maintain the long-term viability of activity centres.*

148. Relevant strategies include;

(a) *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
(b) *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
(c) *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*

Clause 21.05 – Built Form
Clause 21.05-1 (Heritage)

149. Relevant objectives and strategies include;

(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 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
    (vi) *Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause* 22.02.
    (vii) *Strategy 14.9 Apply the Landmarks and Tall Structures policy at clause 22.03.*

Clause 21.05-2 (Urban design)

150. The relevant objectives and strategies are:

(a) *Objective 16 To reinforce the existing urban framework of Yarra;*
(b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
    (i) *Strategy 17.2 – Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
        - *Significant upper-level setbacks*
        - *Architectural design excellence*
        - *Best practice environmental sustainability objectives in design and construction*
        - *High quality restoration and adaptive re-use of heritage buildings*
        - *Positive contribution to the enhancement of the public domain*
        - *Provision of affordable housing.*
(c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern;*
(d) *Objective 19 – To create an inner city environment with landscaped beauty;*
(e) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric;*
    (i) *Strategy 20.1 – Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*

(ii) *Strategy 20.2 – Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.*
(iii) *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.*

(f) *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; and*
(ii) *Strategy 21.3 – Support new development that contributes to the consolidation and viability of existing activity centres.*

(g) *Objective 22: To encourage the provision of universal access in new development.*

Clause 21.05-3 (Built form character)

151. The general objective of this clause is *to maintain and strengthen the identified character of each type of identified built form within Yarra.*

152. The subject site is located within a non-residential area, where the built form objective is to *"improve the interface of development with the street"*.

153. The strategies to achieve the objective are to:

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

Clause 21.05-4 (Public environment)

154. The relevant objective and strategies are:

(a) *Objective 28 To a 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)

155. 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:

156. The relevant objective and strategy include:

(a) *Objective 30 To provide safe and convenient 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)

157. 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)

158. Relevant objectives and strategies include;

    (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)

159. Relevant objectives is *objective 32 to reduce the reliance on the private motor car.*

Clause 21.07-1 (Environmentally sustainable development)

160. The relevant objective and strategy of this clause is:

    (a) *Objective 34 To promote ecologically sustainable development*
        (i) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation;*

Clause 21.08-7 Neighbourhoods (Fitzroy)

161. 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.*

162. Relevant built form 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 Heritage Overlay)

163. The relevant objectives of this clause are as follows:

    (a) *To retain significant view lines to, and vistas of, heritage places.*
    (b) *To preserve the scale and pattern of streetscapes in heritage places.*
    (c) *To ensure that additions and new works to a heritage place respect the significance of the place.*

164. The relevant sections of this clause are as follows:

Clause 22.02-5.1 (Demolition)

165. *Generally encourage the retention of a building in a heritage place, unless:*

    (a) *The building is identified as being not contributory*

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

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

Clause 22.02-5.7 (New Development, Alterations or Additions)
Clause 22.02-5.7.1 (General)

167. The relevant objectives of this clause are as follows:

    (a) *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.*
        (iv) *Be distinguishable from the original historic fabric.*
        (v) *Not remove, cover, damage or change original historic fabric.*
        (vi) *Not obscure views of principle façades.*
        (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*

Clause 22.03 – Landmarks and tall structures

168. The Municipal Strategic Statement (MSS) identifies the importance of landmarks and tall structures to the built form of the City. The MSS seeks to retain important landmarks and icons which contribute to the identity of the City and to maintain view lines to key landmark sites. This Policy responds to the MSS by identifying key valued landmarks.

169. The objective under this clause is ‘to maintain the prominence of Yarra’s valued landmarks and landmark signs.’

170. *Clause 22.03-4* of the Scheme states: *New buildings within the vicinity of the following landmarks should be designed to ensure the landmarks remain as the principal built reference (as relevant):*

(a) *Clock tower of Fitzroy Town Hall; and*
(b) *Spire of St Marks Church, George Street, Fitzroy*

Clause 22.05 (Interface Uses Policy)

171. 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.

172. 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.*

173. 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)

174. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal, with the relevant objectives as follows;

(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. To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.12 – Public Open Space Contribution

175. 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.*

176. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3121B). Given the size of the site, a land contribution will not be practical and therefore a cash contribution will be requested instead.

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

177. This policy applies to (as relevant) new buildings and contains the following objectives;

    (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
    (b) *Currently, these water quality performance objectives require:*
        (i) *Suspended Solids - 80% retention of typical urban annual load*
        (ii) *Total Nitrogen - 45% retention of typical urban annual load*
        (iii) *Total Phosphorus - 45% retention of typical urban annual load*
        (iv) *Litter - 70% reduction of typical urban annual load*
    (c) *To promote the use of water sensitive urban design, including stormwater re-use.*
    (d) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
    (e) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
    (f) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.*

Clause 22.17 (Environmentally Sustainable Design)

178. 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.

Incorporated Documents

City of Yarra: Database of Heritage Significant Areas, December 2020

179. This document identifies Nos. 223 – 229 Johnston Street as being graded as ‘not contributory’ whilst the site at No. 369 Gore Street is identified as being ‘individually significant’ to the South Fitzroy Precinct (as identified by Schedule 334 to the Heritage Overlay).

Other Relevant Documents

Plan Melbourne

180. Released in May 2017, Plan Melbourne 2017-2050 (Plan Melbourne) outlines the key strategic directions with regard to the provision of housing and commercial activity within Melbourne's urban areas. The strategic outcomes outlined in the document are required to be considered as part of Council's decision-making process and include (inter-alia):

    (a) Outcome 1: *'Melbourne is a productive city that attracts investment, supports innovation and creates jobs.'*
        (i) Direction 1.2 of Plan Melbourne is to *'Improve access to jobs across Melbourne and closer to where people live'*

181. The strategy specifies that all ACs have the capacity to continue to grow and diversify the range of activities they offer. Opportunities to partner with the private sector to enable future diversification, investment and employment growth should be explored and, where appropriate, facilitated through planning provisions.

    (a) Outcome 2: *'Melbourne provides housing choice in locations close to jobs and services.'*
        (i) Direction 2.2 of Plan Melbourne is to *'Deliver more housing closer to jobs and public transport'*.

182. The strategy specifies that *'Activity centres are usually well served with public transport and offer access to a range of services and facilities. Many activity centres can support additional housing growth and will need flexibility, particularly where there is a significant population and household growth forecast.'*

183. The strategy promotes '20-minute neighbourhoods' where there is access to local shops, schools, parks, jobs and a range of community services within a 20minute trip from your front door.

Urban Design Guidelines for Victoria (DELWP)

184. The Urban Design Guidelines for Victoria (UDGV) are policy guidelines within the Planning Policy Framework of the Victoria Planning Provisions. The guidelines must be considered when assessing the design and built form of new development where relevant. The guidelines use best practice knowledge and advice underpinned by sound evidence.

Apartment Design Guidelines for Victoria (DELWP)

185. The Apartment Design Guidelines for Victoria (ADGV) provide additional explanation of the apartment standards in the 'interpreting the Standards' section and guidance on matters to consider to meet the objectives of the apartment standards in the 'Design Guidance' section. The Guidelines are also intended to support greater consistency in the planning permit assessment phase of an apartment development.

Yarra Spatial Economic and Employment Strategy

186. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme.

187. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.

188. In regards to the site, the SEES identifies the site as being located between two activity centres, the Brunswick Street and Smith Street Major Activity Centres, where the following is outlined:

    (a) *Smith Street and Brunswick Street (and the intervening sections of Gertrude and Johnston Streets) form a networked retail core in the suburbs of Fitzroy and Collingwood. Smaller employment areas behind these strip centres also provide a mix of retail, commercial and residential* uses.

Yarra Housing Strategy

189. The Yarra Housing Strategy (YHS) was adopted by Council in September 2018 and includes 4 directions which will inform future policy for the Scheme. The adopted YHS will guide and inform decisions on how residential land in the municipality will evolve and develop into the future.

190. The subject site is located in a 'high change area' that is applied to mixed use and commercial areas that have capacity to accommodate substantial housing growth over time. High change areas are generally within or close to activity centres that have an absence of site constraints, have excellent access to services, open space and public transport and have large lot sizes. Within high change areas, the following development is expected:

    (a) *It is expected that high change areas will support increased residential densities and housing diversity through mixed use, infill and urban renewal apartment development that will establish new character for a site or precinct.*

    (b) *The provisions of heritage and/or built form overlays in the Yarra Planning Scheme will determine the scale and form of residential growth in these areas. In those areas where no overlays apply, urban design and/or heritage local planning policies will determine built form outcomes for the sites and areas.*

Advertising

191. The submitted application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 1455 letters sent to surrounding owners and occupiers and by 5 signs displayed on site; two each along the Johnston Street and Gore Street frontages and one on the Argyle Street frontage.

192. Council received 25 objections, the grounds of which are summarised as follows:

    (a) Built form and design (overdevelopment, height, scale, bulk, character);
    (b) Heritage impacts;
    (c) Amenity (off-site, on-site, visual bulk, overlooking, loss of light);
    (d) Traffic and car parking;
    (e) Loss of views;
    (f) Reduction in rental / property prices;
    (g) Noise; and
    (h) Construction impacts.

Referrals

External Referrals

Head, Transport for Victoria (Roads Corporation and Department of Transport)

193. Pursuant to *Clause 52.29-4*, an application to create or alter access to a road declared as a freeway or arterial road under the *Road Management Act 2004,* in accordance with Clause 66.03 must be referred to Head, Transport for Victoria under Section 55 of the Act.

194. Head, Transport for Victoria were supportive of the proposal, subject to condition and notes. These comments have been included as an attachment to this report.

195. The application was also referred to the following external referrals:

    (a) Urban Design (Hansen Partnership Pty Ltd);
    (b) Heritage Consultant (Anita Brady Heritage);
    (c) Acoustic (SLR Consulting); and
    (d) Wind Consultants (MEL).

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

Internal Referrals

197. The application was referred to the following areas within Council:

(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; and
(h) Strategic Planning Unit;

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

OFFICER ASSESSMENT

199. The considerations for this application are as follows:

(a) Policy and strategic support;
(b) Built form, urban design and heritage;
(c) On-site amenity impacts, including Clause 58;
(d) Off-site amenity impacts;
(e) Car parking, traffic and alteration of access;
(f) Bicycle facilities and strategic transport;
(g) Environmental Audit Overlay; and
(h) Objector concerns.

Policy and Strategic Support

200. There is strong policy direction to support the redevelopment of the site to provide higher density residential use. 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.

201. Consistent with the zone, the use of the land for dwellings, a food and drinks premises and a restricted retail premises do not require a planning permit and only the buildings and works are triggered by the zone. This indicates strong strategic support for the mixed-use development containing commercial uses on the ground floor providing activation to Johnston Street with dwellings interfacing with Gore and Argyle Streets as well as the levels above.

202. 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. Furthermore, the SEES specifically seeks to support the provision of housing in MACs within mixed-use developments. The development is located within the Johnston Street NAC, and approximately 360m east and 115m west of the Brunswick Street and Smith Street MACs, respectively.

203. 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 Council's MSS. Additionally, policies (such as *Clauses 11.03-1R* and *18.01-1S*) encourage the concentration of development near activity centres and more intense development on sites well connected to public transport. As referenced earlier, the metropolitan planning strategy *Plan Melbourne* seeks to create 20minute neighbourhoods, where people can access most of their everyday needs (including employment) within a 20minute walk, cycle or via public transport. These neighbourhoods are recommended to be safe, accessible and well connected for pedestrians and cyclists. The site fulfils this criterion, with tram routes found along Smith and Brunswick Streets and buses along Johnston Street, as well as Nicholson Street further west. The proposed development also encourages the use of alternative transport modes 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 *Causes 18.02* (Movement networks), *21.06-3* (The road system and parking), *21.03* (Vision) and *21.07* (Environmental sustainability).

204. However, policy support for more intensive development needs to be balanced with built form and heritage guidance at *Causes 15.03* (Heritage) and *21.05* (Built form) of the Scheme. These policies call for development that responds to the surrounding context with regard to urban character and cultural heritage. More specifically, Council's local policy at *Clause 22.02* (Development guidelines for sites subject to the heritage overlay) seeks to maintain and conserve the significant historic character of the area and the design objectives of the DDO36 seeks *to ensure development responds to the heritage character and streetscape…*to support a mid-rise character that transitions down to Argyle Street.

205. As will be discussed in detail within this report, it is considered that the proposal achieves a good balance of State and local policy in relation to high quality developments and protection of heritage values. However, such strategic direction must be balanced against site constraints, the local built form context, the proposed architectural response and the potential for off-site amenity impacts. These aspects of the development will be discussed in the following sections of this report

Built form, urban design and heritage

206. The primary considerations for the proposed development are the provisions of the Design and Development Overlay Schedule 36 (DDO36), the Heritage Overlay and the decision guidelines of the CIZ. This assessment is also based upon State and local planning policy at *Clauses 15.01-2S* (Building design), *21.05-2* (Urban design); *22.02* (Development guidelines for sites subject to the heritage overlay and *22.05* (Interface uses policy).

207. 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

208. 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 currently exists on site, being located within the Johnston Street NAC, in proximity to the Brunswick Street and Smith Street MACs, 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 to 10-storeys within the immediate surrounds.

209. As noted within the 'Planning Scheme Amendments' section of this report, on 20 August 2021, Amendment C270yara was gazetted into the Scheme. The subject site is in one of the four approved DDOs (DDO36), which outlines built form controls for the Fitzroy East and Johnston Street North area.

210. A relevant built form objective of the DDO36 is

    (a) *to ensure development responds to the heritage character and streetscape by supporting:*', relevantly, '*a new mid-rise character (ranging from 6 to 9 storeys) with a new prominent street wall along the northern side of Johnston Street and scale of development transitioning down to Argyle Street.*'

211. Based on the context outlined earlier in the report, a mid-scale development on the subject site is anticipated, however, regard must be had to the appropriateness of scale of the proposal, based on the individual context and constraints of the land, and the specific provisions of the DDO36.

Demolition

212. Prior to ascertaining if the proposed development of the land is acceptable, consideration of the extent of demolition of the existing buildings is required. These considerations are outlined at *Clause 22.02* and *Clause 43.01* of the Scheme.

213. As outlined earlier in the report, Nos. 223 – 229 Johnston Street is graded as being 'not contributory' whilst the site at No. 369 Gore Street is identified as being 'individually significant' to the South Fitzroy Precinct. Furthermore, a review of the buildings that make up the site at No. 369 Gore Street identified that the building located on the corner of Johnston Street and Gore Street is considered to be not-contributory, as is the single-storey brick building to the east of the ROW.

214. Council's consultant Heritage Advisor Ms Anita Brady (Anita Brady Heritage) was engaged to review the previous proposal on this site (planning application PLN19/0928) and this current application. Ms Brady continues to support the full demolition of the existing not-contributory buildings listed above. The removal of 'not-contributory' buildings would not detrimentally impact the significance of the wider area and is also supported by heritage policy at *Clause 22.02-5.1* of the Scheme.

215. The proposal retains the façade associated with the former Argyle Shirt Factory building at No. 369 Gore Street, and demolishes the remainder of this building, including the roof. There is largely no change to the previously proposed extent of demolition under planning application PLN19/0928.

216. During the assessment of the previous planning application, Ms Brady raised no concerns with the extent of demolition. Whilst the demolition under the current application for an individually significant building continues to be extensive, Ms Brady reiterated that '*the façade to be retained display the late nineteenth century form and Italianate detailing*. *The roof is not prominent or visible and is largely concealed from the street by the high parapet'*.

217. The Tribunal in *Pace Development Group Pty Ltd vs Yarra* (Pace) also agreed with the extent of demolition. The proposed conservation and restoration works on balance with the extent of demolition, would provide a beneficial outcome.

The Heritage Impact Statement prepared by Bryce Raworth (dated September 2021) for the applicant continues to recommend the following works to the retained heritage facades (and not limited to), these works are supported by Ms Brady and should form conditions of any permit granted:

(a) Removal of paint from the face brick of the factory buildings to investigate the original finishes;
(b) Repairs to the brickwork, potentially including reinstatement of tuckpointing to elements of the key corner building;
(c) The rendered dressings to be retained and either cleaned to a natural render finish (or repainted in an appropriate colour scheme);
(d) The Bluestone sills of the original corner building to be cleaned of paint; and
(e) *Retention of existing window grills/bars and glazing, or replacement of the latter where required.*

218. Council's external Urban Design consultant who assessed the previous planning application PLN19/0928 also acknowledged the retention of the heritage facades along both Gore and Argyle Streets, commenting the benefits of restoring the former Argyle Shirt Factory and that the

(a) *removal of the white rendered/painted façade is considered appropriate and will reflect and accord with the other restored former factory facades opposite and further north along Gore Street*.

219. In the *Pace decision,* the Tribunal in reviewing the heritage impacts said:
[47] Given:
(i) the existing exposure of sky and vegetation through the skylights of the existing roof from the footpaths of Argyle Street,
(ii) the limited direct view into many of the windows due to their sill height, meaning pedestrian views are mostly angled up toward the existing ceiling and vegetation visible through the skylights,
(iii) a number of the windows remain to internal rooms not courtyards, and
(iv) glass is to be retained to existing windows,

we are satisfied, in principle that the roof could be demolished to form a podium to a new building with some voids.

220. Based on a number of conditions requiring careful details regarding the new infill buildings behind the retained facades and conditions reflecting the recommendations included in the Applicant's Heritage Impact Assessment Statement; the proposal demolition works are considered acceptable. Additionally greater detail regarding works required to ensure the retained building will be supported during the demolition and construction phase of the development will also be required.

221. The following conditions on any permit issued will require the following reports be submitted prior to the commencement of works on the site:

(a) Conservation Management Plan (CMP);
(b) Structural report; and
(c) Archival record to ensure a detailed and annotated photographic record of the existing building at No. 369 Gore Street in its context.

Height, scale and massing of the development

222. The strategic planning context for the site has been established and is considered to support re-development of the site. However, this must be balanced against achieving acceptable design outcomes for the site having regard to relevant built form polices.

223. The subject site continues to be affected by the DD10 which seeks *to ensure development fits with its context and the preferred future character*. The design principles recommend built form to be built to the street frontages and side boundaries, seek a podium height of 3-storeys or 12m in height, with the development above the street wall to be set back and not exceed 4 to 6-storeys. Despite the subject application's inconsistencies with these design principles, in particular the preferred podium height and overall height, it is considered that the subject proposal is generally consistent with the design objectives of the DD10. And whilst the subject site is affected by the DDO10, given that the newly introduced DDO36 is far more descriptive and provides more specific built form controls, significant weight is given to the DDO36 and as such the proposed development will be more rigorously assessed against the design objectives identified within the new DDO.

224. The site is located within DDO36 which seeks the following relevant design objectives:

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

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

(i) the commercial character of Johnston Street; and

(ii) the varied industrial and residential heritage character of Fitzroy East.

(b) *to ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.*

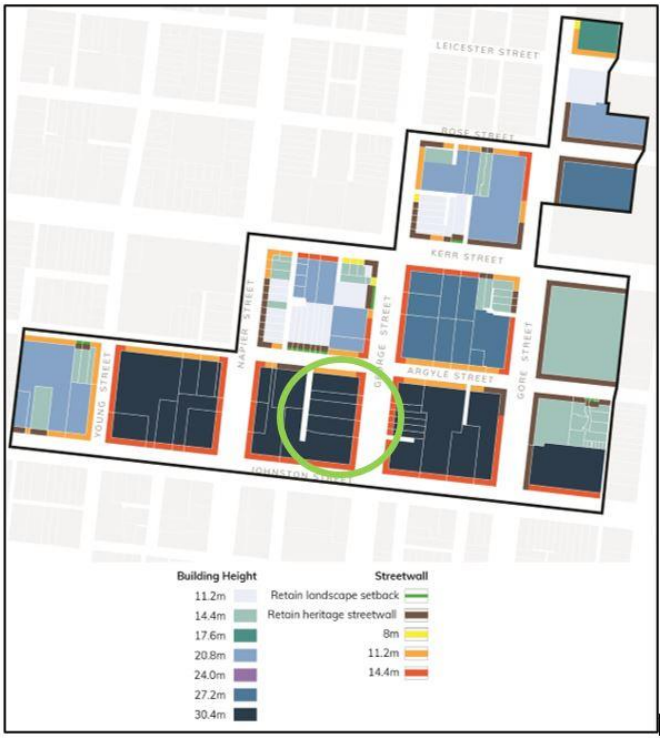


Figure 31: DDO36, with the subject site circled (DELWP, May 2022)

225. The site is identified within DDO36 as having a discretionary building height control of 30.4m and encourages a street wall height that varies between 11.2m and 14.4m to Argyle and Gore Streets, respectively.

226. The proposal as submitted, is above the height control, rising to as much as 2.98m above the preferred building height towards Johnston Street due to the slope of the land, and also seeks variations to the street wall requirements.

227. In terms of upper level setbacks, the DDO36 seeks a 10m setback above street wall to Argyle Street and a 6m upper level setback to both Johnston and Gore Streets. This means that the development is varying from the setback requirements to all three street facades.

An appropriate built form outcome on this site will largely be guided by the built form controls in DDO36 which sets out design objectives for the Fitzroy East and Johnston Street North area. When considering the exercise of discretion in respect of the preferred requirements, the following considerations are relevant as set out in the decision of *Forza Capital ATF Forza Grosvenor Street Fund v Yarra CC* [2022] VCAT 128 where the Tribunal said:

[64] The fact that the development exceeds the discretionary maximum building height does not, of itself, mean that it is unacceptable and should not be approved. The control has been formulated as a discretionary rather than mandatory one. This is a conscious decision and one which is aligned with the performance-based approach embodied in the Planning Scheme. Its formulation as a discretionary requirement indicates that there may be instances where, due to a site's context and the specific design response, a development which exceeds the height can represent an acceptable planning outcome.

[65] That said, care must be taken when exceeding the specified height as incremental departures may, over time, undermine the ability to achieve the built form vision which underpins the control, and which formed a basis for its introduction...

[66] Although the discretionary nature of the control allows buildings which exceed this height to be contemplated and approved, this should not be done lightly. In our opinion, there needs to be sound justification for doing so. The control must be given meaningful expression in the manifestation of built form within the area affected by DDO1.

[67] We agree with the Tribunal's comments in the matter of Athedim (Vic) Pty Ltd v Moonee Valley CC (No 2):

> *[12] The Tribunal must give effect to the DDO. Notwithstanding the fact that the preferred height within the subject DDO is a discretionary limit, the Tribunal must avoid decisions which in effect render the specification of a preferred height meaningless. I agree with Mr Holdsworth, there needs to be special circumstances which warrant a departure from the preferred maximum specified by the DDO.*
>
> *[13] Special consideration should not be too narrowly construed. They could be:*
>
> (i). *characteristics of the proposal, for example, its social utility or the atypical excellence of its contribution to architecture and urban design, or*
> (ii). *characteristics of the site, its size, its location, the sensitivity of its interfaces etc.*
>
> *On the other hand special consideration should not be urban design and amenity considerations which would be broadly applicable on a general basis throughout the precinct.*

228. Though the proposed development does not strictly comply with the preferred requirements of the DDO36 as confirmed within the referral advice provided by Council's consultant Urban Designer (Hansen Partnership), it is important to understand that this does not preclude the grant of a permit as outlined in the above decision however a careful assessment against the Decision guidelines is required to determine are the exceedances from the preferred controls acceptable.

Height

229. In relation to height, Planning Officers agree with the external Urban Design consultant and Heritage consultants (Anita Brady Heritage) that the increase above the preferred height control is acceptable.

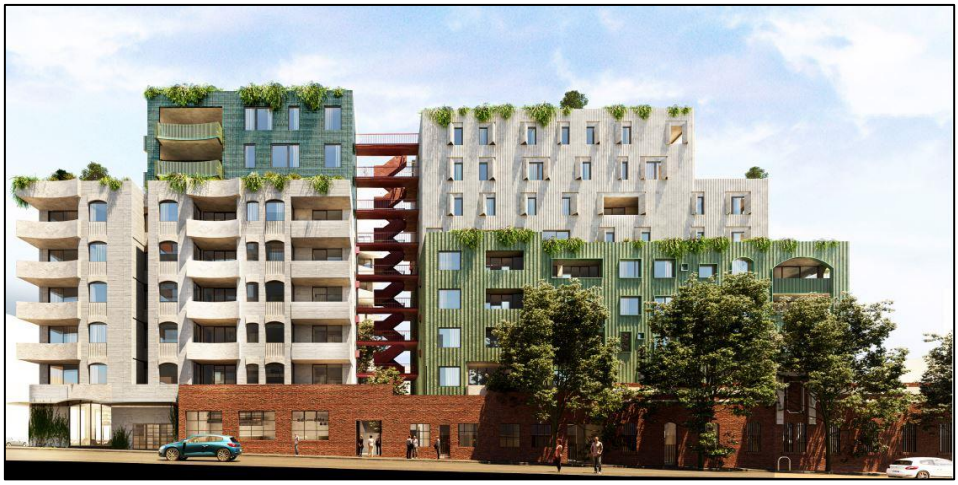


Figure 32: Proposal viewed from Gore Street (SJB Architects September 2021)

230. As shown above in Figure 34, the slope of the land means that the most pronounced increase to height is at the southern edge (closer to Johnston Street) of the site where the height is a proposed maximum of 33.5m (excluding lift overrun).

231. As highlighted by Council's external Urban Design consultant*…we find this to be supportable given the corner location, surrounding built form conditions and broad compliance with other measurable parameters outlined in DDO36 and DDO10. It should also be noted that the top storey is visually recessive. Further, the proposal also accords with the VCAT direction which was to remove Level 9 or 1 storey*.

232. The Heritage consultant has commented that whilst the original heritage advice recommended the removal of two to three levels, the deletion of one-storey, combined with the removal of rooftop amenities and plant (other than landscaping) from the northern end of the new building it is an *improved outcome for (and less bulk at) the north end effectively achieving this outcome in this more sensitive location*.

233. In Pace, the Tribunal's finding was that:

> *(a) Our view is that the proposed building will more distinctly read as a 10 to 11 storey building in the Johnston Street environs. What we find concerning about this is not the height, per say, but the width and proximity of its volume to Johnston Street. We agree with Mr Czarny that at the south-east corner 'in contrast with Lyric, upper form will draw attention to itself in the skyline and increase prominence through an overtly stepped form (recently referred to by PPV as 'cakeness').' Mr Czarny therefore recommends removal of level 9 (the 10th Floor). We do not seek to direct what the ultimate design should be, but agree that the exposure and stepping of form creates a somewhat massive, rather than clearly recessed form behind the street wall.*

(b) We find that for a corner 'accent' to be a clear feature, any form visible above, from the south-east should be highly recessed so as to not confuse or diminish the corner feature. Ultimately, we anticipate this is likely to lead to a lower overall built form.

(c) For further reasons we discuss below about the Gore/Argyle Street interface below we are not sure that simply removing the top floor, as suggested by Mr Czarny is what is required.

(d) Overall a simpler, more recessive massing of upper form is needed to Johnston Street. This needs to clearly distinguish itself from the street wall and not confuse, or visually dominate the street.

234. While planning Officers agree with both external consultants (Urban Design and Heritage) that the increase from the discretionary height limit of 30.4m can be supported an assessment of how this latest application has addressed the concerns of the tribunal is required coupled with assessment against the relevant decision guidelines of the DDO36.

Street wall

235. In regard to the street wall, there are variations to the preferred heights within the DDO36, which are supported by the external Urban Design and Heritage consultants. The key variations sought are as follows:

	Preferred street wall height DDO36	**Proposed street wall height**	**Variation**
Johnston Street	14.4m	4 storey (14.95m) and 6 6-storey (20.8m) street walls to this corner (an increase of 6.46m).	0.55m (4-storey) 6.4m (6-storey)
Gore Street	14.4mm	6-storey (20.8m) street wall reducing to 7m further east along Gore Street, associated with the retained heritage façade.	6.4m (6-storey)
Argyle Street	11.2mm	Argyle Street will continue to incorporate the retained 7m high heritage façade, followed by a 10.48m high 3-storey street wall which is 0.7m under the preferred street wall height.	No variation

236. The obvious area of non-compliance with the street wall height is the corner element to the intersection of Johnston and Gore Streets. The DDO control specifies a uniform height of 14.4m for the blocks between Young Street and Gore Street as you approach Smith Street. Council's Strategic Planning Unit recommended that the proposed street wall be reduced to comply with DDO36 in order to limit visual bulk and enhance access to the sky for pedestrians on the footpath of the corner of Johnston and Gore Streets.

237. In contrast, despite these variations sought, Council Planning Officers agree with Council's external Urban Design consultant who have stated that *while we note this is significantly above the preferred height we believe that height has merit given the prominent corner location*.

238. As shown in the figure below, the Johnston street façade includes a central cut out which effectively breaks the building into two segments, four storey and generally compliant with the DDO control to the west and a second taller six storey element to the corner. This separation assists in reducing the bulk of the building as it presents to the street and appropriately provides a transition of scale across the site responding to the immediately abutting 3-storey building to the west and rising to 6 storeys in response to the recently constructed development at Nos. 239 - 249 Johnston Street which is 8 storeys to the corner.



Figure 33: Street wall composition along Johnston Street (SJB Architects September 2021)



Figure 34: (Building transition along Johnston Street, SJB Architects September 2021)

239. In *Pace,* at paragraph 66, the Tribunal agreed that:

(a) *…..Based on the existing physical context we accept a predominantly four-storey street wall could be acceptable with some 'accent' at the intersection with Gore Street.'*

240. The proposal has sought to address this comment by the Tribunal and limits the majority of the 6-storey street-wall to the south-eastern portion of the site; i.e. corner of Johnston Street and Gore Street, with the curved balconies concentrated towards this corner. In this instance, the current design is preferred as it allows the design to logically hold the corner and then drop the podium towards the middle of both the Johnston Street façade and Gore Street façade.

241. To Gore Street, as shown in the Figure below, the introduction of a central external stair element provides a clear break along the expansive Gore Street façade. Council's external Urban Design consultant is supportive of this feature as it assists in dividing up the form and *provides further articulation to the building expression and presentation along the longest elevation of the site*.

Similarly, the Heritage Consultant was also supportive of this element as it was found *to assist in breaking up the long north-south massing of the building* and separating the northern and southern wings. Planning officers again agree with the consultants that the exposed stair is an effective break that splits the mass of the development, providing visual interest, light penetration and verticality to the substantial width of the upper floors that is a substantial enhancement compared to the previous design considered by VCAT.



Figure 35: (Gore Street Façade, SJB Architects September 2021)

242. Again while the height exceeds the preferred streetwall height, the composition of the proposal and stepping down of the perceived streetwall behind the retained heritage building responds appropriately to the physical context of the site while addressing the decision guidelines of the DDO control which seeks to retain the prominence of the heritage street wall in the vistas along the primary street frontage.

Upper Level

243. The DDO36 outlines a number of requirements for upper-level setbacks including as relevant:

(a) Upper levels above the primary and side street wall, in this instance Johnston and Gore Streets, should be set back by a minimum of 6m;
(b) Upper levels above the Argyle Street wall should be set back by a minimum of 10m;
(c) Projections such as building services and architectural features(other than shading devices, moldings etc.), balconies and balustrades should not intrude into a setback.

244. The key variations to upper level setbacks sought by the previous and current proposals are listed in the table below:

	Previous planning application	**Current planning application**	**Variation (New proposal)**
Johnston Street	• Level 4 - 5: Setback 4m, balconies projecting into this setback; • Level 6: Setback 8.8m, large balcony	• Level 4: Setback 3.95m, some balconies projecting into this setback; • Level 6: Setback 8.8m, large balcony areas	2.05m No variation

	areas projecting; • Levels 7 – 8: Setback 8.8m, small projections for balconies; • Level 9: Setback 12.64m, balconies projecting; • Level 10, plus communal terrace: Setback 12.64m	projecting; • Levels 7 – 8: Setback 8.8m, small projections for balconies; • Level 9: Setback 11.49m with the communal terrace balustrade setback 8.8m from the Johnston Street boundary	No variation No variation
Gore Street	• Above the retained heritage wall: Setback 2.6m - 4.5m, some balconies projecting; • Level 5 - 9: Setback 7m, balconies projecting; • Roof terrace: Setback 7m; • Level 7 – 8 (corner element to Johnston and Gore Streets): Setback 4.27m, balcony projections;	• Above the retained heritage wall: Setback 2.6m – 5m, some balconies projecting; • Level 5: Setback 7m, some balconies projecting; • Levels 6 – 8, plus roof terrace: Setback 7m, no projections; • Level 7 – 8, plus roof terrace (corner element to Johnston and Gore Streets): Setback 4.15m, balcony projections;	1m to 3.4m No variation No variation 1.85m
Argyle Street	• Level 2: Setback 4.5m, balconies projecting; • Levels 3 – 4: Setback 4.5m, a balcony projecting; • Level 5 - 6: Setback 7m, some balcony projections; • Level 7 - 9: Setback 13m, large balcony incursions; • Roof terrace: Setback 13m	• Level 2: Setback 5m, balcony projecting; • Levels 3 – 4: Setback 5m; • Level 5: Setback 10.35m, some balcony projections; • Level 6: Setback 10.35m; • Level 7: Setback 17m, some balcony incursions; • Level 8, plus roof terrace: Setback 17m	5m 5m No variation No variation No variation No variation

Johnston Street

245. Council's Strategic Planning Unit have stated that *although the upper levels (7 storeys and above) are setback more than the preferred requirement to avoid overshadowing, however, lower levels (5 and 6 storeys) are required to meet the preferred setback to reduce the bulk*.

246. While acknowledging these comments, strict compliance with the preferred setbacks is not mandatory however consideration must be given regarding the acceptability of the proposed setbacks.

247. In *Pace at* paragraph 71, the Tribunal suggested a *simpler, more recessive massing of upper form* along Johnston Street*. This needs to clearly distinguish itself from the street wall and not confuse, or visually dominate the street*.



Figure 36: Previous - Johnston Street Façade (SJB Architects March 2020)



Figure 37: Current - Johnston Street (SJB Architects September 2021)

248. As shown in the Figures above, including the comparison table; the previous proposal resulted in minimal setbacks to the upper levels from the Johnston Street boundary. As a result of these minimal setbacks, combined with the dominant curved balconies projecting beyond the street wall, the proposal failed to clearly distinguish between the podium and upper levels. This application seeks to remove a number of these curved balconies along the Johnston Street façade, in combination with the increased upper-level setbacks (compared to the previous planning application) from this boundary.

249. Council's external Urban Design consultant stated that the removal of the projecting balconies from the Johnston Street façade has significantly reduced the visual bulk concerns and *simplified and enhanced* the proposed buildings presentation. This is in line with the recommendations of the Tribunal as stated in paragraph 71 above. Planning Officers agree that the design has been enhanced through reducing the previous heavy curved elements and simplifying the forms to have a much more responsive design. The subject proposal has retained the best aspects of the previous design while introducing greater architectural breaks and much more recessive upper levels consistent with the recommendations of the Tribunal.

250. Furthermore, the street level activation and the 4 to 6-storey podium would maintain interest at the lower levels of the development, drawing the eye of pedestrians to these levels and thereby minimising any visual impact of the upper levels. The revised development achieves distinction between the upper and lower levels along Johnston Street in accordance with the objectives of DDO36 and the recommendations of the Tribunal.

Gore and Argyle Streets



Figure 38: Previous - Gore Street Façade (SJB Architects March 2020)



Figure 39: Current - Gore Street Façade (SJB Architects September 2021)

251. As shown in the Figures above, the previous proposal resulted in minimal upper-level setbacks from the retained heritage façade along Gore Street. The current proposal meets the required setbacks of the DDO36 from Level 5 and upwards (aside from the balconies encroaching). Compared to the previous proposal, the subject current design only makes slight variations to the Gore Street setback, with the size, design and the number of balconies projecting into these setbacks reduced. In addition to this, a large central courtyard is provided along this façade, which provides a setback of 10.32m from the retained heritage façade.

252. The Heritage consultant stated that whilst limited increases in the setback between Levels 1 to 4 (in comparison to the previous application) are provided along Gore Street, these increases, coupled with the more rectilinear balcony designs are acceptable changes.



Figure 40: Previous - Argyle Street Façade (SJB Architects September 2021)



Figure 41: Current - Argyle Street Façade (SJB Architects September 2021)

253. Similar to both Johnston and Gore Streets, the previous proposal resulted in minimal upper-level setbacks from the retained heritage façade along Argyle Street. Large, sculptured balcony elements also encroached these setbacks.

254. In *Pace,* at paragraphs 99 and 100, the Tribunal stated that:

(a) *The extent of mass to the north is also accentuated by proposed balconies. Both the mid and upper sections have large balconies protruding out from the setback walls that add to the form read in the public realm. Their solid form underneath and sides add to this impression particularly to pedestrians who will view up to the underside and soffits of the balconies….*

(b) *….the sculptured nature of the balconies is perhaps at odds with the simple rectilinear nature of the historic industrial forms to the north….Their scale and shape, however, adds to the overall mass of building as it extends north into the Gore Street/ Argyle Street hinterland. The projecting balconies to upper levels, combined with the overall building setbacks overpower the prevailing street character, and fail to provide adequate transition to the north.*

255. The current proposal responds to the concerns raised by the Tribunal by providing greater setbacks from the Argyle Street boundary and more rectilinear balconies in comparison with the previous proposal. However, Council's Strategic Planning Unit and Heritage consultant have differing opinions to the acceptability of the siting of this component of the development.

256. Council's Strategic Planning Unit have stated that *the upper-level setback along Argyle Street should be minimum of 10m above the heritage street wall (retained)*. The Heritage Consultant stated that the significant increases in the setbacks to the new building façade on the northern elevation between Levels 7 – 8, combined with the removal of numerous curved balconies are acceptable changes. The current proposal also complies with Council's heritage policy at *Clause 22.02-5.7.1* which states that new buildings should be visually recessive and not dominate the place. Furthermore, based on the previous planning application, the Heritage consultant recommended that the building should retain more of its solid three-dimensional appearance, and more of its original industrial character and presentation. The Heritage consultant has stated that the current proposal provides *a sense of the three-dimensional appearance of the building through the increased setbacks*.

257. Similarly, Council's external Urban Design consultant stated that *the increased setback in combination with the removal of the projecting balconies results in an appropriate building elevation with a massing and presence that is now more respectful of the retained*. Again Planning Officers agree with the findings of the consultants with the images above clearly demonstrating the vastly improved response to Argyle and Gore Streets. The removal of the dominant curves substantially reduces bulk and in combination with the reduction in height allows a far more recessive upper level consistent with the recommendations of the Tribunal. As such, the proposed upper-level setbacks are supported.

Architectural quality

258. The development is considered to be of high architectural quality and in that regard responds to the design objectives *Clauses 15.01-2S*. The contemporary design is appropriate and responds well to the emerging character of this part of Fitzroy. Council's external Urban Designer and Heritage consultant were both complementary of the proposed architectural design and quality.

259. The Heritage consultant has stated that the *northern half of the building where the new levels have a 'quieter' expression when seen above the retained heritage building facades* is an improvement from the previous proposal. In addition, the change to the balcony forms have been considered as an enhancement. Therefore, the Heritage consultant is supportive of the proposed material palette and design.

260. Council's external Urban Design consultant has stated that the proposal has substantially improved from an architectural expression perspective and provided the following commentary which are similar to that of the Heritage Consultant:

    (a) The removal of the projecting balconies significantly reduces the visual bulk concerns particularly from the sensitive Argyle Street interface. The Johnston Street presentation is also notable simplified and enhanced by their removal;
    (b) The division of the building into two separate forms with an asymmetrical material palette is a successful outcome, the colour strategy is effective in distinguishing the forms from each other while it is still clear they are related forms, forming interlocking components of when viewed from within Gore Street.
    (c) The heritage retention and integration of fabric within the ground floor is suitably acknowledged. The removal of the white rendered/painted façade is considered appropriate and will reflect and accord with the other restored former factory facades opposite and further north along Gore Street. The light grey concrete with boardmarked texture will appropriately contrast with the single storey brick base ensuring a clear distinction and understanding between new and original forms.

261. A condition will require a façade strategy to be provided in conjunction with other Condition 1 requirements, which would detail (and not limited to) the proposed design, including the podium. This provides Council certainty regarding the high architectural quality of the overall proposal prior to construction. This condition will also require a sample board and coloured drawings and renders outlining colours, materials and finishes for this elevation.

Landmarks, Views and Vistas

262. The policy direction under *Clause 22.03* (Landmarks and Tall Structures) of the Scheme outlines that development should maintain the prominence of Yarra's landmarks (i.e. the spire of St Mark's Church on George Street approximately 400m south of the subject site and the Fitzroy Town Hall clock-tower approximately 600 metres south-west of the subject site).

263. Given the substantial distance of the development and the presence of existing higher density development closer to these two sites, the prominence of the identified landmarks and views to them would be unaffected by the proposed development.

Light, Shade and Public Realm

264. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user.

Active uses are proposed at al ground level, with windows along Johnston and Gore Streets, and dwelling entries along the remainder of Gore Street frontage allowing direct interaction and casual surveillance between the commercial uses, apartments and the public realm. The provision of a canopy along majority of the Johnston Street façade, which wraps around the corner into Gore Street and terminating at the retained heritage façade provides adequate weather protection to pedestrians and also gives emphasis to the commercial uses at ground floor. The commercial entry along Johnston Street is defined by a 1.8m centrally positioned rebate and consists of a single door and 6 visitor bicycle spaces. . Council's external Urban Design consultant has stated that *given the inset arrangement of the entry, we would recommend that a second door be added into the western return wall and the bicycle space be incorporated into the Johnston Street public realm*. Provided that this would enhance the visual and social experience of pedestrians, this will be recommended by way of condition.

265. Furthermore, given that the proposed western wall at ground floor has not been provided with any activation, a condition will require ground level windows to be introduced to along the west-facing wall to the laneway.

In respect of public space, Council's internal Urban Design Unit raised concerns with various matters including the tree protection measures, tree protection outstands to Gore Street, details of kerb, channel and drainage, provision of seating, the potential for more street car parking opportunities along Johnston Street, provision of 2 car parks and 3 trees in cut-outs with bicycle hoop protection along Argyle Street, further details of laneway as well as updated ground plan and landscape plan, which could be addressed via conditions with the provision of a Streetscape Improvement Plan..

266. In regard to sunlight access within the public realm, DDO36 provides specific overshadowing requirements and seeks to avoid overshadowing on the opposite footpaths including Johnston and Gore Streets between 10am and 2pm at September 22.

267. The proposed development will cause increased shadow impacts on the southern side of Johnston Street at 10am and the eastern side of Gore Street at 2pm. Council's Urban Design Unit stated that the proposal needs to be revised in order to meet the requirements of the DDO36.

268. The proposal broadly meets these discretionary requirements of the DDO36, with minor encroachments occurring during the morning and afternoon hours.

269. At 10am, the shadowing impacts is limited to a small area proximate to the corner of Johnston and Chapel Streets (see figure below), this shadow impact is eliminated by 11am.

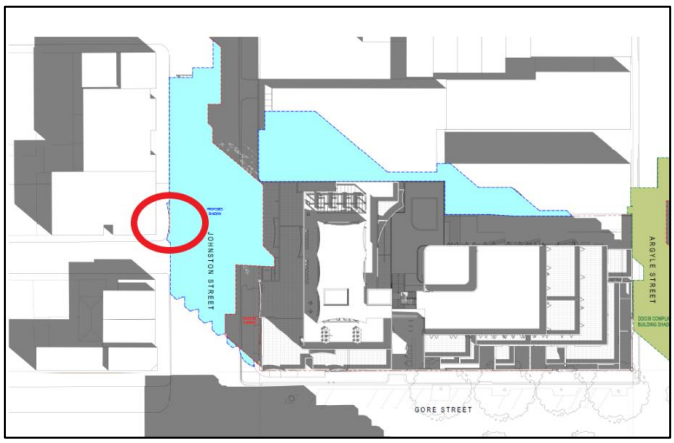


Figure 42: (Shadows to the Johnston Street Footpath, SJB Architects September 2021)

270. A second minor shadow impact at 2pm is evident to the corner of Johnston and Gore Streets (see below), this impact then increases beyond 2pm.

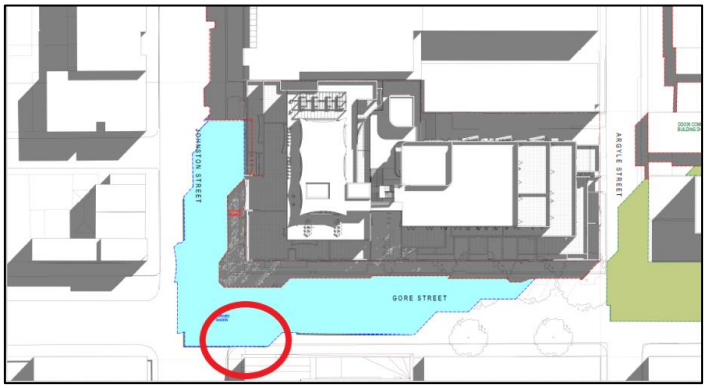


Figure 43: (Shadows to the Gore Street Footpath, SJB Architects September 2021)

271. Council's external Urban Design consultant considered the extent of overshadowing to be *acceptable given this is only a marginal infringement on the defined pedestrian realm and the extent of shadow should not dimmish the function or amenity of these footpaths*. Officers agree with this assessment and no changes are required to address the minor noncompliance.

Wind

272. Wind impacts relate to the public realm, with a particular focus on potential impacts to pedestrians using the public realm. A desktop wind study was undertaken by Vipac Engineers & Scientists and dated September 2021 and peer reviewed by MEL Consultants. This study analysed the potential for the development to generate adverse wind conditions in ground level footpath areas and considered the following items:

(a) The exposure of the proposed development to wind;
(b) The regional wind climate;
(c) The geometry and orientation of the proposed development;
(d) The interaction of flows with adjacent developments; and
(e) *The assessment criteria determined by the intended use of the areas affected by wind flows generated or augmented by the proposed development.*

273. MEL Consulting raised no issue with the above considerations, including the recommendation for standing criterion for the terraces and the ground floor wind effects. However, MEL Consulting has queried the assessment of the Level 1 communal terrace, stating the following:

    (a) *The gap between the buildings would be expected to funnel wind flow through the gap and be driven by the pressure difference across the building. The re-entrant configuration of the buildings over the Level 1 terrace would be expected to focus the north-westerly wind directions towards the gap between the building and across the Level 1 terrace. While the wind comfort criteria assess the average tolerable wind conditions for all wind directions combined, the north-westerly wind directions are prevailing wind directions and have a significantly contribution to the assessment of the wind directions combined wind criteria.*

274. Therefore, MEL Consulting have recommended a wind tunnel testing for Level 1 communal terrace.

275. With regards to the rooftop terrace which spans over both the northern and the southern wings of the development; whilst the taller balustrade at 1.8m would assist with mitigating wind conditions, the effectiveness of the balustrade would reduce with the distance from the edge of the building. Vipac have recommended the wind conditions be confirmed by a wind tunnel study and MEL Consultants are in agreeance.

276. Vipac have also assessed the wind conditions on the private terraces and balconies as satisfying the walking comfort criterion, however, have noted that during moderate to strong winds, conditions in these areas may exceed human comfort criteria.

277. The wind conditions are still not fully supported, as it is considered that the private balconies should meet sitting levels, rather than walking.

278. Wind impacts on a rooftop communal space were considered recently by the Tribunal in SMA *No. 17 Pty Ltd v Yarra CC [2020] VCAT 1364*. In that case, the Tribunal found:

    (a) *The key concerns relating to the wind impacts are in respect to 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.*

    (b) The rooftop space is an important area and will make a notable contribution to residents amenity given its size, proportions, landscaping, opportunities for views and solar access. It will provide an attractive option for occupants and their visitors as an alternative to the individual balconies.

    (c) 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 designated 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.

279. The above case directly discusses wind impacts to communal areas and demonstrates that the communal areas should be afforded greater wind comfort. Furthermore, it is considered that private areas are worthy of the same, if not greater, protection to allow for acceptable amenity. Conditions will require this to be provided and will require a wind tunnel study which includes the ground, Level 1 communal terrace, all private terraces and the roof terrace.

Site Coverage

280. The majority of the site will be covered in built form, with the exception of the central courtyard. The degree of site coverage proposed is similar to that found on many sites proximate to the site. Further, the EAO affecting the site would likely require extensive capping to occur over the land due to potentially contaminated soil. These works would cover 100% of the site and reduce permeability accordingly. The degree of built form is considered acceptable based on the context of the land, which has been one of commercial/warehouse style buildings, and is not considered to result in a visually bulky or imposing building.

Landscaping

281. Whilst landscaping is not a typical feature of higher density development in Fitzroy, the proposal includes a good degree of visible landscaping throughout. This will be discussed in detail under Clause 58 assessment.

282. Council's Open Space Unit reviewed the submitted landscaping plan prepared by Acre Studios dated 01 November 2021 and indicated that additional information is required in relation to provision of adequate soil depth for all trees, further notes on proposed irrigation and load bearing which can all be addressed via condition.

283. In regard to street trees, Council's Urban Design Unit have requested the applicant to contribute to the cost of planting seven (7) new street trees, which would cover tree sourcing, planting and 2 years of maintenance. The total cost for the trees would be $6,037 and below is the breakdown:

    (a) Roadside – 3 x Argyle Street; approximate cost $1,099 per tree;
    (b) Outstand –1 x Gore Street; approximate cost $880 per tree; and
    (c) Footpath – 3 x Johnston Street; approximate cost $620 per tree.

284. The above will be required by way of condition.

285. Furthermore, it has been recommended that the following tree species to be updated to align with wider street tree character:

    (a) Tree species on Argyle Street to be Koelreuteria paniculatum
    (b) Proposed plane trees on Gore Street to be Platanus x acerifolia 'Liberty'
    (c) Tree species on Johnstone Street to be Hymenosporum flavum

286. The above will be required by way of condition in the Landscape plan.

287. In addition, as discussed later in the report, Council's EDS Advisor recommended the proposed development to incorporate additional vertical greenery or climbing vegetation. This will be required by way of condition.

Laneway abuttal

288. Council's local policy at *Clause 22.07* discusses development abutting laneways and relevantly, seeks to provide an environment which has a feeling of safety for users. This is applicable to the laneway abutting the western boundary.

289. The western ROW is currently used by vehicles to access numerous sites fronting Johnston and Argyle Streets. This ROW will be used for vehicle access for the 146 on-site car spaces. The primary pedestrian entrances will be from Gore and Argyle Streets. Therefore, this arrangement complies with *Clause 22.07-3* of the Scheme which states *pedestrian entries be separate from vehicle entries.*

290. A number of west-facing windows and terraces face the ROW, thereby providing a level of passive surveillance through activity at this frontage. Assessment relating to overlooking is discussed earlier in the report.

On site amenity impacts, including Clause 58

291. 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. As supplementary guidance, the UDGV and ADGV are also of relevance.

292. The applicant provided apartment types and an assessment table as part of the application to assist in the assessment of the application against the standards of Clause 58.

Standard D1 – Urban context

293. The purpose of this Standard is to *ensure that the design responds to the existing urban context and contributes to a preferred future development of the area*, while also responding to the features of the site and the surrounding built form. This aspect has been discussed in detail within the *built form, urban design and heritage* section of the report. The standard and objective are met.

Standard D2 – Residential Policies

294. As outlined within the *policy and strategic support* section of this report, the proposed development has strong policy support under the C1Z and local policies of the Scheme. The site can support a higher density residential development, based on its context, proximity to public transport, community infrastructure and services. The Standard and objective is met.

Standard D3 –Dwelling diversity

295. The provision of a diverse housing stock assists in achieving broader strategic goals by promoting housing choice, adaptability and encouraging a diverse range of people within a neighbourhood, including families.

296. The proposed mix of dwelling sizes include 21 x one bedroom, 59 x two bedroom and 27 x three bedroom apartments (which also includes 7 x three bedroom duplexes) allows for a reasonable variety of dwellings to be provided and ensures that the Standard and objective are met.

Standard D4 - Infrastructure

297. The proposal is located within an existing commercial and residential area (further north) with established utility services and infrastructure. There is no evidence to suggest that the proposed development would impact on the operation of these existing services and therefore the purpose of the Standard and objective are considered to be met.

Standard D5 – Integration with the street

298. The purpose of this Standard is *to integrate the layout of development with the street*. As discussed earlier in the *built form, urban design and heritage* section of the report, the proposed development improves the connectivity with the street through the activation of the ground plane and inclusion of windows and balconies orientated to the street improving surveillance of the street. The multiple crossovers presenting to the various street frontage will be reinstated to footpaths with additional street tree plantings improving the public realm environment.

Standard D6 – Energy efficiency

299. The purpose of this standard is to achieve efficient dwellings by orienting the development to reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 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.

300. The SMP (prepared by Sustainable Design Consultants, dated November 2021) was referred to Council's ESD Advisor for comment. The following ESD commitments proposed for the application were identified by Council's ESD Advisor, as follows;

    (a) An overall BESS report score of 68%;
    (b) Net-zero carbon development via all-electric building (no gas), and a Green Power PPA to procure renewable energy for the residual energy demand;
    (c) Weighted average energy rating of not less than 7.0 Stars for all apartments;
    (d) Domestic hot water for the entire development will be provided via high efficiency electric heat pumps in a central HWS system (with COP≥3.1);
    (e) The roof of the development will host a 16kW (min.) solar photovoltaic (PV) system (48 x 400W panels) for renewable energy generation;
    (f) A STORM report with a 117% STORM score has been submitted that demonstrates best practice and relies on ~1,805 m^2 of roof connected to 45,000 litres of rainwater storage used for toilet flushing in the commercial and residential tenancies from Ground Floor to Level 2;
    (g) Native and drought tolerant plants will be preferred for planter boxes installed as part of the development, with drip or sub-surface irrigation systems;
    (h) 84% of living areas and 96% of bedrooms will meet best practice daylight levels, with daylight modelling provided;
    (i) Operable windows throughout, with 46% of apartments receiving natural cross-ventilation;
    (j) Commitment to a construction Waste Management Plan with a target to re-use or recycle 90% of demolition and construction waste;
    (k) Provision for on-site food organic waste management;
    (l) Total of 142 bicycles for residential tenants, 7 bicycle spaces for commercial staff, and 3 bicycle hoops for residential visitors (6 spaces), with an additional 10 spaces provided on Johnston Street;
    (m) Provision of (min) one EV charging point with pre-wiring throughout to allow future connections;
    (n) At least 24% of the development site will consist of vegetation through the provision of landscaping areas within the development, including 57 m^2 of food producing gardens on the rooftop; and
    (o) All flooring to come from certified sources, with (min) 20% of bulk insulation to contain post-consumer materials.

301. However, Council's ESD Advisor also commented that the proposal did not meet Council's ESD standards. Specifically, there were deficiencies identified and outstanding information that had not been provided to substantiate a number of items referenced within the SMP. These are outlined below:

ESD Deficiency:

(a) Concerns regarding the lack of shading treatment for Apartments 5.04, 7.02, and 7.03 (north facing without balcony overhang) of the northern wing of the development have been raised. A condition will require a revised strategy to include additional shading to these apartments;

Outstanding Information:

(b) Discrepancy in the visible light transmittance (VLT) which is identified as 60% on page 13 and 70% on page 69 and provide results of daylight modelling in a table (for each dwelling's living area and bedroom);
(c) Provide copy of JV3 prior to construction to support indicative figures provided in BESS report;
(d) Confirm post-development stormwater flows will not exceed pre-development levels;
(e) Clarify whether any additional treatment strategies are required for rainwater reuse;
(f) 142 spaces for residents, 7 staff spaces and 6 visitor spaces confirmed – however 10 additional spaces not clear. Clarify provision of on-street bike parking, making sure not to claim existing spaces;
(g) Confirm car share details will be provided in Building Users Guide;
(h) Given the minor provision of non-residential uses, confirm the content required by a Green Travel Plan will be included within the Building User's Guide (BUG);
(i) Provide a Landscape Plan detailing the planting schedule and confirming (via cross-sections) adequate soil depth and volumes and per the requirements of BADS;
(j) Confirm what is meant by 'where appropriate' and ensure each dwelling balcony has access to a tap and waste (and mark on plans); and
(k) Confirm head contractor will be ISO14001 accredited.

302. The above would not require substantial design changes to be addressed and as such a number of these matters as relevant can be addressed via conditions. It is noted that item (f) is not required to be included as a condition as the 10 bicycle spaces provided along Johnston Street are clearly shown on the ground floor plan; 6 bicycle spaces within the central cut out and 4 spaces on the Johnston Street footpath.

303. Standard D6 requires dwellings located in Climate Zone 21 (Melbourne) to not exceed the NaTHERS annual cooling load of 30mj/m2. The applicant's SMP confirms that no apartments exceed an annual cooling load of 30mj/m2. Council's ESD Advisor raised no concern with cooling loads proposed.

304. Further to the above recommendations, Council's ESD Advisor has provided the following improvement opportunities for the proposal:

(a) Consider use of SCMs or similar to reduce Portland cement and embodied carbon impacts;
(b) Consider a small pallet of materials and construction techniques that can assist in disassembly;
(c) This represents a provision greater than 1 per apartment and does not represent best-practice particularly given the central location and access to public transport and amenity. Consider reducing provision and de-coupling apartments from parking spaces and offering as purchaser option; and
(d) Consider more vertical greening and climbing vegetation to assist with urban heat (i.e. covering building mass elements).

305. Items (a) and (b) would require a redesign and further planning assessment against built form, urban design and heritage and therefore will not be required by way of condition.

306. Regarding item (c) and the oversupply of on-site car parking for the residential use, in *PACE* the Tribunal acknowledged that this is an area with adequate alternate transport methods, further the Tribunal said:

    (a) *Given the walkability of the area, as identified in the sustainability management plan provided with the application, and the good on-site provision for bicycle parking and motorcycle parking, it is unclear why more than necessary car parking spaces are provided to the residential use of the proposal. Given the good access to alternative modes of transport it is likely that many of the car spaces will be not be actively or regularly used. As we commented at the hearing, as the statutory component for residential parking is met, there is no permit trigger for us to consider if this is acceptable or not. We do observe, however, the comments of the Fitzroy Residents Association that the over provision seems an unnecessary cost to the project, particularly given:*

        (i) *The site is in an area where a reduction in parking is often proposed and accepted, and*
        (ii) *Reduced parking availability in such locations can assist in demand management of traffic and parking in the area.*
        (iii) *The environmental sustainability management plan forming part of the proposal seeks to reduce the reliance on motor vehicles through promotion of more sustainable transport options including bicycle and share car facilities referred to in the plan.*

307. Therefore, item (c) will not be included as a condition.

308. Council's Open Space Design Unit have assessed the Landscape Plan (prepared by Acre, dated November 2022) and have not recommended any additional vertical greenery or climbing vegetation to be provided. Nonetheless, as there are ample opportunities to provide vertical greening and climbing vegetation on the proposed development, this will be required by way of condition.

309. Overall, it is considered that subject to the conditions discussed above, the proposed development generally meets the overarching objectives of this standard and under *Clause 22.17* (*Environmentally sustainable development*) of the Scheme.

Standard D7 – Communal open space

310. The purpose of this Standard is to provide accessible, practical, attractive and easily maintained communal open spaces that are integrated within the layout of the development and meets the resident's recreation and amenity needs.

311. The Standard requires that a development with 40 or more dwellings should provide a minimum area of communal outdoor open space of 2.5sqm per dwelling or 250sqm, whichever is lesser.

312. In this instance for 107 dwellings (266sqm of communal space based on 2.5sqm per dwelling), the Standard would require a minimum of 250sqm of communal open space. The proposal provides 116.7sqm of communal space at Level 1, including a 32.8sqm co-working space. A second larger area inclusive of 320sqm communal open space and 159.5sqm of internal communal space is proposed at the roof top level. Therefore, the requirements of the Standard are met.

313. In terms of location, the proposed communal space at Level 1 is located central to the northern and southern wings of the building and the secondary larger space is located on the roof, both spaces are easily accessible via the central stairs and lift.

Standard D8 – Solar access to communal open space

314. The purpose of this Standard is *to allow solar access into communal outdoor open space* by requiring the following:

    (a) *The communal outdoor open space should be located on the north side of a building, if appropriate.*
    (b) *At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.*

315. The communal roof terrace is adequately orientated to the north to best make use of northern light and is and allows excellent natural daylight access. Furthermore, the separation provided by Argyle Street and the recently approved development further north at Nos. 371 – 385 Gore Street is limited to 8-storeys in height which would ensure that the proposed communal space on the subject site would receive adequate daylight any time of year. This standard is met.

Standard D9 – Safety

316. The Standard encourages dwelling entries to not be obscured or isolated from the street or internal accessway. As shown on the Figures below, both the primary and secondary residential entrances would be visible from Gore Street and Argyle Street, respectively, and are not obscured or isolated from the street.



Figure 44: Gore Street primary residential entrance (SJB Architects September 2021)



Figure 45: Argyle Street secondary residential entrance (SJB Architects September 2021)

317. The Standard recommends that *developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways*. There is no indication of any source of lights on the Gore Street or Argyle Street façades, where residential walkways are provided. Therefore, in order provide safety and security for both residents and visitors, and to improve the integration between the development and the street, a condition will require wall-mounted sensor lighting to be provided to all pedestrian entrances, including the internal courtyard area and individual duplex dwellings as well. Standard conditions will be imposed to ensure the lights are appropriately baffled and shielded to prevent light spill. Overall, subject to condition, the development achieves a satisfactory outcome against the objective of this Standard.

Standard D10 – Landscaping

318. Landscaping has been discussed earlier within this report; however, the Standard expands on this topic by outlining specific requirements for the provision of deep soil areas and canopy trees specified in Table 2. Table D2 within the Standard notes that sites between 1501-2500sqm (with the site being 2,437sqm) should provide canopy cover of 10% of the site area above 1,500sqm (minimum dimension of 6sqm) and deep soil planting for 1 large tree) at lease 12m per 90sqm of deep soil and 2 medium trees per 90sm of deep soil. The required sizes of canopy trees are outlined in this table.

319. The ability to provide these requirements on the site are limited, given the proposed basements which will extend beneath the entire site. The application proposes landscaping across the site including planter boxes and other soft landscaping at Level 1 and the roof terrace as communal space. The planter boxes that are proposed to extend around the perimeter of several balconies will be visible from all three streetscapes, which will assist in softening the visual impact of the building, and thus consistent with the Standard. Council's ESD Advisor recommended the provision of additional vertical greenery or climbing vegetation. As there are ample opportunities to provide vertical greening and climbing vegetation on the proposed development, this will be required by way of condition.

320. Subject to condition, the proposed extent of landscaping is considered to provide a safe, attractive, and functional environment for residents.

321. Additionally, street tree planting is also proposed will assist in improving the public realm

322. The Landscape Plan (prepared by Acre Studios, dated November 2021) was referred to Council's Open Space Unit who were generally supportive of the plan, but provided the following recommendations:

(a) Further detail drawings of the planters, including the provision of adequate soil depth for all trees;
(b) Further notes on proposed irrigation; and
(c) Load bearing weights for the building structure need to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed.

323. The proposed landscaping is considered acceptable, subject to conditions.

Standard D11 – Access

324. This objective and Standard seeks to *ensure the number and design of vehicle crossovers respect the urban context*.

325. The proposed development does not seek to introduce any new crossovers to Johnston, Gore or Argyle Streets and will have its vehicle access from a widened western ROW, which is already used for vehicular purpose.. It is considered that access for emergency vehicles can also be accommodated within the widened ROW, Argyle Street or Gore Street, with provisions for service and delivery vehicles discussed further, later in the report. Council Engineering Services Unit have provided standard conditions and notes to accommodate this development; such as the protection or relocation of infrastructure as necessary.

326. A decision guideline of this standard is to assess any reduction of on-street car parking spaces. As a result of removing the existing crossover on Johnston Street, Council's Urban Design Unit have recommended the provision of additional on-street car parking along Johnston Street. It has been further noted by Council's Urban Design Unit that the *additional parking gained along Johnston Street would offset the parking loss along Gore Street due to new tree protection outstands*. This will be required by way of condition. Additionally all redundant crossovers along Gore and Argyle Street will be required to be reinstated.

327. Further to the above, a standard condition will require a Construction Management Plan (CMP) to be prepared prior to the commencement of the development. This will ensure that any emissions and road disruptions during construction will be appropriately managed.

Standard D12 – Parking location

328. The purpose of this standard is to provide secure car parking facilities that are reasonably close and convenient to dwellings and are well ventilated. The proposal includes three basement levels with cars accessing parking via the widened ROW, with access to apartments being via centrally located lifts/stairs. A car park supply air fan room is located further west of the site. The parking provided is conveniently located and ventilated and therefore, the standard and objective are met.

Standard D13 – Integrated water and stormwater management

329. Decision guidelines of this Standard encourage the *use of alternative water sources such as rainwater, stormwater and recycled water*, and encourage proposals to *facilitate stormwater collection, utilisation and infiltration within the development*. Further, buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

330. According to the plans and the SMP, the application proposes the installation of a 45,000L rainwater collection tank located at Basement Level 3, which would be connected to the toilets for flushing.

331. The STORM report provided achieves a score of 117%, which is in line with the policy direction under *Clause 22.16* (Stormwater Management (Water Sensitive Urban Design)) of the Scheme. Council's ESD Advisor raised no concern with the proposed stormwater management proposed and it is considered the requirements of *Clause 52.18* (Stormwater Management in Urban Development) of the Scheme are met. The proposal complies with the objective and the standard.

Standard D14 – Building setbacks

332. This Standard seeks to ensure that building setbacks respond to the surrounding context of the site and allow adequate internal and off-site amenity to be achieved. As discussed earlier in the report, the proposed development respects the existing and emerging built form along Johnston, Gore and Argyle Streets and thereby, the proposal integrates with the surrounding neighbourhood character.

333. Adequate outlooks for each dwelling are provided, with apartments receiving adequate daylight from north, south, east and west-facing windows, including the central court-yard. The individual internal layouts of each dwelling, as will be discussed in detail later within this assessment, are considered appropriate.

334. The setbacks provided at each level, along with the privacy screening, prevent unreasonable overlooking to adjacent residential land. This aspect of the proposal will also be discussed in more detail within the 'off-site amenity' section of this report.

Standard D15 – Internal views

335. This 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.

336. The original planning application PLN19/0928 gave rise to numerous concerns regarding internal views. These concerns were mainly to do with communal and private realm privacy matters. The Tribunal notes the following on Paragraph 119 of the VCAT order:

    [119] We agree that as somewhat exposed, or only semi-private spaces the balconies do not need to be screened in the same way that ground level secluded private open space may need to be screened. There are places, however, where some additional screening is needed. This is where balconies are very close together, or abut one another. In these cases, we find the proposal needs to have better addressed overlooking between dwellings.

337. The provision of nib walls, 25% perforated screening upto 1.7m above floor level to north, west and south-facing HRWs and balconies prevent potential internal overlooking.

338. Council's consultant Urban Designer was generally supportive of the internal arrangements and functionality of the revised proposal, including the provision of opaque glass and the reconfiguration of apartments to limit internal overlooking, and provided the following commentary:

    (a) The replacement of the communal cinema to a co-working space is a practical and relevant alteration to the former proposal given the current working from home environment. On a minor matter we do note that the co-working space is quite close to Apartment 1.12 with limited space between balcony and solid wall of the room. Therefore, we recommend reconsideration of the positioning and potential size of the co-working space as not to inhibit the views or functionality of the terrace space at apartment 1.12.

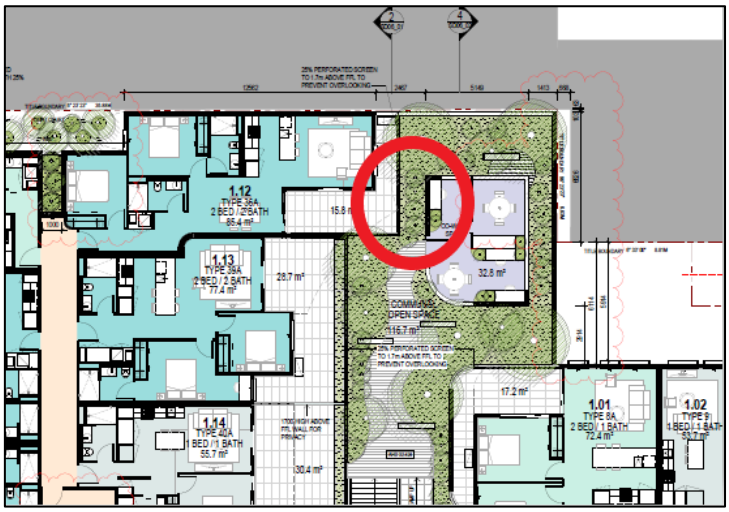


Figure 46: Apartment 1.12 adjacent to co-working space (SJB Architects September 2021)

339. Given that adequate screening; i.e. 25% perforated 1.7m high screening, is provided between Apartment 1.12 and the co-working space, the above recommendation will not be addressed by way of condition, however, a condition on permit will require the southern blank wall of the co-working space to be appropriately designed with a patterned or painted finish so as to not present as a blank wall, detailed elevation of this building will also be conditioned.

340. In addition, as stated above, given the current working from home environment, the size of the co-working space is considered acceptable.

    (a) *We seek more information regarding inter-visibility with uses of internal staircase and balconies of Apartments 2.17, 3.17, 4.16, 5.13 and bedrooms of Apartments 6.09, 7.07 and 8.07. Currently it appears that people walking up the external stairs will have visibility over the balustrade into these apartments and in particular their balconies (within 9m). Therefore, we recommend the integration of screening on the staircase to avoid issues over overlooking and privacy.*

341. A condition will require the internal staircase to be screened to limit views into the abovementioned apartments, in order to comply with the objective of this Standard.

Standard D16 – Noise impacts

342. This Standard aims to contain noise sources in developments that may affect existing dwellings, whilst protecting residents from any external and internal noise sources. In this instance, the proposed development is not located in proximity to any noise generating areas as listed under Table D3 (Noise influence area) of this Standard. The busiest road near the site is Johnston Street. According to VicRoads, it is not a road that generates in excess of 40,000 Annual Average Daily Traffic Volume, thus does not meet the threshold for a noise influence area in Table D3 of this standard.

343. Nevertheless, given the site's proximity to traffic noise along Johnston Street it is considered that the new dwellings must be designed and constructed to include acoustic attenuation measures to reduce noise levels from these off-site noise sources.

344. The standard also requires noise sensitive rooms to be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

345. The revised proposal shows several dwellings with their bedrooms located adjoining the lift core (previously living areas). The bedrooms, living spaces and balconies of Apartments 1.01, 1.12, 1.13 and 1.14 face the Level 1 communal area. Dwellings on Level 1 are also located above the ground floor commercial spaces, with the living room and balcony of Apartment 1.12 being located above the 'car park supply air fan room'.

346. The submitted acoustic report (prepared by Vipac Engineers and Scientists, dated September 2021) was peer reviewed by SLR consulting, who identified a number of items to be resolved, as follows:

    (a) In relation to identifying the acoustically significant aspects of the proposal, the report does not consider the potential impact of the existing commercial uses on the apartments and vice-versa;
    (b) Discrepancy in the revision number and date of the plans on the report as this would have a potential implication on the acoustic assessment;
    (c) Road traffic noise to the subject site has been quantified with two short measurements, both of which were conducted outside of peak hour. It has been recommended to carry out several, detailed measurements and that at least one of them is conducted during peak period as traffic movements are generally back to normal. This is to ensure that the proposed glazing design will meet the nominated targets;
    (d) Provide advice for noise control via non-glazed areas of the façade if the façade is not proposed to be fully masonry;
    (e) Rooftop communal indoor / outdoor area: There is potential for intrusive noise from the use of the shared outdoor dining/BBQ space to negatively impact proposed and existing residents, including occupants of the multilevel development at Nos. 239 - 249 Johnston Street. It has been suggested to either provide:
        (i) *an assessment of voice noise from use of the rooftop spaces, demonstrating that voice noise will comply with a 'background + 5 dB' criteria at night. The assessment should detail the assumed number of people and levels of voice in the outdoor area, and should specify whether the presented noise data is a sound power level, or sound pressure level (the provided assessment for the ground floor area is not clear on this matter)*; or
        (ii) The rooftop outdoor areas should be closed after 11pm Friday and Saturday nights, or after 10pm Monday to Thursday nights;
    (f) A review of all acoustically significant mechanical plant and equipment to be conducted during the detailed design phase, to ensure the equipment meets the identified noise criteria;
    (g) Provision of a maximum sound pressure level as a reference distance be nominated such that Noise Protocol compliance and sleep disturbance targets are met at the windows of existing dwellings and proposed dwelling which overlook the carpark entrance;
    (h) Specify the minimum treatments required to address impact noise transfer. *This could be presented as a minimum 'delta L' rating of the proposed underlay or spring treatment*; and
    (i) Provision of minimum Rw ratings for any lightweight, non-glazed components of the façade.

347. Items (a) to (i) with the exception of item (e) (ii) will be addressed by way of condition. As the proposed dwelling use does not require a planning permit, it would be onerous to limit the hours in which the rooftop can be used, this will typically be addressed by any body-corporate. Therefore, only item (e)(i) will be included in the condition instead.

348. In addition, in paragraph 110 of the VCAT Order, the Tribunal stated the following:

    [111] All of the lower level dwellings that face the lane will be subject to noise associated with the use of the lane as the only car, delivery and waste vehicle access to the development.

This is noting that the ground floor is proposed to be used for retail purposes that will include commercial deliveries and waste.

349. Therefore, item (g) would provide further justification for the above concerns relating to noise raised by the Tribunal.
350. Subject to the above conditions, the proposal meetings the objective of the Standard.

Standard D18 – Accessibility objective

351. This Standard requires the following:

    (a) *At least 50 per cent of dwellings should have:*
        - *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.*
        - *A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.*
        - *A main bedroom with access to an adaptable bathroom.*
        - *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.*

352. The proposal includes 69 apartments (64%) that meet this standard, which is well above the 50% requirement.

353. Council's consultant Urban Designer have recommended the current door arrangements of the central smoke room (between Levels 1 to 5) be reconsidered as the nib walls project into the east-west corridor space, diminishing site lines along the corridor. This will be required by way of condition in order to ensure improved circulation and functionality throughout the building.

Standard D19 – Building entry and circulation

354. The primary entrance to the residential courtyard/lobby from Gore Street is easily identifiable using an existing opening within the heritage wall. Similarly, the secondary pedestrian entrance from Argyle Street is also easily legible due to the permeable nature of the entrance and the wide circulation space. The entrance meets the standard requirement in that it is easily identifiable, permeable and provides a sense of personal address.

355. Beyond the primary residential entrance is a spacious courtyard which incorporates both open air and sheltered areas, leading to the internal lift lobby area. This meets the requirements of the Standard which states *provide shelter, a sense of address and a transitional space around the* entry. Councils consultant urban designer stated the following :

    (a) *The mail room and lift lobby are positioned around the corner from the entry, with no direct sightline relationship to the front door or street. While such an arrangement would usually be criticised, given the arrangement and nature of the overall entry, the courtyard design and café address creates an exceptional circumstance where by the public realm is in part extended into the courtyard. The is further emphasised by the spatial separation and external stairs and accessways in the rising form above*.

356. As such, the building entry and circulation, is generally in line with the objectives under this Standard.

Standard D20 – Private open space

357. The Standard requires the following:

    (a) *A dwelling should have private open space consisting of at least one of the following:*

(i) *An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres at natural ground level and convenient access from a living room;*
(ii) *An area of 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room;*
(iii) *A balcony with an area and dimension specified in Table D5 and convenient access from a living room;* or
(iv) *A roof top area of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.*

358. The Standard notes that 1 x bedroom, 2 x bedroom and 3 x bedroom dwelling should be provided with SPOS of 8sqm and a minimum width of 1.8m, 8sqm and a minimum width of 2m, 12sqm and a minimum width of 2.4m, respectively.

359. 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.

360. The sizes and orientations of the balconies differ throughout the development, with balconies addressing all four street interfaces (including ROW). Balconies range in size from 8.1sqm to a maximum of 139.8sqm. Airconditioning units are provided in each individual balcony, however the additional 1.5sqm has been provided in the smallest balconies to accommodate these.

361. 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.

362. In paragraph 122 of the VCAT Order, whilst Council found a number of balconies providing insufficient space, the Tribunal agree with the applicant stating the following:

[122]…in general we agree with the permit applicant that many of the numerical non-compliances are very minor, on balconies that are often quite usable and often overall quite large, just not quite with minimum dimensions due to their curved edge.

363. 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 D21 – Storage

364. The Standard notes that 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 D6 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

365. 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 D22 – Common property

366. The common property areas within the development are clearly delineated and would not create areas which were difficult to maintain into the future. The residential lobby, lift/stairs access areas and central courtyard are well conceived, with the refuse and bicycle storage rooms easy to access and generally cohesive with the overall building design. The Standard is met.

Standard D23 – Site services

367. The majority of site services would be located either within the basements or at roof level, including the substation. Gas meter and booster cabinets are proposed within the Johnston and Gore Street frontages; with outward opening doors. Whilst a notation on the Gore Street booster cabinet confirms that the doors will be able to open 180 degrees and be latched to the wall when opened, this is not included on the Johnston Street gas meter cabinet. This would ensure that when open, the doors would not obstruct footpath access. Therefore, as required by Council's Engineering Services Unit (discussed later in the report), a condition will require a notation to confirm the fire booster doors along the Johnston Street faced to outwardly swing 180 degrees and be latched to the wall when opened.

368. The mailboxes will be located directly adjacent to the residential lift lobby, within an internal space accessible by Australia Post. This outcome is acceptable.

Standard D24 – Waste and recycling

369. A shared refuse room for the dwelling use is provided at ground level, with this space easily accessible from the apartments (adjacent to the lift and the provision of a chute system). A separate waste storage room is provided for the commercial uses at ground floor. The location of the proposed refuse rooms ensure that all waste will be stored within the development and hidden from external views.

370. The Waste Management Plan (WMP), prepared by Sustainable Development Consultants and dated November 2021 states that waste collection is proposed via the on-site loading bay and is to be undertaken by a private collection service.

371. The WMP was referred to Council's City Works Branch who found the WMP and plans to be satisfactory.

Standard D26 – Functional layout

Living areas

372. Table D8 within this Standard states that living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified below;

    (a) 1 bedroom dwelling - minimum width of 3.3m, with a minimum area of 10sqm; and
    (b) 2 or more bedroom dwelling – minimum width 3.6m, with a minimum area 12sqm.

373. All of the apartments meet the requirements of this Standard.

Bedrooms

374. This Standard notes that main bedrooms and all other bedrooms should have a minimum width and a minimum depth of 3m and 3.4qm, 3m and 3sqm, respectively.

Standard D27 – Room depth

375. 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.*

376. The room depth should be measured from the external surface of the habitable room window to the rear wall of the room. All proposed room depths are under 9m.

377. These requirements are met in all dwellings. However, the decision guidelines associated with this Standard also highlight that any overhang above habitable room windows that limits daylight should be taken into consideration. In this instance, a majority of habitable room windows between ground level to Level 6 would be affected by the overhang of terraces of levels above. Nonetheless, Council's ESD Advisor has confirmed that the apartments will not be inappropriately impacted.

Standard D28 – Windows

378. The objective of this Standard is to allow for adequate daylight into new habitable room windows. The majority of the habitable rooms within the proposed development contain a window within an external wall to the building, aside from secondary bedrooms which rely on 'borrowed light' from the central communal space. The SMP states that 84% of living areas and 96% of bedrooms will meet best practice daylight levels, with daylight modelling provided.

379. As stated earlier in the report, Council's ESD Advisor stated that there is a discrepancy in the visible light transmittance (VLT) figures relating to daylight as outlined in the SMP. On page 13 the VLT is identified as being 60% but on page 69 this is identified as being 70%. This discrepancy is required to be corrected via condition. In addition, Council's ESD Advisor has required the results of daylight modelling to be provided in a table (for each dwelling's living area and bedroom). This will be required by way of condition.

Standard D29 – Natural ventilation

380. 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.

381. The assessment table states that 48% of dwellings comply with this Standard. A review of the plans confirms this, ensuring that the Standard is met.

Off-site amenity impacts

382. *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.*

383. In this instance the site is surrounded by land within the C1Z and MUZ. The nearest residential uses occurring within the C1Z are approximately 3m to the west across the ROW. The recently completed development on the opposing corner of Johnston Street and Gore Street also consist of dwellings. Within the MUZ, and 10m north of the subject site, is a dwelling located directly opposite at No. 197 Argyle Street.

Equitable Development

384. 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.

385. It is an accepted principle (such as referenced within permanent Design and Development Overlays within Yarra's activity centres, including Swan Street and Johnston Street) that the upper levels of a developments are to provide a 3m setback for commercial windows and 4.5m for HRW and balconies. This is to be taken from the centreline of a ROW, where a ROW separates two properties. These provisions are also to be included within the DDO36.

386. It is considered that the separation distances provided by Argyle Street, Gore Street and Johnston Street would adequately address equitable development matters to the north, east and south. To the west are two developments; No. 219 Johnston Street (southern half) and No. 192 Argyle Street (northern half). In respect to both these neighbouring developments, all HRWs and balconies are setback a minimum 4.5m from the centreline of the western ROW.

387. Council's urban design consultant have reviewed equitable development, identifying that *the proposal meets the requirements of DDO36 in relation to equitable development*.

Noise

388. The acoustic report (prepared by Vipac Engineers and Scientists, dated September 2021) address the noise impacts from the proposal on surrounding residential properties. The nearest existing noise sensitive receivers were identified as No. 192 Argyle Street and No. 197 Argyle Street. As discussed earlier, SLR Consulting (amongst other things) identified a number of deficiencies in the applicant's acoustic report resulting in off-site amenity impacts, which are to be resolved, as follows (relevantly):

    (a) In relation to identifying the acoustically significant aspects of the proposal, the report does not consider the potential impact of the existing commercial uses on the apartments and vice-versa;
    (b) Discrepancy in the revision number and date of the plans on the report as this would have a potential implication on the acoustic assessment;
    (c) Rooftop communal indoor / outdoor area: There is potential for intrusive noise from the use of the shared outdoor dining/BBQ space to negatively impact proposed and existing residents, including occupants of the multilevel development at Nos. 239 - 249 Johnston Street. It has been suggested to either provide:
        (i) *an assessment of voice noise from use of the rooftop spaces, demonstrating that voice noise will comply with a 'background + 5 dB' criteria at night. The assessment should detail the assumed number of people and levels of voice in the outdoor area, and should specify whether the presented noise data is a sound power level, or sound pressure level (the provided assessment for the ground floor area is not clear on this matter)*; or
        (ii) The rooftop outdoor areas should be closed after 11pm Friday and Saturday nights, or after 10pm Monday to Thursday nights;
    (d) A review of all acoustically significant mechanical plant and equipment to be conducted during the detailed design phase, to ensure the equipment meets the identified noise criteria;

(e) Provision of a maximum sound pressure level as a reference distance be nominated such that Noise Protocol compliance and sleep disturbance targets are met at the windows of existing dwellings and proposed dwelling which overlook the carpark entrance; and

(f) Specify the minimum treatments required to address impact noise transfer. *This could be presented as a minimum 'delta L' rating of the proposed underlay or spring treatment*.

389. As stated earlier in the report, all of the above recommendations will be required by way of condition with the exception of items (e) (ii). As the proposed dwelling use does not require a planning permit and the roof terrace is limited to this use (and not the commercial use), it would be onerous to limit the hours in which the rooftop can be used. Therefore, only item (e)(i) will be included in the condition instead.

Visual bulk

390. In regards to visual bulk impacts to the dwellings to the west at No. 192 Argyle Street, it is considered that within this built form context views from windows to built form is not an unreasonable expectation. This is also true of the commercial premises at No. 219 Johnston Street, as the development proposes a sheer boundary wall alongside the level 3 balcony of the existing building.

391. Both sites are within a C1Z where such development is to occur. Furthermore, the primary aspect of the dwellings at No. 192 Argyle Street is to the west, and not to the east, where their balconies and larger living room windows are situated. The property at No. 219 Johnston Street has additional balcony spaces on Level 3 to the east and south to provide additional unobstructed outlooks.

392. In respect of views from the north, with No. 197 Argyle Street the closest dwelling to the site, the revised proposal provides an adequate transition to the north with regard to the heritage context and preferred emerging character. The retention of the section of heritage façade which wraps around to the Argyle Street frontage, combined with the three-storey podium in light grey and the upper levels setback a minimum 2.5m to a maximum of 17m from the northern boundary creates a more recessive upper form. The combination of balconies, projecting window shrouds and contrasting materiality will ensure that a good degree of modulation and visual interest is provided when viewed from across Argyle Street. It is not considered that the overall height and massing will result in unreasonable visual bulk impacts from any vantage point. As stated earlier in the report, Council's consultant urban design is also supportive of the revised proposal, stating that *the removal of the projecting balconies significantly reduces the visual bulk concerns particularly from the sensitive Argyle Street interface*.

Overlooking

393. All of the windows and areas of SPOS associated with the surrounding dwellings to the north and the recently completed dwellings to the east are more than 9m from any windows associated with the development. Although not strictly applicable in this instance, the proposal would thus comply with the overlooking objective of *Clause 55* (Standard B22) to the north and east, which specifies that new development should be designed to avoid direct views into habitable room windows and SPOS of dwellings within a radius of 9m.

394. There are no existing residences directly opposite the site to the south, nevertheless it is noted that the separation provided by Johnston Street is in excess of 9m.

395. To the west, there are several habitable room windows associated with No. 192 Argyle Street that face the subject site. The proposal incorporates numerous treatments to the west-facing apartment windows and balconies (between Levels 1 to 3) to limit overlooking; i.e. the use of 25% perforated screening to 1.7m above floor level and 600m deep projecting shrouds to windows and shelf to balconies. The overlooking diagrams clearly demonstrate that these treatments will limit views within the 9m arc.

396. In paragraph 112 of the VCAT Order, the Tribunal noted that whilst Council required screening to Levels 4 to 9 due to the proximity of downward views to the windows west of the lane, *from our view of the plans there is sufficient distance and angle from these levels to avoid unreasonable overlooking and see no need for additional screening to these levels*. Therefore, the upper levels from Level 4 are not required to be screened.

Overshadowing

397. Due to the layout and position of the surrounding residences, no additional shadowing would occur to any area of SPOS in the surrounds.

Daylight to existing windows

398. It is considered that the separation distances provided by Argyle Street, Gore Street and Johnston Street would adequately address matters of daylight to the north, east and south.

399. In respect of the western interface, as identified above in equitable development the proposal provides adequate setbacks. This ensures adequate daylight is afforded to the existing HRWs of No.192 Argyle Street.

400. In respect of the interface to No. 219 Johnston Street it is acknowledged that the on-boundary wall is located opposite the second floor balcony of the adjoining property. The windows at this level are setback 3m from the common boundary. In addition, this floor has daylight access from the east, west and south. Therefore it is not considered that the proposal would have an adverse impact on the daylight of this building.

Fumes and air emissions, light spillage

401. The majority of the building is enclosed and the use conducted indoors (with the exception of the outdoor balconies associated with the individual dwellings at varying levels and the communal roof terraces proposed throughout). The proposed uses are not considered to result in unreasonable air emissions, with light spill from the building limited due to the nature of the uses (predominately dwellings) and the location of the commercial ground floor uses facing Johnston Street and Gore Street.

402. As a result of the above, it is considered that the proposal does not unduly compromise or prejudice the future development potential of adjoining properties.

Car parking, traffic and alteration of access

Car parking

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

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated

1 x Bedroom dwelling	21	1 space per dwelling	21	86
2 x Bedroom dwelling	59	1 space per dwelling	59	
3 x Bedroom dwelling	27	2 spaces per dwelling	54	54
Food and Drink	99.3m^2	3.5 spaces per 100 m^2 of leasable floor area	3	1
Restricted Retail	648.7m^2	2.5 spaces per 100 m^2 of leasable floor area	16	4
Communal Electrical Charging Space**	1	Not applicable	Not applicable	Not allocated
		Total	**153 spaces**	**145 spaces + 1 communal space**

404. A total of 145 designated car spaces are proposed on site, therefore the application seeks a reduction of 2 spaces for the food and drinks premises and 12 spaces for the restricted retail premises (total of 14 spaces). Furthermore, the application proposes to provide an additional 6 car parking space for the one and two bedrooms dwellings, which is above the requirements of the Scheme.

405. The traffic report comments that the existing/previous uses on the land would generate a statutory requirement for 63 car spaces, with only eight car parks provided on the site. Therefore, the existing/previous uses already assume a waiver of car parking. Therefore, as shown above, the proposed commercial component of the development relies on much less reduction in on-site parking (14 spaces) to that of the existing/previous uses (63 spaces).

406. Given the nature of the mixed-use development a condition will require a detailed car parking management plan be supplied to clearly outline the provision of car parking to each dwelling/tenancy, amongst other things. This will also ensure that the garages and tandem spaces would be allocated to one dwelling to remove any future potential conflict.

407. To further support the reduction in the statutory rate, a car parking reduction assessment was undertaken by Traffix Group (dated December 2021), with parking availability in the neighbourhood also reviewed.

Availability of Car Parking

408. The subject site is located within an area containing predominantly time-restricted car parking, with periods ranging from ¼ hour to 2 hours. A large proportion of parking is restricted to 1 and 2 hours, extending along both sides of Johnston Street and Gore Street, and the southern side of Argyle Street.

409. The parking occupancy surveys undertaken by Traffix Group observed an inventory of 214 publicly available parking spaces within Gore Street, Napier Street, Johnston Street, Argyle Street and Chapel Street.

410. The survey was undertaken on a Wednesday (November 2019) at various times between the hours of 9am to 4pm. The peak parking occupancy was observed at 11am, with an occupancy rate of 100% recorded. Nonetheless, whilst the level of parking occupancy was high, parking regularly turned over. The survey demonstrates that the availability of on-street parking in the vicinity of the site that could potentially be utilised by future employees is highly constrained, given that the majority of on-street parking is time-restricted throughout the day. Council's Engineering Services Unit have commented that the availability of short-term parking would provide regular turnover throughout the day, thereby allowing customers and clients to park near the site. The limited availability of long-term on-street parking would most likely discourage employees from driving to work and encourage them to travel by alternative forms of transport.

Parking Demand

411. The car parking demand generated by the food and drinks premises proposed on site, would be 1 space per 100sqm of floor area. As one space is allocated to the 99.3sqm tenancy, Council's Engineering Services Unit is satisfied that the staff parking demand would be met. In respect of customers, as previously determined there is adequate short-stay parking in the area to cater to customers.

412. Regarding the restricted retail premises, the car parking assessment carried out by the Traffix Group states that this use would generate a car parking demand of 0.8 to 1 space per 100sqm of floor area by staff. The staff who could not park on-site would make other travel arrangements such as utilise public transport or cycle. Similar to the findings in respect of the food and drinks premises, there is adequate short-stay parking in the area to cater to customers.

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413. Furthermore, paragraph 116 of the VCAT Order, the Tribunal states *we are satisfied the reduced parking for the commercial component is acceptable given this existing scenario and also because of the alterative transport options in the area and the good walking access for some users of the commercial component of the development*.

414. 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, including the tram services along Smith (115m east) and Brunswick Streets (350m west), and bus services adjacent to the site along Johnston Street;
    (b) The surrounding area has a good bicycle network, and the development includes employee bicycle parking spaces and EOT 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. Occupant or visitor 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 occupants of the building, thus also encouraging use of alternative modes such as public transport, cycling or taxis; and
    (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.

Traffic and Alteration of Access to a Transport Zone, Category 2

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

Proposed Use	Adopted Traffic Generation Rate	Peak Hour	
		AM	PM
Residential (107 dwellings)	0.4 trips per dwelling in each peak hour	42	42
Commercial (5 on-site spaces)	1.0 trip per space in each peak hour	5	5
	Total	**47 trips**	

416. The proposal would have the following traffic directional split for the residential component:
    (a) AM Peak – 80% outbound (37 trips), 20% inbound (9 trips); and
    (b) PM Peak – 40% outbound (18 trips), 60% inbound (28 trips).

417. The proposal would have the following traffic directional split for the commercial component:

    (a) AM Peak –0% outbound (0 trips), 100% inbound (5 trips); and
    (b) PM Peak – 100% outbound (5 trips), 0% inbound (0 trips).

418. Council's Engineering Services Unit have confirmed that *the traffic generated by the new development is not unduly high and should not adversely impact the traffic operation of the surrounding road network*.

419. Six additional spaces are proposed to service the dwelling uses, above the requirements of *Clause 52.06*, and therefore, the additional traffic generation is considered low.

420. In respect of amenity concerns to the neighbouring development to the west, which contains several dwellings, this is considered to be a typical arrangement within a Commercial 1 Zone where vehicle access is directed to be provided off main roads. The development itself also positions dwellings facing the ROW, and therefore the increased traffic along the ROW is considered satisfactory.

421. The application was referred to Head, Transport for Victoria, both the Roads and Public Transport divisions pursuant to the requirements of *Clause 52.29* (alteration of access through the removal of the Johnston Street crossover) and *Clause 66.02-11* (construction of 60 or more dwellings). No issues were raised with regards to the proposed use, nor the removal of the Johnston Street crossover.

422. With no objection, the following conditions and notes were requested to be included, and as such would be included via condition pursuant with the requirements of the Act:

    (a) Conditions:

        (i) *Prior to occupation of the development all disused or redundant vehicle crossings on Johnston Street must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.*

(ii) *The demolition and construction of the development must not disrupt bus operations on Johnston Street without the prior written consent of the Head, Transport for Victoria.*

(iii) *Any request for written consent to disrupt bus operations on Johnston Street during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.*

(b) Notes:

(i) *Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works (i.e. canopies) undertaken outside the title boundary within a Transport 2 Zone (Johnston Street). Please contact Head, Transport for Victoria prior to commencing any works.*

423. It was further advised that *the canopy clearance height above the pavement and measurement from the back of kerb should be consistent with the Building Act and Regulations*. The elevations show that the canopy clearance above the footpath is a minimum of 3.17m, with a setback of 2.47m and 1.07m to the Johnston Street and Gore Street kerbs. This exceeds the clearance of 2.7m above the footpath and 0.75m setback from the kerb required by the Building Act and Regulations. Therefore, this will not be required by way of condition.

Access and layout

424. *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.

425. These details, along with the proposed ramp designs have been reviewed by Council's Engineering Services Unit who is satisfied with the layout of the car parking area. Council's Engineering Services Unit have requested that the plans be revised to include the following details / dimensions and will be required by way of condition:

(a) Demonstrate that a B99 design vehicle can enter and exit the reconstructed laneway and widened carriageway via Argyle Street without scraping or bottoming out;
(b) Turning circles for commercial vehicles entering and leaving the development in Argyle Street must be checked;
(c) The finished floor levels at the edge of the Entry/Courtyard neatly match and transition into the reconstructed back of footpath design levels (Gore Street);
(d) The proposed kerb extension on the north side of Argyle Street relating to the development at Nos. 371-385 Gore Street must be shown on civil works plans;
(e) Where driveways are to be removed, the footpath is to be reconstructed in asphalt. There are two existing driveways in Gore Street; one is in concrete, the other in asphalt. The asphalt crossing requires a notation to confirm that the asphalt ramp and bluestone layback will be removed and to reinstated as asphalt footpath and bluestone kerb and channel;
(f) A notation to confirm the fire booster doors to outwardly swing 180 degrees and be latched to the wall when opened; and
(g) In order to facilitate the drainage of stormwater run-off from the site, a notation confirming that a bluestone channel is to be constructed across the Argyle Street road pavement running along the west channel alignment of Gore Street.

426. Furthermore, as stated earlier in the report, given the nature of the mixed-use development, a condition will require a car parking management plan to be submitted prior to the occupation of the development.

427. Several engineering conditions regarding civil works, legal point of discharge, road asset protection, and construction management, impacts of assets on the proposed development and modification to car parking signage have been recommended. These conditions are considered standard and will be included on any permit issued.

428. Overall, the proposed design and configuration of access and car parking areas are considered to achieve a satisfactory outcome and will be further improved with the above details requested by Council's Engineering Services Unit.

Loading and unloading

429. It is considered that it is likely the proposed restricted retail premises would utilise on-site loading/unloading due to the nature of the use, where bulky goods would be displayed and sold. It is anticipated that loading and unloading for the food and drinks premises would utilise either the loading bay or the existing on-street parking and loading bays.

430. There are loading zones located opposite the site on the western side of Chapel Street that operate from 7:30am to 5:30pm, Monday to Friday and 7:30 to 12:30pm on Saturdays.

431. The report prepared by the Traffix Group outlines that loading and unloading activities associated with the development would be conducted from the dedicated loading bay provided with direct access to the widened ROW. Swept path diagrams were also provided demonstrating that the refuse vehicle could satisfactorily enter and exit the development.
432. Council's Engineering Services Unit raised no concern with the proposed loading and unloading arrangements, commenting that the dimensions of the loading bay were satisfactory.

Bicycle facilities and strategic transport

Bicycle parking and facilities

433. The application exceeds the *Clause 52.34* statutory bicycle parking requirements, being:

    (a) 21 resident spaces and 2 employee spaces (149 resident and employee spaces provided);
    (b) 11 visitor spaces for the dwelling/commercial uses (16 visitor spaces are provided); and
    (c) 0 showers / change rooms (1 is provided).

434. Design and signage requirements are also at *Clause 52.34-4* and *52.34-5* of the Scheme.

435. The application was referred to Council's Strategic Transport Unit, who raised no issue with the layout of the bicycle parking as proposed throughout the development. The separation of the employee bicycle parking from the resident bicycle parking is also supported. The development provides four lockers and a shower and change room to support the employee bicycle parking whilst a bike workshop is provided in the resident bicycle storage room to facilitate bicycle upkeep.

436. In respect of the visitor bicycle parking spaces, Council's Strategic Transport Unit identified that whilst exceeding the rates provided within the Scheme the 16 visitor spaces did not meet the rate outlined in Category 6 of the Built Environment Sustainability Scorecard (BESS). To ensure adequate provision of bicycle parking for visitors is provided, the following was recommended and will be required by way of condition:

    (a) A minimum of 20 visitor bicycle spaces must be provided. All visitor spaces should be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.

437. Subject to conditions, the proposed bicycle parking and facilities are found to be satisfactory and in accordance with the Scheme requirements and therefore supported.

Green Travel Plan

438. The proposed Green Travel Plan (GTP) was reviewed by Council's Strategic Transport Unit who found it to be generally adequate, but recommended the following additions:

    (a) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
    (b) A designated 'manager' or 'champion' responsible for coordination and implementation; and
    (c) Provisions for the Green Travel Plan to be updated not less than every 5 years.

439. The above recommendations will be required by way of condition.

Electric vehicles

440. The basement floor plans identify that one dedicated EV charging bay is to be provided, with a notation confirming that all car spaces are to be wired to be 'EV Ready'. The submitted SMP also identifies that conduits will be installed to ensure all car spaces have the future potential to operate electric vehicle chargers. This aligns with the recommendation by Council's Strategic Transport Officer, who recommended the three basement levels be set up to be 'electric vehicle ready', with the following to be installed:

    (a) One or more distribution boards within each car parking basement level, with capacity for the future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space; and
    (b) A scalable load management system. This will ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand. Building electrical peak demand calculations can therefore be undertaken using the assessment methodology (AS/NZS3000:2018, clause 2.2.2.b.i), thus not increasing building electrical peak demand requirements beyond business as usual.

441. These can be accommodated via condition.

Environmental Audit Overlay

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

Objector concerns

443. 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, height, scale, bulk, character);

Matters relating to height, scale and bulk are discussed at paragraphs 222 - 261.

(b) Heritage impacts;

Heritage have been discussed in paragraphs 212 to 221 and paragraphs 232, 252 to 257.

(c) Amenity (off-site, on-site, visual bulk, overlooking, loss of light);

On-site amenity impacts have been discussed in paragraphs 291 to 381. Visual bulk is discussed in paragraphs 390 - 392. Overshadowing and overlooking have been discussed in paragraphs 397 and 393 to 396, respectively.

(d) Traffic and car parking;

Car parking and traffic impacts have been discussed in paragraphs 403 to 428 and also within relevant sections of the Clause 58 assessment at paragraphs.

(e) Loss of views;

VCAT has consistently found that although impact upon views can be considered amongst the amenity impacts of a proposal, there cannot be considered a right to any particular view. In the absence of particular planning controls which might require the protection of, or sharing of views, loss of views is usually afforded very limited weight. This is especially the case where a view is obtained across adjoining land and the views are not afforded any special consideration in a planning control. In this case the development is not considered to intrude unreasonably upon the skyline to reduce the amenity of neighbours through their outlook or access to daylight. Whilst it is recognised that views may form part of residential amenity, the Tribunal has consistently held that there is no legal entitlement to a view.

(f) Reduction in rental / property prices;

VCAT has consistently found that property values are speculative and not a planning consideration. Fluctuations in property prices are not a relevant consideration when assessing an application under the provisions of the *Planning & Environment Act* (1987), nor the Yarra Planning Scheme.

(g) Noise;

Possible noise to and from the proposed development have already been discussed in paragraphs 349 to 357.

(h) *Construction impacts;*

This will be managed by via a conditional requirement for a Construction Management Plan (CMP), to be approved by Council's Construction Management Unit.

Conclusion

444. Based on the report, the proposal is considered to comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval, subject to conditions.

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 Nos. 223 – 229 Johnston Street, partial demolition of No.369 Gore Street and the construction of multi-storey building, plus basement levels and roof terrace, use of the land for dwellings (apartments) and ground level Restricted Retail premises and Food and Drink premises (no permit required uses), a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2 at Nos. 223 – 229 Johnston Street and No. 369 Gore 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 SJB Architects, dated 19.11.2021, but modified to show:

   Layout

   (a) Wall-mounted sensor lighting to be provided to all pedestrian entrances, including the internal courtyard area;
   (b) Details of security lighting to the laneway;
   (c) Internal staircase (between the north and south wings) screened to limit views into the balconies of Apartments 2.17, 3.17, 4.16, 5.13 and bedrooms of Apartments 6.09, 7.07 and 8.07;
   (d) An alternative door solution to the 'smoke lobby' between Levels 1 to 5, to improve the circulation and functionality of the east-west corridor;
   (e) Additional on-street car parking along Johnston Street as a result of removing the existing crossover;
   (f) Swept path diagrams to show the following:
      (i) that a B99 design vehicle can enter and exit the reconstructed laneway/widened carriageway via Argyle Street without scraping or bottoming out;
      (ii) commercial vehicles entering and leaving the development in Argyle Street;
   (g) Before the development commences, or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Engineering department for approval, and:
      (i) Demonstrate satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle; and
      (ii) 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.
   (h) The finished floor levels at the edge of the pedestrian Entry/Courtyard to neatly match and transition into the reconstructed back of the footpath design levels of Gore Street;
   (i) The proposed kerb extension on the north side of Argyle Street relating to the development at Nos. 371-385 Gore Street on the civil works plans;
   (j) The asphalt ramp and Bluestone layback (vehicle crossing) on Gore Street to include a notation confirming that it will be reinstated as asphalt footpath and bluestone kerb and channel;
   (k) A notation to confirm the fire booster doors fronting Johnston Street to outwardly swing 180 degrees and be latched to the wall when opened;

(l) A notation confirming that a bluestone channel is to be constructed across the Argyle Street carriageway along the west kerb alignment of Gore Street:
(m) A minimum of twenty (20) visitor bicycle spaces provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
(n) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
    (i) One or more distribution boards within each car parking basement level, with capacity for the future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
    (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.
(o) Two carparks and three trees in cut-outs with bike hoop protection along Argyle Street;

Built Form

(p) Ground level windows and activation introduced to west facing wall to the laneway;
(q) Refine the positioning / layout of the co-working space as not to inhibit the views or functionality of the terrace of Apartment 1.12;
(r) A second door added to the ground level western return wall of the inset fronting Johnston Street, and any associated changes to the bicycle spaces;
(s) Provision of additional vertical greening and climbing vegetation;

Reports and Plans

(t) Any changes required by the amended Sustainable Management Plan at Condition 10;
(u) Any changes required by the amended Acoustic Report at Condition 12;
(v) Any changes required by the amended Landscape Plan at Condition 16;
(w) Any changes required by the amended Wind Report at Condition 18; and
(x) Any changes required by the Green Travel Plan at Condition 20.

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

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 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; and
    (d) 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.

4. As part of the ongoing consultation SJB 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.

Heritage

5. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:

   (a) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
      (i) The existing façade, roof and return walls to a depth of approximately 5m, including sections to how the thickness of architectural elements;
      (ii) The proposed reconstruction, restoration or works to the existing façade, and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and
      (iii) Any specific requirements outlined in the Heritage Impact Statement prepared by Bryce Raworth (dated September 2021);
   (b) A written description of the demolition and construction methods to be used.

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

7. Before demolition commences, a detailed and annotated photographic record of the existing building at 369 Gore Street in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:

   (a) include the interior and each external elevation of the building;
   (b) be submitted in black and white format; and
   (c) be taken by a suitably qualified heritage photographer.

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

9. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

10. 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 Sustainable Development Consultants and dated November 2021, but modified to include or show:

    (a) All design changes required under Condition 1 of this permit.
    (b) Revise strategy to include additional shading treatments for Apartments 5.04, 7.02 and 7.03 (north-facing without balcony overhang);

(c) Clarify visible light transmittance (VLT) which is identified as 60% on page 13 and 70% on page 69, and provide result of daylight modelling in a table (for each dwelling's living area and bedroom);
(d) Provide copy of JV3 prior to construction to support indicative figures provided in BESS report;
(e) Confirm post-development stormwater flows will not exceed pre-development levels;
(f) Clarify whether any additional treatment strategies are required for rainwater reuse;
(g) Confirm car share details will be provided in Building Users Guide;
(h) Given the minor provision of non-residential uses, confirm the content required by a Green Travel Plan (GTP) will be included within the Building User's Guide (BUG);
(i) Provide a Landscape Plan detailing the planting schedule and confirming (via cross-sections) adequate soil depth and volumes and per the requirements of BADS;
(j) Confirm what is meant by 'where appropriate' and ensure each dwelling balcony has access to a tap and waste (and mark on plans);
(k) Confirm head contractor will be ISO14001 accredited.

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

Acoustic Report

12. 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 Vipac Engineers & Scientists and dated 8 September 2021, but modified to include or show:

(a) All design changes required under Condition 1 of this permit;
(b) The correct architectural plans (revision number and date) to be referenced;
(c) Include potential impacts of the existing commercial uses on the apartments and vice-versa (e.g. roof mounted mechanical plant equipment at No. 219 Johnston Street);
(d) Carry out several, detailed measurements and at least one of them to be conducted during peak traffic period to ensure that the proposed glazing design will meet the nominated targets;
(e) Provide advice for noise control via non-glazed areas of the façade if the façade is not proposed to be fully masonry;
(f) Provide an assessment of voice noise from use of the rooftop spaces, demonstrating that voice noise will comply with a 'background + 5 dB' criteria at night. The assessment should detail the assumed number of people and levels of voice in the outdoor area, and should specify whether the presented noise data is a sound power level, or sound pressure level (the provided assessment for the ground floor area is not clear on this matter);
(g) A review of all acoustically significant mechanical plant and equipment to be conducted during the detailed design phase, to ensure the equipment meets the identified noise criteria;
(h) Provision of a maximum sound pressure level as a reference distance be nominated such that Noise Protocol compliance and sleep disturbance targets are met at the windows of existing dwellings and proposed dwelling which overlook the carpark entrance;
(i) Specify the minimum treatments required to address impact noise transfer. This could be presented as a minimum 'delta L' rating of the proposed underlay or spring treatment; and

(j) Provision of minimum Rw ratings for any lightweight, non-glazed components of the façade.

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

14. 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.

15. 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

16. Concurrent with the submission of plans under Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Acre Studio and dated November 2021, but modified to include or show:

(a) Further detail drawings of the planters, including the provision of adequate soil depth for all trees;
(b) Further notes on proposed irrigation;
(c) Load bearing weights for the building structure need to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed;
(d) Street tree species to be updated to align with wider street tree character as follows:
    (i) Tree species on Argyle Street to be Koelreuteria paniculatum;
    (ii) Proposed plane trees on Gore Street to be Platanus x acerifolia 'Liberty'; and
    (iii) Tree species on Johnstone Street to be Hymenosporum flavum.

17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

(a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
(b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
(c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Wind

18. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit.

The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Vipac Engineers & Scientists and dated September 2021, but modified to include or show:

(a) All design changes required under Condition 1 of this permit.
(b) Wind tunnel study for the roof terraces, which also includes the wind conditions for the Ground Floor, Level 1 communal space and private balconies/terraces.
(c) Demonstrate sitting criterion is achieved for all dwelling balconies and communal open space areas.

19. The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

20. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Sustainable Development Consultants and dated November 2021, but modified to include or show:

(a) All design changes required under Condition 1 of this permit.
(b) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
(c) A designated 'manager' or 'champion' responsible for coordination and implementation; and
(d) Provisions for the Green Travel Plan to be updated not less than every 5 years.

21. 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

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

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

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

25. 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.

Design and Detail Plan

26. Within six (6) months of the development commencing, detailed engineering and landscaping plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and at the full cost of the owner showing the following:

(a) the location of all existing infrastructure on footpath like drainage pits, electricity poles, street signs, parking metre, parking numbers, outstands, trees etc. If any of this infrastructure is proposed to be relocated show the proposed new locations.

(b) the location of existing power poles/lights to ensure the location and number of new street trees.

Streetscape Improvement Plan

27. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Improvement plan for the development to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, including, but not limited to, the following streetscape improvements:

(a) Landscaping, seating and bike hoops;
(b) Existing and proposed adjacent on street parking along with verification of existing and proposed on-street parking numbers;
(c) Drainage, including kerb and channel (back of kerb, invert, and lip of channel) and any side entry pits;
(d) Streetscape surface finishes;
(e) All pavements reinstated as asphalt footpaths with bluestone kerb and channels to match existing for the full length of the site as *per City of Yarra's Infrastructure – Road Materials Policy*.
(f) All paving must be compliant with Australian Standards for slip resistance and DDA.
(g) Details of any re-located street infrastructure.
(h) Details of the materiality of outstands including permeable surface finishes, drainage and tree pit cut outs/tree protection measures;

28. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Improvement plan for the development to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, including, but not limited to, the following streetscape improvements:

29. Before the building is occupied, all works (including landscaping) to the public realm as shown in the plans approved under conditions 26 and 27, must be fully constructed and completed:

(a) at the permit holder's cost; and
(b) to the satisfaction of the Responsible Authority

Trees

30. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of $6,037 to the Responsible Authority. This fee:

(a) Will be used for seven (7) new street tree plantings as listed below:
    (i) Roadside – 3 along Argyle Street; approximate cost $1,099 per tree;
    (ii) Outstand –1 along Gore Street; approximate cost $880 per tree; and
    (iii) Footpath – 3 along Johnston Street; approximate cost $620 per tree.
(b) Will cover tree sourcing, planting and 2 years of maintenance;
(c) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority.

31. 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 all existing street trees on Gore Street:

(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.

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

33. Before the development commences, the permit holder must provide an Asset Protection Bond of $85,863 (ex GST) for the trees in Gore Street adjacent the frontage of the development to the Responsible Authority. The security bond:

(a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
(b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
(c) in accordance with the requirements of this permit; or
(d) otherwise to the satisfaction of the Responsible Authority.

Public Lighting Plan

34. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along all street frontages, in particular the laneway and the entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:

(a) A lighting scheme designed for both public highway and new open public areas/paths/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
(b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 2019," Control of the obtrusive effects of outdoor lighting";
(c) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
(d) A maintenance regime for the lighting scheme within the curtilage of the property.
(e) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

Head, Transport for Victoria Conditions (35 – 37)

35. Prior to occupation of the development all disused or redundant vehicle crossings on Johnston Street must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

36. The demolition and construction of the development must not disrupt bus operations on Johnston Street without the prior written consent of the Head, Transport for Victoria.

37. Any request for written consent to disrupt bus operations on Johnston Street during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

Car Parking

38. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

    (a) the number and location of car parking spaces allocated to each tenancy;
    (b) any tandem parking spaces allocated to a single tenancy;
    (c) the number and location of car spaces for shared use, including time of shared use;
    (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
    (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
    (f) the number and allocation of storage spaces;
    (g) policing arrangements and formal agreements;
    (h) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
    (i) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 22; and
    (j) details regarding the management of loading and unloading of goods and materials.

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

40. 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.

41. 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

42. 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.

43. 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.

44. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

45. 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.

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

47. 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.

48. 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).

Road Infrastructure

49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be constructed:

(a) in accordance with any requirements or conditions imposed by Council;
(b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
(c) at the permit holder's cost; and
(d) to the satisfaction of the Responsible Authority.

50. 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.

51. 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 all street frontages must be reconstructed:

(a) at the permit holder's cost; and
(b) to the satisfaction of the Responsible Authority.

52. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the north-south aligned laneway abutting the site's western boundary must be reconstructed:

(a) at the permit holder's cost; and
(b) to the satisfaction of the Responsible Authority.

53. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a bluestone channel is to be constructed across the Argyle Street carriageway along the west kerb alignment of Gore Street:

(a) at the permit holder's cost; and
(b) to the satisfaction of the Responsible Authority.

54. 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 all three street frontages:

(a) in accordance with Council's Road Materials Policy;
(b) the footpaths must have a cross-fall of 1 in 33, or unless specified by the Responsible Authority;
(c) at the permit holder's cost; and
(d) to the satisfaction of the Responsible Aithority.

55. 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.

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

57. 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.

58. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a bluestone channel is to be constructed across Argyle Street road pavement running along the west channel alignment of Gore Street:
(a) at the permit holder's cost; and
(b) to the satisfaction of the Responsible Authority.

59. 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.

60. 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.

61. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the proposed bench seating on the Gore Street frontage is to be installed:

    (a) at the permit holder's cost;
    (b) to the satisfaction of the Responsible Authority.

    Development Infrastructure Levy

62. 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.

    Community Infrastructure Levy

63. 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

64. 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) management of any environmental hazards including, but not limited to,:
    (j) the construction program;
    (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
    (l) parking facilities for construction workers;

(m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
(n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
(o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
(p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
(q) 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
(r) any site-specific requirements.

During the construction:

(s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
(t) 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;
(u) vehicle borne material must not accumulate on the roads abutting the land;
(v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
(w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

66. 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.

Expiry

67. This permit will expire if:

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

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

Notes:

This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.

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.

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 residents within the development approved under this permit will not be permitted to obtain resident 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.

A Council drain capacity assessment is required to determine if the site's LPD can be discharged to a Council drain.

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.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

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

Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works (i.e. canopies) undertaken outside the title boundary within a Transport 2 Zone (Johnston Street). Please contact Head, Transport for Victoria prior to commencing any works.

Detailed engineering design drawings of all infrastructure works are to be submitted to Council for assessment and approval.

Attachments

1 PLN21/0670 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - Site Location Plan

2 PLN21/0670 - All referral comments

3 PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

Attachment 1 - PLN21/0670 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - Site Location Plan

SUBJECT LAND: 223 - 229 Johnston Street & 369 Gore Street Fitzroy - ⇧ North
Subject Site





Attachment 2 - PLN21/0670 - All referral comments

Urban Design Memo

To:	Julian Larkins	Date:	31.01.2022
Company:	City of Yarra	From:	Hansen Urban Design Team
Re:	**223-229 Johnston Street & 369 Gore Street, Fitzroy**		

Thank you for the opportunity to review the application package for the proposed 10 storey mixed use development at **223-229 Johnston Street & 369 Gore Street, Fitzroy**. Note: we previously reviewed an application for the same site and provided a memo to Council dated 30th June 2020. Following our site inspection, we have reviewed the relevant background drawings upon planning policy, analysis of the urban context and on our own intimate knowledge of the Fitzroy area and Johnston Street corridor.

We provide the following assessment in relation to urban design matters:

Site and context

The subject site is located on a consolidated corner site which has a main frontage to Johnston Street (38.31m), Gore Street (73.94m) and Argyle Street (27.35m) and a section of laneway along its western boundary. The site is irregular in shape, resulting in a considerable total site area of 2437.6m^2. Currently the site accommodates a single storey commercial building (223-229 Johnston Street) occupied by a pet store, a 1-2 storey cream rendered brick building (231-233 Johnston Street) with a 2 storey element to the street intersection and two 1 storey buildings (369 Gore Street) of which the eastern building is graded 'individually significant' (former Shirt factory) whilst the western building is a recent addition set back from the street frontage to provide car parking spaces along Johnston Street. Vehicular access is afforded via 2 crossovers along Johnston Street, 1 along Gore Street and 2 along Argyle Street. The subject site is gently sloped from the south east to the north west with an approximate 2m fall along the Gore Street frontage. Also, along this frontage are 4 mature street trees (plane trees).



Site Context (nearmap)

Attachment 2 - PLN21/0670 - All referral comments

The key site interface conditions are as follows:

- To the **east** is Gore Street, a 20m wide road reserve permitting two way vehicular traffic movement, marked angle parking on one side and parallel kerbside parking on the opposite side of the street. The street also comprises of large canopy trees and footpaths to both sides. Across Gore Street is 338 Gore Street, a 10 storey mixed use residential building with an 8 storey street wall defining the street intersection. To the north is 340 Gore Street and 208 Argyle Street comprising a 2 storey renovated brick warehouse with a pitched metal roof accommodating residences within.
- To the immediate **south** is Johnston Street, a 20m wide road reserve accommodating two lanes of traffic in both directions with unmarked kerbside car parking and footpaths to both sides of the street. Directly opposite the site are 3 attached Victorian terraces (234-238 Johnston Street) graded as 'contributory' heritage currently used for commercial purposes, a recently completed 4 storey office building with glass and alucobond cladding (218-220 Johnston Street) and a 2 storey brick building (226 Johnston Street) located at the intersection with Chapel Street, a 10m wide road reserve with two-way traffic. Further south are 1 and 2 storey dwellings with heritage value.
- To the immediate **west** is 219 Johnston Street, a 3 storey office building comprising of a 2-3 storey street wall. A 3 storey party wall abuts the common boundary to the subject site. 205 Johnston Street is a 3 storey brick tile building located at the intersection with George Street, a 20m wide road reserve running north-south with a similar street profile to Gore Street. Further west are typically low scale commercial buildings of 2 storey buildings built to the property boundary. The site has a direct interface to a 2.9m wide laneway (north-west) with a length of 30m, running from Argyle Street. Opposite is a 3 storey residential building on the south side of Argyle Street.
- To the immediate **north** the site has a direct interface with Argyle Street, a 10.5m road reserve permitting a one-way vehicle movement (towards the east) with marked kerbside parking on one side and unmarked parking on the other. Opposite is 197 Argyle Street, a 2 storey renovated warehouse residence. 371-385 Gore Street comprises a single storey Australia Post building, setback to allow for shaded surface car parking. This site is currently subject to a town planning application for an 8 storey residential development. Further to north are 1 and 2 storey industrial warehouse style buildings interspersed with 2 storey residential terraces.



Subject site from corner of Gore and Argyle Streets



East – 340 Gore Street and 208 Argyle Street



East – 10 storey form at 338 Gore Street



West – 3 storey residential building at 192 Argyle Street



West – 219 Johnston Street

Hansen Partnership Pty Ltd

Attachment 2 - PLN21/0670 - All referral comments

In the wider context, there has been several planning approvals that are beginning to shape the urban morphology of the area. Some of the notable approvals/building under construction relevant to the subject site are:

Within DDO10:

- 142-144 Johnston Street and No. 3 Chapel Street, 6 storeys, completed;
- 178-182 Johnston Street, 7 storeys, completed;
- 363 George Street, 6 storeys, under construction; and
- 341 – 347 George Street, 7 storeys, under construction.

Within DDO36:

- 338 Gore Street, 10 storeys, completed;

Within DDO10 & DDO36:

- 160-164 Argyle Street, 6 storeys, completed;
- 377-379 George Street, 6 storeys, completed; and
- 363 George Street, 6 storeys, under construction.

Outside DDO10:

- 365 Smith Street, 9 storeys (approved);
- 57-61 Johnston Street, 7 storeys, completed; and
- 397 Smith Street, 8 storeys, under construction.

This represents a tread of emerging maximum scale within this area within close proximity to the subject site. Notably within the DDO10 extents developments predominantly comprise 6 storey buildings. While, outside the DDO10 and towards the Smith Street corridor developments range between 8 and 10 storeys.



Hansen Partnership Pty Ltd

Attachment 2 - PLN21/0670 - All referral comments

The Proposal

The proposal comprises the construction of a 10 storey mixed use building with commercial or retail opportunities within the ground level and residences above. Specifically, key components of the proposal are as follows:

- 3 Levels of basement car parking (146 spaces) accessed via the widened laneway from Argyle Street;
- A Ground Floor including 2 commercial tenancies (648.7m^2 and 99.3m^2) positioned to Johnston Street frontage and Gore Street intersection, 7 residential units located to Gore and Argyle Street interfaces, individual pedestrian access via an entry courtyard off Gore Street, bicycle storage (66 residential and 7 staff bicycle spaces);
- A First Floor includes residential units along a central corridor, a co-working room and a communal open space towards the site boundary to the west. Subsequent levels have a similar layout with double loaded central corridors within two components of the architectural massing – southern tower aligning to Johnston Street and northern tower aligning to Gore Street interlinked with an external bridge;
- The main communal facilities are located on the rooftop terrace comprising, BBQ areas, kitchen facilities, outdoor and covered dining and lounge areas. It also includes a raised deck and landscaped area with lawn mounds on the northern tower;
- It is noted that the individually significant "Argyle Street Shirt Factory" façade is retained on the corner of Gore and Argyle Street and restored to its original exposed brick presentation;
- The building rises to approximately 33.35m at its tallest point with a 6 storey street wall of 20.9m to Johnston and Gore Street corner stepping down to 10.5m where the heritage façade has been retained. To the west the 6 storey street wall steps down to 4 storeys with a height of 15m along Johnston Street. Above the Argyle Street podium setbacks of the street wall are at least 5m increasing to 10.35m from Level 5 and to 17m from Level 7; and
- The architectural expression comprises a solid core with recessive upper levels. The tower form sits on a podium with glazed street frontage at Johnston Street, successfully retaining the existing heritage form on Gore and Argyle Streets. Hard and soft landscape treatments are incorporated into the proposal with planter boxes located on private balconies, including a landscaped communal rooftop area.



Artists Impression of the proposal illustrating the Johnston Street frontage

Hansen Partnership Pty Ltd

Attachment 2 - PLN21/0670 - All referral comments

Planning Policy

The subject site is located within the **Commercial 1 Zone (C1Z)** which seeks 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.*

The site is affected by the **Design and Development Overlay – Schedule 10 (DDO10), Design and Development Overlay – Schedule 36 (DDO36), Environmental Audit Overlay (EAO)** and the **Heritage Overlay – Schedule 334 (HO334).**

As per design principles within DDO10, street façade height should not exceed 3 storeys or 12m. Development above the street wall should be setback and should not exceed 4-6 storeys. The setbacks are to avoid increased overshadowing of street and public space between 10am and 2pm at the equinox (22 Sept).

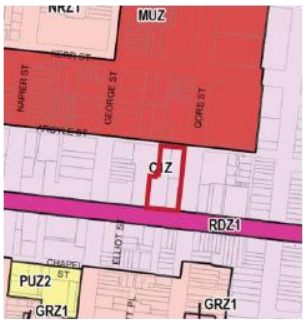
DDO36 (interim) seeks specific street wall and building height controls, the subject site has a preferred maximum building height of 30.4m. It also specifies street wall height of 14.4m to the Johnston Street and Gore Street frontages, with a preferred street wall height of 11.2m at the northern edge.

The following State and Local planning policies are considered relevant:

- *Clause 11 – Settlement;*
- *Clause 15 – Built Environment and Heritage;*
- *Clause 17 – Economic Development;*
- *Clause 21.03 – Vision;*
- *Clause 21.04 – Land Use;*
- *Clause 21.05 – Built Form;*
- *Clause 21.08 – Neighbourhoods;*
- *Clause 22.02 – Development Guidelines for Site Subject to the Heritage Overlay;*
- *Clause 22.05 – Interface Uses Policy;*
- *Clause 22.07 – Development Abutting Laneways; and*
- *Clause 22.10 – Built Form and Design Policy.*

Other relevant documents include:

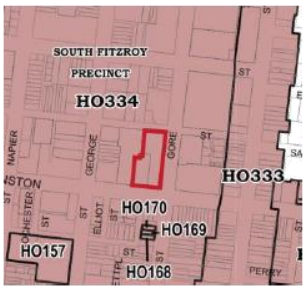
- *Johnston Street: Built Form Framework (2019);*
- *City of Yarra Urban Design Strategy (2011);*
- *City of Yarra Built form Review (2003);*
- *Smith Street Structure Plan (2008);*
- *Victorian Urban Design Charter (2010); and*
- *Urban Design Guidelines for Victoria (2017)*



Zone extract



DDO10 & DDO36 map



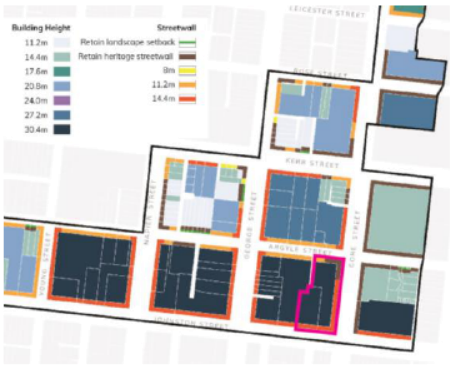
HO extract

Attachment 2 - PLN21/0670 - All referral comments

Urban Design Assessment

Strategic Context and Urban Form

- At a strategic level, the Yarra Planning Scheme seeks to maintain the City's urban character as *a 'low-rise urban form with pockets of higher development'*. Clause 21.05 – 2 states that low- rise building heights within the municipality predominantly vary between 1-2 storeys, with instances of 3-4 storey buildings. Pockets for higher development are Strategic Redevelopment Sites or within Activity Centres and should generally be no more than 5-6 storeys unless specific benefits can be achieved.
- While the site sits within the Johnston Street Neighbourhood Activity Centre and has not been identified as a Strategic Redevelopment Site, there has already been some transformation of this low-rise mixed-use corridor, along Johnston Street between Smith and Brunswick Streets. Recent VCAT decisions and Council approvals support this notion. A notable exception in the streetscape being the 10-storey development the immediate east. However, this development sits outside of the DDO10 area and is therefore subject to different planning controls when compared to the subject site. This position was confirmed by the Tribunal's decision in relation to the previous application (P1092/2020) on the subject site in March 2021.
- Clause 21.05 sets out objectives and strategies for urban design. Most relevant is the objective for non-residential areas is to improve the interface of development with the street in non-residential areas, with strategies referring to *'allowing flexibility in built form in areas with a coarse urban grain (larger lots, fewer street and lanes)'*, and requiring new development to integrate with the public street system. Importantly, the design guideline at Clause 22.10-3.3 states that the height of any portion of the new development *'should be guided by its' visual impact and off-site amenity impacts on surrounding properties such as overshadowing, visual bulk, day lighting to habitable rooms and overlooking'*.
- DDO10 still applies to the subject site and majority of properties which front Johnston Street between the main street spines of Brunswick Street and Smith Street. The DDO10, identifies a preferred future character, comprising 'a more consistent streetscape with a street-frontage 'façade wall' at the predominant two to three storey height of the 20th and 19th Century buildings'. It also contains design objectives which seek *'to ensure development fits with its context and the preferred future character'* and *'to develop streets with a human scale and vibrant street life'*. Specific design principles seek built form that should be built to the street frontages and side boundaries, with street façade heights not exceeding 3 storeys or 12m in height, with height above the street wall being set back and not exceeding 4-6 storeys. Also, new development in this area of DDO10 must respect the height of the former MacRobertson complex and avoid dominating these buildings.
- An interim DDO36 was recently implemented into the Yarra Planning Scheme which identifies built form controls for this part of Johnston Street. DDO36 seeks to reinforce a mid-rise character (ranging from 6-9 storeys) for the Fitzroy East and Johnston Street North precinct, with *a new prominent street wall on the north side of Johnston Street, transitioning down to Argyle Street* and designated a 30.4m building height and 14.4m street wall height for the majority of the site.



DDO36 extract: Street wall heights and building heights

Attachment 2 - PLN21/0670 - All referral comments

- Our urban design assessment has taken into consideration the objectives found in both DDO10 (as it currently applies to the site) and interim DDO36. However, given the recent adoption of DDO36, and given it provides more specific built form controls which outline clear design details and measures, our urban design assessment has given considerable consideration to the design objectives identified within this new yet interim design control.

Site Plan

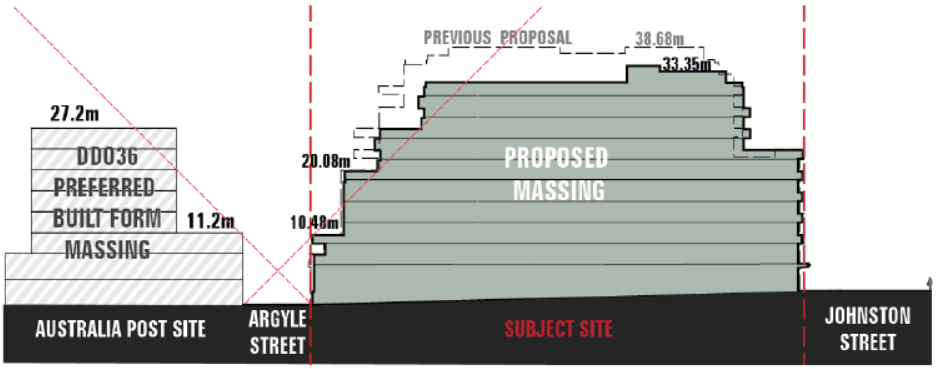
We are generally supportive of the overall site planning response and make the following comments:

- We are broadly supportive of the current site plan, it is similar to previous iterations of this proposal which we also supported including the retention of the heritage façades along both Gore and Argyle Streets and the layout of 2 storey apartments within the frontage which appropriately utilise the existing fenestration to contribute to the provision of amenity into small ground floor courtyards. We also acknowledge the integration of the main building entry into the retained façade and provision of a café tenancy.
- The widening of the approximately 3m wide service laneway along the northern portion of the western boundary is also supported and acknowledged as providing necessary and appropriate service and direct vehicle entry into the basement levels at its extended and expanded southern end.
- The provision of a communal (resident) bike storage rooms being centrally positioned in respect to the building entry and lobby area, it will provide convenient access to cyclists and offering a choice of storage solutions. Further, it is noted there is provision of a separate bike storage room for staff, comprising 7 spaces.
- The ground floor layout seeks to maximise the more prominent main street frontage to Johnston Street, with provision of a large approximately 648m^2 showroom, within the 'new' façade fabric. It is proposed to comprise considerable glazing which turns the corner into Gore Street. The commercial entry is defined by a 1.8m rebate positioned centrally into the Johnston Street frontage. However, this entry comprises a single door and 6 visitor bicycle spaces. Given the inset arrangement of the entry, **we would recommend that a second door be added into the western return wall and the bicycle space be incorporated into the Johnston Street public realm.**
- The smaller approximately 99m^2 café tenancy is 'tucked' into the Gore Street façade and relates to the larger windows within the retained heritage fabric. While not able to have its own entry, its 'reading' within the façade will be legible and should assist in overcoming its less activated street presence.
- The entry courtyard space is generously proportioned and incorporates both open air and sheltered areas, leading to the internal lift lobby area. The mail room and lift lobby are positioned around the corner from the entry, with no direct sightline relationship to the front door or street. While such an arrangement would usually be criticised, given the arrangement and nature of the overall entry, the courtyard design and café address creates an exceptional circumstance where by the public realm is in part extended into the courtyard. The is further emphasised by the spatial separation and external stairs and accessways in the rising form above.
- We are pleased with the provision of an awning which will provide adequate weather protection for pedestrians. The proposal provides a continuous awning that now 'wraps' around the corner into Gore Street terminating at the retained heritage façade.

Attachment 2 - PLN21/0670 - All referral comments

Overall height and massing

- The proposed envelope (overall scale and street wall height) now broadly accords with the discretionary 9 storey or 30.4m preferred height limit. With a maximum height of approximately 33.35m (above Johnston St) the proposal is slightly above the DDO's discretionary height limit (of 30.4m), however we find this to be supportable given the corner location, surrounding built form conditions and broad compliance with other measurable parameters outlined in DDO36 and DDO10. It should also be noted that the top storey is visually recessive. Further, the proposal also accords with the VCAT direction which was to remove Level 9 or 1 storey.

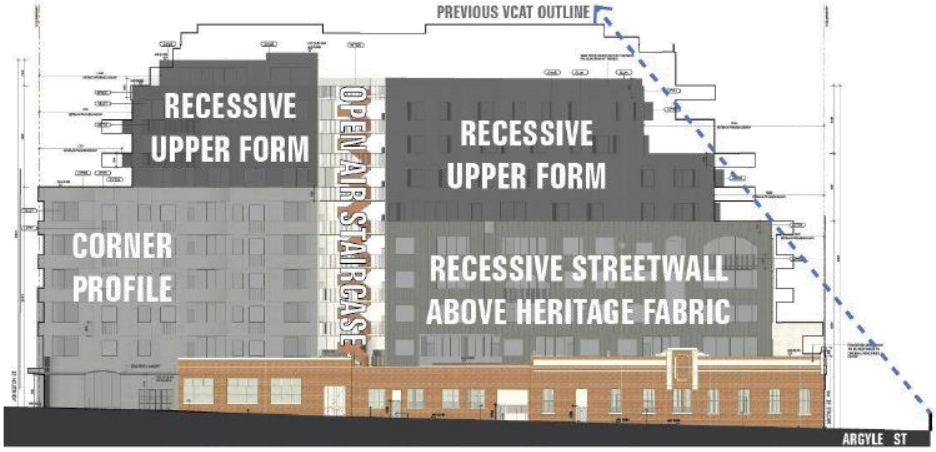


Cross section – The Proposal at Argyle Street, indicative 45 degree sight line measure illustrated

- The reduction in height by 1 storey is supported and assists in ensuring that the proposal acknowledges and transitions down to and towards the former MacRobertson heritage complex. This was a necessary refinement in order to respect the low-rise nature and avoid visually dominating buildings, again as sought by the DDO10. As seen in the figure below, further erosion to the north-east corner in the form of increased upper level setbacks now gently transitions to the former confectionary factory fabric. It also now ensures that any built from above a 6 storey profile is now invisible from standing eye height on the northern side of Argyle Street directly opposite the proposal. Additionally, it does well when assessed against overshadowing criteria only marginally impacting the Johnston Street footpath at 10am on 22nd September.
- In terms of the proposals massing composition, we are supportive of the introduction of a clear central break with an exposed external stair case, this feature assists in dividing up the form to the broad Gore Street frontage providing further articulating to the buildings expression and presentation to the longest elevation of Gore Street.

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- We are supportive of the increased setback of the upper level above the heritage from to Argyle Street, we believe this successfully and respectfully integrates the proposal into the existing heritage fabric while responding to the direction of VCAT. The Argyle Street setback requirement of 10m outlined DDO36 is primarily sought to ensure that the narrower profile of Argyle Street is respected and to ensure there is not a strong sense of visual enclosure as the larger sites to the south fronting Johnston Street develop. The increased setback in combination with the removal of the projecting balconies results in an appropriate building elevation with a massing and presence that is now more respectful of the retained heritage fabric and narrower Argyle Street profile. It should also be noted that the proposal retains more of the heritage street wall than specified in DDO36. We consider this a positive and appropriate gesture.



Extract of Gore Street elevation, illustrating massing and overall height profile in comparison to VCAT application plans.

- The proposed street wall provision accords in respect to the siting of the 0m setbacks to street frontages and generally complies with requirements of DDO36. On the corner of Gore and Argyle Streets the heritage façade has been retained with the remaining street wall at Argyle Street at 10.48m which is 0.7m under the preferred height. To the Johnston Street frontage the street wall height rises slightly above the 14.5m height to 15m and extends to a further 20.8m as the building wraps around the corner of Johnston and Gore Streets. While we note this is significantly above the preferred height we believe that height has merit given the prominent corner location. Additionally, the transition in height follows a natural rhythm when viewed in tandem with the recently constructed 338 Gore Street which rises to 27m on the corner of Johnston and Argyle Streets.

Architectural Expression

We are supportive of the architecture treatments and proposed material in general and make the following comments:

- The proposal has improved substantially from an architectural expression perspective. The removal of the projecting balconies significantly reduces the visual bulk concerns particularly from the sensitive Argyle Street interface. The Johnston Street presentation is also notable simplified and enhanced by their removal.

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- The division of the building into two separate forms with an asymmetrical material palette is a successful outcome, the colour strategy is effective in distinguishing the forms from each other while it is still clear they are related forms, forming interlocking components of when viewed from within Gore Street.
- The heritage retention and integration of fabric within the ground floor is suitably acknowledged. The removal of the white rendered/painted façade is considered appropriate and will reflect and accord with the other restored former factory facades opposite and further north along Gore Street. The light grey concrete with boardmarked texture will appropriately contrast with the single storey brick base ensuring a clear distinction and understanding between new and original forms.

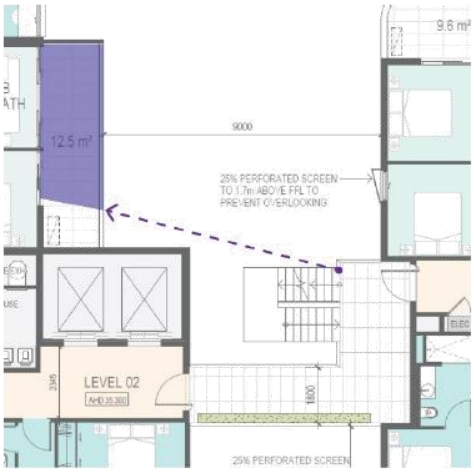


Artists Impression of Argyle Street presentation

Internal arrangements

- We are generally pleased with the internal arrangement and functionality of the proposal, we consider the replacement of the communal cinema to a co-working space a practical and relevant alteration to the former proposal given the current working from home environment. On a minor matter we do note that the co-working space is quite close to apartment 1.12 with limited space between balcony and solid wall of the room. Therefore, **we recommend reconsideration of the positioning and potential size of the co-working space as not to inhibit the views or functionality of the terrace space at apartment 1.12.**

- We note that most of the communal and private realm privacy matters have been resolved since the previous proposal through the use of opaque glass and the reconfiguration of apartments to limit overlooking concerns. However, we seek more information regarding inter-visibility with uses of internal staircase and balconies at 2.17, 3.17, 4.16, 5.13 and bedrooms of 6.09, 7.07 and 8.07. Currently it appears that people walking up the external stairs will have visibility over the balustrade into these apartments and in particular their balconies (within 9m). Therefore, **we recommend the integration of screening on the staircase to avoid issues over overlooking and privacy.**

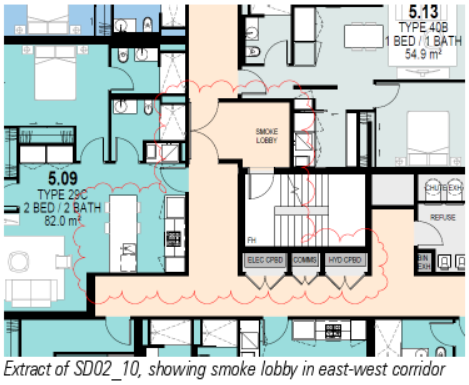


Extract of SD02_07, showing overlooking concerns

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- While we understand the smoke room is a functional requirement of the proposal its current door arrangement is unfortunate with nib walls that project into the corridor space from Level 1 to Level 6, diminishing site lines along the corridor. Resolving this will not only be an aesthetic improvement but will ensure improved circulation and functionality throughout the building. Therefore, **we recommend reconsideration or an alternative door solution that ensure the corridor remains as wide and uncluttered as possible**.



Extract of SD02_10, showing smoke lobby in east-west corridor

Equitable Development

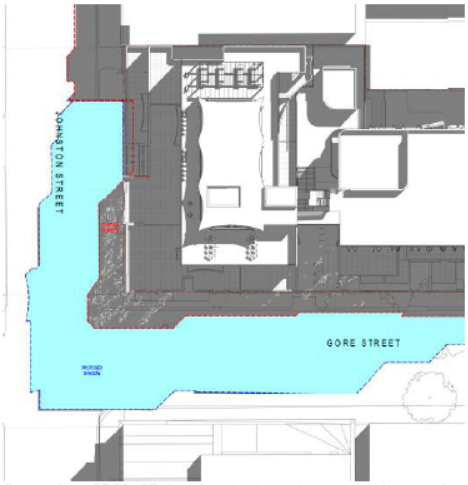
- The proposal meets the requirements of DDO36 in relation to equitable development which requires a setback minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/ or exists.

Off-site Amenity Considerations

- The DDO36 provides specific overshadowing requirements and seeks to avoid overshadowing on the opposite footpaths including Johnston and Gore Streets between 10am and 2pm at September 22. The proposal broadly accords with this discretionary requirement with a minor encroachment on both Johnston and Gore Streets as seen below. We consider this to be an acceptable given this is only a marginal infringement on the defined pedestrian realm and the extent of shadow should not dimmish the function or amenity of these footpaths.



Extract from SD30_01 showing shadow encroachment of southern Johnston Street footpath at 10am (pp47)



Extract from SD30_05 showing shadow minor encroachment of eastern Gore Street footpath at 2pm (pp51)

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Conclusion

In summary, we are **broadly supportive of the proposal** and only make a few minor recommendations in relation to more detailed design aspects and access arrangements. We consider that the proposal comprises a mid-rise form with a clear distinction between its street walls and rising form above. While, the overall height slighting exceeds the discretionary DDO36 provisions and the massing demonstrates an appropriate transition down to the narrower Argyle Street streetscape and MacRobertson heritage fabric in general. The central break in the form's Gore Street presentation provides further division and broadly reflects the arrangement of development on the opposite side of Gore Street. The refinement to the architectural expression, the simplification and removal of many of the projection balconies greatly enhances the proposal's presentation and more reserved insertion into the surrounding context.

Our key recommendations are as follows:

- that a second door be added into the western return wall and the bicycle space be incorporated into the Johnston Street public realm;
- refine the positioning and potential size of the co-working space as not to inhibit the views or functionality of the terrace space at apartment 1.12;
- provision and integration of privacy screening on the external staircase to avoid over overlooking issues on abutting apartment; and
- reconsideration of the smoke lobby layout or an alternative door solution that ensure the corridor remains as wide and uncluttered as possible.

We would be happy to liaise with the design team directly to progress these refinements in a timely manner.

Should you have any further enquiries, please don't hesitate to contact us on 9664 9836.

Yours faithfully,

Hansen Partnership Pty Ltd

Urban Design Team 31/01/2022

Hansen Partnership Pty Ltd

Attachment 2 - PLN21/0670 - All referral comments

ANITA BRADY HERITAGE

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MEMORANDUM

TO	Julian Larkins, City of Yarra	FROM	Anita Brady
RE	223-229 Johnston Street and 369 Gore Street, Fitzroy	DATE	9 February 2022

Introduction

This memorandum includes an assessment of the proposed development of the property at 223-229 Johnston Street and 369 Gore Street, Fitzroy. It follows:

- previous advice to Council on an application to develop the property in 2020; and
- preparation of a heritage expert witness statement and appearing as an expert witness on behalf of Council at the (subsequent) VCAT hearing in February 2021.

The application was refused by the Tribunal in March 2021.

A new application has been lodged, and advice is required on the heritage impacts of the proposal. The new application includes (as per Council's advertised summary):

> Full demolition of No.223-229 Johnston Street, partial demolition of No.369 Gore Street and the construction of a ten storey mixed-use development with roof terrace (plus three levels of basement) for use as dwellings and ground level Restricted Retail premises and Food and Drink premises, a reduction in the car parking requirements and alteration of access to a Road Zone, Category 1.

In undertaking this assessment, my previous advice and the opinions expressed by me in my VCAT evidenced have been reviewed and are referred to below; these referenced the relevant Yarra Heritage Overlay considerations. The findings of the Tribunal have also been reviewed; as has the Heritage Impact Statement prepared by Bryce Raworth (September 2021) which accompanied the new planning application; and the architectural plans prepared by SJB Architects.

Subject property and precinct

The property is included in the South Fitzroy Precinct, identified as HO334 in Yarra's Schedule to the Heritage Overlay (**Error! Reference source not found.**). Under the precinct controls, external building and land development controls apply, but no external paint, internal or tree controls.

The property is a large site which extends from Johnston Street in the south, along Gore Street and through to Argyle Street in the north. It comprises several building components, with differing and/or shared addresses, various heritage gradings, and three street frontages or interfaces to the HO334 heritage precinct. The following is a summary of the previous commentary on the property gradings, which it is understood was not contested at the Tribunal.

- 223-229 Johnston Street, single-storey modern brick building with a wide frontage and a setback to Johnston Street. Not contributory.
- 231 Johnston Street, adjoins the above on its east side and includes a single-storey building with a sawtooth roof and no setback to Johnston Street. Not contributory.
- 369 Gore Street, to the corner of Gore Street, a two-storey building with a hipped roof and chamfered corner form, of nineteenth century origin but heavily modified. Not contributory.
- 369 Gore Street, late nineteenth century single-storey brick building(s) with no setbacks to the north of the above corner building and extending along Gore Street to Argyle Street. Several different façade and parapet treatments are evident, as are different roof forms including a sawtooth roof to the northern building which is the largest and oldest of this group and occupies the corner of Argyle and Gore streets. Known as the former Argyle Shirt Factory. Individually significant.
- 198 Argyle Street, single-storey brick building which adjoins the above to its west and has a setback to Argyle Street. Not contributory.

The South Fitzroy Precinct, HO334, is large and diverse and its development dates from the late 1830s when it was the focus of the first suburban sale of land outside the early town centre of Melbourne. Johnston Street was one of the first Government roads set aside in the new suburb in this early period.

More generally, this area of the heritage precinct north of Johnston Street differs to that which is south of Johnston Street, through having larger buildings and allotments including some factory and warehouse buildings from the late nineteenth and early twentieth centuries such as the subject former shirt factory and the former MacRobertson confectionery factories (which are mostly but not entirely of two-storey scale). Conversely, development south of Johnston Street is more consistent with the typically fine-grained historic residential development of South Fitzroy (which is largely of one- and two-storey scale). It is also the case that Johnston Street, to both sides, and some adjoining streets have seen recent developments of scale, including mixed use but mainly residential buildings of six and seven storeys, plus the recent ten-storey development adjoining the subject property to the east at 239-245 Johnston Street.

Assessment of proposal

To assist this assessment of the new application, a table is included below which summarises (in the left column) the heritage issues identified in my previous advice and VCAT evidence in 2020/2021; and provides a comparison comment on the current proposal in the right column.

The VCAT decision in relation to the proposed internal landscaping is also identified in red.

Issues with the 2020/2021 proposal	Comment on the current proposal
Demolition of the buildings/building components graded not contributory is acceptable.	No change to previous proposal; acceptable.
Retention of facades only of former shirt factory building, with remainder of building including the roof to be demolished. While this extent of demolition might be considered excessive for an individually significant building, the facades to be retained display	Largely no change to previous proposal; acceptable.

Attachment 2 - PLN21/0670 - All referral comments

Issues with the 2020/2021 proposal	Comment on the current proposal
the late nineteenth century form and Italianate detailing. The roof is not prominent or visible and is largely concealed from the street by the high parapet. Together with the proposed conservation and restoration works to the retained facades, this goes some way to balancing the extent of demolition.	
Retention of the remaining Gore Street facades to the south – excluding the corner building to Johnston Street - which are of more limited heritage value and interest. Provides some further balance to the demolition referred to above in relation to the individually significant building.	No change to previous proposal; acceptable.
Setbacks to the new/visible upper levels behind the retained (corner) facades of the former shirt factory, are greater in this northern part of the site than those for the southern half, and generally increase in relation to the corner building as the new levels rise. However, there are minimal setbacks at new levels 2-4.	Change to previous proposal. The setbacks to levels 1-4, associated with the corner building, have been increased. While this is a limited increase, it represents an improvement. The setbacks to the new building façade on the north side, at levels 7-8, have been significantly increased. The curved and angled balcony forms (to all new levels above the corner building) have been straightened up to align with the façade(s) and have less prominence within the setbacks generally. Overall, this is an improved outcome and is acceptable.
To help compensate for the limited setbacks referred to above, a more sympathetic treatment of the individually significant building is sought. The building should retain more of its solid three-dimensional appearance, and more of its original industrial character and presentation than is proposed (see internal landscaping below).	Change to previous proposal. The setbacks have been increased and are now more acceptable. The sense of the 'three-dimensional appearance' of the building has been partly improved through the increased setbacks (see also comments below).
A strong preference is to have no visible internal landscaping or greenery associated with the internal spaces (inside the facades) of the corner building; and for the landscaping/terraces at level 1 to be set back	Change to previous proposal. Internal landscaping/courtyards are still proposed behind the facades of the corner

Attachment 2 - PLN21/0670 - All referral comments

Issues with the 2020/2021 proposal	Comment on the current proposal
from the building façade and parapet so that they have little, or preferably no visibility, when the corner building is viewed from the adjoining streets.	building, with void space over, although the extent of void space has been reduced. The landscaping/terraces at level 1 have been set back from the building façade and parapet, which is an improvement. The Tribunal was generally accepting of some landscaping being visible through/behind the façade, and of there being some visible internal void space, although it expressed a concern that the proposed extent of void was 'too much'. Recommended a reduced opening at the north-west corner (of the former factory building) and 'changes to the podium setting' so that 'more of the parapet and building could retain its sense of being a building, not simply a façade' (para 48). And: 'Generally, removing the roof should be to provide podium areas with terraces and their gardens well set back from the parapet edge so as to ensure that more of the individually significant Argyle Shirt Factory building can be read as an existing three dimensional building form, not simply a façade from Argyle and Gore Streets' (para 50). While not all of what was previously preferred in terms of visible internal landscaping and void spaces behind the facade(s) of the corner building has been achieved, the current approach is an improvement on the previous proposal. The setting back of landscaping from the parapet edge of the corner building is especially welcomed.
Setbacks to the new/visible upper levels behind the retained Gore Street facades to the south of the corner building to Argyle Street are generally minimal but are acceptable.	No change to previous proposal; acceptable.
Height and scale of the proposed building is considered excessive for this area of the South Fitzroy Precinct. The proposal is for 11 storeys, and this height largely extends	Change to previous proposal. The height has been reduced by one level; and the rooftop amenities and plant (other

Issues with the 2020/2021 proposal	Comment on the current proposal
through the site to the more sensitive northern half of the property. The removal of two or three levels is recommended, in preference this would include removal of the middle levels, being levels 5, 6 and/or 7. While this would still result in a building of some height, it would introduce a new building to this area of Fitzroy which is not as significantly out of scale with other new developments. Removal of the middle levels would also maintain the increased setbacks to the upper levels in the northern part of the property, as shown in the plans. The combination of removed levels and increased setbacks will improve the heritage outcome for this northern part of the site and help moderate the reduced height.	than landscaping) have been removed from the north end of the new building. While this is not equivalent to a reduction in the overall height of two-three levels, the improved outcome for (and less bulk at) the north end effectively achieves this outcome in this more sensitive location.
At the south end of the property, to Johnston Street, the height can be similar to 239-245 Johnston Street, with the street wall height to Johnston Street being of four and six storeys.	No change to previous proposal; acceptable.
Proposed treatment of the laneway on the west side of the development is acceptable.	No change to previous proposal; acceptable.
Architectural expression of the new building, including materials and detailing, is generally acceptable.	Some change to previous proposal. The design has improved, particularly in the northern half of the building where the new levels have a 'quieter' expression when seen above the retained heritage building facades. The change to the balcony forms, as commented on above, is part of this improvement. The change to the materials is also supported. New elements such as the central external stair, which assists in breaking up the long north-south massing of the building, and separating the northern and southern components, is also acceptable.

Concluding comments

As a general comment, the new design/new proposal for the subject property is an improvement on the previous proposal in heritage terms, and largely incorporates the changes which I sought last time. While there will continue to be internal landscaping, courtyards and visible void space

behind the retained heritage facades, these have been reduced in extent and the setting back of landscaping from the parapet edge of the corner building is especially welcomed. The Tribunal was also largely supportive of this aspect of the design.

Overall, and on balance, the new proposal represents an acceptable outcome in this evolving area of the South Fitzroy Precinct.

Attachment 2 - PLN21/0670 - All referral comments

2 March 2022

640.10090.06540 223-229 Johnston St Fitzroy 20220302.docx

Yarra City Council
PO Box 168
RICHMOND 3121

Attention: Julian Larkins

Dear Julian

223-231 Johnston Street and 369 Gore Street, Fitzroy
Development Application Acoustic Review
PLN 21/0670

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the revised acoustic assessment report prepared for the mixed use development proposed for 223-231 Johnston Street and 369 Gore Street, Fitzroy.

Details of the report are as follows:

- Title: 223-231 Johnston Street Fitzroy – Town Planning Acoustic Report
- Reference: 30T-19-0295-DRP-6768965-10
- Date: 8 September 2021
- Prepared for: Pace Development Group Pty Ltd
- Prepared by: Vipac Engineers and Scientists Ltd

SLR reviewed an acoustic report prepared by Vipac for a similar application on the site, dated 21 November 2019 (SLR review date 6 July 2020). Where still relevant, the comments provided in our original review are reproduced below.

1 Project Details

(Sections 1 to 4 of the acoustic report)

The acoustically significant aspects of the application are summarised below:

- The project is a mixed use building proposed to comprise:
  - 3 levels of basement carparking
  - Lower and upper ground – apartments and two commercial spaces (described on the plans as 'restricted retail', and 'food and beverage'
  - Level 1 – communal open space and apartments
  - Levels 2 to 8 - apartments

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  - Roof terrace, including BBQ, amenities and roof garden
- The nearest existing noise sensitive receivers are identified as
  - 192 Argyle Street (immediately west of the subject site and overlooking the carpark entrance
  - 197 Argyle Street (2 storey residence on the north side of Argyle Street)
- Potential noise impacts from the proposal are identified in later sections of the report as noise from rubbish trucks; road traffic noise to apartments and noise from apartment communal areas to apartments.

SLR Comments: *The proposal is described and potential noise impacts from the development are identified.*

We note that there is an 8 level apartment development at 239-249 Johnston Street which will potentially be exposed to noise from the subject development roof.

The report does not consider existing commercial uses, and potential impacts of these on the apartments, or potential impacts of the apartments on existing uses. These matters are required to be considered for new residential developments in mixed use areas under Clause 22.05 of the Yarra Planning Scheme (Interface Uses Policy). For example, the commercial business at 219 Johnston Street has a large amount of mechanical plant on the roof, which, should be considered, particularly if it operates outside standards business hours.

The drawing set referred to in the report is Revision 8, dated 27 August 2021 whereas the plans submitted with the application are Revision 16, dated 19 November 2021. Either the report should be updated to address the current plans, or confirmation provided that the later plans do not have any implications for the acoustic assessment.

2 Road Traffic Noise

2.1 Criteria

(Section 5.1 of the acoustic report)

Apartments are proposed to be designed so that noise from road traffic does not exceed the targets specified in the Better Apartments Design Standards (BADS). The internal targets are 40 dBA $L_{eq,16h}$ in living rooms and 35 dBA $L_{eq,8h}$ in bedrooms.

Commercial spaces are proposed to be designed to achieve the AS/NZS2107 design sound ranges.

SLR Comments: *The proposed targets are reasonable.*

2.2 Traffic noise measurements

(Section 6 of the acoustic report)

Attended measurements of road traffic noise were conducted on Thursday 14 November 2019 at the following times:

- 12:36 to 12:46 pm (67 dBA $L_{eq,10mins}$)
- 8:43 to 8:48 pm (68 dBA $L_{eq,5mins}$)

The evening measurement was conducted outside the Johnston Street façade of the existing building on site. The daytime measurement was conducted approximately 300 m east of the subject site, to avoid contribution of noise from local building works.

Both measurements are described as free-field.

SLR Comments: *Road traffic noise to the subject site has been quantified with two short measurements, both conducted outside peak hour. Where long term noise logging is not practical, we recommend that several measurements are made and that at least one of them is conducted during peak period.*

In the absence of further logging SLR compared the results provided in the Vipac report with long term logging data conducted at nearby sites as part of our July 2020 review of their report for this site. The results were reasonably consistent and on these grounds we accepted the limited measurements in the report for preliminary assessment purposes. However, given that this is a new application, and that traffic movements are generally back to normal, we recommend that more detailed testing be undertaken to ensure that the glazing design will meet the nominated targets.

2.3 Assessment and façade upgrade treatments for noise control

(Section 7 and Appendix D of the acoustic report)

The report provides specification for glazing to control road traffic noise ingress. The specification includes minimum octave band sound transmission losses for all glazing, and minimum R_w ratings and provides examples of glazing configurations identified as necessary for meeting the ratings. The specification states that the advice is based on the glazed areas detailed in Table 7-1, and that if the design changes and larger glazed areas are introduced, a review of the advice provided should be conducted.

The paragraphs preceding Table 7-1 provide guidance around suitable glazing, and includes the statement that sliding windows are acceptable provided the seals are tight fitting. Vipac also note that all external sliding glass doors are required to be proprietary acoustic door sets with integral frame and seals.

SLR Comments:

The specified glazing provided can be expected to control the measured levels of road traffic noise. Advice should also be provided in the report for noise control via non-glazed areas of the façade if the façade is not proposed to be fully masonry.

3 Apartments overlooking communal areas

(Section 7 and Appendix D of the report)

Vipac consider voice noise from outdoor communal areas to apartments, and provide advice for controlling normal speech levels to design targets of 37 dBA in living rooms and 32 dBA in bedrooms. Glazing to these apartments is required to have Rw ratings of 31 to 32 dB (depending on the apartment level). Acceptable glazing systems are identified as 3/12/3 double glazed units, and 6 mm thick float glass.

SLR Comments:

Regarding the ground floor communal area: The proposed façade glazing for voice noise does not represent an acoustic upgrade as it is representative of minimum typical glazing as implemented in buildings. The glazing will not provide a high level of protection against speech. However, the ground floor communal area is reasonably small, so specific upgrades for addressing noise from this space are not considered critical.

Regarding the rooftop communal indoor / outdoor area: The space on the northern end of the site is shown as grassed and the space on the southern end of the site includes shared dining areas that open onto outdoor dining and barbeque spaces. There is potential for intrusive noise from the use of these spaces to negatively impact proposed and existing residents, including occupants of the multilevel development at 239-249 Johnston Street.

The provided acoustic assessment of voice noise impacts, which assumes low levels of voice and groups of up to 14 people, is not sufficient for addressing potential impacts from the rooftop areas. These spaces have potential to be used by larger and noisier groups.

We suggest that either:

- *An assessment of voice noise from use of the rooftop spaces be provided demonstrating that voice noise will comply with a 'background + 5 dB' criteria at night. The assessment should detail the assumed number of people and levels of voice in the outdoor area, and should specify whether the presented noise data is a sound power level, or sound pressure level (the provided assessment for the ground floor area is not clear on this matter).*

  OR

- *The rooftop outdoor areas should be not be used:*
  - *After 11 pm Friday and Saturday nights, or*
  - *After 10 pm Monday to Thursday nights*

  During these hours doors to the outdoor areas should be kept closed.

4 Project Mechanical Plant

4.1 Background noise measurements for determining limits

Background noise measurement results are provided in Table 6-1. Background measurements were typically undertaken in Argyle Street, although the location of the night time measurements are not shown.

A series of 10 minute measurements were conducted during the day, evening and night periods to quantify existing background levels.

SLR Comments: *The time and location of the day and evening background noise measurements are appropriate. The locations for the night period measurements are not shown in the acoustic report, however the measured levels are very low, so we assume the locations were conservatively selected.*

4.2 Criteria

(Section 5.1.1 of the report)

Mechanical plant is proposed to be assessed to EPA Noise and assessment protocol (the Noise Protocol). The limits are provided in Table 5-3 of the report, and take into consideration the background noise data presented in Table 6-1. The identified limits are: 59 dBA (day); 52 dBA (evening) and 44 dBA (night).

Noise from balcony mounted condenser units is proposed to be assessed to 'background + 5 dB' during the day and evening, and to inaudibility targets during the night period.

SLR Comment: *Our calculation of the Noise Protocol noise limits, taking into consideration Vipac's measured background levels, are consistent with Vipac's.*

4.3 Control of noise from project mechanical plant

(Sections 5.1.1 and 5.1.2 of the acoustic report)

The report states that formal acoustic reviews of noise from mechanical plant should be undertaken during the detailed design phase of the project.

SLR Comments: *The approach taken is generally reasonable, and we recommend that it is a condition of the permit for the project that a review of all acoustically significant mechanical plant and equipment be conducted during the detailed design phase.*

5 Carpark entrance gate

(Section 5.1.3 of the report)

The carpark entrance gate, including motor and rail, is required to be vibration isolation from the building structure.

SLR Comments: *The provided advice is sufficient for controlling structureborne sound. However, we recommend that a maximum sound pressure level at a reference distance be nominated such that Noise Protocol compliance and sleep disturbance targets are met at the windows of existing dwellings and proposed dwelling which overlook the carpark entrance.*

6 Rooftop amenities

(Section 5.1.4 of the report)

It is recommended that impact noise from the roof to apartments below be controlled through installation of acoustic treatments. The details are proposed to be finalised during the design phase of the project.

SLR Comments: *It is recommended that the report specify the minimum treatments required to address impact noise transfer. This could be presented as a minimum 'delta L' rating of the proposed underlay or spring treatment.*

7 Summary

A review of the acoustic report prepared for the mixed use development proposed for 223-229 Johnston Street and 369 Gore Street, Richmond is provided above. The report generally addresses noise impacts to the subject site, however there are several issues we suggest are addressed in further detail.

Noise to the subject development

Noise impacts to the subject development from existing roof mounted mechanical plant at 219 Johnston Street, should be assessed, particularly if the equipment operates outside standard business hours. If this equipment is not compliant with the Noise Protocol, advice should be provided for managing noise impacts. See Section 4 of the Yarra City Council document 'Guidelines for managing noise impacts in urban development', October 2019 for further information.

Façade upgrades to address road traffic noise

Minimum Rw ratings for any lightweight, non-glazed components of the façade should be provided in the report.

Rooftop communal areas

It is recommended that either:

- An assessment of voice noise from use of these spaces should be provided demonstrating that voice noise will comply with a 'background + 5 dB' criteria at night at existing and proposed dwellings. The assessment should detail the assumed number of people and levels of voice in the outdoor area, and should specify whether the presented noise data is a sound power level, or sound pressure level (the provided assessment for the ground floor area is not clear on this matter).

  OR

- The rooftop outdoor areas should be not be used:
  - After 11 pm Friday and Saturday nights, or
  - After 10 pm Monday to Thursday nights

  During the above hours doors to the outdoor areas should be kept closed.

It is also recommended that a specification, or minimum delta L rating for the floor of the communal roof areas be provided.

Project mechanical plant and equipment

- An acoustic review should be conducted during the detailed design phase of the project, as proposed by Vipac, to ensure that project mechanical plant meets the identified noise criteria.
- It is recommended that a maximum sound pressure level at a reference distance be nominated for the carpark entrance gate such that Noise Protocol compliance and sleep disturbance targets are met.

Road traffic noise

Road traffic noise to the subject site has been quantified with two short measurements, both conducted outside peak hour. Where long term noise logging is not practical, we recommend that several measurements are made and that at least one of them is conducted during peak period.

Given that road traffic movements have returned to normal, we recommend that noise logging (or further supplementary attended measurements) be undertaken to confirm that the measured levels are representative and that the proposed façade treatments will enable the nominated internal noise levels to be met.

Attachment 2 - PLN21/0670 - All referral comments

References

The report references an older drawing set. It should be updated to reference the current drawings or confirmation provided that there are no changes to the design that would affect the fidings of the report.

Regards,



Dianne Williams
Principal – Acoustics

Checked/Authorised by: JA

Attachment 2 - PLN21/0670 - All referral comments

M E L
CONSULTANTS

(ACN 004 230 013)

22 CLEELAND ROAD
SOUTH OAKLEIGH VIC 3167
AUSTRALIA

Ref: 02-22-DE-REV-00

14 January 2022

City of Yarra
PO Box 168
Richmond VIC 3121

Attn: Julian Larkins

Dear Julian,

223-231 Johnston Street, Fitzroy
Review of Vipac Wind Impact Assessment
Vipac Document Number: 30N-21-0342-TNT-18262-2

The review of the Vipac Wind Impact Statement is based on MEL Consultants' experience of wind flow around buildings and structures. This experience has been developed from a company experience of more than 50 years of desktop, wind tunnel, and full scale studies of environmental wind conditions in urban and sub-urban areas. No wind tunnel studies have been undertaken to support the review. Our comments are as follows:

- The Vipac Wind Impact Assessment has been prepared based on the experience of the consultancy and no wind tunnel testing by Vipac has been carried out to support the report. MEL Consultants have no issue with this approach for a desktop study as this is a common approach to provide architects, developers, and responsible authorities advice on the wind effects of the design.

- MEL Consultants have no issue with the Analysis Approach, Site Exposure, and Regional Wind Climate that have been used as the basis for the assessment. Vipac has clearly identified the process for the desktop assessment and this is consistent with the approach that MEL Consultants would take to prepare a desktop wind impact assessment. A clear description of the 223-231 Johnston

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Street, Fitzroy, development has been provided along with reference drawings which are listed in the Appendix of the report.

- The pedestrian safety and comfort criteria are the Capital City Zone and the Better Apartment Design Standards and MEL Consultants have no issue with these criteria The recommended criteria for the immediate surroundings streetscapes would be walking comfort and the standing criteria for the entrances to the building. The assessment clearly discusses the rationale for recommending the standing criterion for the terraces and there is no issue with this recommendation.

- MEL Consultants have no issues with the Vipac desktop assessment of the ground floor wind effects.

- The Vipac assessment of the Level 1 communal terrace would be queried. The gap between the buildings would be expected to funnel wind flow through the gap and be driven by the pressure difference across the building. The re-entrant configuration of the buildings over the Level 1 terrace would be expected to focus the north-westerly wind directions towards the gap between the building and across the Level 1 terrace. While the wind comfort criteria assess the average tolerable wind conditions for all wind directions combined, the north-westerly wind directions are prevailing wind directions and have a significantly contribution to the assessment of the wind directions combined wind criteria. Vipac have recommended wind tunnel testing for the Rooftop Terrace, so it would also be recommended that the Level 1 terrace is also included in the wind tunnel study.

- The rooftop terrace spans over both buildings and includes 1800mm high perimeter balustrades. It is agreed that the taller balustrade would assist with mitigating the wind conditions, but the balustrade effectiveness would decrease with distance from the edge of the building. Vipac have recommended the wind conditions be confirmed by a wind tunnel study and MEL Consultants agree.

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- Vipac have assessed the wind conditions on the private terraces and balconies as satisfying the walking comfort criterion. Vipac have noted that during moderate to strong winds, conditions in these areas may exceed human comfort criteria. Vipac provide comments these conditions are common for similar developments. Given a wind tunnel study is recommended, typical private terraces locations should also be included to confirm the desktop assessment.

In conclusion, the Vipac Wind Impact Assessment has been prepared based on the consultant's experience of wind flow around buildings and structures. We have no issues with the Analysis Approach, Site Exposure, Regional Wind Climate, and description of the development used in the preparation of the assessment. This is consistent with the approach MEL Consultants would take to prepare a similar desktop environmental wind assessment. MEL Consultants agree with the assessment of the ground level wind conditions but query the Level 1, rooftop terrace, and private terraces/balconies assessment. Vipac have recommended a wind tunnel study for the roof terraces and MEL Consultants agree with this recommendation. The wind study should include the assessment of the ground, level 1, and private balconies/terraces wind conditions.

Yours sincerely,

M. Eaddy

M. Eaddy
MEL Consultants Pty Ltd

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Attachment 2 - PLN21/0670 - All referral comments

Strategic Transport Formal Referral Response

Application Information	
Referral Officer	USERID
Officer	Chloe Wright
Council Reference	PLN21/0670
Address	223-229 Johnston St, Fitzroy VIC 3065
Proposal	Full demolition of No.223-229 Johnston Street, partial demolition of No.369 Gore Street and the construction of a ten storey mixed-use development with roof terrace (plus three levels of basement) for use as dwellings and ground level Restricted Retail premises and Food and Drink premises, a reduction in the car parking requirements and alteration of access to a Road Zone, Category 1
Comments Sought	This is the link to the Statutory Planning Referral memo: D21/212723

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

Comments

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	107 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	21 resident spaces	
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	11 visitor spaces	
Retail premises	649 sqm	1 employee space to each 300 sqm of leasable floor area	2 employee spaces	
		1visitor space to each 500 sqm of leasable floor area	1 visitor spaces	
Food and drink premises	100 sqm	1 employee space to each 300 sqm of net floor area	0 employee spaces	
		1visitor space to each 500 sqm of net floor area	0 visitor spaces	
Bicycle Parking Spaces Total			**23 resident / employee spaces**	**149 resident / employee spaces**
			12 visitor spaces	**16 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**

Adequacy of visitor spaces

The provision of visitor bicycle parking is adequate for the following reasons:

- 16 visitor bicycle spaces are proposed, which does not meet Council's best practice[1] recommendation of 26 visitor spaces.

[1] *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.*

1

- 12 visitor spaces are provided within the property boundary in the entry courtyard area and 4 spaces are provided at Johnston Street.
- It is recommended that two additional bicycle hoops are installed, to provide a total of 20 visitor spaces.
- All visitor spaces are provided as a horizontal at-grade space and appear to be in accordance with access and clearance requirements of AS2890.3.
- The two bicycle hoops proposed at Johnston Street appear to be positioned in accordance with Council's standard Urban design detail (attached).

Adequacy of employee spaces

Number of spaces

142 resident spaces are provided, which exceeds the best practice[2] rate recommendation of 107 spaces. 7 employee spaces are provided which exceeds the statutory rate of 2 spaces.

There appears to be a discrepancy in the number of resident bicycle spaces; 124 spaces are noted in the Traffic report under Section 5.2, and 142 resident spaces are shown on the plans.

Design and location of employee spaces and facilities

The following comments are provided in relation to the design and location of residential and employee bicycle parking:

- Residential bicycle spaces are located within three secure facilities, including 66 spaces at the ground floor, 58 spaces at the basement level 1 and 18 spaces at basement level 2;
- 7 employee bicycle spaces are located within a separate secure area at the ground floor, with access via a ramp from the entry courtyard;
- 142 bicycle spaces are provided as a double tier rack, which satisfies the requirement of AS2890.3, at least 20% of bicycle storage spaces must be provided as a horizontal at ground-level spaces;
- Dimensions of employee and resident spaces have been noted and access ways appear to be in accordance with the clearance requirements of AS2890.3.
- One shower / change room is provided for employees adjacent to the employee bicycle parking area, which is supported.

Electric vehicles

Council's Built Environment Sustainability Scorecard (BESS) guidelines encourage the use of electric vehicles (EV). To allow for easy future provision for EV charging, it is recommended that all car parking areas should be electrically wired to be 'EV ready'. This does not mean car parking bays must be fitted with chargers, but that the underlying wiring infrastructure is in place to allow future owners and tenants to easily install a charger. For this purpose, the following should be installed:

a) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
b) A scalable load management system. This will ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand. Building electrical peak demand calculations can therefore be undertaken using the assessment methodology (AS/NZS3000:2018, clause 2.2.2.b.i), thus not increasing building electrical peak demand requirements beyond business as usual.

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[2] *Category 6 of the Built Environment Sustainability Scorecard (BESS) offers the following for best-practice guidance for resident bicycle parking rates: "As a rule of thumb, at least one bicycle space should be provided per dwelling for residential buildings"* and the following *guidance* for employee office rates: *'Non-residential buildings should provide spaces for at least 10% of building occupants.' Assuming a floor-space occupancy of 1 staff member to 10sqm (which is the maximum rate allowed under the National Construction Code for fire safety), providing bicycle spaces for 10% of occupants results in a rate of 1 space per 100sqm of floor area.*

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Attachment 2 - PLN21/0670 - All referral comments

Green Travel Plan

The application includes a Green Travel Plan (GTP). The GTP is generally adequate, however should be modified to include the following:

- sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- a designated 'manager' or 'champion' responsible for coordination and implementation;
- provisions for the Green Travel Plan to be updated not less than every 5 years.

This information is required to be shown in the GTP before it can be approved.

Recommendations

The following should be shown on the plans before endorsement:

1. A minimum of 20 visitor bicycle spaces must be provided. All visitor spaces should be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
2. Basement level 01, 02 and 03 should be set up to be 'electric vehicle ready'. For this purpose, the following should be installed:
    a. One or more distribution boards within each car parking basement level, with capacity for the future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
    b. A scalable load management system. This will ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand. Building electrical peak demand calculations can therefore be undertaken using the assessment methodology (AS/NZS3000:2018, clause 2.2.2.b.i), thus not increasing building electrical peak demand requirements beyond business as usual.

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

Sustainable Transport Planner (Strategic Transport Unit): Chloe Wright

Signature: 

Date: 17 February 2022

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Attachment 2 - PLN21/0670 - All referral comments

PLANNING APPLICATION REFERRAL TO STRATEGIC PLANNING UNIT

Strategic planning comments

Strategic Planning comments are provided below. The comments in this assessment focus compliance with Schedule 36 to the Design and Development Overlay (DDO36). They do not provide commentary on other sections of the planning scheme (e.g. DDO10) or fully assess the internal amenity impacts of the application.

Development details

Property address	**223 - 229 JOHNSTON STREET AND 369 GORE STREET, FITZROY**
Application number	**PLN21/0670**
Referral prepared by and date	Mir Faruque (January 2022)
Description	Full demolition of No.223-229 Johnston Street, partial demolition of No.369 Gore Street and the construction of a ten storey mixed-use development with roof terrace (plus three levels of basement) for use as dwellings and ground level Restricted Retail premises and Food and Drink premises, a reduction in the car parking requirements and alteration of access to a Road Zone, Category 1.
Relevant amendment and status	Amendment C269yara for the entire LGA. Stage: Consideration of Panel report.
Existing and proposed controls	Zone: C1Z, Overlays: DDO10, DDO36, EAO, HO334, DCPO1
Subject Site Plan	Assessed plans as advertised.

1. Summary of Strategic Planning comments

Strategic Planning Unit has assessed planning application **PLN21/0670** and has identified it does not meet the following requirements in DDO36:

- street wall height;
- Upperlevel setback;
- Overshadowing; and
- Building Layout Requirements and floor to floor height.

Please note, strategic planning did not consider DDO10 as DDO36 has been informed by more recent strategic undertaken by Council therefore the built form requirement within DDO36 must be assessed.

Strategic planning officers make the following comments in relation to the requirements in DDO36:

Attachment 2 - PLN21/0670 - All referral comments

The objectives of the DDO36

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

- *a new mid-rise character (ranging from 6 to 9 storeys) with a new prominent street wall along the northern side of Johnston Street and scale of development transitioning down to Argyle Street; and*
- *mid-rise development (ranging from 3 to 8 storeys) in the mixed use precinct in Fitzroy East, north of Argyle Street, which ensuresthe varied but low heritage street wall remainsthe visually dominant element of the streetscape and upper level developments are recessive providing a clear visual distinction between lower street walls and upper level development.*

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

- *the commercial character of Johnston Street; and*
- *the varied industrial and residential heritage character of Fitzroy East.*

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on the southern side of Johnston Street, opposite footpaths of Kerr, George and Gore Streets and upper levels along the south side of Argyle Street.

To ensure that development provides for equitable development outcomes through building separation and a design response that considers the development opportunities of neighbouring properties.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

Street Wall Height

The proposed development exceeds the preferred street wall height in the DDO36.

A key concern is the impact of the building's street wall height which exceeds the preferred street wall height of 14.4m (4 storeys) and a 21m (6 storeys) street wall is being proposed at the corner of Johnston Street and Gore Street. This is almost an increase of 7m from the preferred height.

The higher street wall will create visual bulk and limited access to the sky for the pedestrian on the footpath of the corner of Johnston Street and Gore Street.

The proposed street wall height should be reduced to comply with DDO36.

Upper level setbacks

The proposed development does not meet the preferred upper level setback in DDO36.

Section 2.4 Upper Level Setback requirements of the DDO36 states that:

Upper levels above the Argyle Street street wall should be set back by a minimum of 10 metres.
Upper levels above the primary and side street wall should be set back by a minimum of 6 metres along other streets.
For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from a street frontage.
Upper levels should:

- *be visually recessive from main 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.*

Projections such as building services and architectural features (other than shading devices, moldings etc.), balconies and balustrades should not intrude into a setback.

For heritage buildings, upper level setbacks behind the street wall in excess of the minimum upper level setback should be provided where:

- *it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevantstatement ofsignificance identifies as contributing to the significance of the heritage building or streetscape;*
- *it would maintain the perception of the three-dimensional form and depth of the building; and*
- *a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.*

It is noted that the upper levels (7 storeys and above) of the proposed building along Johnston Street are setback more than the preferred upper level setback of DDO36 (6m above the preferred street wall height of 14.4m or 4 storyes). Although the upper levels (7 storeys and above) are setback more than the preferred requirement to avoid overshadowing, however, lower levels (5 and 6 storeys) are required to meet the preferred setback to reduce the bulk.

The upper level setback along Argyle Street should be minimum of 10 m above the heritage street wall (retained). The development only proposes 10.35 m from 6th storey, this should be reviewed. Above the retained heritage street wall along Argyle Street upper level setback should be 10m as per the requirement of DDO36.

Attachment 2 - PLN21/0670 - All referral comments

The balconies are also projecting onto the street boundary (Johnston Street and Gore Street) as shown on the figure 1 and figure 2 below:

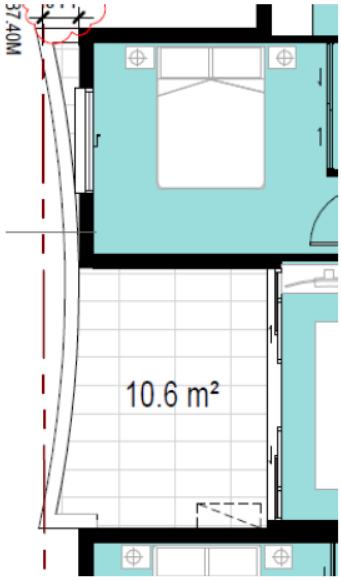


Figure 1: balcony encroaching onto the footpath of Johnston Street

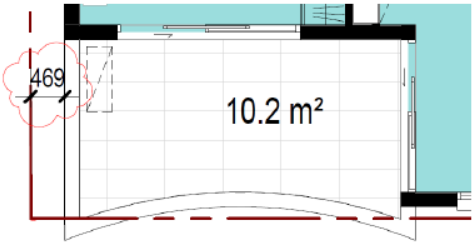


Figure 2: balcony encroaching onto the footpath of Gore Street

Overshadowing
Section 2.7 Overshawing requirements of the DDO36 states that:
New development should not overshadow:

- *the opposite footpath of Johnston, Napier, George, Gore and Kerr Streets (as applicable), measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and*
- *any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September*

The development does not comply with the requirements of the DDO36 as it shadows the southern footpath on Johnston Street at 10am (figure 3) and eastern footpath on Gore Street at 2pm (figure 4).

The proposal needs to be revised to comply with the overshadowing requirements in DDO36.

Attachment 2 - PLN21/0670 - All referral comments



Figure 3: overshadowing at 10am (overshadows southern footpath on Johnston Street)

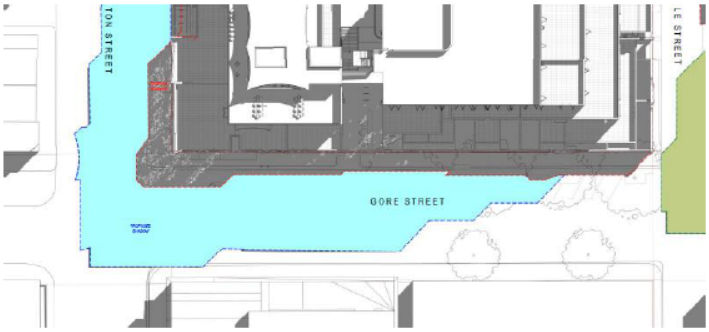


Figure 3: overshadowing at 2 pm (overshadows eastern footpath on Gore Street)

Building Layout Requirements and floor to floor height

A minor issue is that the proposed development does not meet the preferred floor to floor heights outlined in DDO36.

Section 2.9 Building layout requirements states that:

Buildings in the Commercial 1 and Mixed Use Zone should:

- *be designed to accommodate commercial activity at the ground floor level; and*
- *incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground floor level, where heritage elements are not a constraint.*

It is considered that higher floor to floor heights would provide more flexibility in terms of future uses and viability of the building over time. The proposal allows 3.8m floor to floor height, slightly lower than the recomemded height. Although the floor to floor height is not 4m of the ground floor, it is acceptable as the proposal has a consistent floor to floor height at ground level from commercial and residential uses.

Recommendations:

Strategic Planning suggests the applicant considers the following:

- The street wall at the corner of Johnston Street and Gore Street to match the preferred street wall height in DDO36;
- The upper level setbacks should match the preferred upper level setbacks in DDO36 where above the street wall; and
- Amend the development to avoid overshadowing of the footpaths at 10 am and 2 pm.

Attachment 2 - PLN21/0670 - All referral comments

Assessment of compliance with built form requirements

Built form requirements	DDO36	Proposal	Assessment of proposal
Building height	30.4m (preferred) (32.9 m including lift overrun along Johnston Street)	30.8 m	0.4m higher than the preferred height.
Street wall height	Street wall heights of 14.4m along Johnston and Gore Streets, and 11.2m along Argyle Street, with the existing heritage street wall shown as retained (preferred)	Approx. 21m along Johnston Street At the corner of Gore Street and Johnston Street, the streetwall is 21 m encroaching ino one third (approx 25m) of Gore Street. Rest of the Gore Street is 8 m or less (approx). Argyle is 8 m for Heritage street wall and the rest is 10.5 m (approx)	Approx. 7 m higher streetwall than the preferred along Johnston Street and Gore Street (1/3 of Gore Street). This is deemed to be too dominant of a street wall along Johnston Street and Gore Street. The Johnston Street Built Form Framework, 2019, has informed DDO36 and recommended a 4 storey street wall height.
Street wall frontage	The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8m to the side street	Approx. 21m along Johnston Street At the corner of Gore Street and Johnston Street, the streetwall is 21 m encroaching ino one third (approx 25m) of Gore Street.	The street wall on corner of Johnston Street and Gore Street (side street) has continued to 1/3 of Gore Street, this is more than 8m to the side street.
Upper lever setback	Upper levels above the Argyle Street wall should be set back by a minimum of 10m. Upper levels above the primary and side street wall should be set back by a minimum of 6m along other streets. For development over 16.4m, the top most upper level above a heritage building should be set back a further 3.2m from a street frontage (13.2m along Argyle Street and 9.2m along Gore Street).	Above the street walls, the proposal provides setbacks of 4m from Johnston Street with this increasing to 11.5m at the upper levels. At the intersection, setbacks are generally 4m from the east. From Gore Street, above the podium, setbacks are between 2.6m and 5m, with this increasing to 7m at Level 5 and above.	It is noted that the upper levels (7 storeys and above) of the proposed building along Johnston Street are setback more than the preferred upper level setback of DDO36 (6m above the preferred street wall height of 14.4m or 4 storyes). Although the upper levels (7 storeys and above) are setback more than the preferred requirement to avoid overshadowing, however, lower levels (5 and 6 storeys) are required to meet the preferred setback to reduce the bulk. The upper level setback along Argyle Street should be minimum of 10 m above the heritage street wall (retained). The development only proposes 10.35 m

Attachment 2 - PLN21/0670 - All referral comments

Built form requirements	DDO36	Proposal	Assessment of proposal
	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. Projectionssuch as building services and architectural features(other than shading devices, moldings etc.), balconies and balustrades should not intrude into a setback. (preferred)		from 6th storey, this should be reviewed. Above the retained heritage street wall along Argyle Street upper level setback should be 10m as per the requirement of DDO36.
Overshadowing	New development should not overshadow: – the opposite footpath of Johnston Streets, measured as 3m from the relevant property frontage between 10am and 2pm on 22 September; and – any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.	The tooth of the balcony encroaches the southern footpath of Johnston Street at 10 am and at 2pm east footpath of Gore Street is being overshadowed (slightly).	In terms of shadows to the public realm, as the subject site is on the northern side of Johnston Street, the southern side of the footpath should be protected. The development does not comply with the requirements of the DDO36 as it result in shadows to the southern footpath on Johnston Street at 10am and eastern footpath on Gore Street at 2pm. The public realm has a high value in Yarra, therefore overshadowing of them must be avoided.
Building separation	Where development consists of multiple buildings and/or separate upper levels, upper level development should: - be set back a minimum of 9m from each other, where a habitable window or balcony is proposed; and - be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.	No windows or balconies are proposed on common boundaries. No building separation is proposed.	NA

Attachment 2 - PLN21/0670 - All referral comments

Built form requirements	DDO36	Proposal	Assessment of proposal
Building Layout Requirements	Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works. Ensure shop front widths are not reduced to the extent they become commercially unviable. Buildings in the Commercial 1 and Mixed Use Zone should: be designed to accommodate commercial activity at the ground floor level; and incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground floor level, where heritage elements are not a constraint.	The development is only offering 750 sqm of commercial floor space towards the Johnston Street frontage and approaching 1/3 of Gore Street. The rest of the building including the ground floor facing Gore Street and Argyle Street is being used as apartment (residential). Floor to floor heights for commercial activity of 3.8 metres are provided at ground floor level.	The development mostly encourages residential apartments. Floor to floor heights for commercial activity at ground floor have lower floor to floor height than the recommended floor to floor height (4m). Given the consistency in floor to floor height throughout the design (incl.commercial areas) and the difference being minimal, the variance is deemed acceptable.
Façade Design Requirements	Development fronting Johnston Street should achieve fine-grain, commercial façade designs at ground and first floor to reinforce a commercial character and promote activation and surveillance of the public realm. Development on streets other than Johnston Streetshould achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm. Development façades should: - relate to the vertical and horizontal proportions of either: • the modern commercial character of Johnston Street; or	The development is only offering 750 sqm of commercial floor space (at ground level) towards the Johnston Street frontage and approaching 1/3 of Gore Street.	Smaller portion of the ground floor is being used as commercial and rest of the building is residential. The proposal generally appears to meet the requirements (i.e. activation towards main and side street frontages, composition of façade with void and solid elements, vertical and horizonal differentiation).

Attachment 2 - PLN21/0670 - All referral comments

Built form requirements	DDO36	Proposal	Assessment of proposal
	• the mixed historic industrial warehouse and residential character of Fitzroy East; as applicable		
Access, Parking and Loading Area Requirements	Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address. Residential and commercial pedestrian entrances should be distinguishable from each other. The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated. Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses. Vehicle access should be achieved from laneways or side streets (in that order of preference). Car parking should be located within a basement or concealed from the public realm. Development should not provide additional vehicular access from Johnston Street.	The main entry to the building is through the retained warehouse facade on Gore St leading you into an open air courtyard from which residents enter the lobby and circulate through the building. A secondary pedestrian entry is via Argyle Street to the north through the heritage facade. The commercial tenancies are accessed from Johnston Street and the entry courtyard while vehicles access the basement carparking via the laneway off Argyle Street.	Meets the requirement.

Attachment 2 - PLN21/0670 - All referral comments

Open Space Design
Formal Referral Response

Application Information	
Referral Officer	Julian Larkins
Officer	Kevin Ayrey
Council Reference	PLN21/0670
Address	223-229 Johnston St, Fitzroy VIC 3065
Proposal	Full demolition of No.223-229 Johnston Street, partial demolition of No.369 Gore Street and the construction of a ten storey mixed-use development with roof terrace (plus three levels of basement) for use as dwellings and ground level Restricted Retail premises and Food and Drink premises, a reduction in the car parking requirements and alteration of access to a Road Zone, Category 1
Comments Sought	This is the link to the Statutory Planning Referral memo: Create and insert a kapish easylink hyperlink to the planners referral request memo (which will include a hyperlink to all relevant plans / information)

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

Council's Open Space Design (City Strategy) were requested to make comments on:

- Landscaping Plan
- Landscaping proposed within a development's property boundary

Comments and Recommendations

I have reviewed the plans submitted by Acre Studio (version 2 – 26 November 2022) for the above planning application.

The plans show that landscaping and planting is shown on the ground level, levels 1-8, and the rooftop.

Planning permit requirements

a) Provide a plant schedule with the following information – the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers. Plant species selection needs to consider the relevant overlays (SLO or ESO), the 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity. *– the plant schedules provided meet these criteria.*
b) Provide a planting plan(s) showing the location of proposed planting and plant numbers and species, as well as a legend containing key features, materials and surfaces*; - the planting plans provided meet these requirements.*
c) Detail drawings for elements such as furniture and planters – showing dimensions, drainage, lining, materials and growing media. Volumes of growing media need to be adequate for the plant species proposed. *– further detail drawings of the planters, including the provision of adequate soil depth for all trees, would be required.*
d) Provide notes on proposed irrigation – *further notes on proposed irrigation would be required.*
e) Provide a maintenance schedule, including task details and frequency; for multi-storey developments and planting, maintenance access will need to be provided for *– maintenance information has been provided meeting this requirement*.

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

City works – Open Space maintenance will provide feedback on the proposed street trees.

Attachment 2 - PLN21/0670 - All referral comments

City Works

Not Applicable

Open Space Design: Kevin Ayrey

Signature:

Date: 17 January 2022

Attachment 2 - PLN21/0670 - All referral comments

Sustainable Management Plan (SMP)
Referral Response by Yarra City 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-r*esidential 1. 1,000m² or greater*.

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

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

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

Assessment Process:

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

Attachment 2 - PLN21/0670 - All referral comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



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Attachment 2 - PLN21/0670 - All referral comments

Sustainable Management Plan (SMP)
Referral Response by Yarra City Council



Assessment Summary:

Responsible Planner:	Julian Larkins
ESD Advisor:	Gavin Ashley
Date:	07.02.2021
Subject Site:	PLN21/0670 223-229 Johnston Street and 369 Gore Street, Fitzroy VIC 3065
Site Area:	Approx. 2,527 m²
Project Description:	Full demolition of No.223-229 Johnston Street, partial demolition of No.369 Gore Street and the construction of a ten storey mixed-use development with roof terrace (plus three levels of basement) for use as dwellings and ground level Restricted Retail premises and Food and Drink premises, a reduction in the car parking requirements and alteration of access to a Road Zone, Category 1.
Pre-application meeting(s):	Unknown.
Documents Reviewed:	• Sustainability Management Plan prepare by Sustainable Design Consultants (V2 – 25.11.21) • Waste Management Plan prepared by Sustainable Design Consultants (V2 – 25.11.21) • Architectural Plans prepared by SJB Architecture (V1 – September 2021) • Town Planning Report prepared by Urbis (V2 – November 2021)

The standard of the ESD does not meet Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

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

(1) Applicant ESD Commitments:

- An overall BESS report score of 68% (SMP, p. 23).
- Net-zero carbon development via all-electric building (no gas), and a Green Power PPA to procure renewable energy for the residual energy demand (SMP, p. 8).
- Weighted average energy rating of not less than 7.0 Stars for all apartments (SMP, p. 8).
- Domestic hot water for the entire development will be provided via high efficiency electric heat pumps in a central HWS system (with COP≥3.1) (SMP, p. 9).
- The roof of the development will host a 16kW (min.) solar photovoltaic (PV) system (48 x 400W panels) for renewable energy generation (SMP, p. 10).
- A STORM report with a 117% STORM score has been submitted that demonstrates best practice and relies on ~1,805 m² of roof connected to 45,000 litres of rainwater storage used for toilet flushing in the commercial and residential tenancies from Ground Floor to Level 2 (SMP, p. 11).
- Native and drought tolerant plants will be preferred for planter boxes installed as part of the development, with drip or sub-surface irrigation systems (SMP, p. 11).
- 84% of living areas and 96% of bedrooms will meet best practice daylight levels, with daylight modelling provided (SMP, p. 13).
- Operable windows throughout, with 46% of apartments receiving natural cross-ventilation (SMP, p. 13).
- Commitment to a construction Waste Management Plan with a target to re-use or recycle 90% of demolition and construction waste (SMP, p. 14).

Attachment 2 - PLN21/0670 - All referral comments

Sustainable Management Plan (SMP)
Referral Response by Yarra City Council



- Provision for on-site food organic waste management (SMP, p. 14).
- Total of 142 bicycles for residential tenants, 7 bicycle spaces for commercial staff, and 3 bicycle hoops for residential visitors (6 spaces), with an additional 10 spaces provided on Johnston Street (SMP, p. 16).
- Provision of (min) one EV charging point with pre-wiring throughout to allow future connections (SMP, p. 17).
- At least 24% of the development site will consist of vegetation through the provision of landscaping areas within the development, including 57 m^2 of food producing gardens on the rooftop (SMP, p 19).
- All flooring to come from certified sources, with (min) 20% of bulk insulation to contain post-consumer materials (SMP, p. 21).

(2) Application ESD Deficiencies:

- Concerns regarding the shading treatment for apt 5.04, 7.02, and 7.03 (north facing without balcony overhang). Please revise strategy to include additional shading.

(3) Outstanding Information:

- Clarify VLT which is identified as 60% on page 13 and 70% on page 69, and provide result of daylight modelling in a table (for each dwelling's living area and bedroom).
- Provide copy of JV3 prior to construction to support indicative figures provided in BESS report.
- Confirm post-development stormwater flows will not exceed pre-development levels.
- Clarify whether any additional treatment strategies are required for rainwater reuse.
- 142 spaces for residents, 7 staff spaces and 6 visitor spaces confirmed – however 10 additional spaces not clear. Clarify provision of on-street bike parking, making sure not to claim existing spaces.
- Confirm car share details will be provided in Building Users Guide.
- Given the minor provision of non-residential uses, confirm the content required by a GTP will be included within the BUG.
- Good. Provide a Landscape Plan detailing the planting schedule and confirming (via cross-sections) adequate soil depth and volumes and per the requirements of BADS.
- Confirm what is meant by 'where appropriate' and ensure each dwelling balcony has access to a tap and waste (and mark on plans).
- Confirm head contractor will be ISO14001 accredited.

(4) ESD Improvement Opportunities

- Consider use of SCMs or similar to reduce Portland cement and embodied carbon impacts.
- Consider a small pallet of materials and construction techniques that can assist in disassembly.
- This represents a provision greater than 1 per apartment and does not represent best-practice particularly given the central location and access to public transport and amenity. Consider reducing provision and de-coupling apartments from parking spaces and offering as purchaser option.
- Consider more vertical greening and climbing vegetation to assist with urban heat (i.e. covering building mass elements).

Further Recommendations:

The applicant is encouraged to consider the inclusion of ESD recommendations, detailed in this referral report. Further guidance on how to meet individual planning conditions has been provided in reference to the individual categories. The applicant is also encouraged to seek further advice or clarification from Council on the individual project recommendations.

Attachment 2 - PLN21/0670 - 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	Operable windows located throughout, with fly screens, window locks and magnetic door catches to support breeze paths. 46% of dwellings have effective natural cross-ventilation (SMP, p. 13).	Satisfactory.	1
Daylight & Solar Access	84% of living areas, 96% of bedrooms and 72% of commercial spaces meet daylight requirements with modelling provided (SMP, p. 69).	Clarify VLT which is identified as 60% on page 13 and 70% on page 69, and provide result of daylight modelling in a table (for each dwelling's living area and bedroom).	3
External Views	Laneway separation and setbacks to provide views throughout (SMP, p. 14).	Satisfactory.	1
Hazardous Materials and VOC	All internal sealants and paints, adhesives, and carpets will be low VOC, and 95% of all engineered timber products will be E0 (SMP, p. 12).	Satisfactory.	1
Thermal Comfort	Mixed mode ventilation, double glazing, insulation and shading.	Satisfactory.	1

*** 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
Australian Green Procurement www.greenprocurement.org
Residential Flat Design Code www.planning.nsw.gov.au
Your Home www.yourhome.gov.au

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 Exceeded	Commercial spaces will be designed to achieve NCC 2019 energy efficiency requirements via either Deemed-to-Satisfy assessments or JV3 verification method (SMP, p. 8).	Provide copy of JV3 prior to construction to support indicative figures provided in BESS report.	3
Thermal Performance	An average NatHERS rating of 7.0-stars for the apartments (with modelling provided indicating 7.3-average) (SMP, p. 58.	Satisfactory.	1
Greenhouse Gas Emissions	64% reduction in GHG claimed for the apartment component of the development (SMP, p. 46).	Satisfactory.	1
Hot Water System	Domestic hot water for the entire development will be provided via high efficiency electric heat pumps in a central HWS system (with COP≥3.1) (SMP, p. 9).	Satisfactory.	1
Peak Energy Demand	A 7% reduction in peak cooling demand is claimed in the BESS report (SMP, p. 46).	Satisfactory.	1
Effective Shading	External shading provided via combination of balcony overhangs, recessed windows and windows shrouds (SMP, p. 60).	Concerns regarding the shading treatment for apt 5.04, 7.02, and 7.03 (north facing without balcony overhang). Please revise strategy to include additional shading.	2
Efficient HVAC system	Heating and cooling in the commercial tenancy will be within one star of the most efficient equivalent capacity unit available, with Heating and cooling in the dwellings will be provided by energy efficient split air conditioners (within one-star energy rating of the best available) (SMP, p. 9).	Satisfactory.	1
Car Park Ventilation	CO monitoring.	Satisfactory.	1
Efficient Lighting	Wattages for non-residential lighting 90% of NCC requirements, with sensors for common are LEDs (SMP, p. 9).	Satisfactory.	1
Electricity Generation	The roof of the development will host a 16kW (min.) solar photovoltaic (PV) system (48 x 400W panels) for renewable energy generation (SMP, p. 10).	Satisfactory.	1
Other	-	-	

*** 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: 2. Energy Efficiency

Attachment 2 - PLN21/0670 - All referral comments

House Energy Rating www.makeyourhomegreen.vic.gov.au
Building Code Australia www.abcb.gov.au
Window Efficiency Rating Scheme (WERS) www.wers.net
Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au
Energy Efficiency www.resourcesmart.vic.gov.au

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	Minimum WELS star rating of fixtures: (SMP, p. 11). • Taps: 6 star • Toilets: 4 star • Showers: 4 star • Dishwashers 5 star	Satisfactory.	1
Water for Toilet Flushing	A minimum effective catchment area of 1,805m² will be used to harvest stormwater into a rainwater tank(s) with an effective storage of 45,000L. Collected water will be used for toilet flushing in the commercial and residential tenancies from Ground Floor to Level 2 of the development (SMP, p. 11).	Satisfactory.	1
Water Meter	Separate utility meters (water and electricity) will be provided for each apartment and commercial tenancy (SMP, p. 21).	Satisfactory.	1
Landscape Irrigation	Native and drought tolerant plants with drip or sub-surface irrigation system (SMP, p. 11).	Satisfactory.	1
Other	-	-	

*** 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
Water Services Association of Australia www.wsaa.asn.au
Water Tank Requirement www.makeyourhomegreen.vic.gov.au
Melbourne Water STORM calculator www.storm.melbournewater.com.au
Sustainable Landscaping www.ourwater.vic.gov.au

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	A STORM report with a 117% STORM score has been submitted that demonstrates best practice and relies on ~1,805 m² of roof connected to 45,000 litres of rainwater storage used for toilet flushing in the commercial and residential tenancies from Ground Floor to Level 2 (SMP, p. 11).	Satisfactory.	1
Discharge to Sewer	A remaining catchment area of 722 m² diverted to LPD (SMP, p. 62).	Confirm post-development stormwater flows will not exceed pre-development levels.	3
Stormwater Diversion	A total catchment area of 1,805 m² diverts stormwater to rainwater storage (SMP, p. 64).	Satisfactory.	1
Stormwater Detention	A 45,000-litre rainwater tank is located in basement 3 (SD02_01).	Satisfactory.	1
Stormwater Treatment	No other treatment strategies besides rainwater tank.	Clarify whether any additional treatment strategies are required for rainwater reuse.	3
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
Water Sensitive Urban Design Principles www.melbournewater.com.au
Environmental Protection Authority Victoria www.epa.vic.gov.au
Water Services Association of Australia www.wsaa.asn.au
Sustainable Landscaping www.ourwater.vic.gov.au

Attachment 2 - PLN21/0670 - 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	All bulk insulation installed in the development will include a minimum of 20% post-consumer recycled material (SMP, p. 20).	Satisfactory.	1
Embodied Energy of Concrete and Steel	No specific information provided besides the mention that a minimum of 50% of the concrete mix will contain recycled water (SMP, p. 20).	Consider use of SCMs or similar to reduce Portland cement and embodied carbon impacts.	4
Sustainable Timber	All feature timber will be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).	Satisfactory.	1
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
PVC	All standard uses of cables, pipes, flooring and blinds within the development will either not contain any PVC will be sourced from a manufacturer/supplier that adheres to the Green Building Council of Australia's *Best Practice Guidelines for PVC in the Built Environment* (SMP, p. 20).	Satisfactory.	1

*** 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
Embodied Energy Technical Manual www.yourhome.gov.au
Good Environmental Choice Australia Standards www.geca.org.au
Forest Stewardship Council Certification Scheme www.fsc.org
Australian Green Procurement www.greenprocurement.org

Attachment 2 - PLN21/0670 - 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	A total of 146 car parking spaces will be provided for the development (SMP, p. 16).	This represents a provision greater than 1 per apartment and does not represent best-practice particularly given the central location and access to public transport and amenity. Consider reducing provision and de-coupling apartments from parking spaces and offering as purchaser option.	4
Bike Parking Spaces	Total of 142 bicycles for residential tenants, 7 bicycle spaces for commercial staff, and 3 bicycle hoops for residential visitors (6 spaces), with an additional 10 spaces at street level (SMP, p. 16).	142 spaces for residents, 7 staff spaces and 6 visitor spaces confirmed – however 10 additional spaces not clear. Clarify provision of on-street bike parking, making sure not to claim existing spaces.	3
End of Trip Facilities	End of trip facilities have been provided in the form of 1 unisex shower and 8 lockers (SMP, p. 16).	Satisfactory.	1
Car Share Facilities	Surrounding car share locations outlined in SMP (SMP, p. 17).	Confirm details will be provided in *Building Users Guide*.	3
Electric vehicle charging	A single dedicated EV charging point to be provided with pre-wiring throughout for future installation (SMP, p. 16).	Satisfactory.	1
Green Travel Plan	A Green Travel plan has not been provided.	Given the minor provision of non-residential uses, confirm the content required by a GTP will be included within the BUG.	3

*** 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
Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf
Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/
Bicycle Victoria www.bv.com.au

Attachment 2 - PLN21/0670 - 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	A Construction Environmental Management Plan (CEMP) will be prepared and implemented for the development – and will include a requirement for not less than 90% of all civil works and built form construction waste to be recycled or re-used (SMP, p. 14).	Satisfactory.	1
Operational Waste Management	An operational Waste Management Plan (WMP) has been provided, in addition to a commercial waste room (26.4 m²) and residential waste room (67.9 m²).	Satisfactory.	1
Storage Spaces for Recycling and Green Waste	Commingled recycling, glass and FOGO all represented in WMP and waste room spatial provision.	Satisfactory.	1
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: 7. Waste Management
Construction and Waste Management www.sustainability.vic.gov.au
Preparing a WMP www.epa.vic.gov.au
Waste and Recycling www.resourcesmart.vic.gov.au
Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002)
www.environment.nsw.gov.au
Waste reduction in office buildings (2002) www.environment.nsw.gov.au

Attachment 2 - PLN21/0670 - 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	There is no productive topsoil on this site.	-	N/A
Maintaining / Enhancing Ecological Value	Planter boxes have been integrated into the proposed design – At least 24% of the development site will consist of vegetation through the provision of landscaping areas within the development (SMP, p. 19).	Good. Provide a Landscape Plan detailing the planting schedule and confirming (via cross-sections) adequate soil depth and volumes and per the requirements of BADS.	3
Heat Island Effect	Heat island reduction attributed to the communal rooftop garden (SMP, p. 20).	Good, however urban heat more influenced by ground-level interventions due to interface between building mass and pedestrians. 1	
Other	A tap and floor waste (where appropriate) will be provided within the private open space of every dwelling to encourage plants to be grown by residents (SMP, p. 20).	Confirm what is meant by 'where appropriate' and ensure each dwelling balcony has access to a tap and waste (and mark on plans).	3
Green wall, roofs, facades	Communal rooftop garden provided.	Consider more vertical greening and climbing vegetation to assist with urban heat (i.e. covering building mass elements).	4

*** 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
Australian Research Centre for Urban Ecology www.arcue.botany.unimelb.edu.au
Greening Australia www.greeningaustralia.org.au
Green Roof Technical Manual www.yourhome.gov.au

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*
Building User Engagement	System capable of capturing building usage data.	Satisfactory	1
Construction Waste Reduction	Construction WMP with 90% target.	Satisfactory.	1
Bike Repair Workshop	Two bike repair stations.	Satisfactory.	1
Ultra-Low VOC paints	Over 50% paints TVOC content 5g/L	Satisfactory.	1
Net-Zero Carbon Development	Net-Zero via all-electric and PPA	Satisfactory.	1

*** 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
Victorian Eco Innovation lab www.ecoinnovationlab.com
Business Victoria www.business.vic.gov.au
Environment Design Guide www.environmentdesignguide.com.au

Attachment 2 - PLN21/0670 - All referral comments

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	Initial tuning, and ongoing maintenance and monitoring will be undertaken for all building systems included in the development for a 12-month period (SMP, p. 22).	Satisfactory.	1
Building Users Guide	A Building User's Guide (BUG) will be developed and made available to all owners, residents, and staff (SMP, p. 22).	Satisfactory.	1
Contractor has Valid ISO14001 Accreditation	No information has been provided.	Confirm head contractor will be ISO14001 accredited.	3
Construction Management Plan	A construction Waste Management Plan has been committed too.	Satisfactory.	1
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: 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

Attachment 2 - PLN21/0670 - 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 2 - PLN21/0670 - All referral comments

Civil Works
Formal Referral Response

Application Information	
Referral Officer	USERID
Officer	Atha Athanasi
Council Reference	PLN21/0670
Address	223-229 Johnston St, Fitzroy VIC 3065
Proposal	Full demolition of No.223-229 Johnston Street, partial demolition of No.369 Gore Street and the construction of a ten storey mixed-use development with roof terrace (plus three levels of basement) for use as dwellings and ground level Restricted Retail premises and Food and Drink premises, a reduction in the car parking requirements and alteration of access to a Road Zone, Category 1
Comments Sought	This is the link to the Statutory Planning Referral memo: Insert CM Link here to referral request memo (which will include a hyperlink to the submitted WMP)

Attachment 2 - PLN21/0670 - All referral comments

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.

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

Comments and Recommendations

The waste management plan for 223-229 Johnston Street and 369 Gore Street, Fitzroy authored by Sustainable Development Consultants and dated 25/11/21 is satisfactory from a City Works Branch's perspective.

Engineer: USERID

Signature:

Date:

Attachment 2 - PLN21/0670 - All referral comments

Development Engineering Formal Referral Response

Application Information	
Referral Officer	Julian Larkins
Officer	Civil Infrastructure team – Civil Engineering
Council Reference	IREF21/00218
Address	223-229 Johnston Street, Fitzroy
Proposal	Referral - Internal - Development Engineering
Comments Sought	Engineering assessment for mixed use development

Council's Civil Infrastructure 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
SBJ Architects	SD02_01 *Floor Plans_B3* SD02_02 *Floor Plans_B2* SD02_03 *Floor Plans_B1* SD02_04 *Floor Plans_LG* SD02_05 *Floor Plans_LUG* SD05_01 *North Elevation* SD05_02 *East Elevation* SD05_03 *South Elevation* SD05_04 *West Elevation* SD06_01 *Sections 01* SD05_08 *Elevations & Section* SD06_02 *Sections 02* SD06_03 *Sections 03*	16 16 16 16 16 16 16 16 16 16 16 16 16	19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021
Reeds Consulting	Plan of Relocation Features and Levels	C	18 November 2021

Attachment 2 - PLN21/0670 - All referral comments

INFRASTRUCTURE ITEMS AND CONSTRUCTION ACTIVITIES

Item	Details
General	
Impact on Council Road Assets during Construction	The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site. It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for employees, visitors and other users of the site.
North-South Aligned Laneway	
Laneway Reconstruction and Widening of Carriageway (Private)	The existing Council controlled laneway abutting the western boundary of the site (south of Argyle Street) must be reconstructed once all development works have been completed. The laneway would sustain damage during construction works and would also be occupied by heavy vehicles, plant and equipment. The widening of the carriageway (immediately east of the laneway) must remain in private ownership and be constructed in materials different to that of the laneway. The edge and extent of the laneway must be clearly defined and be provided with construction joints. The water captured on the surface area of the widened carriageway (private property) must be captured and drained internally through the allocated legal point of discharge i.e. the surface flow must not be directed towards the laneway. The vehicle crossing servicing the laneway and the widened carriageway must also be reconstructed. The applicant must demonstrate that the B99 design vehicle can enter and exit the reconstructed laneway and widened carriageway via Argyle Street without scraping or bottoming out.
Vehicle Entry and Exit movements into and out of Laneway via Argyle Street	Turning circles for commercial vehicles entering and leaving the development in Argyle Street must be checked. The proposed kerb extension on the north side of Argyle Street relating to the development at 371-385 Gore Street must be shown on civil works plans.
Johnston Street, Gore Street and Argyle Street Road Frontages	
Footpath and Kerb and Channel Reconstruction	Construction works at the site and the occupation of the footpaths during works will impact on the condition of the footpaths and kerb and channel. The Permit Holder must reconstruct the footpaths and kerb and channel along the property's Johnston Street, Gore Street and Argyle Street road frontages.
Finished Floor Levels at Edge of Entry/Courtyard – Gore Street	The finished floor levels at the edge of the Entry/Courtyard must neatly match and transition into the reconstructed back of footpath design levels (Gore Street).

Attachment 2 - PLN21/0670 - All referral comments

Item	Details
Removal of Redundant Vehicle Crossings	Where driveways are to be removed, the footpath is to be reconstructed in asphalt. There are two existing driveways in Gore Street. One is in concrete, the other is in asphalt. These can be seen in the proposed ground floor plan SD02_04. The concrete one has a note to remove the crossing and reinstate the footpath and the kerb and channel. The asphalt crossing requires a note to remove the asphalt ramp and bluestone layback and to reinstate as asphalt footpath and bluestone kerb and channel.
Removal of Redundant Property Drains	Redundant property drains under the footpaths must be removed and reinstated to Council's satisfaction.
Intersection of Argyle Street and Gore Street	
Construction of Bluestone Channel across Argyle Street Carriageway.	The development would be discharging its stormwater via Gore Street and Argyle Street. To facilitate the drainage of this run-off from the site, a bluestone channel is to be constructed across the Argyle Street road pavement running along the west channel alignment of Gore Street.  Above: Argyle Street carriageway, where the bluestone channel is to be constructed.
Other Items	
Detailed Engineering Design	The applicant must submit detailed engineering design drawings to Council for assessment and approval. Items are to include, but not limited to, the laneway reconstruction, widened carriageway construction, vehicle crossing reconstruction (south side of Argyle Street) and all infrastructure works in Johnston Street, Gore Street and Argyle Street. All proposed kerb extensions/raised tree squares or any other physical works within the road reserve specified on the landscape plans must also be shown on the civil works plans. For the reconstruction of the Council controlled laneway and the widened carriageway, the applicant is to provide cross sections along the laneway and carriageway indicating the proposed levels.
Legal Point of Discharge (LPD)	A Council drain capacity assessment is required to determine if the site's LPD can be discharged to a Council drain.
Fire Booster Doors	The fire booster doors must be able to outwardly swing 180 degrees and be latched to the wall when opened.

Attachment 2 - PLN21/0670 - All referral comments

ENGINEERING CONDITIONS

Civil Works

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

- The kerb and channel along the property's Johnston Street, Gore Street and Argyle Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpath along the property's Johnston Street, Gore Street and Argyle Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 33 or unless otherwise specified by Council.
- The north-south aligned laneway abutting the site's western boundary must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- All redundant vehicle crossings are to be demolished and reinstated with paving, and kerb and channel to Council's satisfaction and at the Permit Holder's cost.
- A bluestone channel is to be constructed access the Argyle Street carriageway along the west kerb alignment of Gore Street to Council's satisfaction and at the Permit Holder's cost.
- Detailed engineering design drawings of all infrastructure works are to be submitted to Council for assessment and approval.

Vehicle Crossings

- Before the development commences, or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Engineering department for approval, and:
    - Demonstrate satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle; and
    - Be fully dimensioned with actual reduced levels (to three decimal places) 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.

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.

Attachment 2 - PLN21/0670 - All referral comments

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.

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.

Engineer: Mark Pisani

Signature: 

Date: 9 February 2022

Attachment 2 - PLN21/0670 - All referral comments

Development Engineering Formal Referral Response

Application Information	
Referral Officer	Julian Larkins
Officer	Mark Pisani
Council Reference	IREF21/00217
Address	223-229 Johnston Street, Fitzroy
Proposal	Referral - Internal - Development Engineering
Comments Sought	Engineering assessment for mixed use development

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
SBJ Architects	SD02_01 *Floor Plans_B3* SD02_02 *Floor Plans_B2* SD02_03 *Floor Plans_B1* SD02_04 *Floor Plans_LG* SD02_05 *Floor Plans_LUG* SD05_01 *North Elevation* SD05_02 *East Elevation* SD05_03 *South Elevation* SD05_04 *West Elevation* SD06_01 *Sections 01* SD05_08 *Elevations & Section* SD06_02 *Sections 02* SD06_03 *Sections 03*	16 16 16 16 16 16 16 16 16 16 16 16 16	19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021 19 November 2021
Reeds Consulting	Plan of Relocation Features and Levels	C	18 November 2021
Traffix Group	Traffic Engineering Assessment	G	1 December 2021

Attachment 2 - PLN21/0670 - All 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- or Two-Bedroom Dwellings	80	1.0 space per dwelling	80	86
Three-Bedroom Dwellings	27	2.0 spaces per dwelling	54	54
Restricted Retail	649 m²	2.5 spaces per 100 m² of leasable floor area	16	4
Food and Drink	100 m²	3.5 spaces per 100 m² of leasable floor area	3	1
		Total	**153 spaces**	**145 spaces**

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

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

Car Parking Demand Assessment

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

Parking Demand Consideration	Details
Parking Demand for the Dwellings	For the one- and two-bedroom dwellings, some six dwellings would be provided with two spaces each, which exceeds the statutory parking rate. Generally, developers are encouraged to provide parking that does not exceed the statutory parking rate. The six dwellings represent a very small proportion of the 127 dwellings within the development that have surplus parking. This should not be detrimental in terms of traffic generation.
Parking Demand for the Restricted Retail Use	For the restricted retail use, a staff parking rate of 1.0 space per 100 square metres of floor area could be adopted. This would equate to a staff parking demand of six to seven spaces. With four spaces allocated to this use, two to three staff spaces would be generated off-site. For staff who do not have access to on-site parking, other travel arrangements would need to be made, such as taking public transport or riding a bicycle.
Parking Demand for the Food and Drink Use	The food and drink premises would also have a staff parking demand of 1.0 space per 100 square metres of floor area. Providing one on-site space

Attachment 2 - PLN21/0670 - All referral comments

Parking Demand Consideration	Details
	for the proposed food and drink use is considered appropriate.
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: ▪ Smith Street trams – 120 metre walk ▪ Johnston Street buses – 140 metre walk ▪ Brunswick Street trams – 420 metre walk
Multi-purpose Trips within the Area	Patrons and customers to the development could combine their visit by engaging in other activities of business whilst in the area.
Convenience of Pedestrian and Cyclist Access	The site is very well positioned in terms of pedestrian access to public transport nodes, shops, supermarkets, 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
Availability of Car Parking	Traffix Group had conducted on-street parking occupancy surveys in the surrounding area on Wednesday 13 November 2019 at various times between 9:00am and 4:00pm (pre-Covid). The survey area encompassed sections of Gore Street, Napier Street, Johnston Street, Argyle Street and Chapel Street. The times and extent of the survey are considered appropriate. An inventory of up to 214 publicly available parking spaces was identified in the study area. The results of the survey indicated that the demand for on-street parking is very. The parking occupancy observed at 11:00am was 100%. Whilst the level of parking in the surrounding streets was high, parking regularly turns over.
Relevant Local Policy or Incorporated Document	The proposed development is considered to be in line with the objectives contained in Council's Strategic Transport Statement. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.
Car Parking Deficiency associated with Existing Land Use	According to Traffix Group, the site has an existing parking deficiency of 55 spaces (based on a statutory parking requirement of 63 spaces and the provision of eight spaces). With only eight spaces provided for the existing use, a number of vehicles

Attachment 2 - PLN21/0670 - All referral comments

Consideration	Details
	would park off-site. The car parking deficiency for the site could potentially be transferrable to the new development.

Adequacy of Car Parking

From a traffic engineering perspective, the car parking provision for the restricted recreation facility 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 Traffix Group is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	AM Peak Hour	PM Peak Hour
Residential (107 dwellings)	0.4 trips per dwelling in each peak hour	Not provided	43	43
Commercial Uses (5 on-site spaces)	1.0 trip per on-site space in peak hour	Not provided	5	5
	Total		**48 trips**	**48 trips**

Directional Splits

Directional split assumptions in each peak hour for the residential traffic –

- AM Peak – 20% outbound (9 trips), 80% inbound (34 trips); and
- PM Peak – 40% outbound (17 trips), 60% inbound (26 trips).

For the commercial traffic –

- AM Peak –0% outbound (0 trips), 100% inbound (5 trips); and
- PM Peak – 100% outbound (5 trips), 0% inbound (0 trips).

The traffic generated by the new development is not unduly high and should not adversely impact the traffic operation of the surrounding road network.

Attachment 2 - PLN21/0670 - All referral comments

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance – South End of Laneway	The 6.1 metre wide development entrance at the southern end of the north-south aligned laneway satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Visibility	No footpaths are located in front the entrance. Visibility splays are not required in this instance.
Headroom Clearance	Headroom clearances of no less than 2.2 metres have been provided, which satisfy AS/NZS 2890.1:2004.
Internal Ramped Accessways	The internal ramped accessways servicing the basement parking levels have wall-to-wall widths of 6.1 metres, which satisfy AS/NZS 2890.1:2004.
Car Parking Modules	
At-grade Parking Spaces	The dimensions of the parking spaces (2.6 metres by 4.9 metres) satisfy *Design standard 2 – Car parking spaces* in Clause 52.06-9.
Tandem Parking Sets	Tandem parking sets have been provided with lengths of 10.3 metres and satisfy *Design standard 2*.
Accessible Parking Space	The dimensions of the accessible parking space and shared area (each 2.6 metres by 5.4 metres) satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009.
Aisles	The 6.4-metre wide aisles satisfy *Table 2: Minimum dimensions of car parking spaces and accessways* of Clause 52.06-9.
Column Depths and Setbacks	Columns have been set back from the aisles by 250 mm and have depths of 1000 mm. The positions of the columns are outside the parking space clearance envelopes and satisfy *Diagram 1 Clearance to car parking spaces* in Clause 52.06-9.
Clearances to Walls	Clearances to walls are no less than 300 mm and satisfy *Design standard 2*.
Blind Aisle Extensions	Blind extensions have been provided at lengths of no less than 1.0 metre and satisfy AS/NZS 2890.1:2004.
Motorcycle Spaces	The dimensions of the motorcycle spaces (1.2 metres by 2.5 metres) satisfy AS/NZS 2890.1:2004.
Gradients	
Ramp Grade for the first 5.0 metres inside the Property	The entrance ramp does not front a street.
Ramp Grades and Changes of Grade	The ramp grades and changes of grade satisfy *Table 3 Ramp Gradients* of Clause 52.06-9.
Transition Grades	The 2.6-metre lengths of the 1 in 8 transition grades located at the bases of the 1 in 4 ramp sections are considered

Attachment 2 - PLN21/0670 - All referral comments

Item	Assessment
	satisfactory for enabling a B99 design vehicle to traverse without scraping or bottoming out.
Swept Path Assessment	
Waste Collection Vehicle Movements Laneway Entrance Via Argyle Street G27631-01* Sheet 01	The swept path diagrams for a 6.345-metre long waste collection vehicle entering and exiting the widened laneway via Argyle Street are considered satisfactory. The swept path assessment has assumed that no on-street parking takes place on the north side of Argyle Street. The development proposal at 371 Gore Street (current application) seeks to install a kerb extension on the north side of Argyle Street, which would impact vehicle turning movements into and out of the subject site.
Waste Collection Vehicle Movements Loading Bay G27631-01 Sheet 02	The swept path diagrams for a 6.345-metre long waste collection vehicle entering and exiting the loading bay via the laneway are considered satisfactory.
Other Items	
Loading Arrangements	The dimensions of the loading bay (3.6 metres by 6.4 metres) is satisfactory for a small rigid vehicle.
Drawing SD05_08 *Elevations & Section* Proposed Vehicle Crossing	On the drawing SD05_08, the proposed vehicle crossing section has insufficient detail. The vehicle crossing section is to correspond with the vehicle crossing ground clearance required by Council (please see item below).
Vehicle Crossing Ground Clearance	A vehicle crossing ground clearance check is to be undertaken for the reconstructed vehicle crossing that services the laneway and widened carriageway by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out (Please see under '*Engineering Advice for Design Items to be Addressed by the Applicant*' section).

* Traffix Group swept path diagram drawing number.

Attachment 2 - PLN21/0670 - All referral comments

Engineering Advice for Design Items to be Addressed by the Applicant

Item	Details
Vehicle Crossing Ground Clearance	To assist the applicant, a Vehicle Crossing Information Sheet has been appended to this memo. The ground clearance check (for each new vehicle crossing) requires the applicant to obtain a number of spot levels which include 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, Argyle Street. These levels are to be shown on cross sectional drawings, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access and exit movements. Providing the ground clearance checks 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.

INFRASTRUCTURE ITEMS AND CONSTRUCTION ACTIVITIES

Please refer to engineering referral comments under IREF21/00218.

ENGINEERING CONDITIONS

Please refer to engineering referral comments under IREF21/00218.

Engineer: Mark Pisani

Signature: 

Date: 24 January 2022

Attachment 2 - PLN21/0670 - All referral comments

Urban Design
Formal Referral Response

Application Information	
Referral Officer	Julian Larkins
Officer	John Williams
Council Reference	PLN21/0670
Address	223-229 Johnston St, Fitzroy VIC 3065
Proposal	Full demolition of No.223-229 Johnston Street, partial demolition of No.369 Gore Street and the construction of a ten storey mixed-use development with roof terrace (plus three levels of basement) for use as dwellings and ground level Restricted Retail premises and Food and Drink premises, a reduction in the car parking requirements and alteration of access to a Road Zone, Category 1
Comments Sought	D21/212737 - IREF21/00227 - Internal Referral Formal Request

Recommendation

The proposal is not supported in its current form. The following recommendations and clarifications are required to strengthen the proposal from an Urban Design streetscape perspective. The rationale behind these changes is explained in detail overleaf.

- Additional on-street carparking opportunities along Johnston Street shown.
- Tree protection outstands to Gore Street trees to be provided.
- Further detail of laneway to be provided (levels/materiality/drainage/lighting).
- Provide updated ground plans and landscape plans for Council review.

Urban Design Comments

Capital Works

As of January 2022, there are no known planned/approved capital works around the site being led by the Urban Design Unit. The following traffic upgrades to Gore Street are proposed by Council's Traffic Unit.

- Speed humps to be installed adjacent to the development on Gore Street between Johnston Street and Kerr Street.
- New median islands works between Rose Street and Westgarth Street.
- Pedestrian island at the southern approach of the Gore Street / Rose Street intersection.

Additional Information Required

The following details are required on the drawings:

- Existing and proposed adjacent on street parking to be indicated on plans along with verification of existing and proposed on-street parking numbers.
- Tree pit cut-outs / tree protection to be indicated on plans.
- Drainage to be indicated on plans including kerb and channel (back of kerb, invert, and lip of channel) and any side entry pits.
- Streetscape surface finishes to be indicated on plans.

Additional details required on the drawings are set out in the relevant sections below.

Pavements and Street Furniture

- Pavements along Johnston Street are to be reinstated as asphalt footpaths with charcoal-coloured concrete kerbs and channels for the full length of the site. All redundant vehicle crossovers are to be demolished.
- Pavements along Gore Street and Argyle Street are to be reinstated as asphalt footpaths with heritage bluestone kerb and channels for the full length of the site. All redundant vehicle crossovers are to be demolished.
- Pedestrian kerb crossings to be to be shown on drawings as per Technical Notes: City of Yarra Public Domain Manual and Yarra Standard Drawings 4.4.7.
- Proposed public seat to be nominated as Timber Seat (with backrest) as per 3.1.1 of Technical Notes: City of Yarra Public Domain Manual and Yarra Standard Drawings. Street Tree Planting

Street Tree Planting

- Tree pits and parking bays indicated on Argyle Street are currently too tight. Tree pits and tree protection are not currently being indicated on the plans. Given the limited available space, suggest 2 carparks and 3 trees in cut-outs with bike hoop protection to be provided on Argyle St (as indicated in figure 1 markup). An updated parking layout reflecting this change is to be provided for council consideration.
- The applicant is requested to contribute to the cost of planting seven (7) new street trees, which would cover tree sourcing, planting and 2 years of maintenance. The total cost for the trees would be $6,037 and below is the breakdown:
  - Roadside – 3 x Argyle Street; approximate cost $1,099 per tree
  - Outstand –1 x Gore Street; approximate cost $880 per tree
  - Footpath – 3 x Johnston Street; approximate cost $620 per tree
- Council's tree planting contractor will source and plant the street trees. However, please keep Council updated as the project progresses so when the plans are approved Council can ensure trees are placed on order in time for completion.
- Tree pits / cut-outs to be indicated on plans.
- Tree protection bike hoops to be indicated on Argyle Street. Bike hoops to be installed by council during tree planting.
- Tree species to be updated to align with wider street tree character:
  - Tree species on Argyle Street to be Koelreuteria paniculatum
  - Proposed plane trees on Gore Street to be Platanus x acerifolia 'Liberty'
  - Tree species on Johnstone Street to be Hymenosporum flavum

Johnston Street

- As crossovers are being removed on Johnston Street, provide additional on street parking layout for council consideration. Additional parking gained along Johnston Street to offset parking loss along Gore Street due to new tree protection outstands.

Gore Street Outstands

- Outstands to be provided to improve tree health by reducing vehicular compaction of root zones and increasing available soil volume to existing and proposed trees. Outstands will provide a consistent streetscape treatment to the adjacent Gore Street development.
- Accessible east/west pedestrian connection across Gore Street at the Argyle Street intersection needs to be considered. Suggest kerb ramp provided at existing corner with outstand geometry revised to allow accessible pedestrian connection across Gore Street. (refer to figure 1 markup).
- Outstands to be shaped for truck turning movements out of Argyle Street.
- Detail including materiality of outstands, drainage and tree protection measures to be indicated on drawings and provided for council approval.
- Permeable granular surface finish to be provided to outstands (e.g. resin bonded granitic gravel). Outstand tree surrounds to be stripped of road pavement and backfilled with approved topsoil and 100mm of granitic sand as per detail YSD709.
- Extreme care should be taken when working within 2 metres of an existing tree trunk. Should the Contractor expose tree roots greater than 40mm in diameter, the Supervisor should be notified before proceeding with the Landscape Works. Other concerns regarding trees, or the potential impact of planting works upon trees, should be directed to Council's Arborist.
- Footpath kerb and channel to be maintained as continuous "run through" channel to reduce construction impacts on trees and allow for passive irrigation via existing kerb and channel. Raised bluestone kerb to be constructed on roadside of outstands to provide protection of rootzones from vehicles. Outstand kerb to be constructed as semi mountable bluestone pitcher kerb as per YSD 311. See below Gore Street precedent for reference.
- Outstands to be achieved with no loss of existing on-street carparking (refer Figure 1).

Laneway

- Further detail of laneway to be provided (levels / materiality / drainage / lighting). Refer to council Civil Engineering Unit comments.
- Sawn bluestone pitchers to laneway are recommended to improve accessibility. Public / private boundary to be identified through a subtle change in material.
- CPTED issues with dead-end laneway to be addressed. Passive surveillance to be considered and lighting strategy to be indicated on plans.

Attachment 2 - PLN21/0670 - All referral comments



Figure 1: Street tree, outstand and parking markup



Figure 2: Vehicular outstands to established trees on Gore Street and Westgarth Street, Fitzroy.

Urban Designer: John Williams
Date: DateIssueL

Attachment 2 - PLN21/0670 - All referral comments

Department of Transport

GPO Box 2392
Melbourne, VIC 3001 Australia
Telephone: +61 3 9651 9999
www.transport.vic.gov.au
DX 201292

26 May 2022

Nish Goonetilleke
Yarra City Council
PO BOX 168
RICHMOND VIC 3121

Dear Nish,

PLANNING APPLICATION NO.:	**PLN21/0670**
DEPARTMENT REFERENCE NO:	**PPR 38555/21**
PROPERTY ADDRESS:	**223-229 JOHNSTON STREET, FITZROY VIC 3065**

Section 55 – No objection subject to conditions

Thank you for your referring the above application to the Head, Transport for Victoria under Section 55 of the *Planning and Environment Act 1987*.

The Head, Transport for Victoria (H,TfV) has considered this application and does not object if the permit is subject to the following conditions and note:

1. *Prior to occupation of the development all disused or redundant vehicle crossings on Johnston Street must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.*

2. *The demolition and construction of the development must not disrupt bus operations on Johnston Street without the prior written consent of the Head, Transport for Victoria.*

3. *Any request for written consent to disrupt bus operations on **Johnston Street** during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.*

Note: Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works (i.e. canopies) undertaken outside the title boundary within a Transport 2 Zone (Johnston Street). Please contact Head, Transport for Victoria prior to commencing any works.

HTfV advise that the canopy clearance height above the pavement and measurement from the back of kerb should be consistent with the Building Act and Regulations.

Please forward a copy of any decision to this office as required under the *Planning and Environment Act 1987*.

VICTORIA State Government

Attachment 2 - PLN21/0670 - All referral comments

Should you have any enquiries regarding this matter, please contact Gillian Menegas on 9313-1148 or Gillian.Menegas@roads.vic.gov.au.

Yours sincerely

Gillian Menegas

Gillian Menegas
Principal Planner – Inner Metropolitan Region
Under delegation from the Head, Transport for Victoria

26/5/2022

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

Project Scope

1.3 **Development Summary**

NOTE: See page 116 for detailed area breakdown.

2,437 m²	Site Area
10 No.	Storeys
107 No.	Apartment Units
9,306 m2	NSA
748 m2	Commercial NLA
146 No.	Carparks
161 No.	Bike Parks

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

Design Response

Gore Street Elevation - Amended Proposal



Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

Design Response

Corner of Gore and Argyle Street - Amended Proposal



Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

Design Response

Johnston Street Elevation - Amended Proposal



Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

Design Response

Corner of Johnston Street and George - Amended Proposal



Design Response

Johnston Street Elevation - Amended Proposal



// Clearer legibility of 4 and 6 level streetwall transitioning from west to east by reducing/ removing projecting balconies to the upper levels.

// Removal of Level 9.

// Proportion and grain of Johnston St streetwall elements to be considered

Reducing the projecting balconies on the upper levels provides a clearer definition of the stepping streetwall transitioning from west to east.

The removal of Level 9 reduces the perception of the massing from key Johnston Street vantage points provides a clearer and more recessive upper level composition to further define the streetwall.

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

Design Response

Materiality and Precedents

The material palette is textural and robust, reflecting the character of the Fitzroy area. Green tiles reference the tiling of the corner pubs and milk bars while the sculptural and boardmarked concrete provide a fine grain and interest to otherwise monolithic materials.













Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

Design Response

Materiality and Precedents

Open, sculptural stairs and bridge links between the north and the south building encourage residents to utilise the stairs over using lifts.

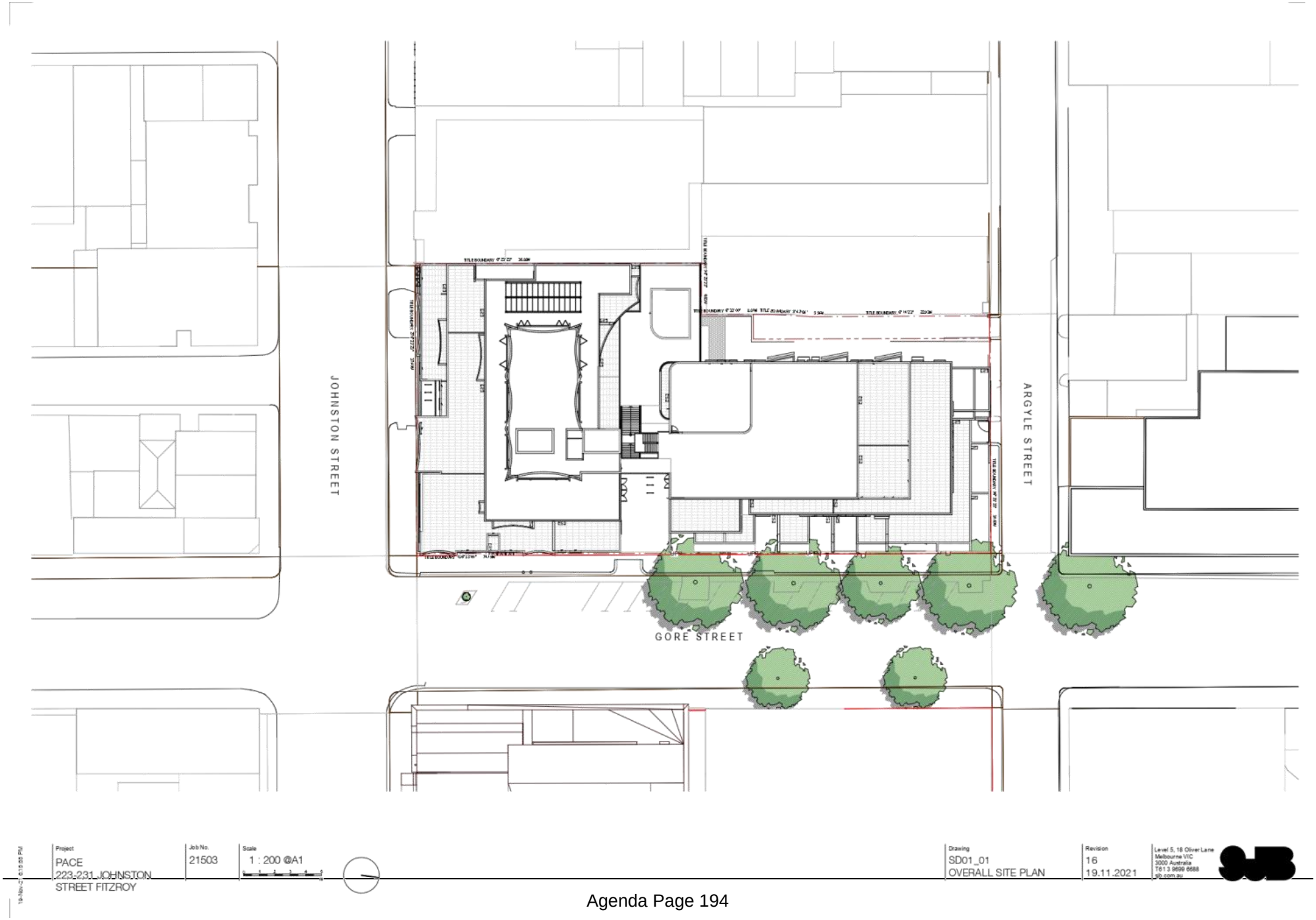




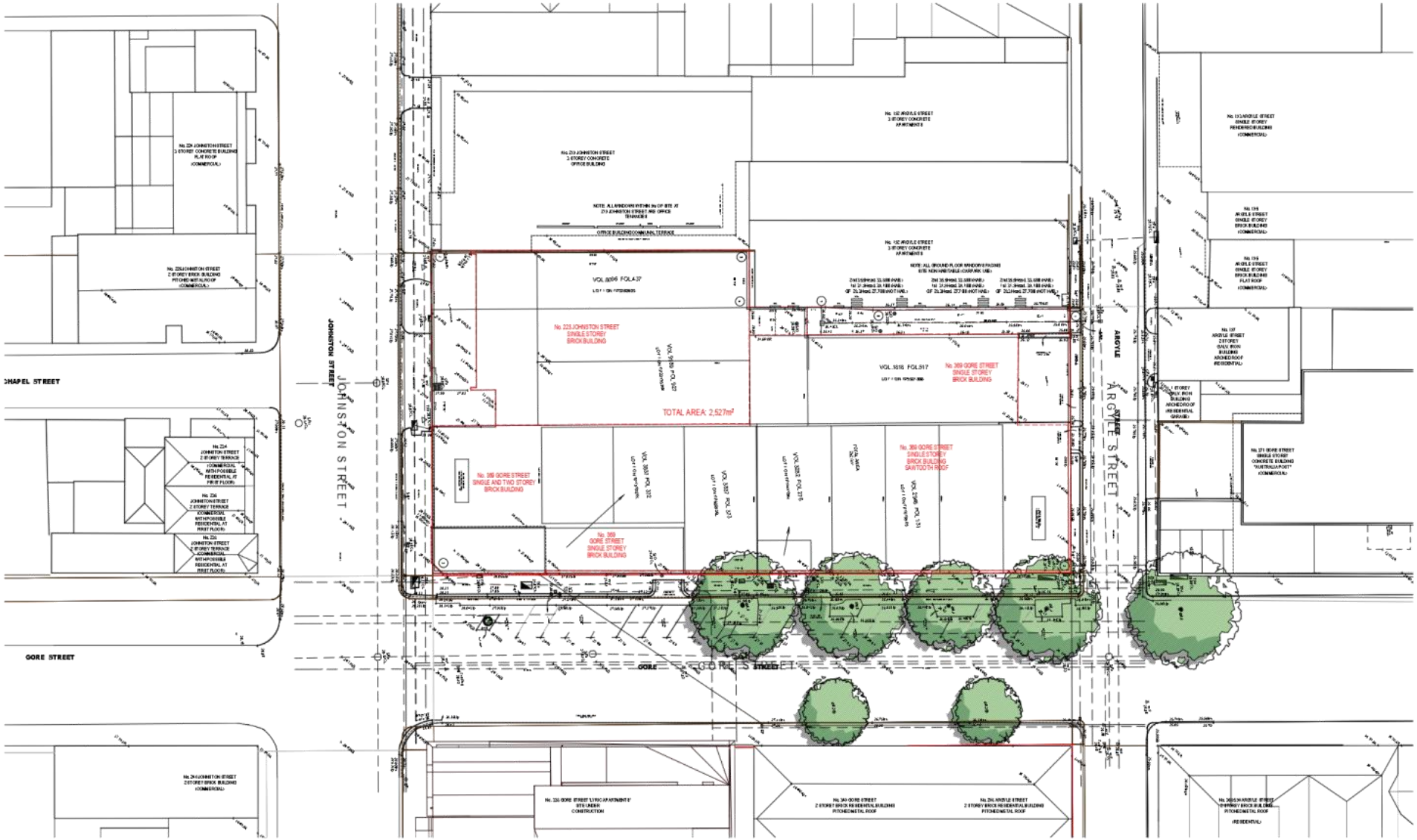




Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



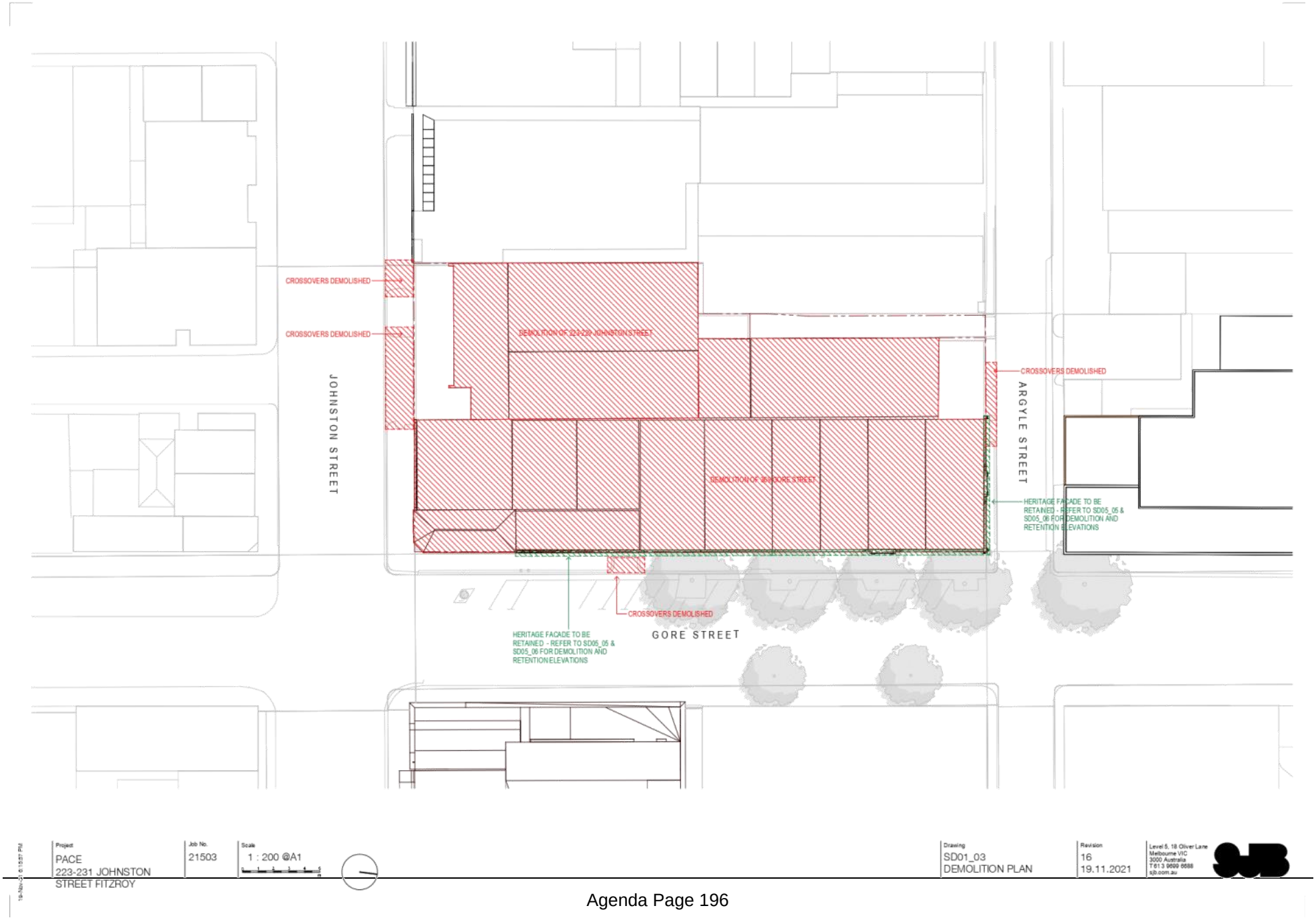
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



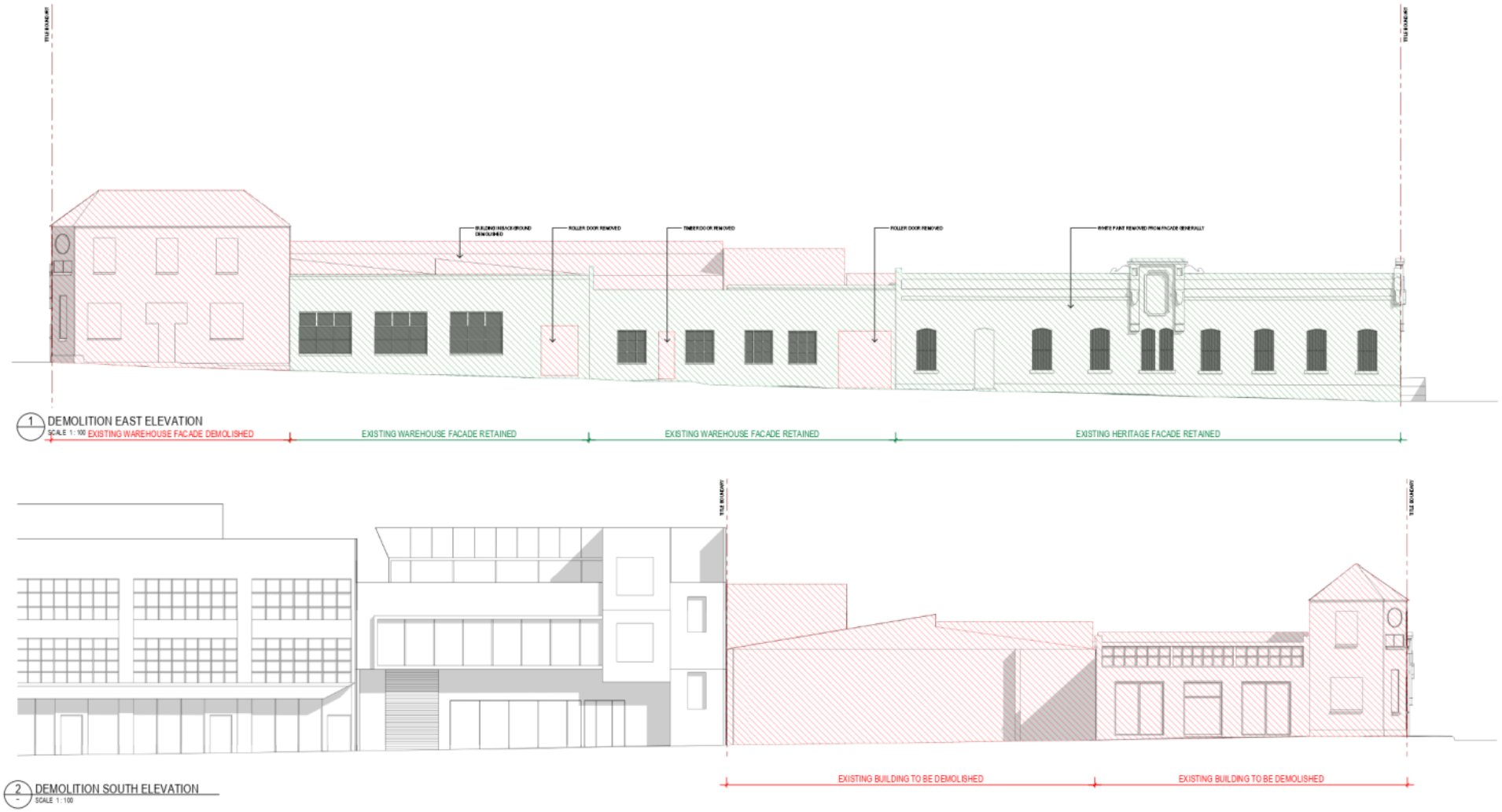
Project: PACE 223-231 JOHNSTON STREET FITZROY
Job No.: 21503
Scale: 1 : 200 @A1
Drawing: SD01_02 EXISTING CONDITIONS PLAN
Revision: 16 19.11.2021

Level 5, 18 Oliver Lane
Melbourne VIC
3000 Australia
T 61 3 9699 8888
@.com.au

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

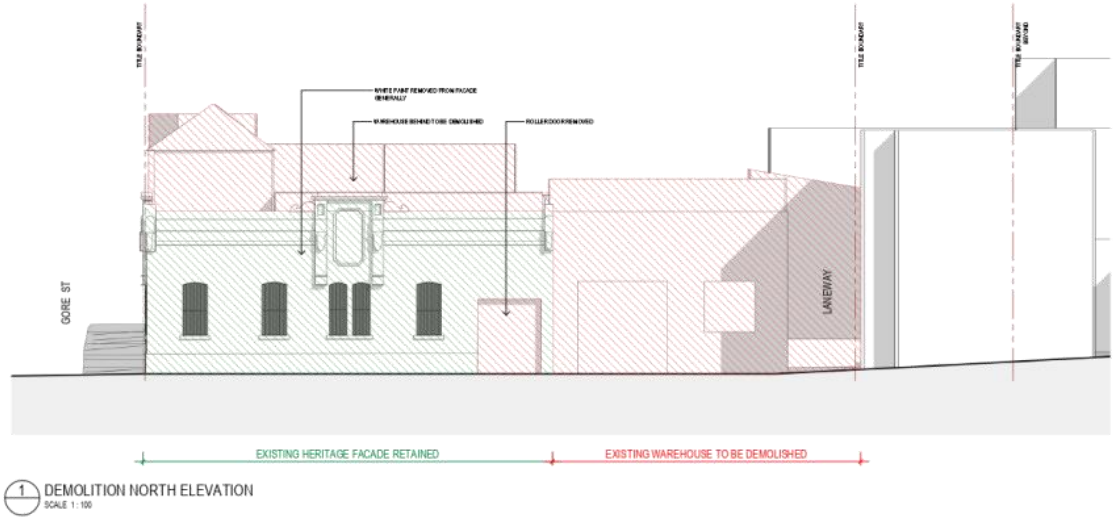


Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project: PACE 223-231 JOHNSTON STREET FITZROY
Job No.: 21503
Scale: 1 : 100 @A1
Drawing: SD05_05 DEMOLITION ELEVATIONS
Revision: 16
19.11.2021

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



1 DEMOLITION NORTH ELEVATION
SCALE 1 : 100

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

Scale
1 : 100 @A1

Drawing
SD05_06
DEMOLITION ELEVATIONS

Revision
16
19.11.2021

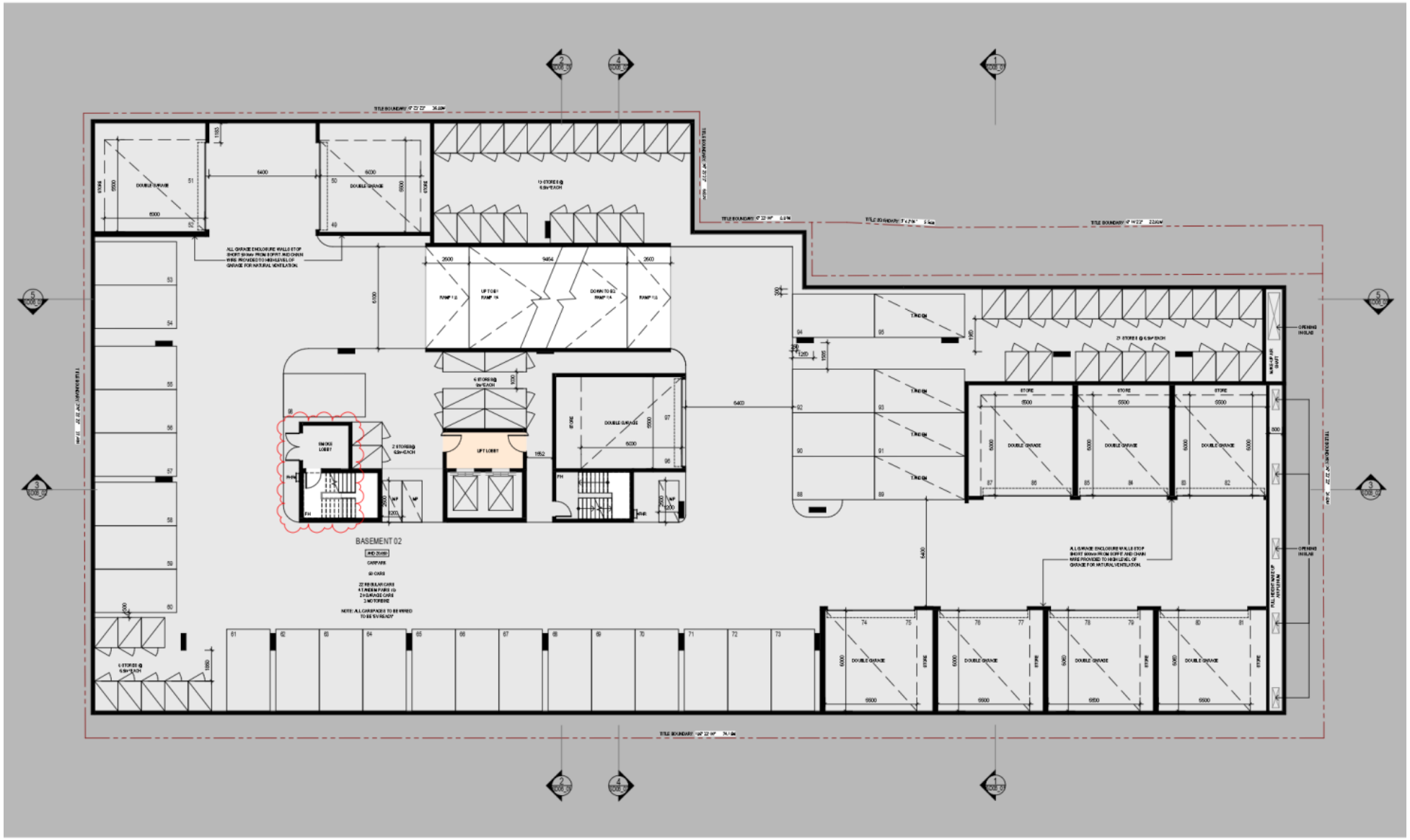
Level 5, 18 Oliver Lane
Melbourne VIC
3000 Australia
T 61 3 9699 6888
sjb.com.au

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project: PACE 223-231 JOHNSTON STREET FITZROY
Job No.: 21503
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Drawing: SD02_01 FLOOR PLANS_B3
Revision: 16 19.11.2021
Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T 61 3 9699 6688 sjb.com.au

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

Scale
1 : 100 @A1

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FLOOR PLANS_B2

Revision
16
19.11.2021

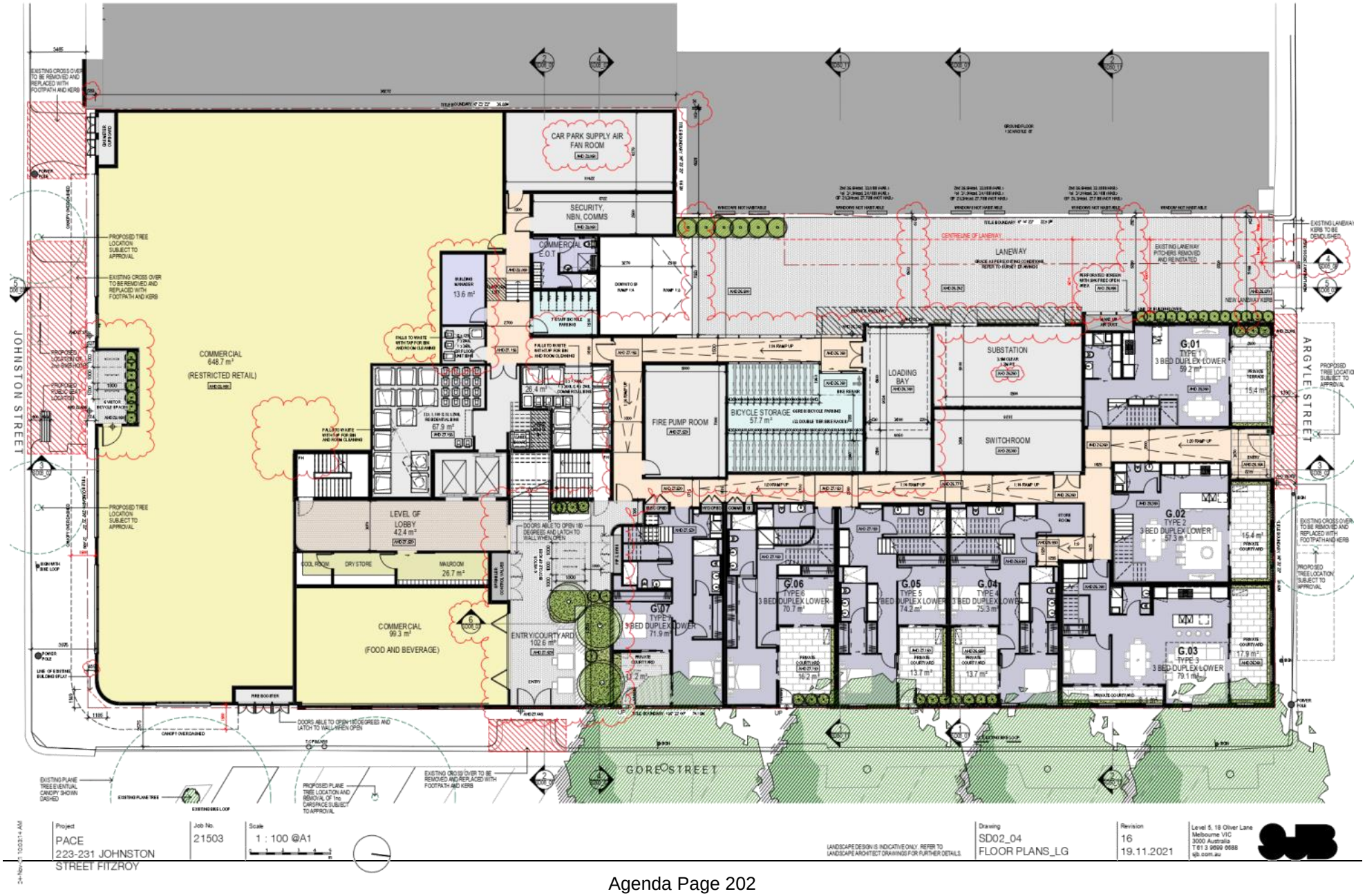
Level 5, 18 Oliver Lane
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3000 Australia
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sjb.com.au

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project: PACE 223-231 JOHNSTON STREET FITZROY	Job No.: 21503	Scale: 1 : 100 @A1	LANDSCAPE DESIGN IS INDICATIVE ONLY. REFER TO LANDSCAPE ARCHITECT DRAWINGS FOR FURTHER DETAILS.	Drawing: SD02_03 FLOOR PLANS_B1	Revision: 16 19.11.2021	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T 61 3 9600 6688 sjb.com.au	SJB

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

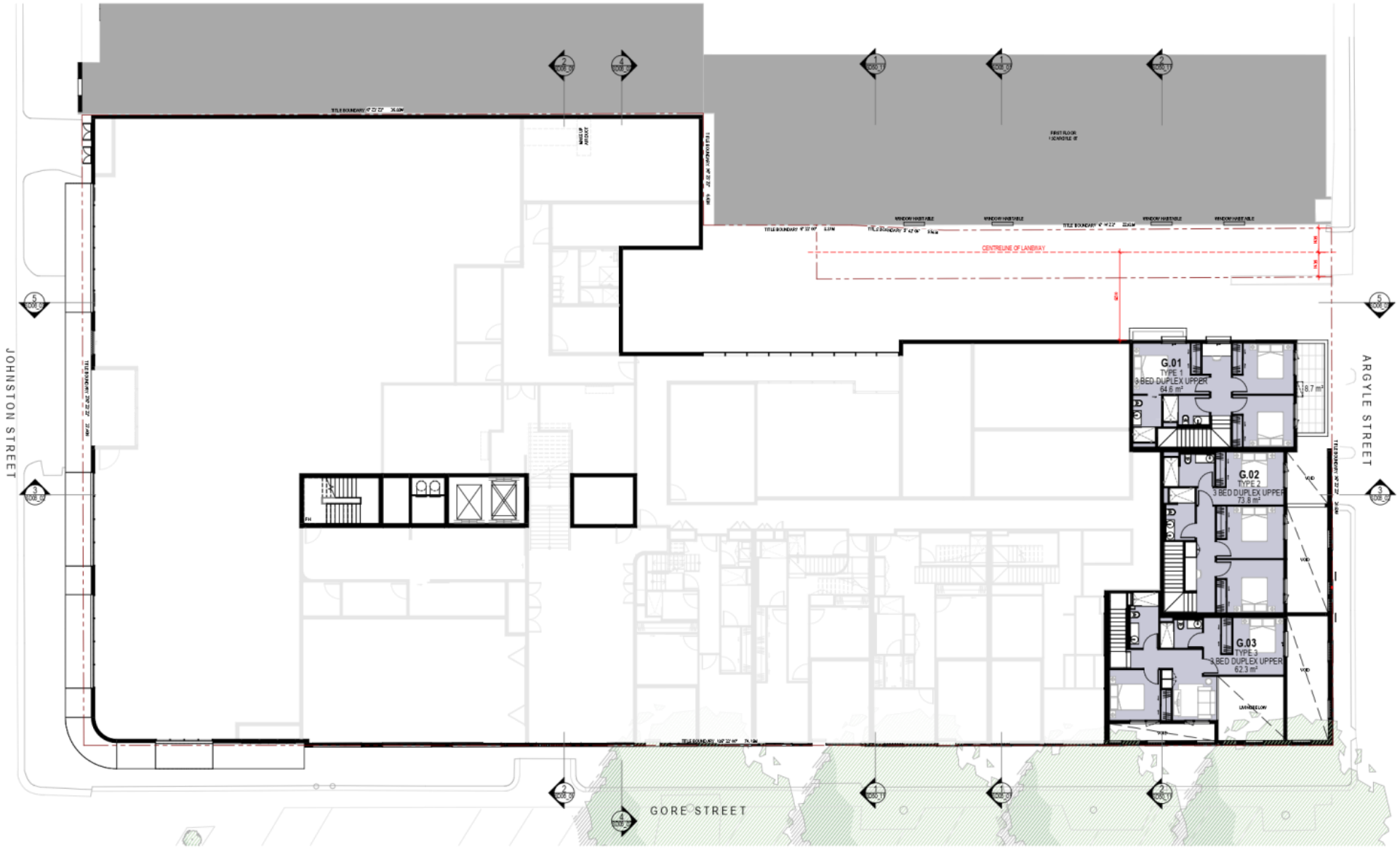


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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

Scale
1 : 100 @A1

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Drawing
SD02_05
FLOOR PLANS_LUG

Revision
16
19.11.2021

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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project	Job No.	Scale	Drawing	Revision
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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project	Job No.	Scale	Drawing	Revision
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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project	Job No.	Scale	Drawing	Revision
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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project	Job No.	Scale	Drawing	Revision	
PACE 223-231 JOHNSTON STREET FITZROY	21503	1 : 100 @A1	SD02_09 FLOOR PLANS_L4	16 19.11.2021	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T 61 3 9699 6688 sjb.com.au

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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project	Job No.	Scale	Drawing	Revision
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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project	Job No.	Scale	Drawing	Revision
PACE 223-231 JOHNSTON STREET FITZROY	21503	1 : 100 @A1	SD02_11 FLOOR PLANS_L6	16 19.11.2021

LANDSCAPE DESIGN IS INDICATIVE ONLY. REFER TO LANDSCAPE ARCHITECT DRAWINGS FOR FURTHER DETAILS

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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

Scale
1 : 100 @A1

LANDSCAPE DESIGN IS INDICATIVE ONLY. REFER TO LANDSCAPE ARCHITECT DRAWINGS FOR FURTHER DETAILS

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Revision
16
19.11.2021

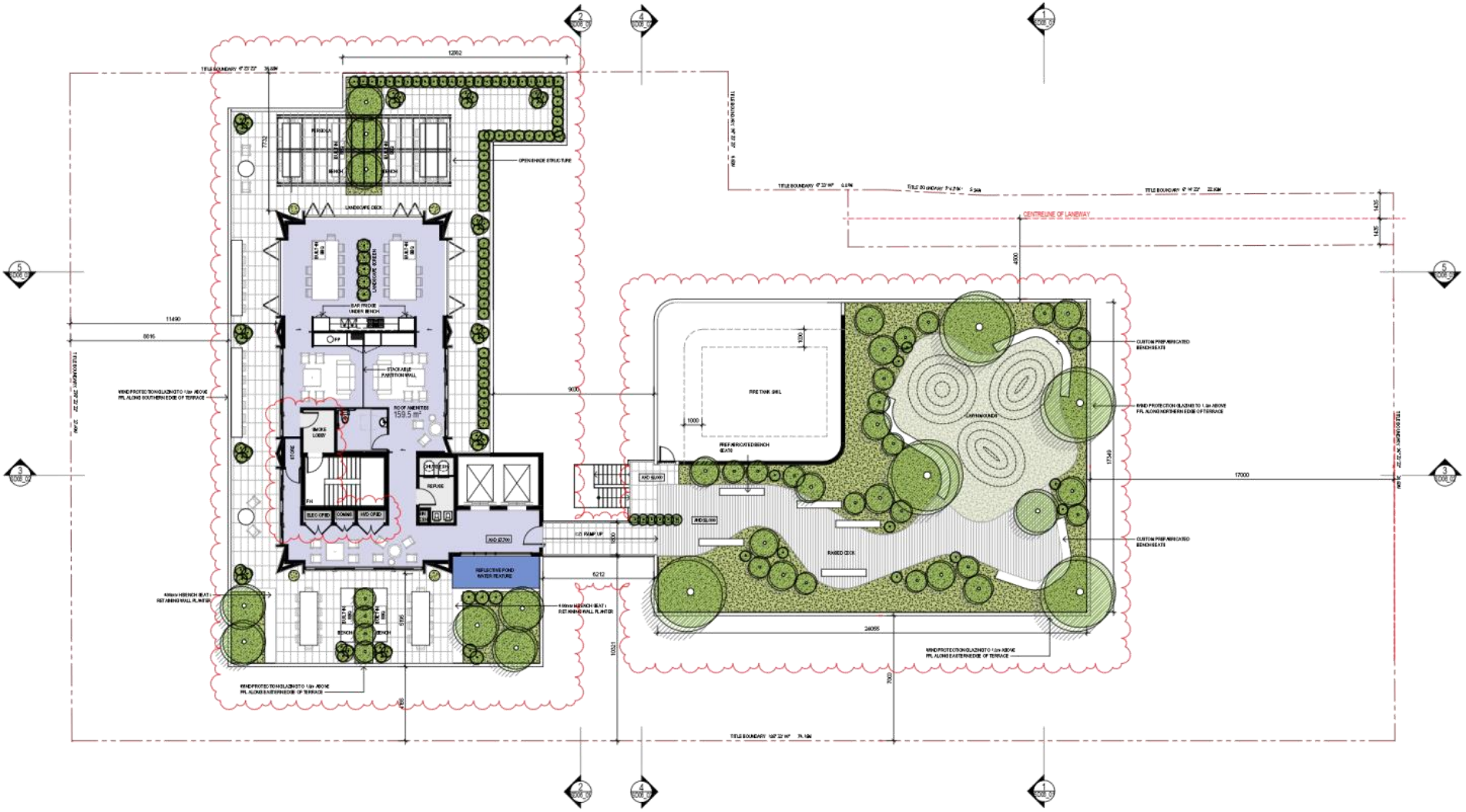
Level 5, 18 Oliver Lane
Melbourne VIC
3000 Australia
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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

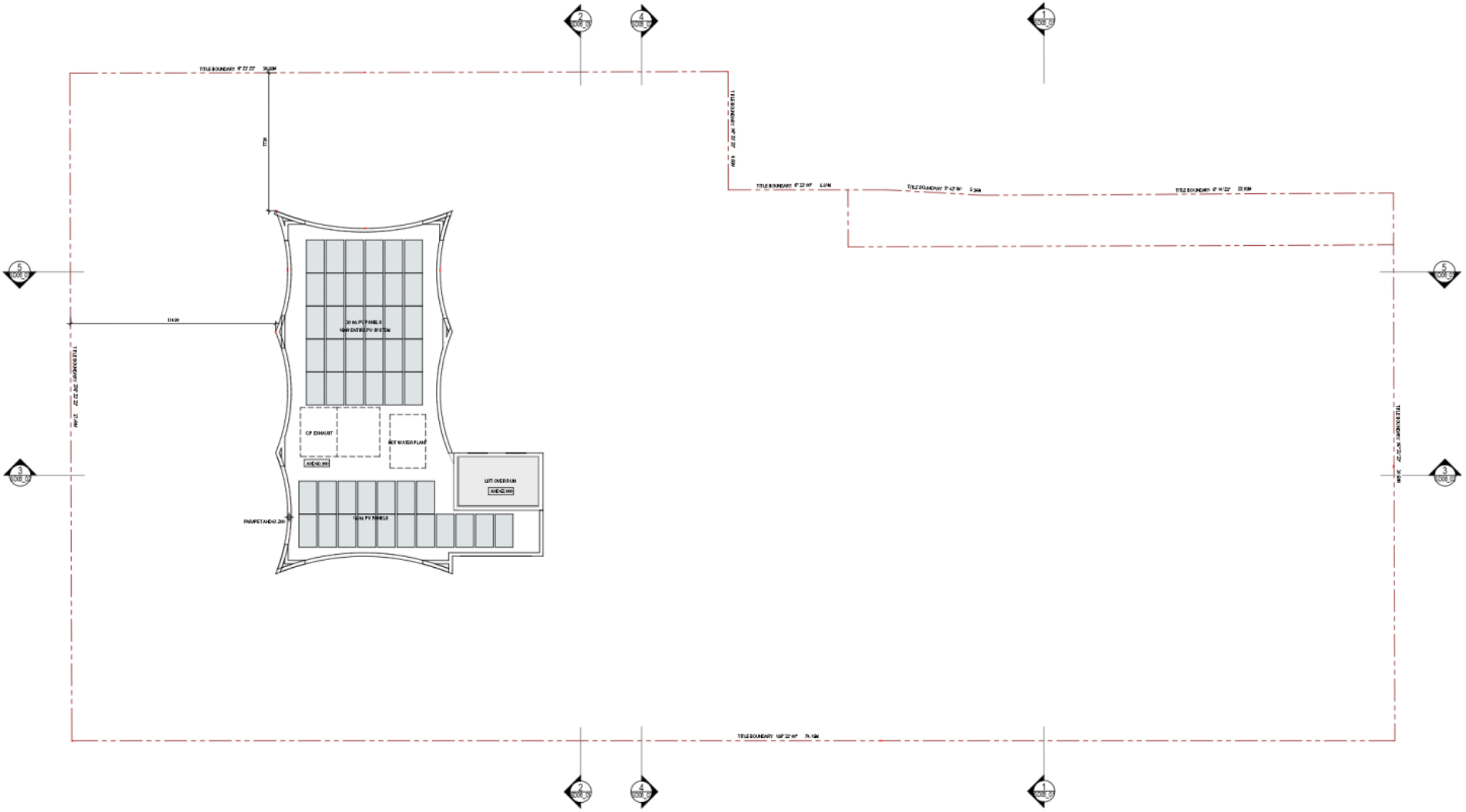


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Job No.: 21503
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Drawing: SD02_13 FLOOR PLANS_L8
Revision: 16 19.11.2021
Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T 61 3 9699 6688 sjb.com.au

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans


CENTRELINE OF LANEWAY
TITLE BOUNDARY
RAISED DECK
REFLECTIVE POND WATER FEATURE
ROOF AMENITIES 159.5 m²
WIND PROTECTION GLAZING TO 1.6m ABOVE FFL ALONG EASTERN EDGE OF TERRACE
WIND PROTECTION GLAZING TO 1.6m ABOVE FFL ALONG NORTHERN EDGE OF TERRACE
WIND PROTECTION GLAZING TO 1.6m ABOVE FFL ALONG SOUTHERN EDGE OF TERRACE
CUSTOM PREFABRICATED BENCH SEATS
PREFABRICATED BENCH SEATS
RAMP UP
RAMP DOWN
OPEN ABOVE STRUCTURE
STACKABLE PARTITION WALL
BIKE LOBBY
STORE
REFUSE
LANDSCAPE DECK
BAR FRIDGE UNDER BENCH
PERGOLA
BUILT IN BBQ
BUILT IN BENCH
TANK
11490
9015
9005
6212
17000
26055
7000
4500
1435
1435
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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



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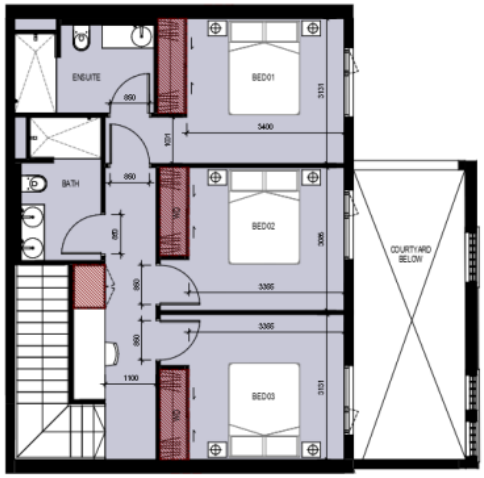
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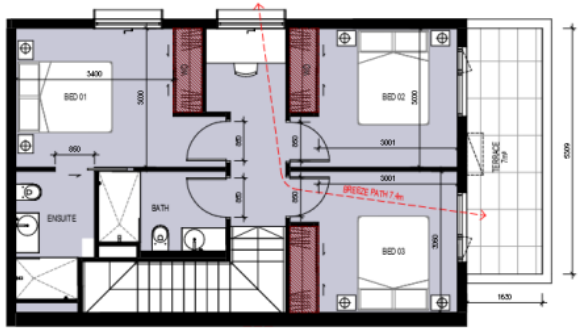
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



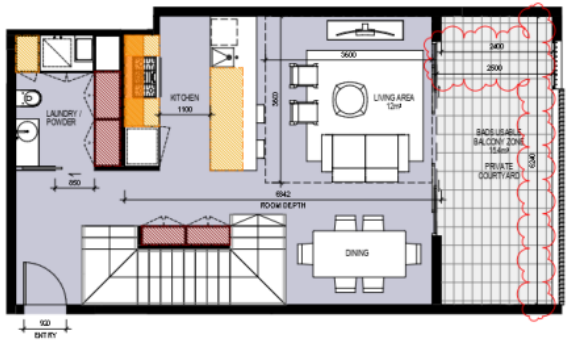
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SD06_01 SCALE 1 : 50



1 SD14_LG_DUPLEX LAYOUT_3B/2B_TYPE 2
SD06_05 SCALE 1 : 50



3 SD14_LG_DUPLEX LAYOUT_3B/2B_TYPE 1
SD06_05 SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

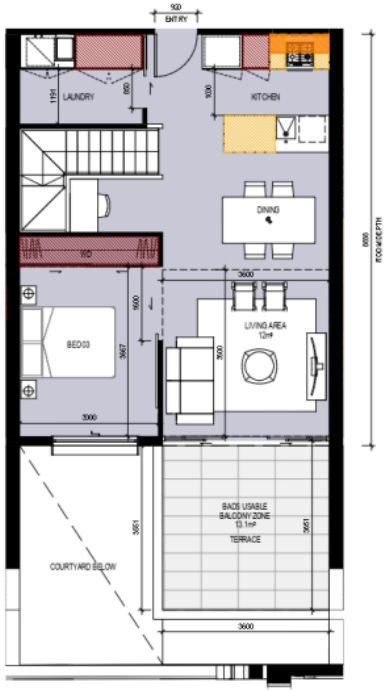
BATHROOM - HOBLESS SHOWER. REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project	Job No.	Scale	Drawing	Revision	
PACE 223-231 JOHNSTON STREET FITZROY	21503	1 : 50 @A1	SD14_01 APARTMENT TYPE LAYOUTS	16 19.11.2021	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6688 sjb.com.au

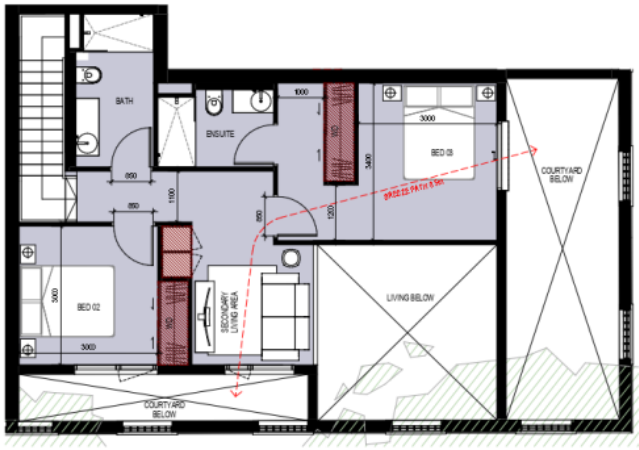
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



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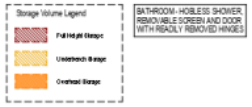
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SD06_01 SCALE 1 : 50



3 SD14_LG_DUPLEX LAYOUT_3B/2B_TYPE 3
SD06_00 SCALE 1 : 50



BATHROOM - HOBLESS SHOWER. REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project	Job No.	Scale	Drawing	Revision	
PACE 223-231 JOHNSTON STREET FITZROY	21503	1 : 50 @A1	SD14_02 APARTMENT TYPE LAYOUTS	16 19.11.2021	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6688 sjb.com.au

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



1 SD14_LG_DUPLEX LAYOUT_3B/3B_TYPE 6 — SCALE 1 : 50

2 SD14_L1_DUPLEX LAYOUT_3B/3B_TYPE 6 — SCALE 1 : 50

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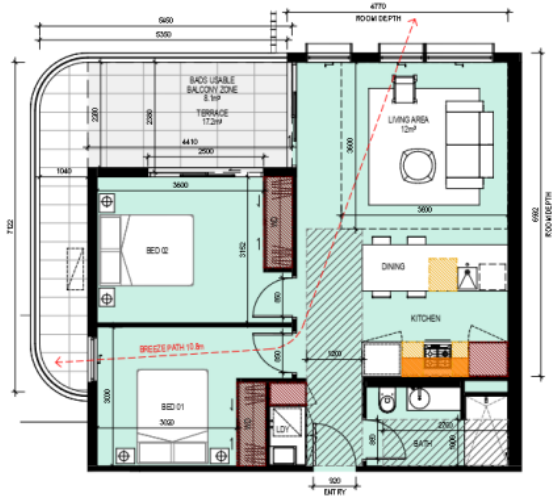
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Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER. REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

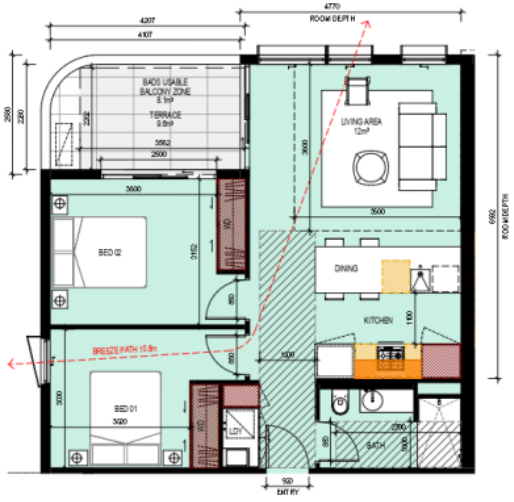
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Job No.: 21503
Scale: 1 : 50 @A1
Drawing: SD14_03 APARTMENT TYPE LAYOUTS
Revision: 16 19.11.2021

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3000 Australia
T61 3 9699 6688
sjb.com.au

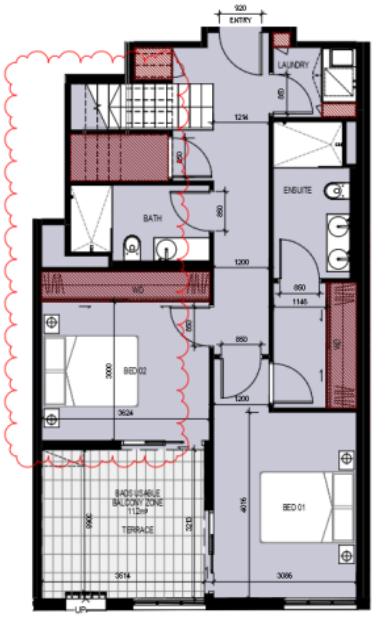
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



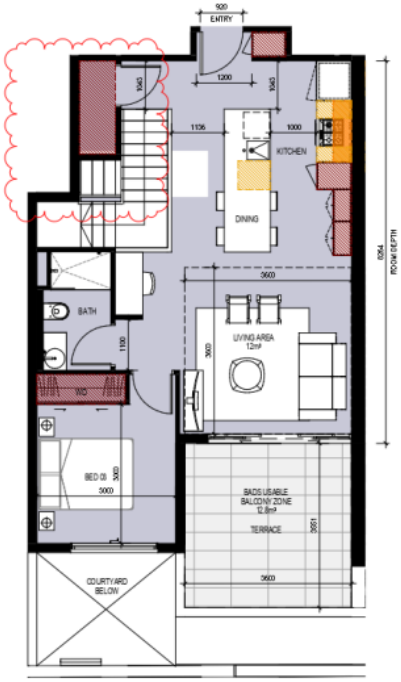
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SCALE 1 : 50



3 SD06_02 SD14_LG_DUPLEX LAYOUT_3B/3B_TYPE 7
SCALE 1 : 50



4 SD06_01 SD14_L1_DUPLEX LAYOUT_3B/3B_TYPE 7
SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

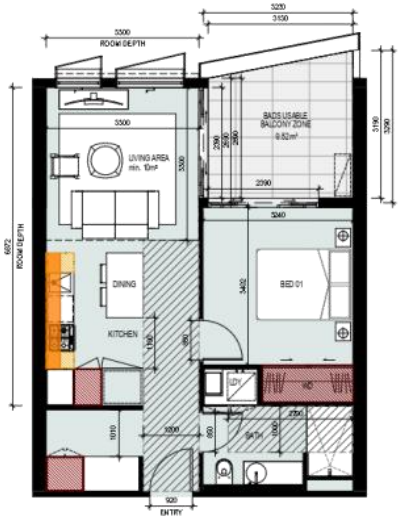
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Drawing
SD14_04
APARTMENT TYPE LAYOUTS

Revision
16
19.11.2021

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1 SD14_APARTMENT LAYOUT_1B/1B_TYPE 9
SCALE 1 : 50



2 SD14_APARTMENT LAYOUT_3B/2B_TYPE 10
SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

Scale
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Drawing
SD14_05
APARTMENT TYPE LAYOUTS

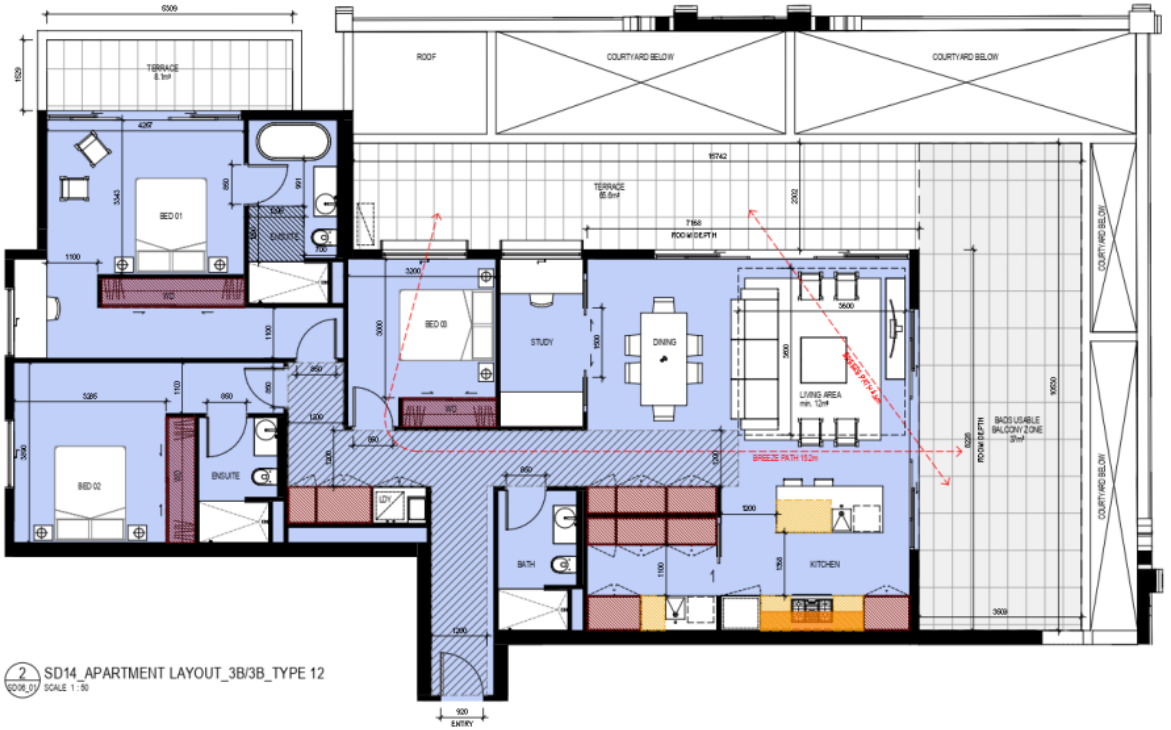
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16
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1 SD14_APARTMENT LAYOUT_3B/2B_TYPE 11
SD06_01 SCALE 1 : 50



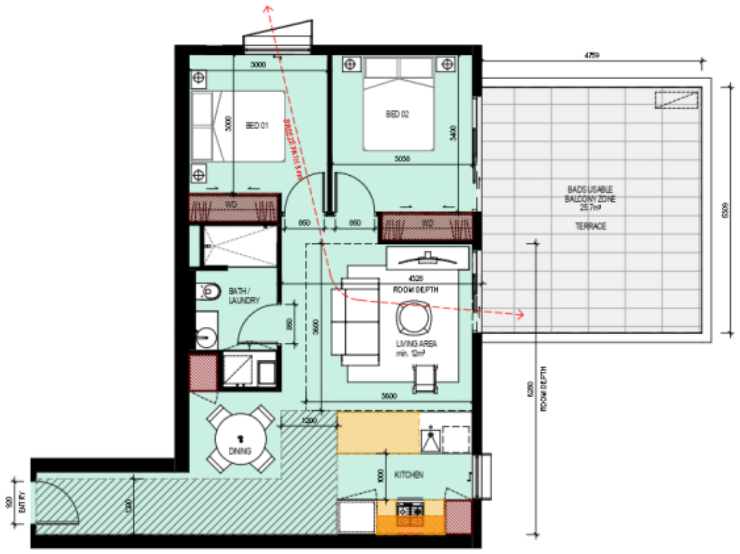
2 SD14_APARTMENT LAYOUT_3B/3B_TYPE 12
SD06_01 SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER. REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project	Job No.	Scale	Drawing	Revision	
PACE 223-231 JOHNSTON STREET FITZROY	21503	1 : 50 @A1	SD14_06 APARTMENT TYPE LAYOUTS	16 19.11.2021	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6688 sjb.com.au

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1 SD14_APARTMENT LAYOUT_2B/1B_TYPE 13
SD06_01 SCALE 1 : 50



2 SD14_APARTMENT LAYOUT_2B/1B_TYPE 14
SD06_01 SCALE 1 : 50

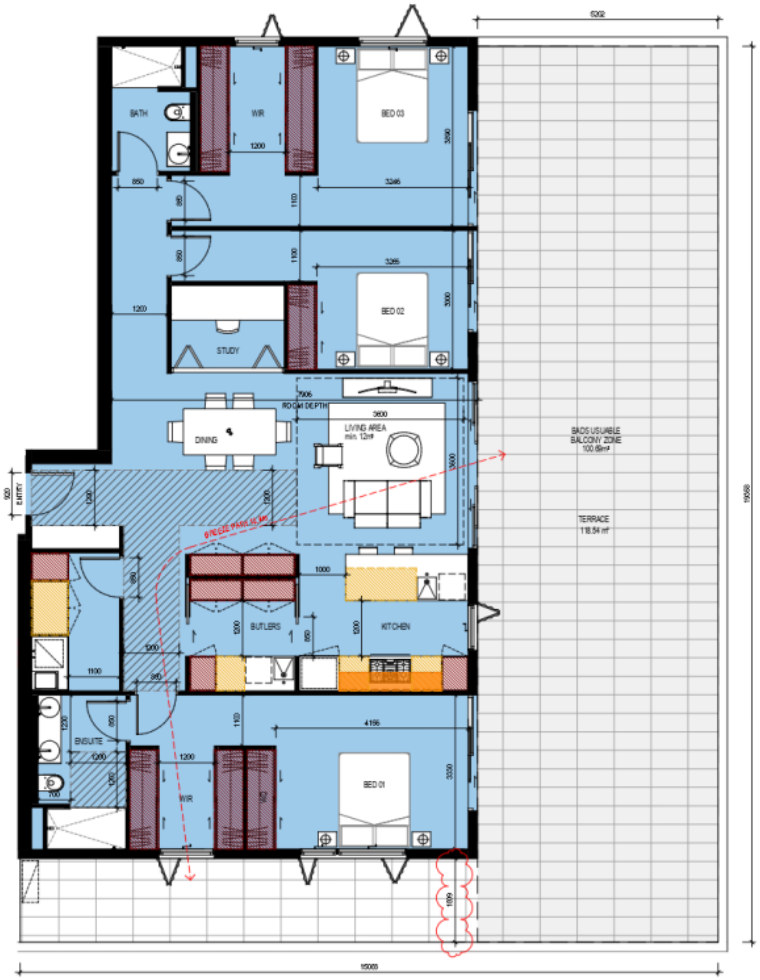
Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

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Project	Job No.	Scale	Drawing	Revision	
PACE 223-231 JOHNSTON STREET FITZROY	21503	1 : 50 @A1	SD14_07 APARTMENT TYPE LAYOUTS	16 19.11.2021	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T 61 3 9699 6688 sjb.com.au

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1 SD14_APARTMENT LAYOUT_3B/2B_TYPE 15
SD06_01 SCALE 1 : 50



2 SD14_APARTMENT LAYOUT_3B/2B_TYPE 16
SD06_01 SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

Scale
1 : 50 @A1

Drawing
SD14_08
APARTMENT TYPE LAYOUTS

Revision
16
19.11.2021

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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



1 SD14_APARTMENT LAYOUT_2B/2B_TYPE 18
SD06_01 SCALE 1 : 50



2 SD14_APARTMENT LAYOUT_3B/2B_TYPE 17
SD06_01 SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

Scale
1 : 50 @A1

Drawing
SD14_09
APARTMENT TYPE LAYOUTS

Revision
16
19.11.2021

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2 SD14_APARTMENT LAYOUT_3B/2B_TYPE 20
SD06_01 SCALE 1 : 50



3 SD14_APARTMENT LAYOUT_2B/2B_TYPE 19
SD06_01 SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

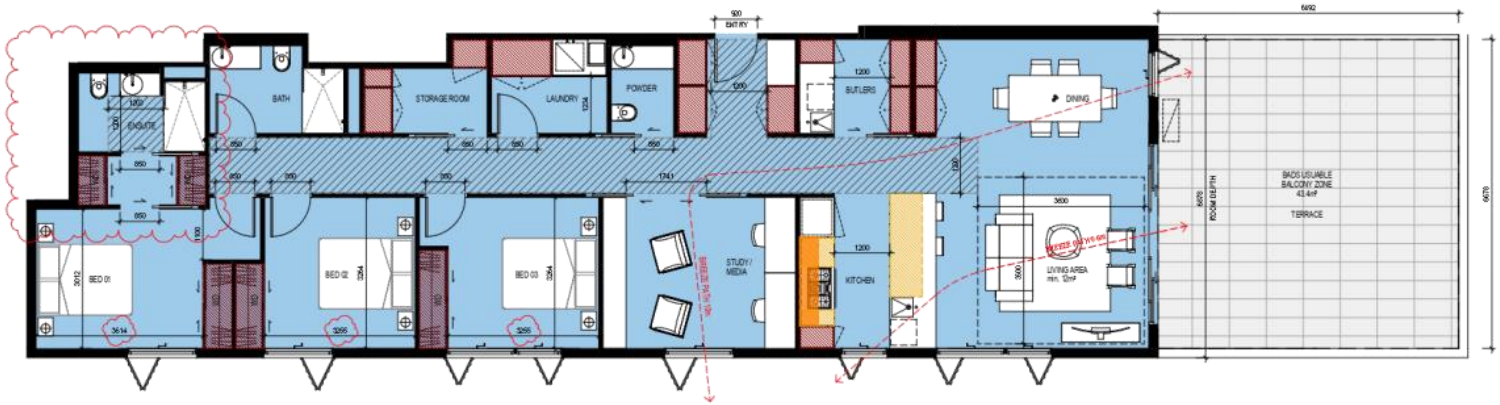
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Drawing
SD14_10
APARTMENT TYPE LAYOUTS

Revision
16
19.11.2021

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2 SD14_APARTMENT LAYOUT_3B/2B_TYPE 22
SCALE 1:50



1 SD14_APARTMENT LAYOUT_3B/2B_TYPE 21
SCALE 1:50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

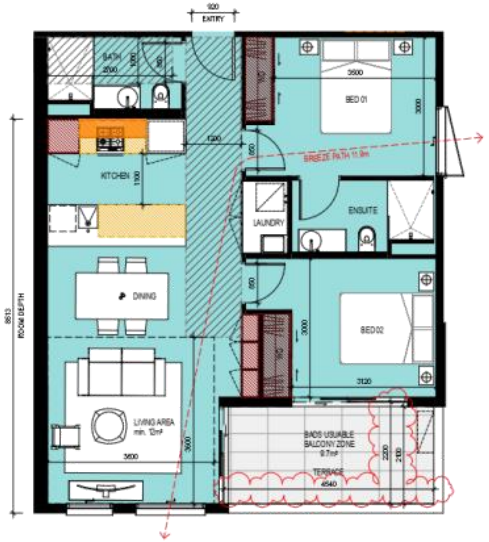
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Drawing
SD14_11
APARTMENT TYPE LAYOUTS

Revision
16
19.11.2021

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1 SD06_01 SD14_APARTMENT LAYOUT_2B/2B_TYPE 24
SCALE 1 : 50



2 SD06_01 SD14_APARTMENT LAYOUT_3B/2B_TYPE 23
SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER. REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project	Job No.	Scale	Drawing	Revision	
PACE 223-231 JOHNSTON STREET FITZROY	21503	1 : 50 @A1	SD14_12 APARTMENT TYPE LAYOUTS	16 19.11.2021	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T 61 3 9699 6688 sjb.com.au

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1 SD14_APARTMENT LAYOUT_2B/2B_TYPE 25A
SD06_01 SCALE 1 : 50



2 SD14_APARTMENT LAYOUT_2B/2B_TYPE 25B
SD06_01 SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

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Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

Scale
1 : 50 @A1

Drawing
SD14_13
APARTMENT TYPE LAYOUTS

Revision
16
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3 SD14_APARTMENT LAYOUT_2B/2B_TYPE 26A
SD06_01 SCALE 1 : 50



4 SD14_APARTMENT LAYOUT_2B/2B_TYPE 26B
SD06_01 SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

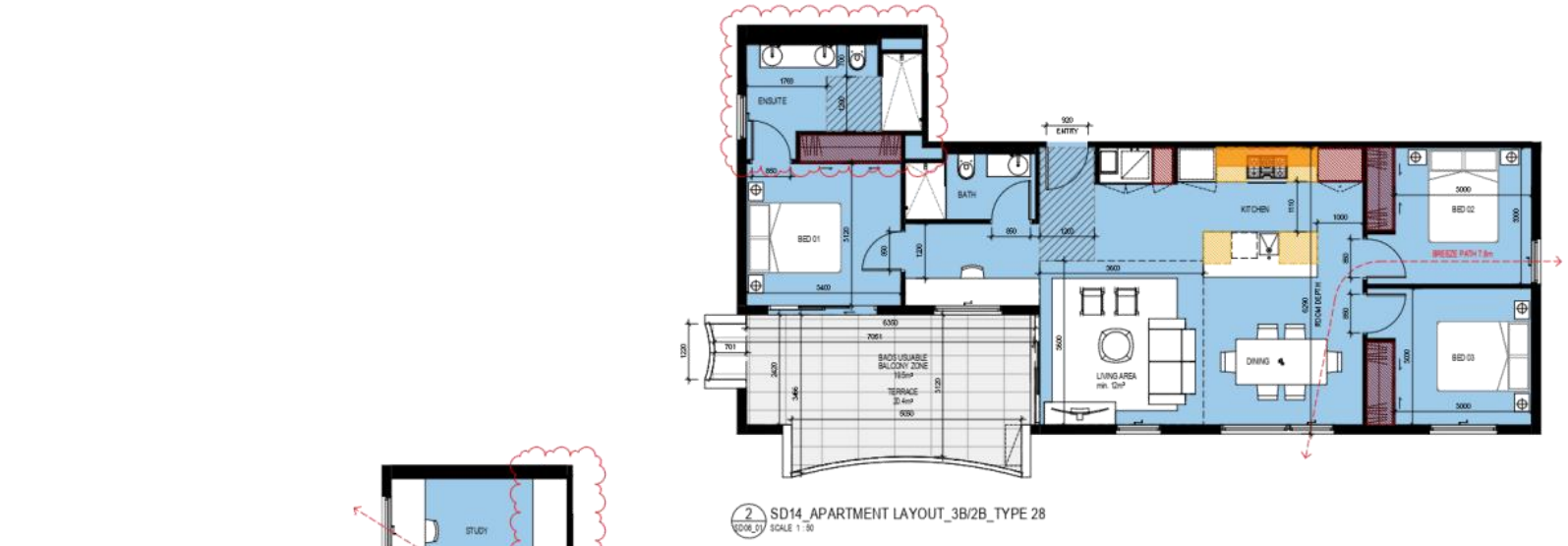
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Drawing
SD14_14
APARTMENT TYPE LAYOUTS

Revision
16
19.11.2021

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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



2 SD14_APARTMENT LAYOUT_3B/2B_TYPE 28
SCALE 1 : 50



1 SD14_APARTMENT LAYOUT_3B/2B_TYPE 27
SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER. REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project: PACE 223-231 JOHNSTON STREET FITZROY
Job No.: 21503
Scale: 1 : 50 @A1
Drawing: SD14_15 APARTMENT TYPE LAYOUTS
Revision: 16 19.11.2021

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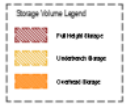
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SD06_01 SCALE 1 : 50



2 SD14_APARTMENT LAYOUT_2B/2B_TYPE 29B
SD06_01 SCALE 1 : 50



3 SD14_APARTMENT LAYOUT_2B/2B_TYPE 29C
SD06_01 SCALE 1 : 50



BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

Scale
1 : 50 @A1

Drawing
SD14_16
APARTMENT TYPE LAYOUTS

Revision
16
19.11.2021

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1 SD14_APARTMENT LAYOUT_2B/2B_TYPE 30A
SD04_01 SCALE 1 : 50

2 SD14_APARTMENT LAYOUT_2B/2B_TYPE 30B
SD06_01 SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

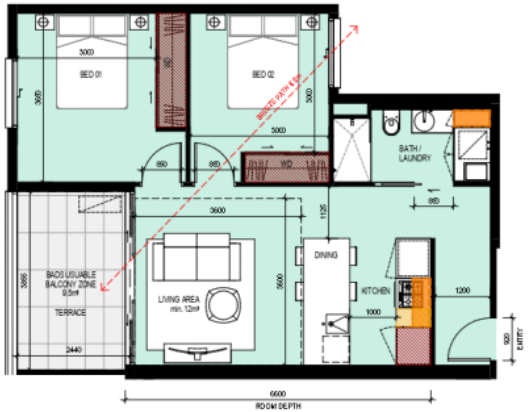
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Drawing
SD14_17
APARTMENT TYPE LAYOUTS

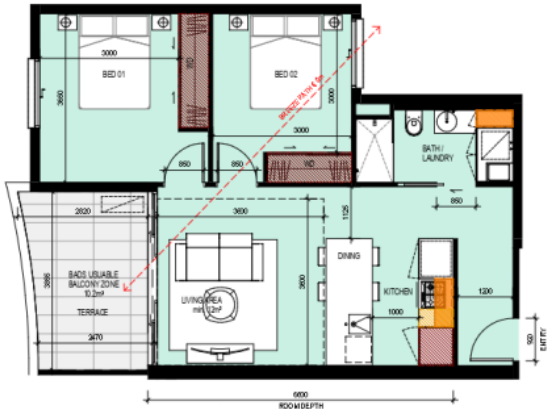
Revision
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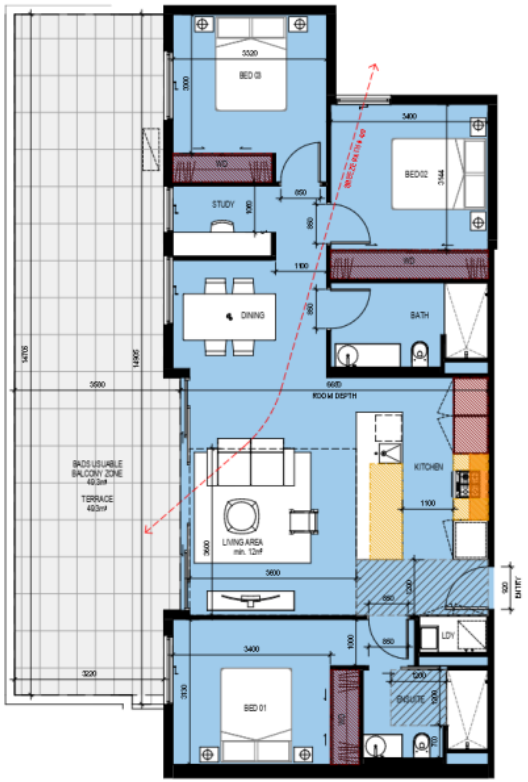
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



1 SD06_01 SD14_APARTMENT LAYOUT_2B/1B_TYPE 31A
SCALE 1 : 50



2 SD06_01 SD14_APARTMENT LAYOUT_2B/1B_TYPE 31B
SCALE 1 : 50



3 SD06_01 SD14_APARTMENT LAYOUT_3B/2B_TYPE 32
SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER. REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

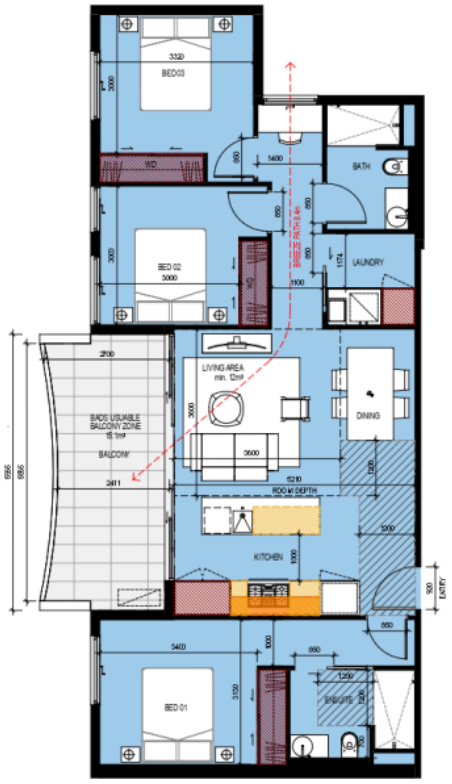
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Drawing
SD14_18
APARTMENT TYPE LAYOUTS

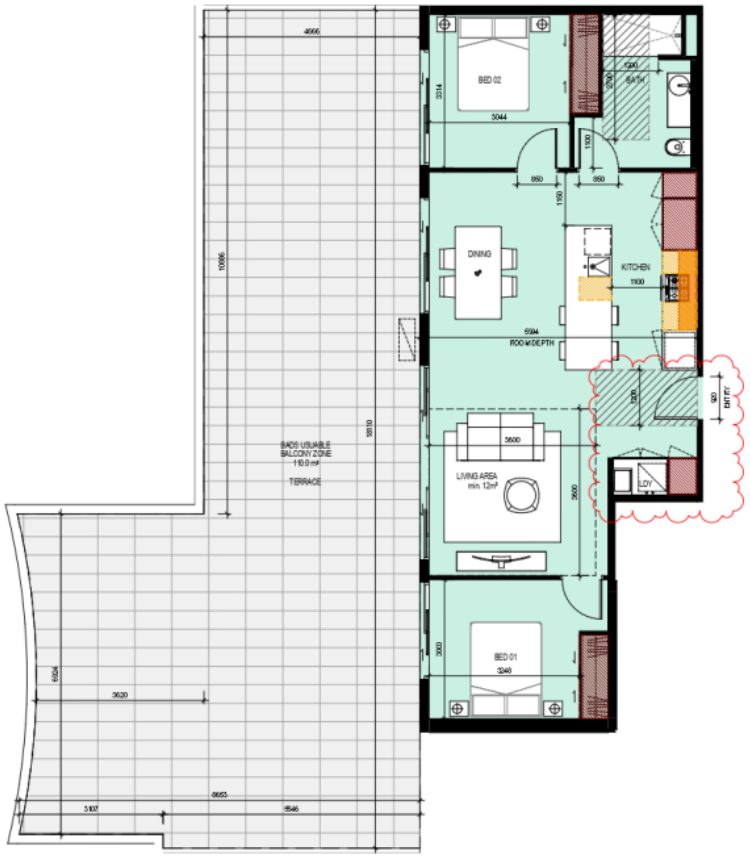
Revision
16
19.11.2021

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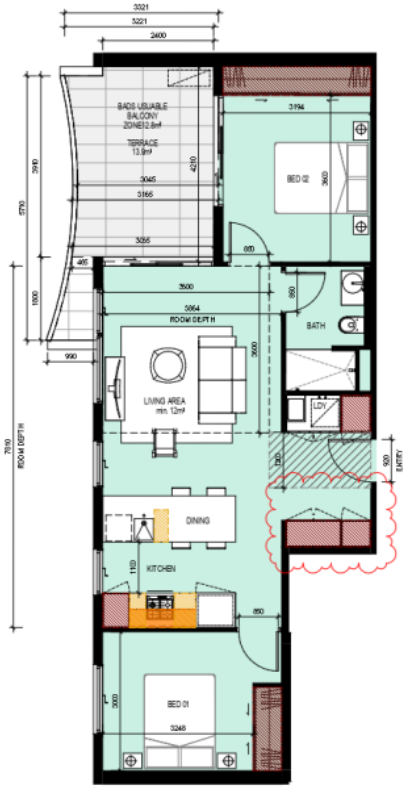
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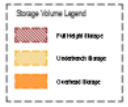
1 SD14_APARTMENT LAYOUT_3B/2B_TYPE 33
SCALE 1 : 50



2 SD14_APARTMENT LAYOUT_2B/1B_TYPE 34
SCALE 1 : 50



3 SD14_APARTMENT LAYOUT_2B/1B_TYPE 35
SCALE 1 : 50



BATHROOM - HOBLESS SHOWER. REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project: PACE 223-231 JOHNSTON STREET FITZROY	Job No.: 21503	Scale: 1 : 50 @A1	Drawing: SD14_19 APARTMENT TYPE LAYOUTS
Revision: 16 19.11.2021	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T 61 3 9699 6688 sjb.com.au		

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3 SD14_APARTMENT LAYOUT_3B/2B_TYPE 37
SCALE 1 : 50



1 SD14_APARTMENT LAYOUT_2B/2B_TYPE 36A
SCALE 1 : 50



2 SD14_APARTMENT LAYOUT_2B/2B_TYPE 36B
SCALE 1 : 50



BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

Project	Job No.	Scale	Drawing	Revision	
PACE 223-231 JOHNSTON STREET FITZROY	21503	1 : 50 @A1	SD14_20 APARTMENT TYPE LAYOUTS	16 19.11.2021	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T 61 3 9699 6688 sjb.com.au

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3 SD14_APARTMENT LAYOUT_3B/2B_TYPE 38
SD06_01 SCALE 1 : 50



1 SD14_APARTMENT LAYOUT_2B/2B_TYPE 39A
SD06_01 SCALE 1 : 50



2 SD14_APARTMENT LAYOUT_2B/2B_TYPE 39B
SD06_01 SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

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Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

Scale
1 : 50 @A1

Drawing
SD14_21
APARTMENT TYPE LAYOUTS

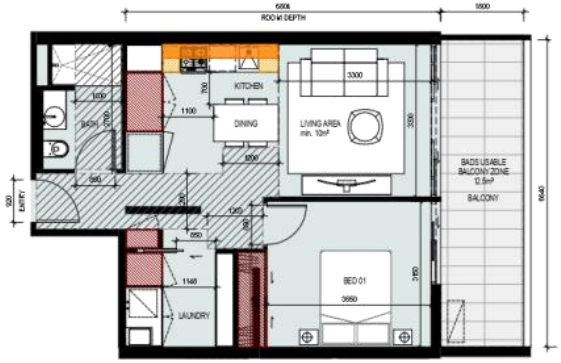
Revision
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19.11.2021

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1 SD14_APARTMENT LAYOUT_1B/1B_TYPE 40A
SD06_01 SCALE 1 : 50



2 SD14_APARTMENT LAYOUT_1B/1B_TYPE 40B
SD06_01 SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER, REMOVABLE SCREEN AND DOOR WITH READILY REMOVED HINGES

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Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

Scale
1 : 50 @A1

Drawing
SD14_22
APARTMENT TYPE LAYOUTS

Revision
16
19.11.2021

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1 SD06_01 SD14_APARTMENT LAYOUT_3B/2B_TYPE 41
SCALE 1 : 50



2 SD06_01 SD14_APARTMENT LAYOUT_2B/1B_TYPE 42
SCALE 1 : 50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

BATHROOM - HOBLESS SHOWER
REMOVABLE SCREEN AND DOOR
WITH READILY REMOVED HINGES

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Project
PACE
223-231 JOHNSTON
STREET FITZROY

Job No.
21503

Scale
1 : 50 @A1

Drawing
SD14_23
APARTMENT TYPE
LAYOUTS

Revision
16
19.11.2021

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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

SJB Architects
Better Apartment Design Summary

Project: Pace Fitzroy **Job No:** 21503 **File No:** 4.3 **REV:** 01 **Date:** 18/11/21

				INTERNAL AMENITY							PRIVATE OPEN SPACE						ACCESSIBILITY			STORAGE			
	Apt No.	Type	Beds	Primary Bedroom (3x3.4m)	Secondary Bedrooms (3x3m)	Living Room Width (1B - 3.3m &2-3B - 3.6m)	Living Room Area (1B - 10m² &2-3B - 12m²)	Habitable Room Depth (Max 9m)	Living Area Ceiling Height (Min 2.7m Living & 2.4m Kitchen where impacted by services)	Natural Cross Ventilation	1 Bed (8m² & 1.6m depth		2 Bed (8m² & 2m depth		3 Bed (12m² & 2.4m depth		Entry Door and Internal Circulation (1.2m clear path)	Adaptable Bathroom	Adaptable Bathroom Option A	Storage Requirements	Inside Apartment Studio - 6m² 1B - 8m² 2B - 9m² 3B+ - 12m²	Outside Apartment	Total Volume Studio - xm³ 1B - 10m³ 2B - 14m³ 3B+ - 16m³
				Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	40% or more	Mandatory		Mandatory		Mandatory		50% or more			Mandatory			
Level G																							
	G.01	1	3 BED DUPLEX LOWER	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	N/A	0.0	YES	15.4	NO	NO	NO	YES	14.51	4.50	23.01
	G.02	2	3 BED DUPLEX LOWER	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	N/A	0.0	YES	15.4	NO	NO	NO	YES	15.19	4.50	21.69
	G.03	3	3 BED DUPLEX LOWER	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	N/A	0.0	YES	17.9	NO	NO	NO	YES	15.76	4.50	22.26
	G.04	4	3 BED DUPLEX LOWER	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	N/A	0.0	YES	26.5	NO	NO	NO	YES	41.12	4.50	47.42
	G.05	5	3 BED DUPLEX LOWER	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	N/A	0.0	YES	26.5	NO	NO	NO	YES	29.73	4.50	36.23
	G.06	6	3 BED DUPLEX LOWER	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	N/A	0.0	YES	29.0	NO	NO	NO	YES	23.03	4.50	29.53
	G.07	7	3 BED DUPLEX LOWER	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	N/A	0.0	YES	24.0	NO	NO	NO	YES	23.50	4.50	30.00
Level UG																							
	G.01		2 BED DUPLEX UPPER																				
	G.02		2 BED DUPLEX UPPER																				
	G.03		2 BED DUPLEX UPPER																				
Level 01																							
	1.01	8A	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	8.1	N/A	0.0	YES	YES	NO	YES	9.74	4.50	16.24
	1.02	9	1 BED / 1 BATH	YES	N/A	YES	YES	YES	YES	NO	YES	9.5	N/A	0.0	N/A	0.0	YES	YES	NO	YES	7.46	4.50	13.96
	1.03	9	1 BED / 1 BATH	YES	N/A	YES	YES	YES	YES	NO	YES	9.5	N/A	0.0	N/A	0.0	YES	YES	NO	YES	7.46	4.50	13.96
	1.04	9	1 BED / 1 BATH	YES	N/A	YES	YES	YES	YES	NO	YES	9.5	N/A	0.0	N/A	0.0	YES	YES	NO	YES	7.46	4.50	13.96
	1.05	12	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	N/A	0.0	YES	27.0	YES	YES	YES	YES	30.61	4.50	37.11
	1.06	24	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	N/A	0.0	YES	15.0	YES	YES	NO	YES	10.62	4.50	17.12
	1.07	25A	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	9.4	N/A	0.0	NO	YES	NO	YES	10.62	4.50	17.12
	1.08	26A	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	9.5	N/A	0.0	YES	YES	NO	YES	9.50	4.50	16.00
	1.09	29A	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	9.4	N/A	0.0	YES	YES	NO	YES	11.40	4.50	17.90
	1.10	30A	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	10.4	N/A	0.0	NO	YES	NO	YES	10.62	4.50	17.12
	1.11	31A	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	9.5	N/A	0.0	NO	NO	NO	YES	9.14	4.50	15.64
	1.12	36A	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	11.8	N/A	0.0	NO	NO	NO	YES	9.62	4.50	16.13
	1.13	39A	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	28.7	N/A	0.0	YES	YES	NO	YES	10.44	4.50	16.94
	1.14	40A	1 BED / 1 BATH	YES	N/A	YES	YES	YES	YES	NO	YES	30.4	N/A	0.0	N/A	0.0	YES	YES	NO	YES	9.80	4.50	15.30
	G.04		2 BED DUPLEX UPPER																				
	G.05		2 BED DUPLEX UPPER																				
	G.06		2 BED DUPLEX UPPER																				
	G.07		2 BED DUPLEX UPPER																				
Level 02																							
	2.01	8B	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	8.1	N/A	0.0	YES	YES	NO	YES	9.74	4.50	16.24
	2.02	9	1 BED / 1 BATH	YES	N/A	YES	YES	YES	YES	NO	YES	9.5	N/A	0.0	N/A	0.0	YES	YES	NO	YES	7.46	4.50	13.96
	2.03	9	1 BED / 1 BATH	YES	N/A	YES	YES	YES	YES	NO	YES	9.5	N/A	0.0	N/A	0.0	YES	YES	NO	YES	7.46	4.50	13.96
	2.04	9	1 BED / 1 BATH	YES	N/A	YES	YES	YES	YES	NO	YES	9.5	N/A	0.0	N/A	0.0	YES	YES	NO	YES	7.46	4.50	13.96
	2.05	13	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	25.7	N/A	0.0	NO	NO	NO	YES	10.67	4.50	17.17
	2.06	17	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	N/A	0.0	YES	15.0	YES	YES	YES	YES	25.96	4.50	25.46
	2.07	18	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	12.0	N/A	0.0	NO	YES	YES	YES	10.18	4.50	16.68
	2.08	19	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	10.4	N/A	0.0	YES	YES	NO	YES	14.01	4.50	20.51
	2.09	24	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	N/A	0.0	YES	15.0	YES	YES	NO	YES	10.62	4.50	17.12
	2.10	25B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	9.4	N/A	0.0	NO	YES	NO	YES	10.62	4.50	17.12
	2.11	26B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	9.4	N/A	0.0	YES	YES	NO	YES	9.50	4.50	16.00
	2.12	29B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	10.4	N/A	0.0	YES	YES	NO	YES	11.44	4.50	17.94
	2.13	30B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	11.3	N/A	0.0	NO	YES	NO	YES	10.62	4.50	17.12
	2.14	31B	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	10.2	N/A	0.0	NO	NO	NO	YES	9.14	4.50	15.64
	2.15	36B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	8.0	N/A	0.0	NO	NO	NO	YES	9.14	4.50	15.64
	2.16	39B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	11.2	N/A	0.0	YES	YES	NO	YES	10.44	4.50	16.94
	2.17	40B	1 BED / 1 BATH	YES	N/A	YES	YES	YES	YES	NO	N/A	12.5	YES	0.0	N/A	0.0	YES	YES	NO	YES	9.80	4.50	15.30
Level 03																							
	3.01	8B	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	8.1	N/A	0.0	YES	YES	NO	YES	9.74	4.50	16.24
	3.02	9	1 BED / 1 BATH	YES	N/A	YES	YES	YES	YES	NO	YES	9.5	N/A	0.0	N/A	0.0	YES	YES	NO	YES	7.46	4.50	13.96
	3.03	9	1 BED / 1 BATH	YES	N/A	YES	YES	YES	YES	NO	YES	9.5	N/A	0.0	N/A	0.0	YES	YES	NO	YES	7.46	4.50	13.96
	3.04	9	1 BED / 1 BATH	YES	N/A	YES	YES	YES	YES	NO	YES	9.5	N/A	0.0	N/A	0.0	YES	YES	NO	YES	7.46	4.50	13.96
	3.05	14	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	9.5	N/A	0.0	NO	NO	NO	YES	9.67	4.50	16.17
	3.06	41	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	N/A	9.0	YES	15.0	YES	YES	YES	YES	25.29	4.50	31.79
	3.07	18	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	12.0	N/A	0.0	NO	YES	YES	YES	10.18	4.50	16.68
	3.08	19	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	10.4	N/A	0.0	YES	YES	NO	YES	14.01	4.50	20.51
	3.09	24	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	N/A	0.0	YES	15.0	YES	YES	NO	YES	10.62	4.50	17.12
	3.10	25B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	9.4	N/A	0.0	NO	YES	NO	YES	10.62	4.50	17.12
	3.11	26B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	9.4	N/A	0.0	YES	YES	NO	YES	9.50	4.50	16.00
	3.12	29B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	10.4	N/A	0.0	YES	YES	NO	YES	11.44	4.50	17.94
	3.13	30B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	11.3	N/A	0.0	NO	YES	NO	YES	10.62	4.50	17.12
	3.14	31B	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	10.2	N/A	0.0	NO	NO	NO	YES	9.14	4.50	15.64
	3.15	36B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	N/A	0.0	YES	8.0	N/A	0.0	NO	NO	NO	YES	9.14	4.50	15.64
	3.16	39B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	N/A	0.0	YES	11.2	N/A	0.0	YES	YES	NO	YES	10.44	4.50	16.94
	3.17	40B	1 BED / 1 BATH	YES	N/A	YES	YES	YES	YES	NO	N/A	12.5	YES	0.0	N/A	0.0	YES	YES	NO	YES	9.80	4.50	15.30

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

SJB Architects
Better Apartment Design Summary

Project: Pace Fitzroy **Job No:** 21503 **File No:** 4.3 **REV:** 01 **Date:** 18/11/21

	Apt No.	Type	Beds	INTERNAL AMENITY: Primary Bedroom (3x3.4m)	Secondary Bedrooms (3x3m)	Living Room Width (1B - 3.3m &2-3B - 3.6m)	Living Room Area (1B - 10m² &2-3B - 12m²)	Habitable Room Depth (Max 9m)	Living Area Ceiling Height (Min 2.7m Living & 2.4m Kitchen where impacted by services)	Natural Cross Ventilation	PRIVATE OPEN SPACE: 1 Bed (8m² & 1.6m depth		2 Bed (8m² & 2m depth		3 Bed (12m² & 2.4m depth		ACCESSIBILITY: Entry Door and Internal Circulation (1.2m clear path)	Adaptable Bathroom	Adaptable Bathroom Option A	STORAGE: Storage Requirements	Inside Apartment (Studio - 6m³ 1B - 6m³ 2B - 9m³ 3B+ - 12m³	Outside Apartment	Total Volume (Studio - 10m³ 1B - 10m³ 2B - 14m³ 3B+ - 16m³
				Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	40% or more	Mandatory		Mandatory		Mandatory		50% or more			Mandatory			
Level 04																							
	4.01	1B	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	YES	8.1	n/a	0.0	YES	YES	NO	YES	97.4	6.50	16.24
	4.02	1	1 BED / 1 BATH	YES	n/a	YES	YES	YES	YES	NO	YES	9.5	n/a	0.0	n/a	0.0	YES	YES	NO	YES	74.6	6.50	13.96
	4.03	1	1 BED / 1 BATH	YES	n/a	YES	YES	YES	YES	NO	YES	9.5	n/a	0.0	n/a	0.0	YES	YES	NO	YES	74.6	6.50	13.96
	4.04	1	1 BED / 1 BATH	YES	n/a	YES	YES	YES	YES	NO	YES	9.5	n/a	0.0	n/a	0.0	YES	YES	NO	YES	74.6	6.50	13.96
	4.05	1A	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	YES	9.5	n/a	0.0	NO	NO	NO	YES	96.7	6.50	16.17
	4.06	A1	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	9.0	YES	15.0	YES	YES	YES	YES	125.29	6.50	21.79
	4.07	1G	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	12.0	n/a	0.0	NO	YES	YES	YES	93.19	6.50	16.69
	4.08	1H	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	10.4	n/a	0.0	YES	YES	NO	YES	94.01	6.50	20.51
	4.09	2A	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	15.0	YES	YES	NO	YES	103.2	6.50	17.22
	4.10	2B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	9.6	n/a	0.0	NO	YES	NO	YES	106.3	6.50	17.13
	4.11	2B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	YES	9.6	n/a	0.0	YES	YES	NO	YES	95.0	6.50	16.00
	4.12	2C	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	10.6	n/a	0.0	YES	YES	NO	YES	114.4	6.50	17.94
	4.13	3A	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	49.2	NO	YES	YES	YES	117.16	6.50	22.66
	4.14	3B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	YES	8.0	n/a	0.0	NO	NO	NO	YES	91.4	6.50	15.64
	4.15	2B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	11.2	n/a	0.0	YES	YES	NO	YES	104.4	6.50	16.94
	4.16	4B	1 BED / 1 BATH	YES	n/a	YES	YES	YES	YES	NO	n/a	12.5	YES	0.0	n/a	0.0	YES	YES	NO	YES	80.0	6.50	15.33
Level 05																							
	5.01	1B	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	YES	8.1	n/a	0.0	YES	YES	NO	YES	97.4	6.50	16.24
	5.02	1	1 BED / 1 BATH	YES	n/a	YES	YES	YES	YES	NO	YES	9.5	n/a	0.0	n/a	0.0	YES	YES	NO	YES	74.6	6.50	13.96
	5.03	1	1 BED / 1 BATH	YES	n/a	YES	YES	YES	YES	NO	YES	9.5	n/a	0.0	n/a	0.0	YES	YES	NO	YES	74.6	6.50	13.96
	5.04	1E	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	100.7	YES	YES	YES	YES	133.53	6.50	40.03
	5.05	2D	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	37.5	YES	YES	YES	YES	244.99	6.50	30.99
	5.06	2A	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	15.0	YES	YES	NO	YES	103.2	6.50	17.22
	5.07	2B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	9.6	n/a	0.0	NO	YES	NO	YES	106.3	6.50	17.13
	5.08	2B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	YES	9.6	n/a	0.0	YES	YES	NO	YES	95.0	6.50	16.00
	5.09	2C	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	10.6	n/a	0.0	YES	YES	NO	YES	114.4	6.50	17.94
	5.10	3J	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	YES	0.0	n/a	15.1	NO	YES	YES	YES	115.16	6.50	21.66
	5.11	3B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	YES	8.0	n/a	0.0	NO	NO	NO	YES	91.4	6.50	15.64
	5.12	2B	2 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	11.2	n/a	0.0	YES	YES	NO	YES	104.4	6.50	16.94
	5.13	4B	1 BED / 1 BATH	YES	n/a	YES	YES	YES	YES	NO	n/a	12.5	YES	0.0	n/a	0.0	YES	YES	NO	YES	80.0	6.50	15.33
Level 06																							
	6.01	1B	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	YES	8.1	n/a	0.0	YES	YES	NO	YES	97.4	6.50	16.24
	6.02	1	1 BED / 1 BATH	YES	n/a	YES	YES	YES	YES	NO	YES	9.5	n/a	0.0	n/a	0.0	YES	YES	NO	YES	74.6	6.50	13.96
	6.03	1	1 BED / 1 BATH	YES	n/a	YES	YES	YES	YES	NO	YES	9.5	n/a	0.0	n/a	0.0	YES	YES	NO	YES	74.6	6.50	13.96
	6.04	1G	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	17.1	YES	YES	YES	YES	300.0	6.50	36.59
	6.05	2J	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	n/a	0.0	YES	15.9	YES	YES	NO	YES	206.2	6.50	27.33
	6.06	2F	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	139.6	YES	YES	NO	YES	216.26	6.50	35.79
	6.07	3A	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	110.0	n/a	0.0	NO	YES	NO	YES	120.6	6.50	16.96
	6.08	2F	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	YES	0.0	n/a	47.2	YES	YES	YES	YES	306.4	6.50	27.14
	6.09	A2	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	15.4	n/a	0.0	YES	NO	NO	YES	120.9	6.50	16.99
Level 07																							
	7.01	1B	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	YES	8.1	n/a	0.0	YES	YES	NO	YES	97.4	6.50	16.24
	7.02	1D	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	48.6	YES	YES	YES	YES	259.5	6.50	32.45
	7.03	2J	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	43.4	YES	YES	NO	YES	321.9	6.50	39.49
	7.04	2E	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	19.9	YES	YES	YES	YES	141.75	6.50	20.65
	7.05	2S	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	12.8	n/a	0.0	NO	NO	NO	YES	133.0	6.50	20.40
	7.06	3E	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	9.3	YES	YES	YES	YES	179.7	6.50	24.47
	7.07	A2	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	15.4	n/a	0.0	YES	NO	NO	YES	120.9	6.50	16.99
Level 08																							
	8.01	1B	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	YES	8.1	n/a	0.0	YES	YES	NO	YES	97.4	6.50	16.24
	8.02	1I	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	13.4	YES	YES	YES	YES	220.7	6.50	29.27
	8.03	2J	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	21.9	YES	YES	NO	YES	261.6	6.50	32.66
	8.04	2E	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	19.9	YES	YES	YES	YES	141.75	6.50	20.65
	8.05	2S	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	12.8	n/a	0.0	NO	NO	NO	YES	133.0	6.50	20.40
	8.06	3E	3 BED / 2 BATH	YES	YES	YES	YES	YES	YES	YES	n/a	0.0	n/a	0.0	YES	9.3	YES	YES	YES	YES	179.7	6.50	24.47
	8.07	A2	2 BED / 1 BATH	YES	YES	YES	YES	YES	YES	NO	n/a	0.0	YES	15.4	n/a	0.0	YES	NO	NO	YES	120.9	6.50	16.99
			Number of Apartments:	107	86	107	107	107	107	51	107						73	84		107			
TOTAL	107	Apts	Percentage:	100%	80%	100%	100%	100%	100%	48%	100%						68%	79%		100%			

Disclaimer
Areas noted in this schedule are approximate and based on Concept Design plans and as such are preliminary only, may alter as work progresses and do not necessarily represent a YES and accurate depiction of the finished as-built development.
This schedule is not intended to form part any contract or warranty by SJB Architects.

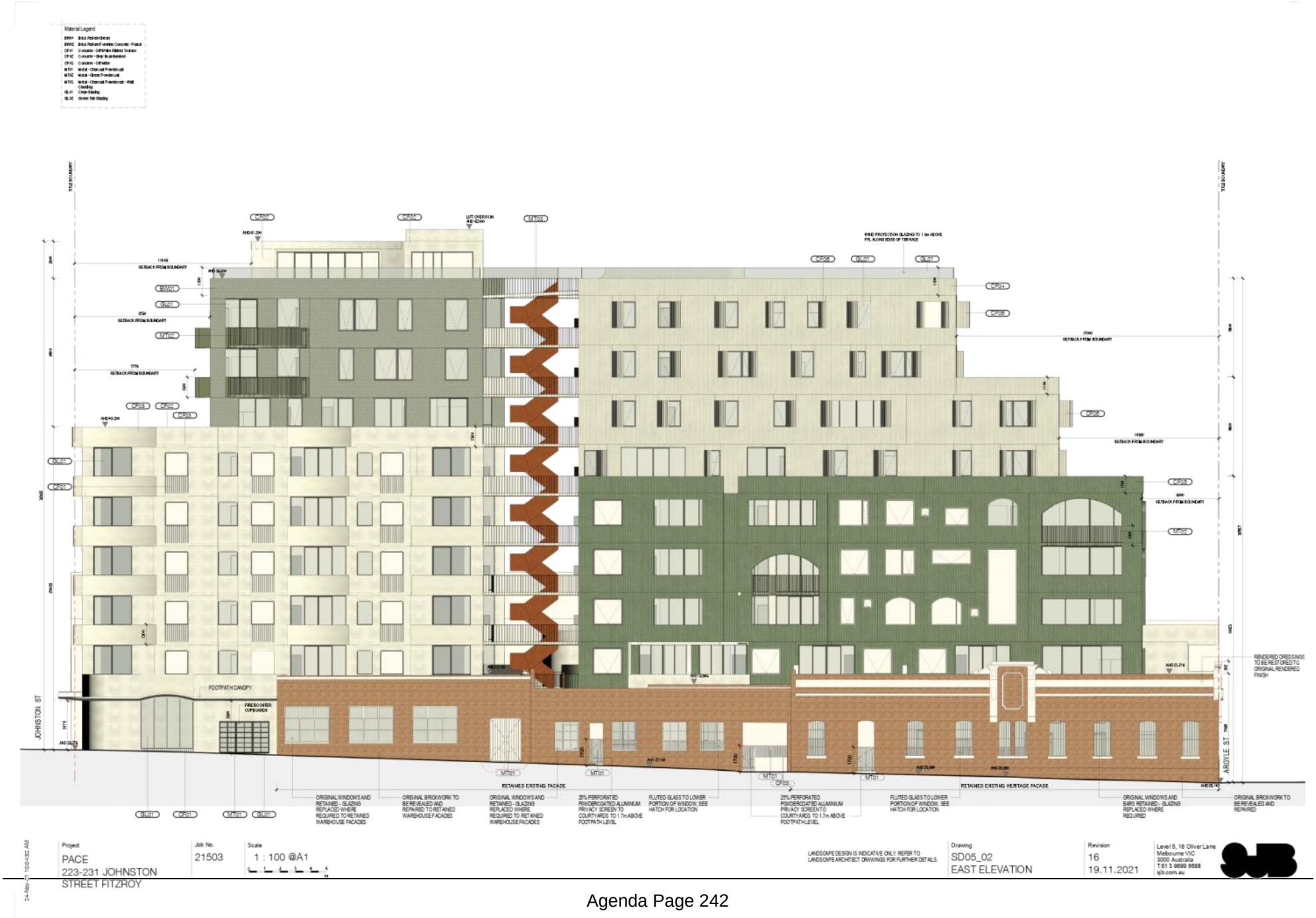
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project: PACE 223-231 JOHNSTON STREET FITZROY
Job No.: 21503
Scale: 1 : 100 @A1
LANDSCAPE DESIGN IS INDICATIVE ONLY. REFER TO LANDSCAPE ARCHITECT DRAWINGS FOR FURTHER DETAILS
Drawing: SD05_01 NORTH ELEVATION
Revision: 16
19.11.2021

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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project: PACE 223-231 JOHNSTON STREET FITZROY
Job No.: 21503
Scale: 1 : 100 @A1
LANDSCAPE DESIGN IS INDICATIVE ONLY. REFER TO LANDSCAPE ARCHITECT DRAWINGS FOR FURTHER DETAILS.
Drawing: SD05_02 EAST ELEVATION
Revision: 16
19.11.2021
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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No
21503

Scale
1 : 100 @A1

LANDSCAPE DESIGN IS INDICATIVE ONLY. REFER TO LANDSCAPE ARCHITECT DRAWINGS FOR FURTHER DETAILS.

Drawing
SD05_03
SOUTH ELEVATION

Revision
16
19.11.2021

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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



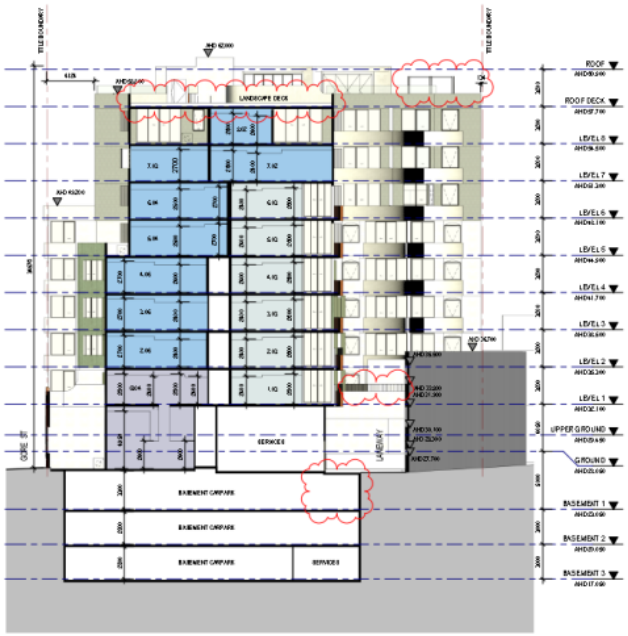
Project: PACE 223-231 JOHNSTON STREET FITZROY | Job No. 21503 | Scale 1 : 100 @A1

LANDSCAPE DESIGN IS INDICATIVE ONLY. REFER TO LANDSCAPE ARCHITECT DRAWINGS FOR FURTHER DETAILS.

Drawing SD05_04 WEST ELEVATION | Revision 16 | 19.11.2021

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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



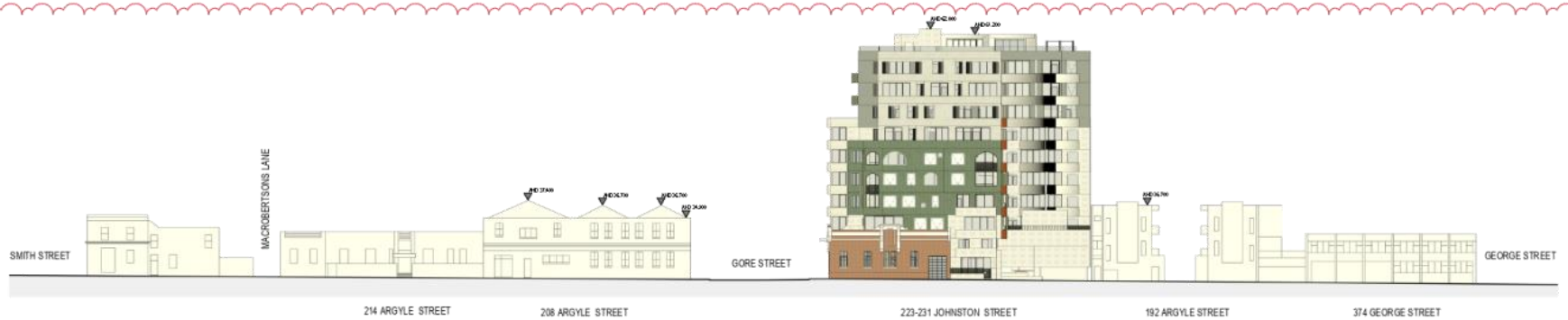
1 SD_A1_SECTION 01
SD02_01 SCALE 1 : 200



2 SD_A1_SECTION 02
SD02_01 SCALE 1 : 200

Project: PACE 223-231 JOHNSTON STREET FITZROY
Job No.: 21503
Scale: 1 : 200 @A1
LANDSCAPE DESIGN IS INDICATIVE ONLY. REFER TO LANDSCAPE ARCHITECT DRAWINGS FOR FURTHER DETAILS.
Drawing: SD06_01 SECTIONS 01
Revision: 16 19.11.2021
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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



3 - SD_A_ELEVATION_NORTH STREETSCAPE



2 - SD_B_ELEVATION_SOUTH STREETSCAPE



1 - SD_C_ELEVATION_EAST_STREETSCAPE

Project: PACE 223-231 JOHNSTON STREET FITZROY
Job No.: 21503
Scale: 1 : 300 @A1
Drawing: SD05_07 STREETSCAPE ELEVATIONS
Revision: 16
19.11.2021

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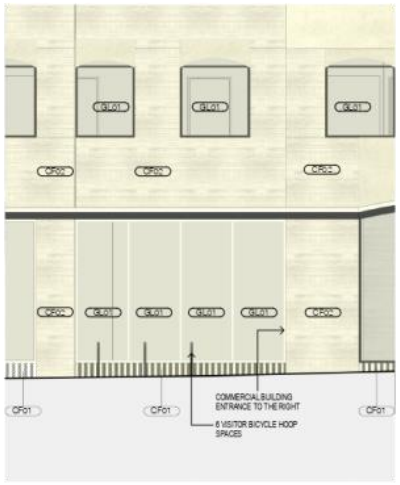
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



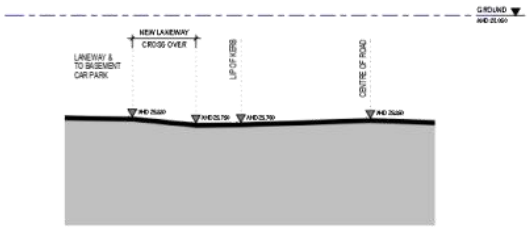
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SCALE 1 : 50



2 SD_B_ELEVATION_GORE ST ENTRANCE
SCALE 1 : 50



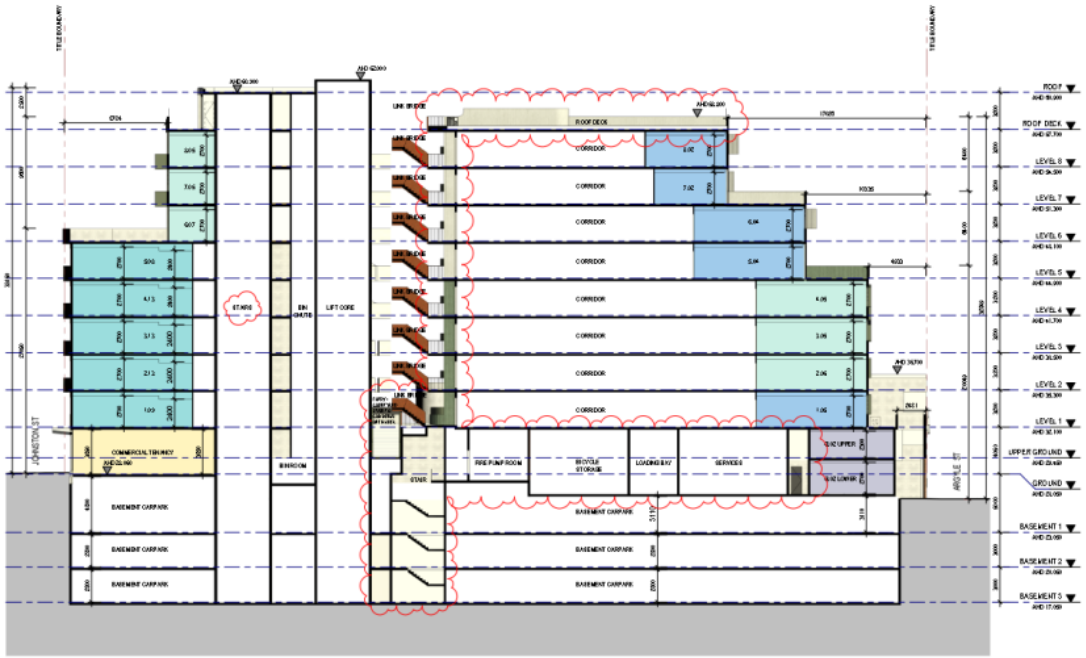
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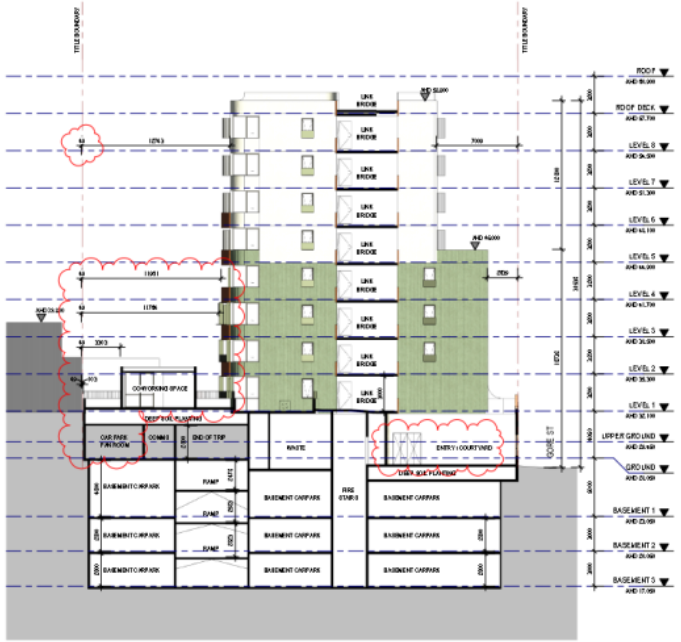
4 SD_A1_SECTION 07 - PROPOSED CROSS OVER
SCALE 1 : 50

Project: PACE 223-231 JOHNSTON STREET FITZROY
Job No.: 21503
Scale: 1 : 50 @A1
Drawing: SD05_08 ELEVATIONS & SECTION
Revision: 16
19.11.2021

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



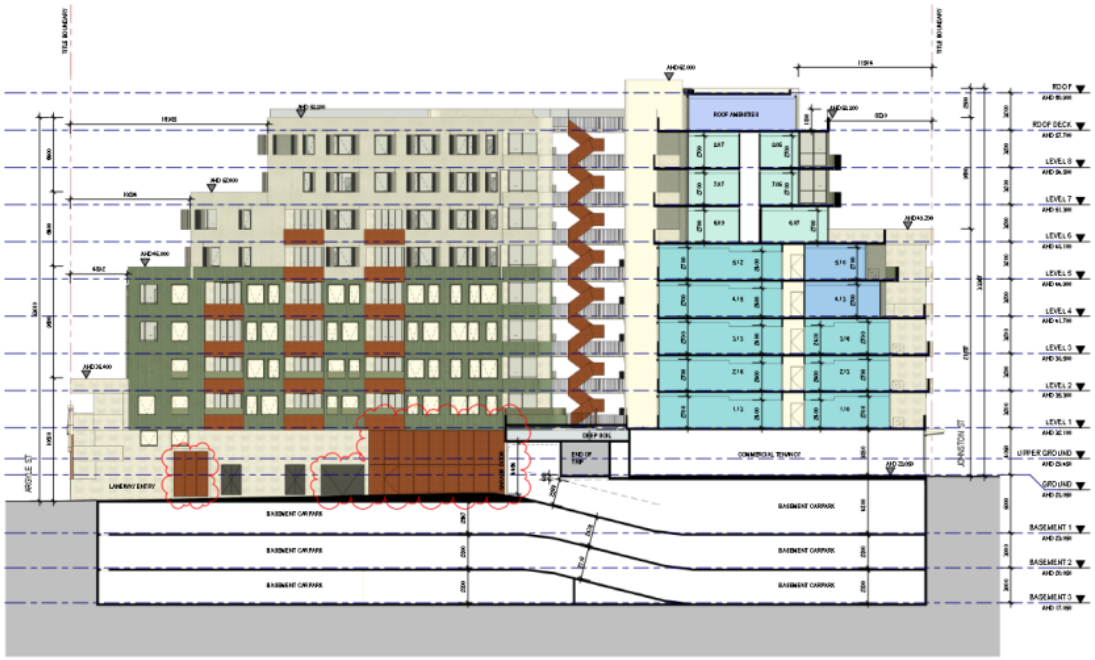
3 SD_A1_SECTION 03
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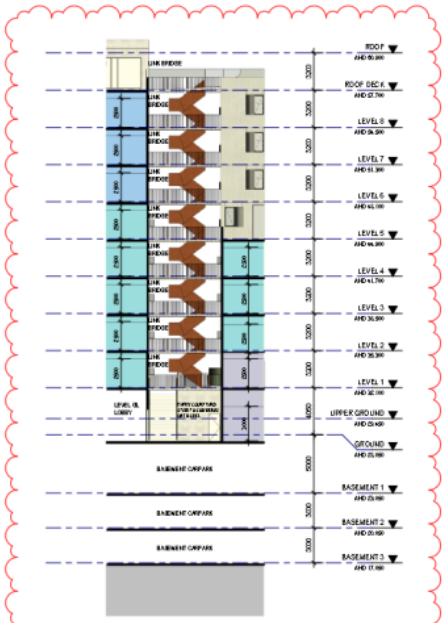
4 SD_A1_SECTION 04
SD02_01 SCALE 1 : 200

Project: PACE 223-231 JOHNSTON STREET FITZROY
Job No.: 21503
Scale: 1 : 200 @A1
LANDSCAPE DESIGN IS INDICATIVE ONLY. REFER TO LANDSCAPE ARCHITECT DRAWINGS FOR FURTHER DETAILS.
Drawing: SD06_02 SECTIONS 02
Revision: 16 19.11.2021
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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



5 SD_A1_SECTION 05
SD02_01 SCALE 1 : 200



6 SD_A1_SECTION 06
SD02_04 SCALE 1 : 200

Project	Job No.	Scale	Drawing	Revision	
PACE 223-231 JOHNSTON STREET FITZROY	21503	1 : 200 @A1	SD06_03 SECTIONS 03	16 19.11.2021	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T 61 3 9699 8888

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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans


BW01_FACADE PANEL WITH BRICK PATTERN_ GREEN

GL01_CLEAR GLAZING


CF01_CONCRETE_OFF WHITE WITH RIBBED TEXTURE


CF02_CONCRETE_GREY BOARDMARK


CF03_CONCRETE_OFF WHITE (ALSO FOR SOFFIT FINISHES)


CF04_FLUTED CONCRETE FORMLINER_WHITE OXIDE


CF05_FLUTED CONCRETE FORMLINER_GREEN OXIDE

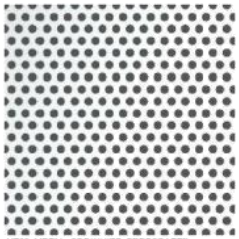

MT01_METAL_CHARCOAL POWDERCOAT


MT02_METAL_GREEN POWDERCOAT


MT03_METAL_RED POWDERCOAT


MT04_METAL_RED_PERFORATED POWDERCOAT ALUMINIUM


MT05_METAL_GREEN_PERFORATED POWDERCOAT ALUMINIUM (25% TRANSPARENCY)


MT06_METAL_OFF WHITE_PERFORATED POWDERCOAT ALUMINIUM

19-Nov-21 6:53:01 PM

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

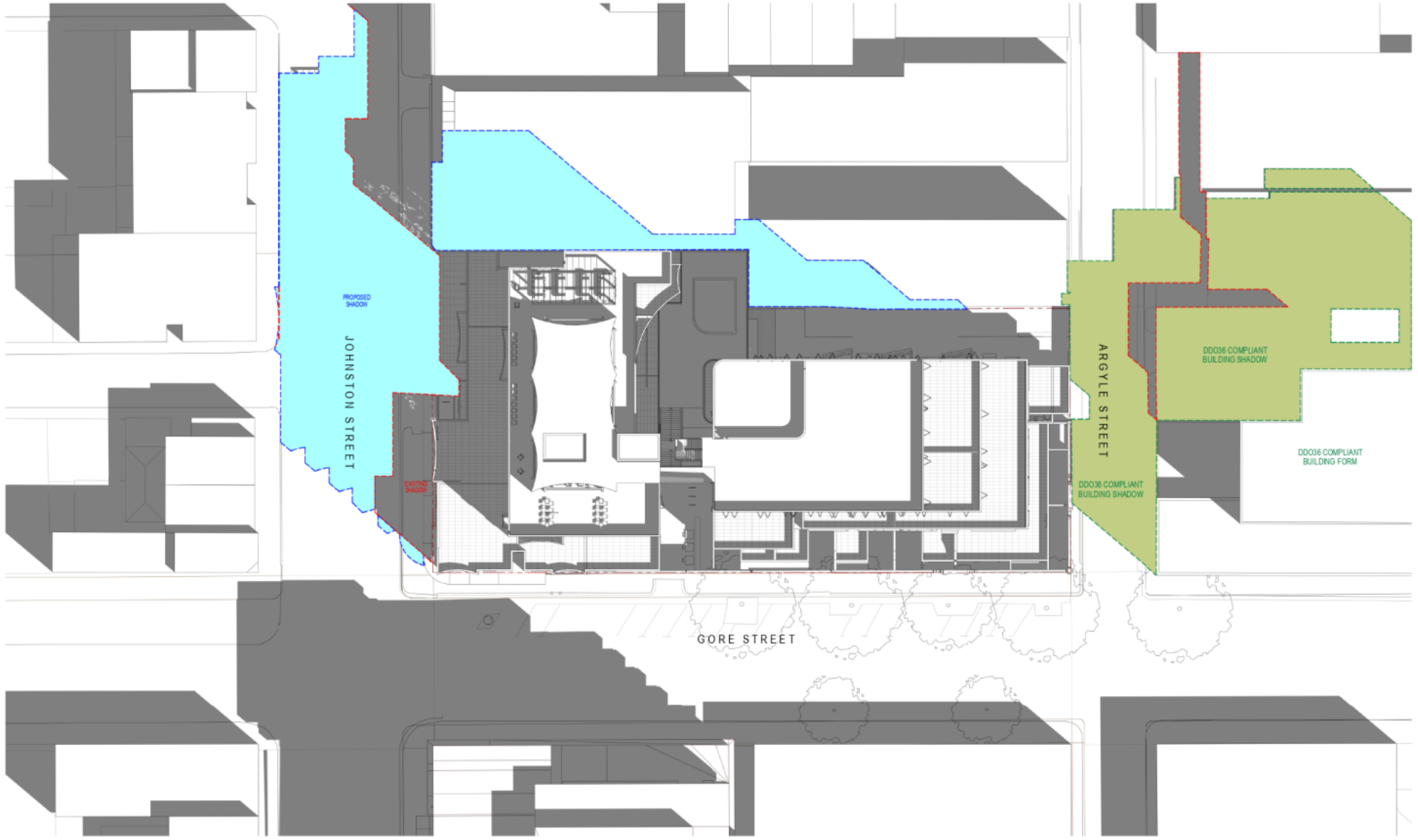
Scale
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Drawing
SD28_11
EXTERNAL FINISHES

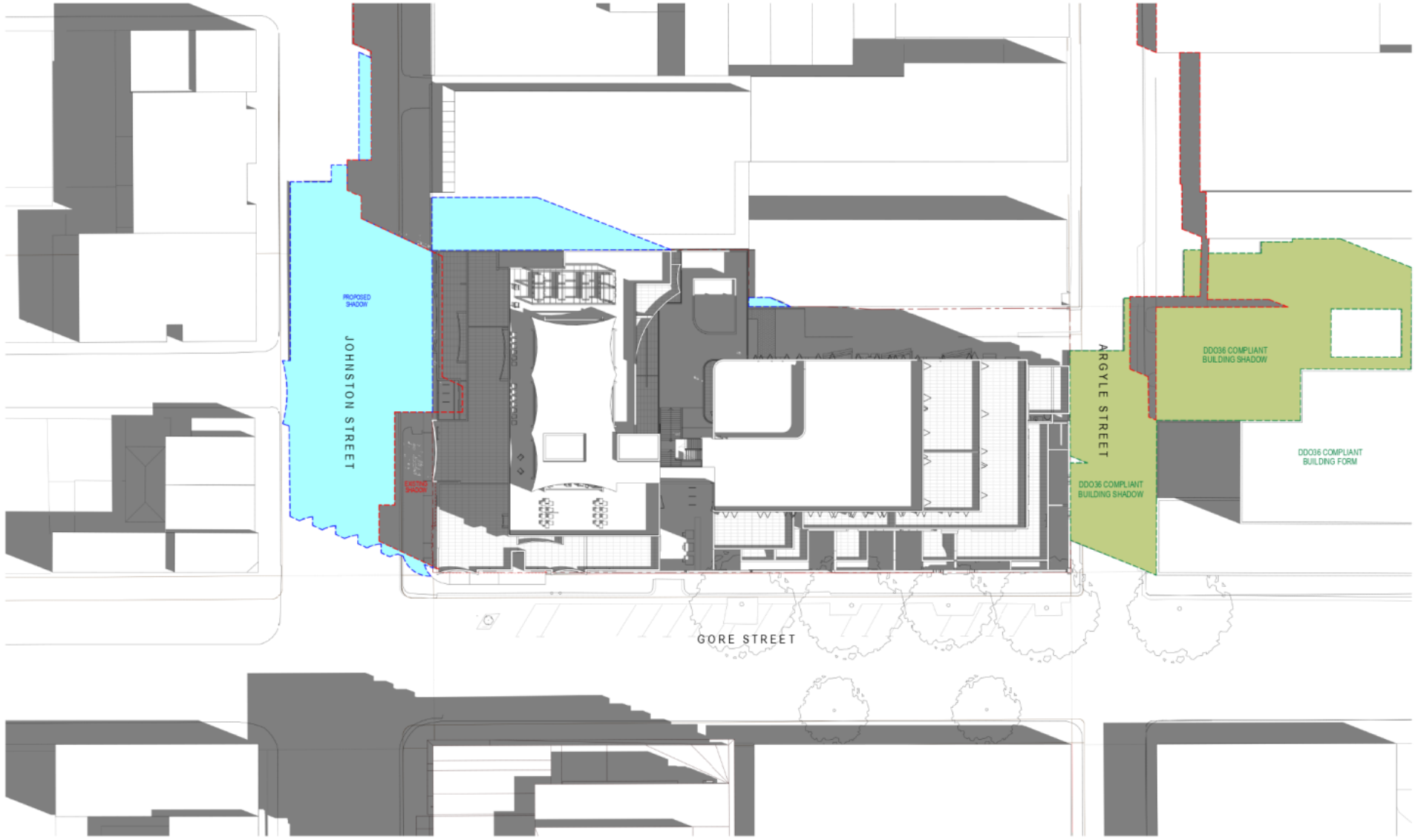
Revision
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19.11.2021

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Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



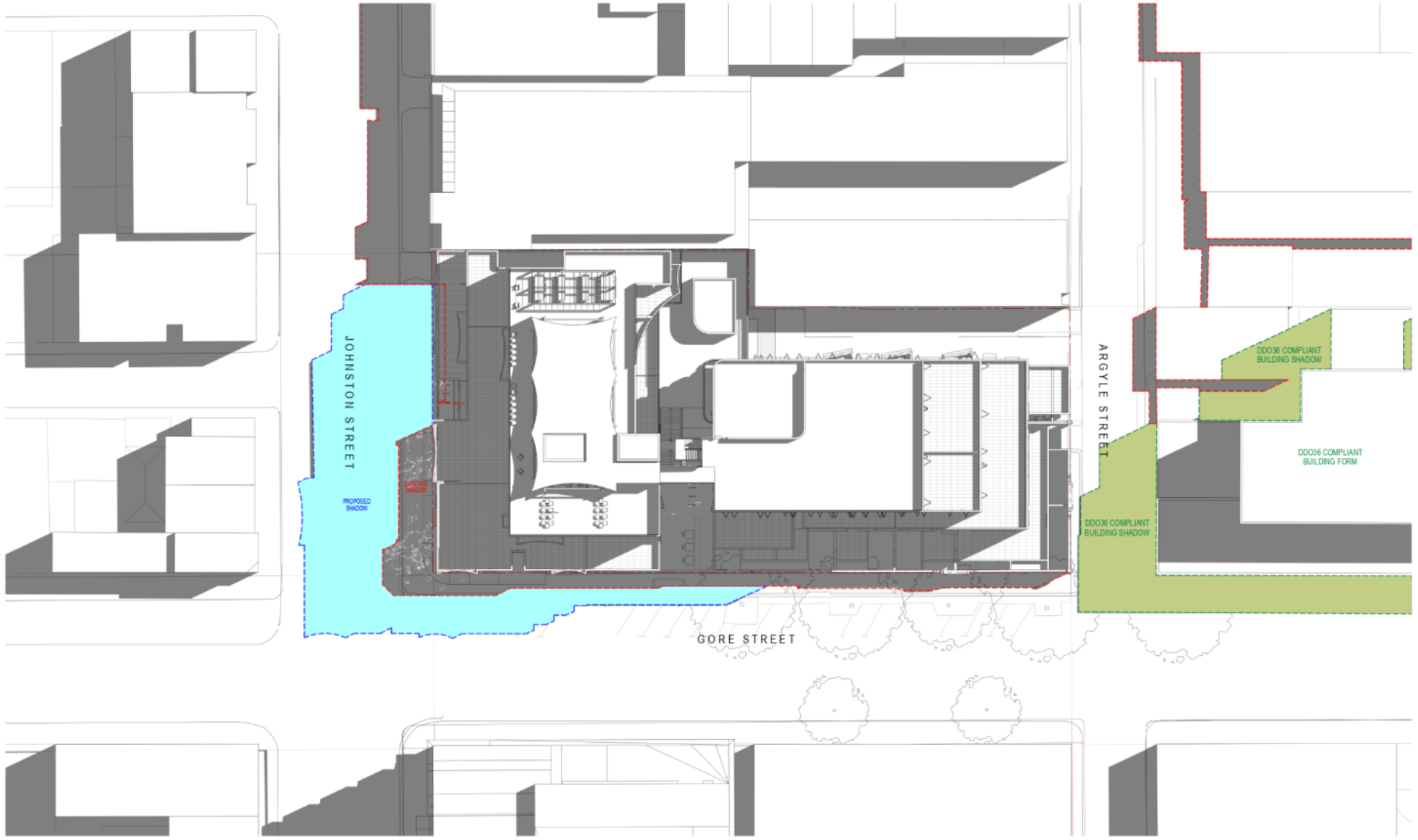
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



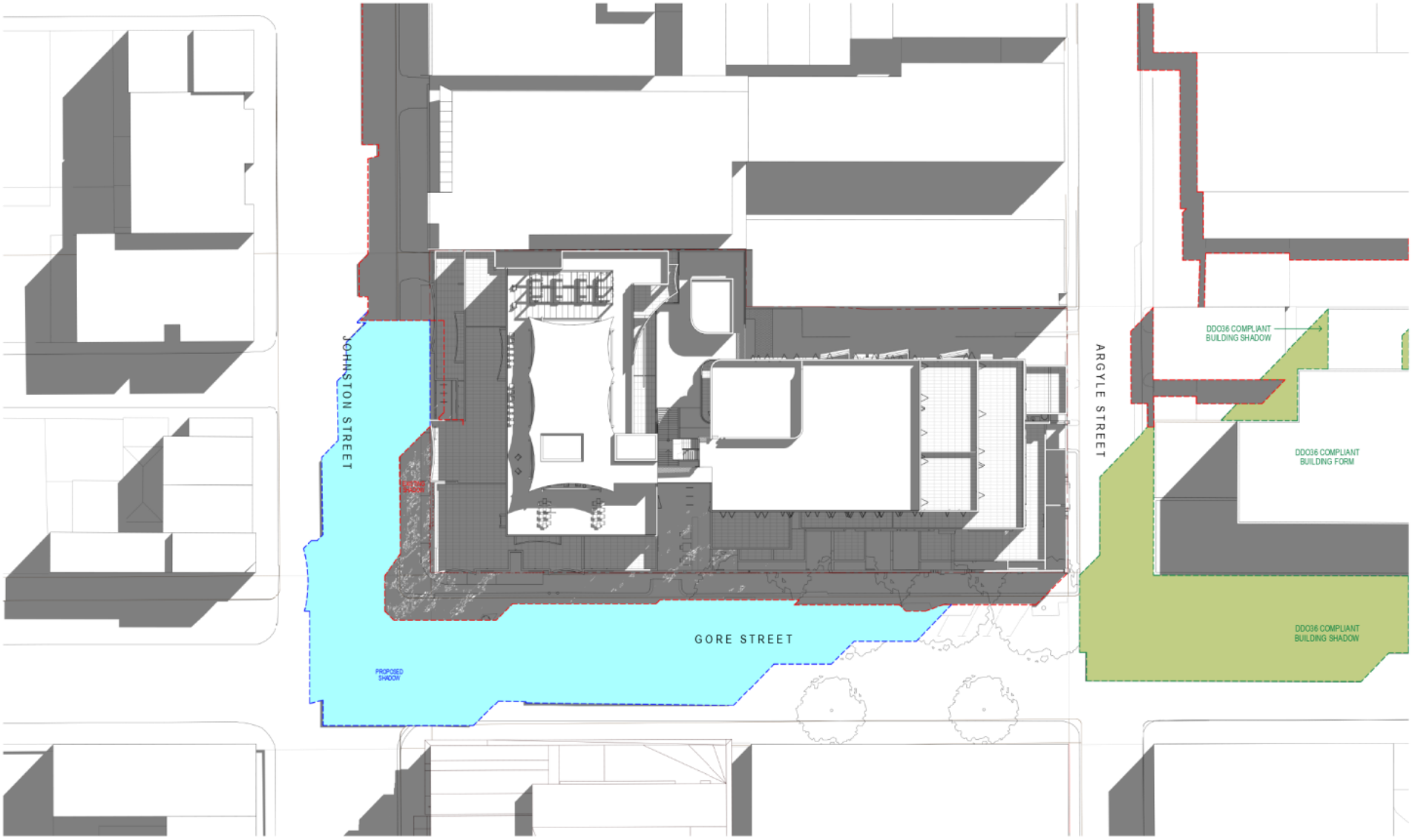
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



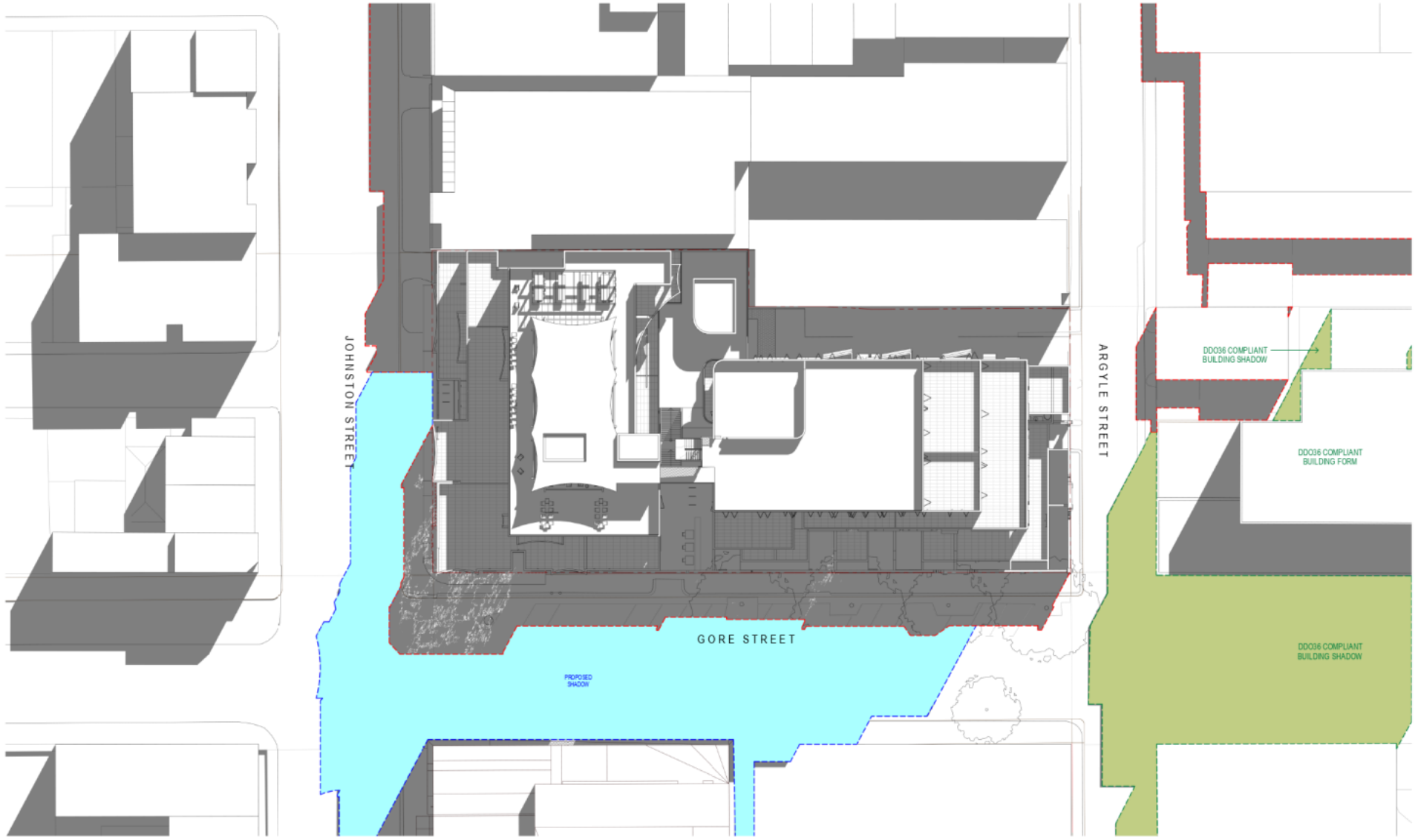
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



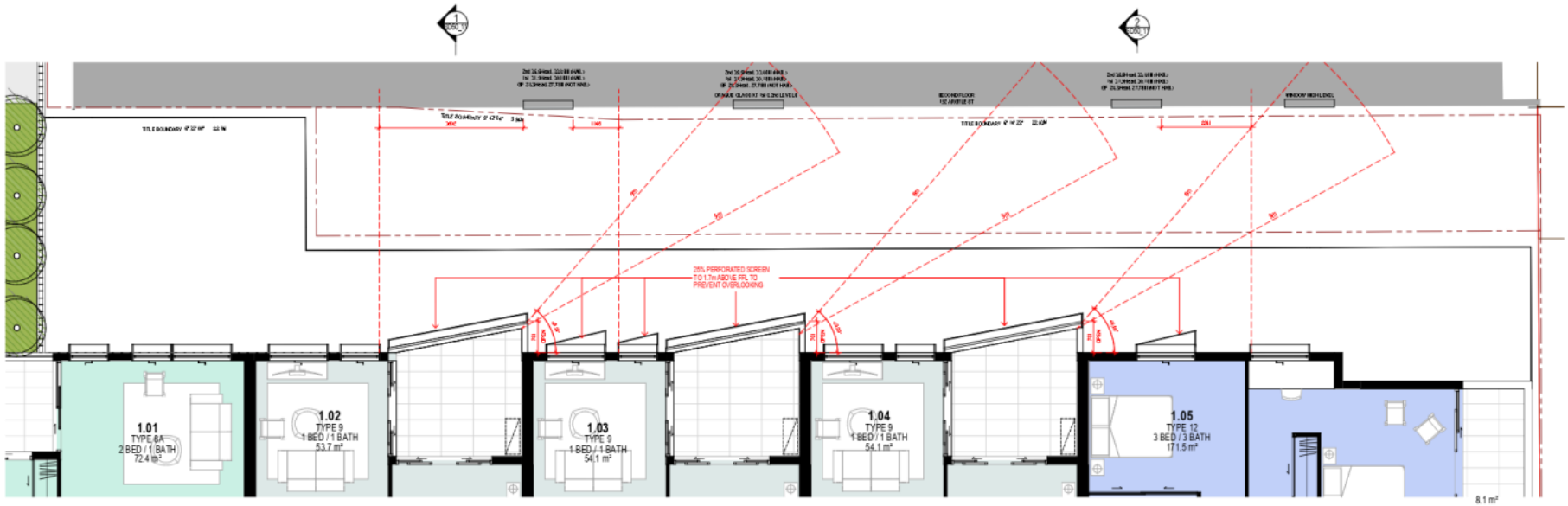
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



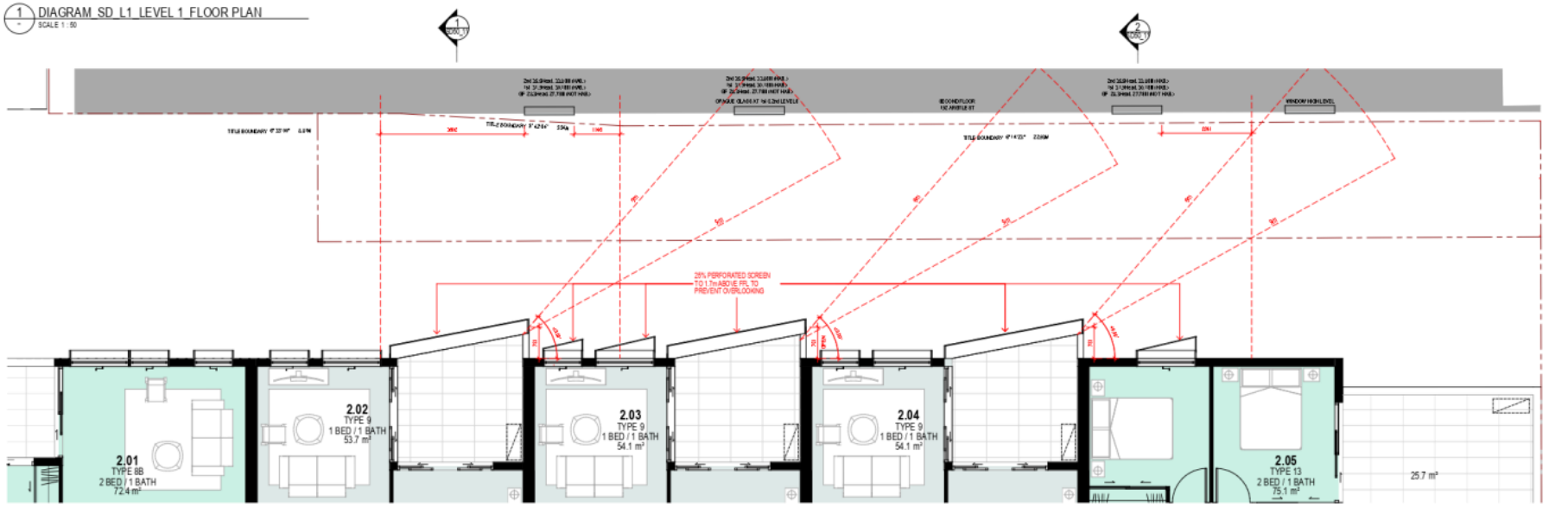
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



1 DIAGRAM_SD_L1_LEVEL 1_FLOOR PLAN
SCALE 1 : 50



2 DIAGRAM_SD_L2_LEVEL 2_FLOOR PLAN
SCALE 1 : 50

19-Nov-21 7:43:11 PM

Project
PACE
223-231 JOHNSTON STREET FITZROY

Job No.
21503

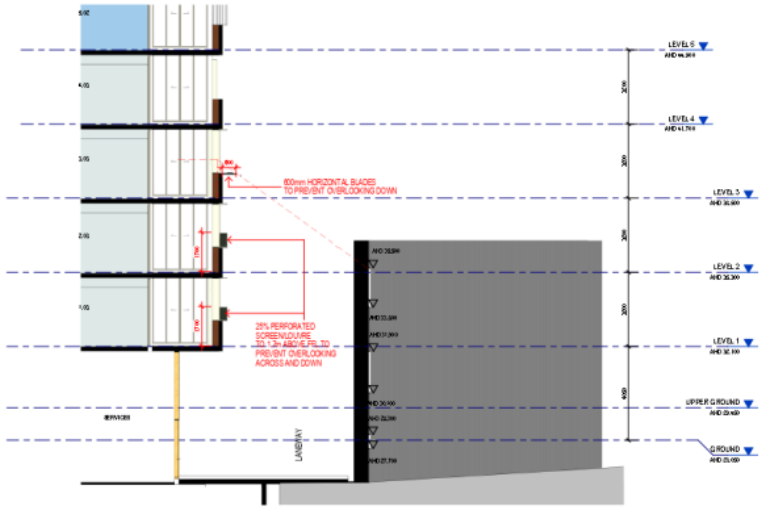
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Drawing
SD50_10
WEST APARTMENTS - OVERLOOKING DIAGRAMS

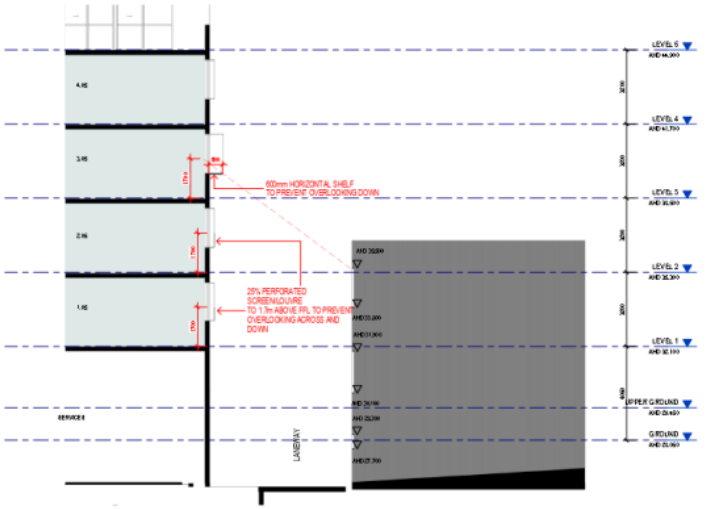
Revision
16
19.11.2021

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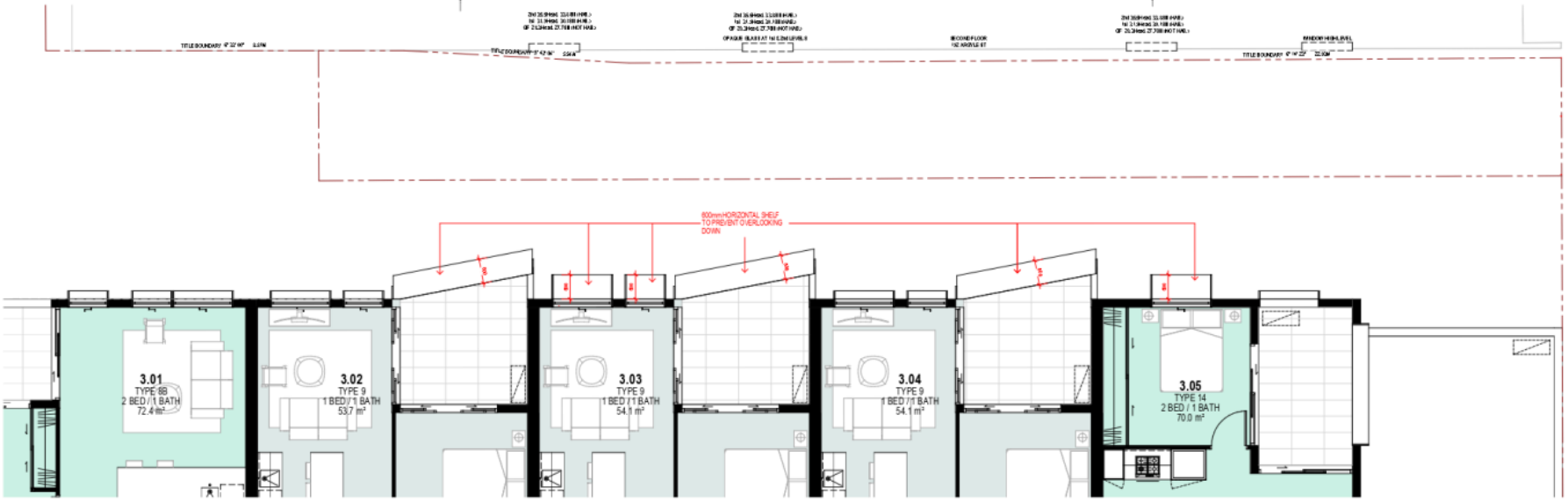
Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



1 SD_A1_SECTION 01_WEST OVERLOOKING
SCALE 1 : 100



2 SD_A1_SECTION 02_WEST OVERLOOKING



3 DIAGRAM_SD_L3_LEVEL 3_FLOOR PLAN
SCALE 1 : 50

19-Nov-21 7:43:37 PM

Project	Job No.	Scale	Drawing	Revision	
PACE 223-231 JOHNSTON STREET FITZROY	21503	As indicated @A1	SD50_11 WEST APARTMENTS - OVERLOOKING DIAGRAMS	16 19.11.2021	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T 61 3 9699 6688 sjb.com.au

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

4.2 Area Schedule

	Apt No.	Type	Type	GLAR m²	NSA m²	TERRACE m²	COMMON m²	OTHER m²	LANDSCAPE m²	CARPARKS No.	*GFA m²
							(Amenities, Circulation)	(Services, Bikes, Carpark)			
Basement 03							18 m²	2095 m²		48 No.	2,113 m²
Basement 02							18 m²	2069 m²		50 No.	2,087 m²
Basement 01							18 m²	2075 m²		48 No.	2,093 m²
Level G											
			COMMERCIAL	752.6 m²							
			END OF TRIP					14 m²			
			SERVICES					250.2 m²			
			BICYCLE STORAGE					81 m²			
			CORRIDOR				180.8 m²				
			ENTRY COURTYARD						105 m²		
			LOBBY				43.8 m²				
			MAILROOM				35 m²				
			STORES					40 m²			
	G.01	1	3 BED DUPLEX LOWER		59.2 m²	15.4 m²					
	G.02	2	3 BED DUPLEX LOWER		57.3 m²	15.4 m²					
	G.03	3	3 BED DUPLEX LOWER		79.1 m²	26.0 m²					
	G.04	4	3 BED DUPLEX LOWER		75.3 m²	13.7 m²					
	G.05	5	3 BED DUPLEX LOWER		74.2 m²	13.7 m²					
	G.06	6	3 BED DUPLEX LOWER		70.7 m²	16.2 m²					
	G.07	7	3 BED DUPLEX LOWER		71.9 m²	11.2 m²					
TOTAL				**748 m²**	**488 m²**	**112 m²**	**260 m²**	**385 m²**	**105 m²**	**0 No.**	**1,880 m²**
Level UG											
	G.01	1	3 BED DUPLEX UPPER		64.9 m²	8.65 m²					
	G.02	2	3 BED DUPLEX UPPER		75.6 m²	m²					
	G.03	3	3 BED DUPLEX UPPER		63.3 m²	m²					
TOTAL				**0 m²**	**204 m²**	**9 m²**	**0 m²**	**0 m²**	**0 m²**	**0 No.**	**204 m²**

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

Documentation

4.3 Area Schedule

	Apt No.	Type	Type	GLAR m²	NSA m²	TERRACE m²	COMMON m² (Amenities, Circulation)	OTHER m² (Services, Bikes, Carpark)	LANDSCAPE m²	CARPARKS No.	*GFA m²
Level 01											
			AMENITIES				32 m²				
			COMMUNAL SPACE						129 m²		
			SERVICES					28 m²			
			CORRIDOR				140 m²				
	1.01	8A	2 BED / 1 BATH		72.3 m²	17.2 m²					
	1.02	9	1 BED / 1 BATH		53.7 m²	9.5 m²					
	1.03	9	1 BED / 1 BATH		54.1 m²	9.5 m²					
	1.04	9	1 BED / 1 BATH		54.1 m²	9.5 m²					
	1.05	12	3 BED / 3 BATH		171.5 m²	73.7 m²					
	1.06	24	2 BED / 2 BATH		79.6 m²	10.4 m²					
	1.07	25A	2 BED / 2 BATH		76.2 m²	12 m²					
	1.08	26A	2 BED / 2 BATH		79.4 m²	9.6 m²					
	1.09	29A	2 BED / 2 BATH		84.7 m²	9.6 m²					
	1.10	30A	2 BED / 2 BATH		75.8 m²	10.6 m²					
	1.11	31A	2 BED / 1 BATH		69.2 m²	9.5 m²					
	1.12	36A	2 BED / 2 BATH		85.4 m²	15.8 m²					
	1.13	39A	2 BED / 2 BATH		77.4 m²	28.7 m²					
	1.14	40A	1 BED / 1 BATH		55.7 m²	30.4 m²					
	G.04	4	3 BED DUPLEX UPPER		63.0 m²	13.1 m²					
	G.05	5	3 BED DUPLEX UPPER		63.0 m²	12.8 m²					
	G.06	6	3 BED DUPLEX UPPER		61.6 m²	12.8 m²					
	G.07	7	3 BED DUPLEX UPPER		66.4 m²	12.8 m²					
TOTAL				**0 m²**	**1,343 m²**	**308 m²**	**172 m²**	**28 m²**	**129 m²**	**0 No.**	**1,543 m²**

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

Documentation

4.4 Area Schedule

	Apt No.	Type	Type	GLAR m²	NSA m²	TERRACE m²	COMMON m² (Amenities, Circulation)	OTHER m² (Services, Bikes, Carpark)	LANDSCAPE m²	CARPARKS No.	*GFA m²
Level 02											
			SERVICES					27 m²			
			CORRIDOR				145 m²				
	2.01	88	2 BED / 1 BATH		72.3 m²	9.6 m²					
	2.02	9	1 BED / 1 BATH		53.7 m²	9.5 m²					
	2.03	9	1 BED / 1 BATH		54.1 m²	9.5 m²					
	2.04	9	1 BED / 1 BATH		54.1 m²	9.5 m²					
	2.05	13	2 BED / 1 BATH		75.1 m²	25.7 m²					
	2.06	17	3 BED / 2 BATH		133.1 m²	18 m²					
	2.07	18	2 BED / 2 BATH		76.7 m²	12 m²					
	2.08	19	2 BED / 2 BATH		86.3 m²	10.6 m²					
	2.09	24	2 BED / 2 BATH		80.0 m²	9.5 m²					
	2.10	25B	2 BED / 2 BATH		76.0 m²	9.6 m²					
	2.11	26B	2 BED / 2 BATH		79.6 m²	10.2 m²					
	2.12	29B	2 BED / 2 BATH		84.7 m²	10.6 m²					
	2.13	30B	2 BED / 2 BATH		75.8 m²	11.3 m²					
	2.14	31B	2 BED / 2 BATH		67.3 m²	10.2 m²					
	2.15	36B	2 BED / 2 BATH		85.4 m²	11.8 m²					
	2.16	39B	2 BED / 2 BATH		77.3 m²	11.2 m²					
	2.17	40B	1 BED / 1 BATH		54.9 m²	12.5 m²					
TOTAL				**0 m²**	**1,286 m²**	**201 m²**	**145 m²**	**27 m²**	**0 m²**	**0 No.**	**1,458 m²**

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

Documentation

4.5 Area Schedule

	Apt No.	Type	Type	GLAR m²	NSA m²	TERRACE m²	COMMON m² (Amenities, Circulation)	OTHER m² (Services, Bikes, Carpark)	LANDSCAPE m²	CARPARKS No.	*GFA m²
Level 03											
			SERVICES					27 m²			
			CORRIDOR				145 m²				
	3.01	8B	2 BED / 1 BATH		72.3 m²	9.6 m²					
	3.02	9	1 BED / 1 BATH		53.7 m²	9.5 m²					
	3.03	9	1 BED / 1 BATH		54.1 m²	9.5 m²					
	3.04	9	1 BED / 1 BATH		54.1 m²	9.5 m²					
	3.05	14	2 BED / 1 BATH		70.0 m²	9.5 m²					
	3.06	41	3 BED / 2 BATH		127.9 m²	18 m²					
	3.07	18	2 BED / 2 BATH		76.7 m²	12 m²					
	3.08	19	2 BED / 2 BATH		86.3 m²	10.6 m²					
	3.09	24	2 BED / 2 BATH		80.0 m²	9.5 m²					
	3.10	25B	2 BED / 2 BATH		76.0 m²	9.6 m²					
	3.11	26B	2 BED / 2 BATH		79.6 m²	10.2 m²					
	3.12	29B	2 BED / 2 BATH		84.7 m²	10.6 m²					
	3.13	30B	2 BED / 2 BATH		75.8 m²	11.3 m²					
	3.14	31B	2 BED / 1 BATH		67.3 m²	10.2 m²					
	3.15	36B	2 BED / 2 BATH		85.4 m²	11.8 m²					
	3.16	39B	2 BED / 2 BATH		77.3 m²	11.2 m²					
	3.17	40B	1 BED / 1 BATH		54.9 m²	12.5 m²					
TOTAL				**0 m²**	**1,276 m²**	**185 m²**	**145 m²**	**27 m²**	**0 m²**	**0 No.**	**1,448 m²**

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

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4.6 Area Schedule

	Apt No.	Type	Type	GLAR m²	NSA m²	TERRACE m²	COMMON m² (Amenities, Circulation)	OTHER m² (Services, Bikes, Carpark)	LANDSCAPE m²	CARPARKS No.	*GFA m²
Level 04											
			SERVICES					27 m²			
			CORRIDOR				145 m²				
	4.01	8B	2 BED / 1 BATH		72.3 m²	9.6 m²					
	4.02	9	1 BED / 1 BATH		53.7 m²	9.5 m²					
	4.03	9	1 BED / 1 BATH		54.1 m²	9.5 m²					
	4.04	9	1 BED / 1 BATH		54.1 m²	9.5 m²					
	4.05	14	2 BED / 1 BATH		70.0 m²	9.5 m²					
	4.06	41	3 BED / 2 BATH		127.9 m²	18 m²					
	4.07	18	2 BED / 2 BATH		76.7 m²	12 m²					
	4.08	19	2 BED / 2 BATH		86.3 m²	10.6 m²					
	4.09	24	2 BED / 2 BATH		80.0 m²	9.5 m²					
	4.10	25B	2 BED / 2 BATH		76.0 m²	9.6 m²					
	4.11	26B	2 BED / 2 BATH		79.6 m²	10.2 m²					
	4.12	29C	2 BED / 2 BATH		82.0 m²	13.6 m²					
	4.13	32	3 BED / 2 BATH		108.6 m²	49.3 m²					
	4.14	36B	2 BED / 2 BATH		85.4 m²	11.8 m²					
	4.15	39B	2 BED / 2 BATH		77.3 m²	11.2 m²					
	4.16	40B	1 BED / 1 BATH		54.9 m²	12.5 m²					
TOTAL				**0 m²**	**1,239 m²**	**216 m²**	**145 m²**	**27 m²**	**0 m²**	**0 No.**	**1,411 m²**

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4.7 Area Schedule

	Apt No.	Type	Type	GLAR m²	NSA m²	TERRACE m²	COMMON m² (Amenities, Circulation)	OTHER m² (Services, Bikes, Carpark)	LANDSCAPE m²	CARPARKS No.	*GFA m²
Level 05											
			SERVICES					27 m²			
			CORRIDOR				133 m²				
	5.01	8B	2 BED / 1 BATH		72.3 m²	9.6 m²					
	5.02	9	1 BED / 1 BATH		53.7 m²	9.5 m²					
	5.03	9	1 BED / 1 BATH		54.1 m²	9.5 m²					
	5.04	15	3 BED / 2 BATH		158.4 m²	118.5 m²					
	5.05	20	3 BED / 2 BATH		142.7 m²	56.8 m²					
	5.06	24	2 BED / 2 BATH		80.0 m²	9.5 m²					
	5.07	25B	2 BED / 2 BATH		76.0 m²	9.6 m²					
	5.08	26B	2 BED / 2 BATH		79.6 m²	10.2 m²					
	5.09	29C	2 BED / 2 BATH		82.0 m²	10.6 m²					
	5.10	33	3 BED / 2 BATH		101.6 m²	15.1 m²					
	5.11	36B	2 BED / 2 BATH		85.4 m²	11.8 m²					
	5.12	39B	2 BED / 2 BATH		77.3 m²	11.2 m²					
	5.13	40B	1 BED / 1 BATH		54.9 m²	12.5 m²					
TOTAL				**0 m²**	**1,118 m²**	**294 m²**	**133 m²**	**27 m²**	**0 m²**	**0 No.**	**1,278 m²**
Level 06											
			SERVICES					27 m²			
			CORRIDOR				114 m²				
			COMMON TERRACE						159 m²		
	6.01	8B	2 BED / 1 BATH		72.3 m²	9.6 m²					
	6.02	9	1 BED / 1 BATH		53.7 m²	9.5 m²					
	6.03	9	1 BED / 1 BATH		54.1 m²	9.5 m²					
	6.04	16	3 BED / 2 BATH		140.1 m²	17.1 m²					
	6.05	21	3 BED / 2 BATH		125.0 m²	15.9 m²					
	6.06	27	3 BED / 2 BATH		123.0 m²	143.2 m²					
	6.07	34	2 BED / 1 BATH		85.7 m²	111 m²					
	6.08	37	3 BED / 2 BATH		127.6 m²	52.6 m²					
	6.09	42	2 BED / 1 BATH		75.2	16.1 m²					
TOTAL				**0 m²**	**857 m²**	**385 m²**	**114 m²**	**27 m²**	**159 m²**	**0 No.**	**998 m²**

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4.8 Area Schedule

	Apt No.	Type	Type	GLAR m²	NSA m²	TERRACE m²	COMMON m² (Amenities, Circulation)	OTHER m² (Services, Bikes, Carpark)	LANDSCAPE m²	CARPARKS No.	*GFA m²
Level 07											
			SERVICES					27 m²			
			CORRIDOR				105 m²				
			TERRACE								
	7.01	88	2 BED / 1 BATH		72.3 m²	9.6 m²					
	7.02	10	3 BED / 2 BATH		145.0 m²	88.6 m²					
	7.03	22	3 BED / 2 BATH		164.3 m²	43.4 m²					
	7.04	28	3 BED / 2 BATH		106.2 m²	20.4 m²					
	7.05	35	2 BED / 1 BATH		74.2 m²	13.9 m²					
	7.06	38	3 BED / 2 BATH		127.8 m²	15.1 m²					
	7.07	42	2 BED / 1 BATH		75.2	16.1 m²					
TOTAL				**0 m²**	**765 m²**	**187 m²**	**105 m²**	**27 m²**	**0 m²**	**0 No.**	**897 m²**
Level 08											
			SERVICES					27 m²			
			CORRIDOR				105 m²				
			TERRACE								
	8.01	88	2 BED / 1 BATH		72.3 m²	9.6 m²					
	8.02	11	3 BED / 2 BATH		131.7 m²	13.6 m²					
	8.03	23	3 BED / 2 BATH		142.4 m²	21.9 m²					
	8.04	28	3 BED / 2 BATH		106.2 m²	20.4 m²					
	8.05	35	2 BED / 1 BATH		74.2 m²	13.9 m²					
	8.06	38	3 BED / 2 BATH		127.8 m²	15.1 m²					
	8.07	42	2 BED / 1 BATH		75.2	16.1 m²					
TOTAL				**0 m²**	**730 m²**	**111 m²**	**105 m²**	**27 m²**	**0 m²**	**0 No.**	**862 m²**

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans

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4.9 Area Schedule

	Apt No.	Type	Type	GLAR m²	NSA m²	TERRACE m²	COMMON m²	OTHER m²	LANDSCAPE m²	CARPARKS No.	*GFA m²
							(Amenities, Circulation)	(Services, Bikes, Carpark)			
Level RD											
			SERVICES					11 m²			m²
			CORRIDOR				14 m²				m²
			ROOF TERRACE						602 m²		m²
			AMENITIES				159.5 m²				m²
TOTAL				0 m²	0 m²	0 m²	174 m²	11 m²	602 m²	0 No.	185 m²
	20%	20%	1 BED / 1 BATH	21 No.							
	55%	18%	2 BED / 1 BATH	19 No.							
		37%	2 BED / 2 BATH	40 No.							
		0%	2 BED DUPLEX	0 No.							
	25%	18%	3 BED / 2 BATH	19 No.							
		1%	3 BED / 3 BATH	1 No.							
		7%	3 BED DUPLEX	7 No.							
				Apt	GLAR m²	NSA m²	TERRACE m²	COMMON m²	OTHER m²		CARPARKS No.	*GFA m²
	TOTAL	100%		107	748 m²	9,306 m²	2,007 m²	1,496 m²	614 m²	995 m²	146 No.	18,456 m²

Attachment 3 - PLN21/0670 - 223-229 Johnston St and 369 Gore St - PDC Plans



6.2 PLN21/0325 - 2 - 8 Brighton Street, 1 - 3 Wiltshire Street & 5 Little Lesney Street, Richmond - Construction of a multi-storey, mixed use building, use of the land for office and food and drink premises (permit required) and dwellings (no permit required) and a reduction of the car parking requirements

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN21/0325 which relates to land at No. 2-8 Brighton Street, 1-3 Wiltshire Street & 5 Little Lesney Street, Richmond. The report recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 15 – Built Environment;
   (b) Clause 21.05 & 22.10 – Built Form;
   (c) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design);
   (d) Clause 22.17 – Environmentally Sustainable Development
   (e) Clause 32.04 – Mixed Use Zone;
   (f) Clause 43.02 – Design and Development Overlay (Schedule 5 and 26);
   (g) Clause 52.06 – Car Parking;
   (h) Clause 52.34 – Bicycle Facilities.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Policy and strategic support;
   (b) Use of the land for office and food and drink premises;
   (c) Built form and design;
   (d) Off-site amenity impacts;
   (e) On-site amenity, including Clause 58 and ESD;
   (f) Car parking, traffic, access, bicycle parking and waste management;
   (g) Development contributions;
   (h) Environmental Audit Overlay; and
   (i) Objector concerns.

Submissions Received

4. 12 objections were received to the application, these can be summarised as:
   (a) Inappropriate built form and design (excessive building height and bulk, non-compliance with DDO requirements, significantly higher than previous approval, loss of heritage fabric, impact on surrounding built form / heritage character, insufficient upper level setbacks, architectural design, scale and massing, precedent and overdevelopment);
   (b) Lack of context information for the residential area south of the railway line;

(c) Off-site amenity impacts (wind impacts, loss of sunlight/daylight, visual bulk, private and public realm overshadowing, loss of privacy, odour from waste);

(d) Noise impacts from operable windows of dwellings;

(e) Acoustic assessment has not considered impacts from the Harlow Bar (licensed live music venue) at 447 Church Street, Richmond;

(f) Increased traffic, parking and vehicle safety impacts;

(g) Insufficient on-site car parking;

(h) Request for a resident and patron management plan that discourages residents and patrons of the two cafes from parking in nearby private commercial property;

(i) Construction impacts (including construction traffic along Brighton Street); and

(j) Negative impact on property values.

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 deletion of Level 4 and a reduction of the overall building height by 3.2m.

(b) Façade Strategy and Materials and Finishes Plan.

(c) Carbon neutral operations for a minimum commitment period of 10 years.

(d) Various public realm improvements required in a public realm plan, including the creation of a pedestrian priority treatment along Little Lesney Street and four (4) new street trees along the Brighton and Wiltshire Street frontages.

(e) Hours of operation for the food and drink premises limited to 6am – 10pm, Monday to Sunday.

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

6.2 PLN21/0325 - 2 - 8 Brighton Street, 1 - 3 Wiltshire Street & 5 Little Lesney Street, Richmond - Construction of a multi-storey, mixed use building, use of the land for office and food and drink premises (permit required) and dwellings (no permit required) and a reduction of the car parking requirements

Reference	D22/125809
Author	Daniel Herrmann - Co-Ordinator Statutory Planning
Authoriser	Manager Statutory Planning

Ward:	Melba Ward
Proposal:	Construction of a multi-storey, mixed use building, use of the land for office and food and drink premises (permit required) and dwellings (no permit required)
Existing use:	A mix of 1-3 storey commercial and residential buildings with associated car parking areas
Applicant:	Fortis Group C/- Tract Consultants Pty Ltd
Zoning / Overlays:	Mixed Use Zone Design and Development Overlay (Schedule 5 and 26) Development Contributions Plan Overlay (Schedule 1) Environment Audit Overlay
Date of Application:	18 May 2021 (original lodgement) 5 April 2022 (Section 57a Amendment)
Application Number:	PLN21/0325

Planning Decisions Committee Determination

1. This application is being presented to the PDC as the application seeks to exceed the DDO height by greater than one storey.

Planning History (as relevant)

PLN18/0658

2. Planning application PLN18/0658 was granted a planning permit on 1 August 2019, which was subsequently amended by VCAT on 24 April 2020. The permit allows:
    - Construction of a building or construction of carrying out of works under clauses 32.4-6, 32.04-9 and 43.02-2;
    - Use of the land for 'food and drink premises (café)' as the floor area exceeds 150m2 under Clause 32.04-1;
    - Reduction in the number of car parking spaces under clause 52.06-3.
3. The approved building comprises up to 10 storeys and approximately 34.3m maximum building height above ground level. This permit will expire on 1 August 2022 (unless extended).



Image: North elevation (Wiltshire Street) and east elevation (Brighton Street). Source: *PLN18/0658 Applicant submission*

PLN19/0871

4. Planning application PLN18/0871 was granted a planning permit on 20 April 2020, which allows for buildings and works associated with the use of the land as a land sales office.

Planning Scheme Amendments

Amendment C269 – Rewrite of local policies

5. 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.

6. 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.

7. 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.

8. The new clauses are largely reflected in current planning policy, which is generally not contradictory to the proposed re-write of Clauses 21 and 22. However, as this amendment is now a 'seriously entertained' planning proposal, a summary and brief assessment of the relevant policies to the proposal is provided in the table below. This assessment confirms that the proposal is consistent with the new policies, with the exception of the affordable housing policy.

Proposed C269 Local Policy reference	Brief Assessment
Clause 02.04 – Strategic Framework Plan	The Site is formally identified as being located within the Swan Street Major Activity Centre (MAC), consistent with DDO26.
Clause 11.03-1L – Activity Centres	The proposal will contribute positively to the Retail Centre Precinct of the Swan Street MAC.

Clause 13.07-1L – Interfaces and Amenity	The policy aspirations of this clause is addressed under the off-site amenity and on-site amenity assessments below.
Clause 15.01-1L – Urban Design	Built form and design is discussed extensively in the officer assessment below and concludes that the proposal exhibits high quality architectural and urban design.
Clause 15.01-2L – Building Design	Built form and design is discussed extensively in the officer assessment below and concludes that the proposal exhibits high quality architectural and urban design. The proposal will also satisfy the policy that seeks Low and Zero Carbon Development.
Clause 15.02-1L – Environmentally Sustainable Development	The proposal achieves ESD Excellence, which includes carbon neutral operations for a minimum commitment period of 10 years. This is exceptional ESD leadership proposed by the Applicant, which will be implemented by permit condition.
Clause 16.01-2L – Housing affordability	The proposal does not provide affordable housing.
Clause 17.01-1L – Employment	The proposal features a genuine mix of land uses, including over 2000sqm of office floor space and over 300sqm of ground floor retail space. These offerings will provide a positive contribution to employment opportunities within the Swan Street MAC.
Clause 18.02-1L – Sustainable Transport	The provision of extensive bicycle facilities and reduction of car parking proposed will ensure this policy is met.
Clause 18.02-4L – Car Parking	The proposal seeks a reduction of the car parking requirements to reduce reliance on private vehicle usage. A car parking management plan has been included with the proposal.
Clause 19.03-2L – Development Contributions	This is addressed via permit conditions.
Clause 19.03-3L – WSUD	The proposal is consistent with this policy, as outlined in the submitted Sustainable Management Plan. Implementation is required by permit condition.
Clause 19.03-5L – Waste	Waste management is discussed in the assessment section below and addressed via a Waste Management Plan that will be implemented by permit condition.

Amendment C191 – Swan Street Major Activity Centre

9. This amendment was gazetted on 10 February 2022. The amendment introduced permanent built form controls associated with the Swan Street Major Activity Centre (MAC). These permanent controls will be referred to throughout this report and replace the interim planning controls previously set out in DDO17 that applied to the Site at the original time of lodgement.

Amendment VC174 – Updated Better Apartment Design Standards

10. 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. As the application was lodged prior to this amendment, the Clause 58 requirements that applied at the time of lodgement apply to the proposal under transitional provisions.

Background

11. The following matters are relevant background information:

Original Application

12. The original application was lodged on 18 May 2022 for the construction of a multi-storey, mixed use building (13 storeys), office and food and drink premises uses (permit required) and dwellings (no permit required) and a reduction of the statutory car parking requirements.

13. As part of the application process, Council's external urban design consultant, Urban Design Unit and Strategic Transport Planning Unit and planning officers, raised various concerns relating to building height, massing, architectural design and internal amenity.

Lodgement of S57A plans

14. In response to concerns raised by Council, the application was amended pursuant to Section 57A of the *Planning and Environment Act 1987* on 5 April 2022. Key changes included:

    (a) Conversion of Level 12 to common area with associated communal terrace with increased setbacks to Level 12 external walls.

    (b) Removal of common area at Level 9 and integrate with apartment 9.02.

    (c) Increase notch width to the northern façade and removal of adjacent planter box (Levels 4 – 8).

    (d) Introduce notch to southern elevation (levels 6-11).

    (e) Stair and minor car parking changes in the basement levels.

    (f) Internal rearrangements, including reconfiguration of bike store, services and food and drink premises at ground level.

    (g) Change in apartment mix, including a reduction of 1 apartment (70 to 69).

15. In addition to the above changes to the application plans, the amendment also included revised landscape concept plans and additional wind assessments.

16. The Section 57a amendment documents were re-notified to the surrounding owners and occupiers that were notified of the original application and all original objectors. One (1) additional submission was received (original objector) in relation to the amended proposal.

17. The assessment of the application is based on the section 57A amended plans. A comparison of the original versus S57a advertised plans viewed along Brighton Street is provided in the images below.



Image: S57a Advertised NE corner render (left) and original advertised NE corner render (right).

The Proposal

18. The application involves the construction of a 13 storey mixed use building, use of the land for dwellings (no permit required), office and food and drink premises (permit required) and a reduction in the statutory car parking requirements. Key elements of the proposal include:

Demolition (no permit required)

19. All existing buildings and works on the site will be demolished as part of the proposal. A permit is not required for demolition works on the Site pursuant to Clause 62.05 (Demolition).

Uses and Layout

20. A summary of uses and layout include:

    (a) Two ground floor food and drink premises are orientated/accessed principally to Brighton Street with internal areas of 138m^2 and 229m^2 respectively. The proposed hours of operation are 6am to 10pm.

    (b) A residential entry to lobby is provided centrally along the frontage to Brighton Street. The lobby provides access to a centrally located common lift and stairwell core, bicycle facilities and services.

    (c) Separate residential (76 spaces) and commercial (26 spaces) bicycle facilities are proposed at the northern side of the ground floor with at-grade access from Wiltshire Street. A commercial lobby centrally separates these two facilities. End of trip facilities are incorporated in the commercial bicycle facilities.

    (d) Level 1 and 2 are to accommodate open plan office tenancies, accessed via central lift and stairwell core. Male, female and DDA amenities are also located centrally. Fenestration provided to northern, eastern and southern walls.

    (e) A total of 69 apartments configured throughout Levels 3-11. The proposed apartment mix is as follows:

        (i) 12 x 1 bedroom apartments.

        (ii) 47 x 2 bedroom apartments.

        (iii) 10 x three bedroom apartments.

    (f) Communal roof top space (Level 12) provided on ‘roof deck floor’ comprising approximately 170m2 of outdoor open space and 87m2 of internal floor area.

(g) 113 car spaces within four basement levels, including one accessible car space. Commercial and residential bin storage is provided on Basement Level 01.

Construction

21. The proposal involves the following buildings and works:

(a) Four basement levels, accessed from Wiltshire Street. 46 Resident externally accessible storage provided throughout basement levels.

(b) Three (3) storey street walls to Wiltshire and Brighton Streets and up to 11 storey street wall elements to Little Lesney Street.

(c) Six (6) storey boundary walls to the western boundary, broken by a central light court measuring 6.95m in width by 3.08m in depth.

(d) Upper level setbacks (above street/boundary walls) as follows:

(i) 2.6m – 14.6m from Wiltshire Street.

(ii) 2.6m – 11.7m from Brighton Street.

(iii) -0.25m (columns) – 7.5m from Little Lesney Street.

(iv) 2.78m – 6.5m from the western boundary.

(e) Roof top to accommodate the following:
(i) Stair pressurisation roof plant
(ii) Commercial plant zone
(iii) Residential condenser units for Levels 3-11
(iv) Domestic hot water plant

(f) Stairs, lifts and bin chute access is proposed within a centrally located core to all levels.

(g) The proposed building has an overall height of 44.5m to the top parapet (roof deck level) when measured above ground level (south west corner).

Design

22. The proposed building incorporates a 3 storey street wall to Wiltshire, Brighton and Little Lesney Streets defined by green brickwork that is punctuated by arched and rectilinear windows. At ground level the built form is setback (a minimum of 2.7m) from the Wiltshire and Brighton Street frontages to improve public realm amenity with a landscaping planter bed proposed adjacent the north east corner interface. A central ‘notch’ element is provided along the northern street wall to Wiltshire Street, which is intended to accommodate a canopy tree. Activation at ground level is provided by the two food and drink premises orientated principally to Brighton Street with partial returns along Wiltshire Street and Little Lesney Streets.



Image: Render showing the propsoed Wilthshire Street street wall composition viewed from the northern side of Wiltshire Street. Source: *PLN21/0325 S57a advertised plans.*



Image: Render of the proposed ground plane along Wiltshire Street, looking west. Source: S57a advertised architectural plans.

23. The upper levels above the street walls are recessive to Wiltshire and Brighton Streets, with setbacks ranging from 2.8m to 14m. The upper level setbacks are most recessive at the north east corner at Levels 9-11. Level 3-10 are built to the southern boundary with 0.25m architectural projection beyond the title boundary, which provides a robust interface to the adjoining railway line corridor. Consistent 2.7m - 3m setbacks are provided at Levels 3-11 from the western side boundary.

24. Upper levels have a simple and consistent architectural language using ‘rounded’ columns and slab edges made from textured concrete, which is contrasted by finely detailed metal work balustrades featuring a green powdercoat finish.



Image: Render of the upper level (tower) design from S57a advertised architectural plans.

25. The roof deck floor level features an internal common area with a primarily northern aspect, together with plant area positioned south of the central core area. The internal common area is setback at least 12 metres from the northern boundary so as to be generally inconspicuous when viewed from public realm areas north of the Site (eg. Swan Street).
26. A combination of clear and spandrel glazing is proposed to external windows/doors.
27. The landscape plans show planter boxes on the terrace areas shown at Levels 1, 3, 4, 5, 6, 9, 11 and roof deck (Level 12), which include Weeping Lilly Pilly and Kanooka Gum canopy trees.

Existing Conditions

Subject Site

28. The subject site is located along the western side of Brighton Street, Richmond, the southern side of Wiltshire Street and the northern side of Little Lesney Street.
29. The Site comprises the following allotments:
    (a) Lot 1 on Title Plan 702265L (1 Wiltshire Street);
    (b) Lot 1 on Title Plan 747085K (6-8 Brigton Street);
    (c) Lot 1 on Title Plan 432614Q (2-4 Brighton Street);
    (d) Lot 1 on Plan of Subdivision 333021K (3 Wiltshire Street);
    (e) Lot 2 on Plan of Subdivision 333021K (5 Little Lesney Street);

30. The Certificate of Titles identify that the Site is not affected by any restrictive covenants or Section 173 Agreements. However, Lots 1 and 2 on Plan Subdivision 333021K and Lot 1 on Title Plan 702265L are subject to 0.14m wide party wall easements referred to as Easements E-1, E-2 and A-1. The proposal does not seek to remove these easements. These easement are internal to the Site and will be redundant as a result of the proposal.

31. The cumulative site is 41.19m along the northern boundary, 31.27m to Brighton Street, 41.02m to Little Lesney Street and 31.9m along the western boundary. It has a total area of approximately 1,285sqm.



Image: Extract of survey plan of the Site (blue dashed outline) with existing easements shown in purple. Source: Advertised documents.

32. There is a steady slope in the land running from north east to south west. A maximum difference in level is approximately 1.8 metres measured between the northeast and southwest corners of the Site.

33. The site is occupied by a mixture of 1-2 storey buildings and associated car parking areas. Nos. 2-8 Brighton Street and No. 1 Wilshire Street are used for commercial purposes whilst No. 3 Wilshire Street and No. 5 Little Lesney Street are dwellings. No. 2-4 Brighton Street appears to have constructed as two dwellings originally but has been most recently used for commercial purposes. Refer to aerial image of the Site below.

34. Multiple vehicle crossovers exist along the Little Lesney and Wilshire Street frontages.

35. The site features limited vegetation within shallow front setbacks. No street trees adjoin the Site.

36. Photos and aerial image of the Site are provided below.



Photos: The northeast corner of the Site viewed from the eastern side of Brighton Street (left) and the view down Little Lesney Street from the intersection with Brighton Street looking west (right).



Image: Aerial photo of the Site and immediate surrounds. Source: Nearmap, April 2022.

Surrounding Land

37. The surrounding land is defined by commercial offerings within the Swan Street Major Activity Centre [Swan Street MAC], which is a significant business and retailing strip within the City of Yarra. The activity centre runs from Punt Road in the west to the rail overpass in the east and provides a range of business types, including offices, shops, restaurants and bars, interspersed with a number of dwellings. Church Street is also proximate to the subject site and functions as an important retail and office strip within the municipality.

38. Public transport is readily available to the site with immediate access to the tram services on both Swan and Church Streets as well as East Richmond Railway Station (180m west).

39. As shown in the zoning map below, the subject site and lots to the west are within the Mixed Use Zone [MUZ], whilst the properties to the immediate north are within the Commercial 1 Zone [C1Z], as is the majority of land along this section of Swan Street and land on the eastern side of Brighton Street.

40. The railway line to the south is zoned Public Use Zone 4. The closest residential zone (other than the MUZ) is further south at Lesney Street (located 40m to the south of the subject site), which is zoned General Residential and Neighbourhood Residential.

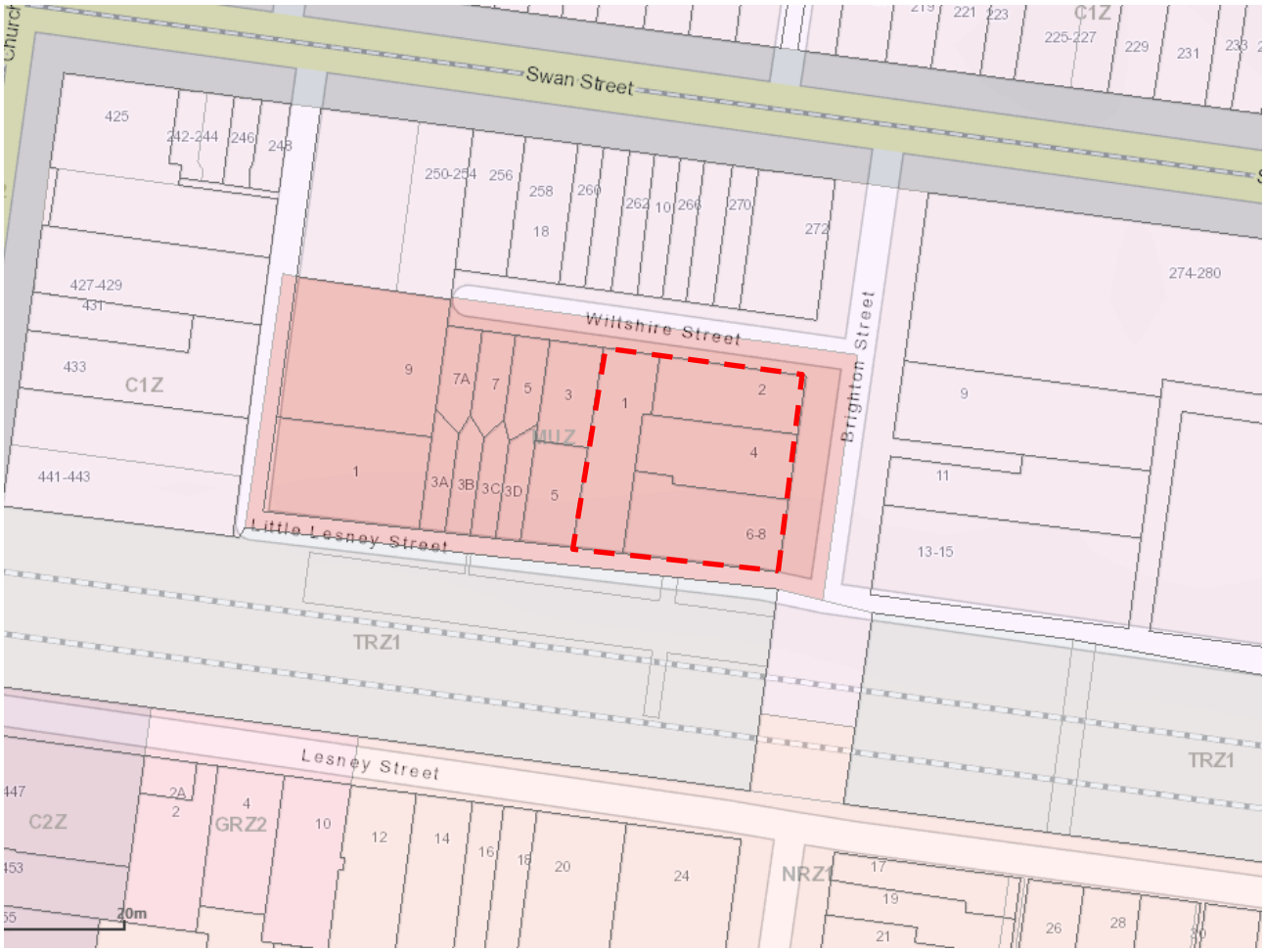


Image: Zoning Map of the Site and surrounds. Source: Vicplan, 2022.

41. This part of the Swan Street MAC is experiencing a transition to higher-density built form with the following developments approved:

    (a) A 13 storey residential hotel / serviced apartment building at 1 Little Lesney Street and 9 Wiltshire Street (under Planning Permit PLN20/0740). Construction has not yet commenced.



Image: Western (left) and Southern (right) elevations of proposed development at 1 Little Lesney Street. Source: PLN20/0740

(b) A seven-storey mixed use building at No. 245 – 251 Swan Street (180m northeast of the subject site) approved under Planning Permit PLN15/0647. The construction works have commenced and are nearing completion.

(c) A seven-storey mixed-use building at No. 306 – 310 Swan Street (250m east of the subject site), approved under Planning Permit PLN13/0933. The development has been constructed and is now occupied.

(d) An eight-storey mixed-use building at No. 312-324 Swan Street and No. 236 Coppin Street (220m east of the subject site) approved under Planning Permit PLN16/0034. Construction works have commenced.

(e) An eight storey office building at no. 441-443 Church Street approved under PLN19/0377 was granted on 15 December 2021. Works are yet to commence.

42. An 11 storey office building at 9-15 Brighton Street is proposed in Planning Permit application PLN21/0788. The application is currently under consideration and yet to be determined.

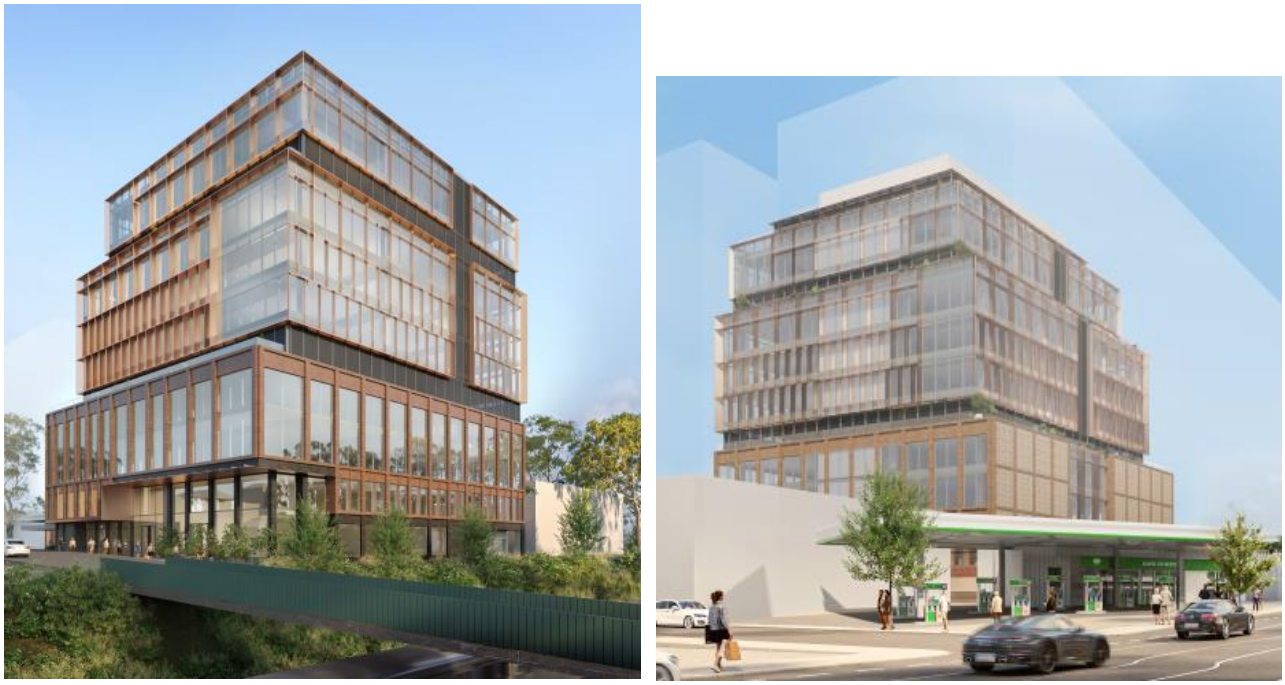


Image: Renders of proposed 11 storey office development at 9-15 Brighton Street. Source: PLN21/0788 Advertised material

43. Whilst not part of the Swan Street MAC, the following developments on Church Street are close to the subject site and are also reflective of recent approvals in the surrounding area:

    (a) A part-six and part-ten storey mixed use development complex at No. 459 – 471 Church Street & 20 – 26 Brighton Street (100m south of the subject site) approved under Planning Permit PLN18/0328. The development is recently completed.

    (b) A ten-storey, mixed-use building at No 506 – 510 Church Street (150 southwest of the subject site), approved under Planning Permit PLN17/0278. The development is currently under construction.

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

West

45. To the east of the subject site is a townhouse development with 4 dwellings fronting Wiltshire Street (No. 5-7A Wiltshire Street) to the north and 4 dwellings fronting Little Lesney Street (Nos. 3A to 3D Little Lesney Street) to the south. The dwellings are all 3 storeys each. The dwellings fronting Wiltshire Street include north-facing balconies and roof skylights (offering daylight to bedrooms). These dwellings share a unique triangular light well arrangement with the south-facing dwellings. These southern properties also include top level, south-facing balconies.




Photos: Existing 3 storey dwellings at 5-7A Wiltshire Street (left) and 3A – 3D Little Lesney Street (right)

46. Further west is 1 Little Lesney Street, which comprises 1-2 storey commercial buildings. As discussed above, planning permit PLN20/0740 allows for the construction of a 13 storey residential hotel / serviced apartment building.

North

47. To the north of the subject site is Wiltshire Street which is a 9m wide two-way, no-through street accessed from Brighton Street.

48. Further to the north of the subject site are properties facing Swan Street at Nos. 260 to 272 Swan Street which are a row of attached, double storey, Victorian-era terraces currently used for commercial purposes such as restaurants and offices. The majority of these properties have rear service areas with roller doors or doors leading out onto Wilshire Street. Some of these buildings include shop top dwellings.

49. At the intersection of Swan and Brighton Street, No. 272 Swan Street is occupied by Union House, which is a double storey tavern with a first floor rear deck. Its current hours of operation (approved under planning permit PLN17/0359) are Sunday to Wednesday, 11am to 11pm, and Thursday to Saturday 11am to 1am the following day with up to 328 patrons overall and 100 patrons allowed on the first floor deck. Amplified recorded music is also permitted. The first floor deck faces Wilshire Street. Also at first floor of this building is the offices of Cadre Pictures which is an animation CGI visual effects company. There is an entry from Wiltshire Street, however their primary offices face out onto Swan Street at first floor.




Photos: View down Wiltshire Street looking west (left) and Union House viewed from the eastern side of Brighton Street (right)

50. To the north of No. 1 Wilshire Street is No. 10 Wiltshire Street which is a two storey, attached dwelling constructed to the rear of (and above) No. 264 Swan Street. The ground floor of No. 264 Swan Street faces out onto Wiltshire Street with only the entry of the dwelling at No. 10 Wiltshire Street being at ground floor. Facing the subject site, it includes first floor bedroom windows and a second floor lounge with terrace. The dwelling includes a north-facing terrace attached to a dining room. Below is a floor plan of the dwelling:

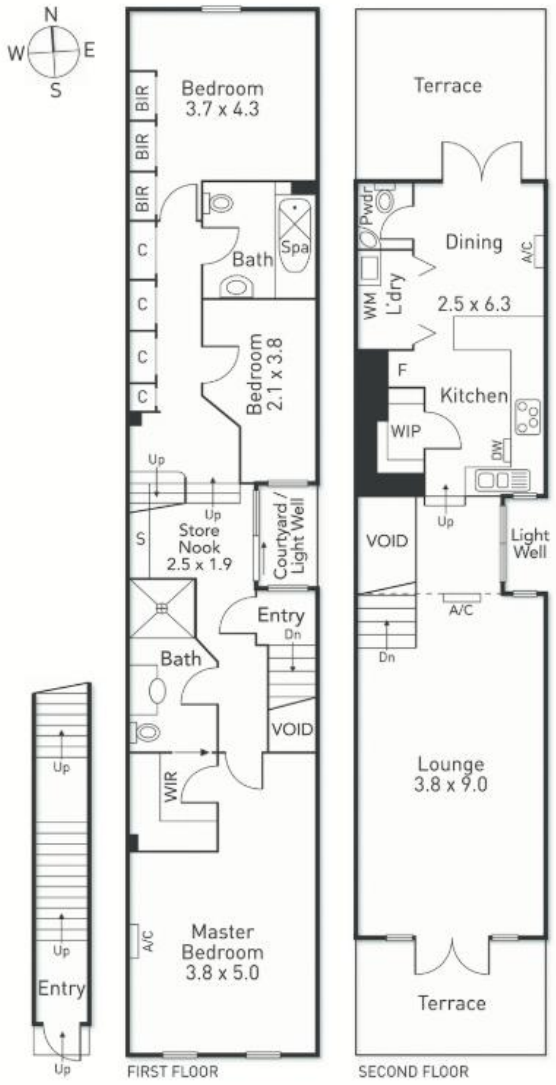


Image: Floor plan of the existing dwelling at 10 Wiltshire Stret.

51. To the north-west of the subject site, at No. 18 Wiltshire Street is a three-storey, attached dwelling, to the rear of No. 258 Swan Street. In terms of its interface with Wilshire Street, it has a garage at ground floor, two south-facing bedroom and study windows and an enclosed balcony and dining room window on the second floor. Below is a floor plan of the dwelling:

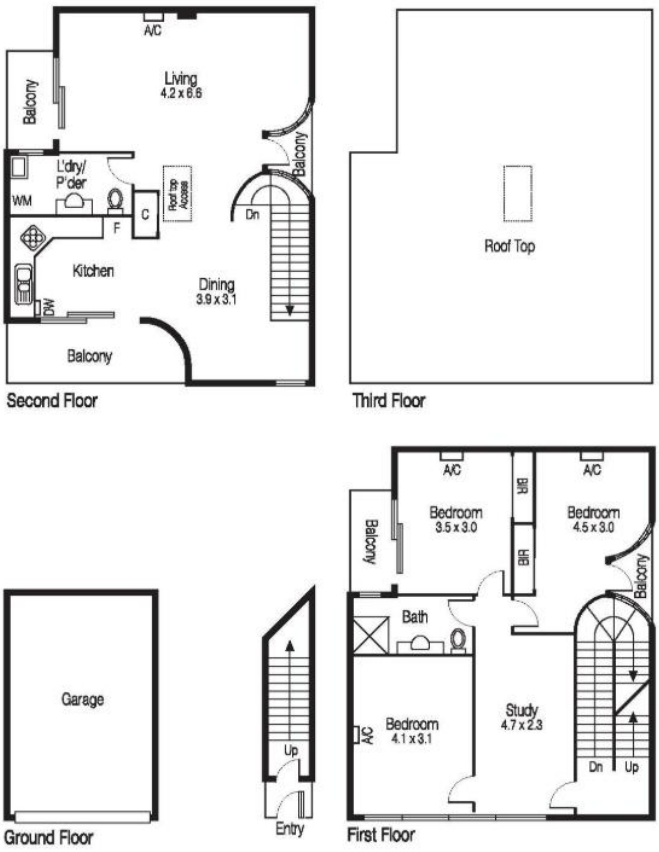


Image: Floor plan of existing 3 storey dwelling at 18 Wiltshire Street.

52. Further north is the northern side of the Swan Street Major Activity Centre and the residential areas of Richmond Hill.

East

53. To the east of the subject site is Brighton Street, which is approx..15m wide with dual carriageway. The eastern side of the street is occupied by a BP Car Wash and Petrol Station at its intersection with Swan Street, two double storey offices and a single storey weatherboard dwelling (11 Brighton Street). Nos. 9-15 Brighton Street has a manufacturing and office focus. As discussed above, 9-15 Brighton Street is currently subject to planning permit application PLN21/0788, which seeks approval for a 11 storey office development.





Photos: BP carwash viewed from Brighton Street (left) and existing buildings at 9-15 Brighton Street (right)

South

54. To the south of the site is Little Lesney Street (approx. 3m wide) and the railway line corridor (30m in width) with commercial areas (fronting Church Street) and the low rise, residential areas of Lesney, Shamrock and Brighton Streets located beyond this (with this land being slightly lower in elevation). A pedestrian footbridge over the train tracks, which connects the northern and southern sections of Brighton Street.

55. Each of the dwellings south of the railway line have minimal front setbacks, high site coverage, some of which have a side car park access/parking areas, and private open spaces along their rear boundaries (although some of the dwellings have their entire private open spaces along their side boundary). Heights range between single and triple storey. These dwellings are also located within the Barkly Gardens Heritage Precinct. To the south-east is a large park, named Barkly Gardens.

56. Further south is Commercial 2 Zoned land and to the south-west is Church Street which includes numerous commercial uses such as bars, offices and furniture retail stores.



Photos: Railway corridor viewed from the pedestrian bridge (left) and view from the pedestrian bridge looking south toward Lesney Street (right).

Planning Scheme Provisions

Zoning

57. The Site is entirely located within the Mixed Use Zone [MUZ].

58. The following provisions apply:
    (a) Pursuant to Clause 32.04-2 of the Yarra Planning Scheme (the Scheme), a planning permit is required to use the land for 'office' and 'retail' (food and drink premises >150sqm), however a planning permit is not required to use the land for dwellings.
    (b) Pursuant to Clause 32.04-6, a planning permit is required to construct two or more dwellings on a lot.
    (c) A planning permit is required for buildings and works associated with a Section 2 use pursuant to Clause 32.04-9.

Overlays

Clause 43.02 - Design and Development Overlay (Schedules 5 and 26)

59. The subject site is affected by the Design and Development Overlay (Schedule 5 and 26). Pursuant to Clause 43.02-2, a planning permit is required to construct a building or construct or carry out works.

60. Pursuant to Section 4.0 of Schedule 5 and the Schedule to Clause 66.06, where a permit is required for the development of the land, notice of the application must be given to the Environment Protection Authority (EPA), Transurban City Link, and the Roads Corporation (VicRoads). Notice of the application was given in accordance with this provision. No responses were received to this notice (Transport for Victoria only responded to the statutory referral pursuant to Clause 66.02-11).

61. Schedule 26 relates to Precinct 2 (retail centre) of the Swan Street Activity Centre. DDO26 provides comprehensive design guidelines and built form controls. The key quantitative built controls set out for the Site are outlined in the following table:

Item	DDO26 Built form Controls
Preferred maximum building height	28m
Mandatory maximum building height	N/A
Preferred maximum street wall height	11m (Brighton and Wilshire Street) 0m (Little Lesney Street)
Preferred min. upper level setback	3m (Brighton and Wilshire Street) 0m (Little Lesney Street)
Min. building separation (west boundary)	4.5m (habitable window / balcony) 3m (commercial or non-habitable window) 6m for floors above 28m
Rail corridor interface	Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.
Building projections	Projections such as balconies and building services must not intrude into a setback

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

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

63. The Development Contributions Plan applies to the proposed additional office floor area, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths.

64. 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

65. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The subject site is located within Charge Area 6 (Collingwood) and the development infrastructure levy is applicable to the office and retail floor space.

66. A planning permit is not required for works under the overlay. The requirements of the DCPO have been included as a condition in the recommendation.

Clause 45.03 – Environmental Audit Overlay (EAO)

67. 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.

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

Particular Provisions

Clause 52.06- Car parking

69. The site is located within the Principal Public Transport Network Area, therefore the parking rates in Column B of Clause 52.06-5 apply. Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
1 bedroom apartment	12	1 per dwelling	12	12
2 bedroom apartment	47	1 per dwelling	47	47
3 bedroom apartment	10	2 per dwelling	20	20
Food and drink premises	367sqm	3.5 spaces per 100 m^2 of leasable floor area	12	4
Office	2.114sqm	3 spaces per 100 m^2 of leasable floor area	63	30
		Total	**154 Spaces**	**113 Spaces**

70. Pursuant to clause 52.06-3, a planning permit is required to reduce 41 car parking spaces.

Clause 52.34 - Bicycle facilities

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	69	1 space per 5 dwellings for residents 1 space per 10 dwellings for visitors	14 resident spaces / 7 visitor spaces	76 resident spaces / 16 visitor spaces
Office	2,114 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	7 employee spaces	26 employee spaces / 8 visitor spaces
		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	2 visitor spaces	

Food and drink premises (Café)	367 sqm	1 employee space to each 100 sqm of floor area available to the public	1 employee spaces	
		2 plus 1 visitor space to each 200 sqm of floor area available to the public if the floor area exceeds 400 sqm	1 visitor spaces	
Bicycle Parking Spaces Total			**22 resident / employee spaces 12 visitor spaces**	**102 resident / employee spaces 24 visitor spaces**
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**2 showers / change rooms**	**3 showers / change rooms**

72. The proposal includes 102 resident and employee bicycle spaces in total, thus significantly exceeding the minimum statutory requirement for resident / employee spaces. Visitor space requirements are also comfortably met. The proposal also includes 3 shower / changing room facilities, which exceed the requirements under this clause.

Clause 53.06 – Live Music Entertainment Venues

73. This clause applies to an application involving a noise sensitive residential use that is within 50 metres of a live music entertainment venue.

74. The purpose of this clause is to:

(a) To recognise that live music is an important part of the State's culture and economy.
(b) To encourage the retention of existing and the development of new live music entertainment venues.
(c) To protect live music entertainment venues from the encroachment of noise sensitive residential uses.
(d) To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.
(e) To ensure that the primary responsibility for noise attenuation rests with the agent of change.

Clause 53.18 – Stormwater Management in Urban Development

75. 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.*

Clause 58 - Apartment Developments

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

General Provisions

77. 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.

78. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is contained in this report.

Planning Policy Framework (PPF)

79. Relevant clauses are as follows:

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

80. 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)

81. The relevant objectives of this clause include:
    (a) To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

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

82. The relevant objective of this clause is:
    (a) To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

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

Clause 13.05-1S (Noise abatement)

84. The relevant objective of this clause is:
    (a) To assist the control of noise effects on sensitive land uses.

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

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

86. The objective of this clause is:
    (a) To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site effects.

Clause 15.01 (Built Environment and Heritage)
Clause 15.01-1S (Urban design)

87. 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)

88. The objective is:
    (a) To create distinctive and liveable city with quality design and amenity.

Clause 15.01-2S (Building design)

89. 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.

90. Relevant strategies of this clause are:
    (a) Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.
    (b) Ensure development responds and contributes to the strategic and cultural context of its location.
    (c) Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
    (d) Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
    (e) Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
    (f) Ensure development is designed to protect and enhance valued landmarks, views and vistas.
    (g) Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.
    (h) Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.
    (i) Encourage development to retain existing vegetation.

91. This clause also states that planning must consider as relevant:
    (a) Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).

Clause 15.01-5S (Neighbourhood character)

92. The relevant objective of this clause is:
    (a) To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

93. Relevant strategies are:
    (a) Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
    (b) Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
    (c) Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:
        (i) Pattern of local urban structure and subdivision.

(ii) Underlying natural landscape character and significant vegetation.
(iii) Heritage values and built form that reflect community identity.

Clause 15.02 (Sustainable Development)
Clause 15.02-1S (Energy Efficiency)

94. 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 16.01-1S – Housing Supply

95. The objective of this clause is:
(a) To facilitate well-located, integrated and diverse housing that meets community needs.

96. Relevant strategies are:
(a) Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
(b) Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
(c) Identify opportunities for increased residential densities to help consolidate urban areas.
(d) Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Clause 16.01-1R – Housing supply- Metropolitan Melbourne

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

Clause 16.01-1R – Housing supply - Metropolitan Melbourne

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

Clause 16.01-2S – Housing affordability

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

Clause 17.01 (Employment)
Clause 17.01-1S (Diversified economy)

100. The objective of this clause is:
(a) To strengthen and diversify the economy.

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

Clause 17.02 (Commercial)
Clause 17.02-1S (Business)

102. The relevant objective of this clause is:
(a) To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.

103. The relevant strategies of this clause is:
(a) Plan for an adequate supply of commercial land in appropriate locations.
(b) Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
(c) Locate commercial facilities in existing or planned activity centres.

Clause 18.01 (Integrated Transport)
Clause 18.01-2S (Transport System)

104. The objective of this clause is:
(a) To coordinate development of all transport modes to provide a comprehensive transport system.

Clause 18.02 (Movement Networks)
Clause 18.02-1S (Sustainable personal transport)

105. The relevant objectives of this clause is:
(a) To promote the use of sustainable personal transport.

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

106. 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)

107. 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)

108. 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)

109. The objective of this clause is:
(a) To ensure an adequate supply of car parking that is appropriately designed and located.

110. 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)

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

Clause 21.04-1 Accommodation and Housing

112. The objectives of this clause are:
(a) To accommodate forecast increases in population.
(b) To retain a diverse population and household structure.
(c) To reduce potential amenity conflicts between residential and other uses.

Clause 21.04-2 – Activity Centres

113. Objectives and strategies include;
(a) Objective 4 - *To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
(i) Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.

Clause 21.04-3 (Industry, office and commercial)

114. The objective of this clause is:
(a) To increase the number and diversity of local employment opportunities.

Clause 21.05-1 – Heritage

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

Clause 21.05-2 (Urban design)

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

Clause 21.05-3 (Built form character)

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

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

Clause 21.05-4 (Public environment)

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

Clause 21.06 (Transport)

120. 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)

121. 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)

122. 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)

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

Clause 21.07-1 (Ecologically sustainable development)

124. The relevant objectives and strategies of this clause are:
(a) Objective 34 – To promote ecologically sustainable development.
(i) Strategy 34.1 – Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.

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

125. Clause 21.08-2 describes the neighbourhood as:
(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.
(b) The Swan Street major activity centre lies along the northern boundary of this neighbourhood.

126. At Figure 8 of the clause, the Built Form Character Map shows that the subject site is located within a main road precinct, an objective of which is to *maintain the hard edge of the strip.*

Relevant Local Policies

Clause 22.03 Landmarks and Tall Structures

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

Clause 22.05 (Interfaces Uses Policy)

128. This policy applies to applications within the commercial Zone (among others), and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.

129. It is policy that:
    (a) New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.

Clause 22.07 (Development abutting laneways)

130. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal, with the relevant objectives as follows;
    (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. To ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.10 (Built form and design policy)

131. This policy applies to all new development that is not included within a heritage overlay. The policy comprises design elements to guide the scale, form and appearance of new development, of which the following are relevant to this application:
    (a) Setbacks and building heights;
    (b) Street and public space quality;
    (c) Environmental sustainability;
    (d) On-site amenity;
    (e) Off-site amenity;
    (f) Landscaping and fencing; and
    (g) Parking, traffic and access.

132. The policy has the following objectives:
    (a) Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood.
    (b) Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.
    (c) Limit the impact of new development on the amenity of surrounding land, particularly residential land.
    (d) Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.
    (e) *Encourage environmentally sustainable development.*

Clause 22.16 (Stormwater Management (Water Sensitive Urban Design)

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

Clause 22.17 (Environmentally Sustainable Design)

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

Other documents

Plan Melbourne

135. 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.

136. 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.

137. The strategy promotes '20-minute neighborhoods' where there is access to local shops, schools, parks, jobs and a range of community services within a 20 minute trip from your residence.

Urban Design Guidelines for Victoria (DELWP)

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

Spatial Economic and Employment Strategy

139. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme.

140. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.

141. The Site is located within the Swan Street Major Activity Centre. One the key strategic directions of the SEES is to:
    (a) Strategy 1: Support employment growth in Activity Centres:
        (i) Support growth in retail and other employment uses in Yarra's Activity Centres in a way that encourages existing trends, supports major employment sectors and provides opportunities for innovative businesses to flourish in Yarra, building on the unique, creative local character.

(ii) Support the provision of housing in Activity Centre in mixed-use developments. The scale and form of new development should seek to enhance the amenity of the centre and avoid introducing potential land use conflicts between residential development and employment activity.

(b) Strategy 3: Identify preferred locations for housing growth:

Yarra Economic Development Strategy 2020 – 2025

142. This is a local strategy that outlines Yarra's vision for future economic development with a focus on major employment precincts, The strategy calls for the intensification of employment opportunities, stating that:

> *Yarra's employment precincts and activity centres are critical economic areas that support a broad range of business and employment uses. The availability of areas of employment land in Yarra …is a strength and competitive advantage and will be important in accommodating future business and employment growth. Therefore, Yarra is in a position whereby further population and employment growth can be accommodated.*

Melbourne Industrial and Commercial Land Use Plan (MICLUP)

143. The Melbourne Industrial and Commercial Land Use Plan builds on the relevant policies and actions of Plan Melbourne 2017-2050. It provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and puts in place a planning framework to support state and local government to more effectively plan for future employment and industry needs, and better inform future strategic directions.

144. Map 5 within the document shows the commercial land within the inner metro region and identifies the site as being immediately adjacent a regionally significant commercial area (Figure 16).

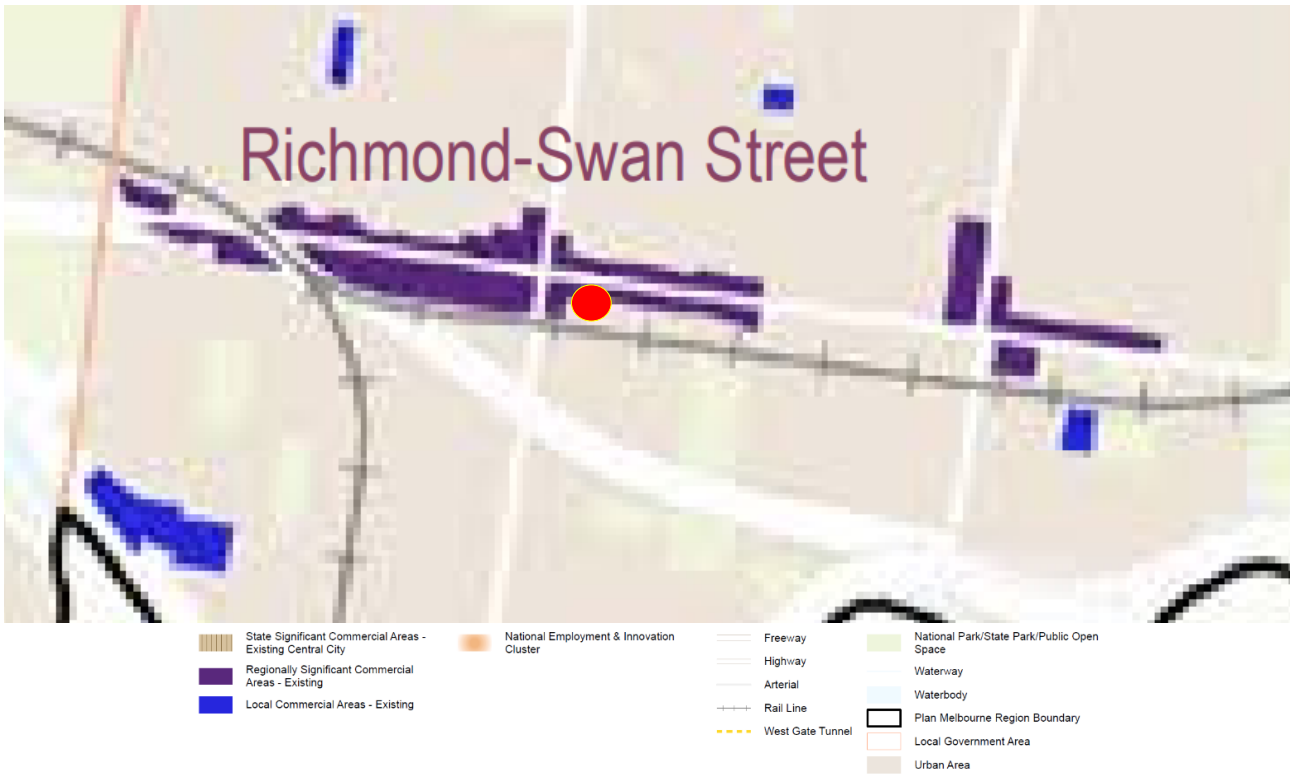


Image: Excerpt from Map 5 of the MICLUP showing the Site (red dot).

Advertising

145. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 638 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received 12 objections, the grounds of which are summarised as follows):

    (a) Inappropriate built form and design (excessive building height and bulk, non-compliance with DDO requirements, significantly higher than previous approval, loss of heritage fabric, impact on surrounding built form / heritage character, insufficient upper level setbacks, architectural design, scale and massing, precedent and overdevelopment);

    (b) Lack of context information for the residential area south of the railway line;

    (c) Off-site amenity impacts (wind impacts, loss of sunlight/daylight, visual bulk, private and public realm overshadowing, loss of privacy, odour from waste);

    (d) Noise impacts from operable windows of dwellings;

    (e) Acoustic assessment has not considered impacts from the Harlow Bar (licensed live music venue) at 447 Church Street, Richmond;

    (f) Increased traffic, parking and vehicle safety impacts;

    (g) Insufficient on-site car parking;

    (h) Request for a resident and patron management plan that discourages residents and patrons of the two cafes from parking in nearby private commercial property;

    (i) Construction impacts (including construction traffic along Brighton Street); and

    (j) Negative impact on property values.

146. The Section 57a amendment documents were re-notified to the surrounding owners and occupiers that were notified of the original application and all original objectors. One (1) additional submission was received (original objector) in relation to the amended proposal with no new issues raised.

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

Referrals

148. Referral comments were received on the original application. Additional referral comments were received from Council's wind consultant and Council's strategic transport, open space and urban design units for the S57a amendment plans.

External Referrals

149. The original application was referred to the following statutory referral authorities:

    (a) Transport for Victoria - no objection, subject to conditions that are included in the recommendation.

150. Notice was undertaken to the following authorities pursuant to DDO5:

    (a) Transport for Victoria/CityLink (no response received).

    (b) EPA (no response received).

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

Internal Referrals

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

    (a) Open Space Unit.

(b) Streetscapes and Natural Values Unit.

(c) Urban Design Unit.

(d) Engineering Unit.

(e) Strategic Transport Unit.

(f) City Works Unit (waste).

(g) ESD Advisor.

(h) Urban design consultant (MGS).

(i) Wind Consultant (VIPAC).

(j) Acoustic Consultant (SLR).

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

OFFICER ASSESSMENT

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

(a) Policy and strategic support;

(b) Use of the land for office and retail (food and drink premises);

(c) Built form and design;

(d) Off-site amenity impacts;

(e) On-site amenity, including Clause 58 and ESD;

(f) Car parking, traffic, access, bicycle parking and waste management;

(g) Development contributions;

(h) Environmental Audit Overlay; and

(i) Objector concerns.

Policy and Strategic Support

155. The proposal has strong strategic planning policy support at both State and local levels. The subject site is within the Mixed Use Zone (MUZ) and forms part of the Swan Street MAC. The key purpose of the MUZ is:

(a) To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

(b) To provide for housing at higher densities.

(c) To encourage development that responds to the existing or preferred neighbourhood character of the area.

(d) To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

156. The PPF and LPPF at Clause 11.03-1S and at Clause 21.04-2 encourage the concentration of retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community and support the long term viability of activity centres.

157. Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) and Clause 21.04-2 encourages development and growth in and around activity centres, with the Swan Street MAC location supporting more intensive development.

158. The PPF at Clause 16.01-1R requires management of the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are in a MAC.

159. Consistent with the purpose of the zone, a mix of residential and commercial (and industrial and other) uses are sought to complement the mixed-use function of the locality. The Site and surrounds indeed comprise a mix of uses, including commercial, industrial and residential. This indicates strategic support for retail and office uses within the precinct. The proposal achieves this with a genuine mixed use development incorporating ground floor food and drink premises' and office at first and second floor to enhance activation of the adjoining public realm and broader precinct.

160. The development provides opportunities for new employment within the proposed retail and office spaces, consistent with clause 17.01-1S (Diversified Economy) and clause 17.02-1S (Business). These provisions, along with clause 21.04 (Land Use), recognise and support land uses and development that contributes 'to increase the number and diversity of local employment opportunities'.

161. Policy encourages the concentration of higher density developments in established areas and supports proposals which achieve the urban growth objectives at clause 11.02-1 through the provision of a mixed-use development on land close to existing transport corridors and services. In this instance the site is located close to several public transport options with close proximity to East Richmond Station and tram routes along Swan and Church Streets. Various cycling routes are located in close proximity of the Site. This is also consistent with clause 21.06 (Transport), which aims to reduce car dependency by promoting walking, cycling and public transport use as viable and preferable alternatives. The site's proximity to public transport assists in achieving this objective.

162. Having regard to the above, the proposed development of the site including, the greater provision of floor area for office, retail and dwellings is considered to have strategic planning support, however regard must be had to the appropriate scale and off-site amenity impacts of the proposal, based on the individual context and constraints of the land. This aspect of the development will be discussed below.

Use of the land for office and retail (food and drink premises)

163. As discussed above, the proposed permit required uses (food and drink premises and office) are considered to be consistent with the purpose of the MUZ to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

164. The café areas at ground level are low intensity commercial uses that will complement the existing commercial and residential uses and development in the surrounding area. The proposed permit required uses are located within an established mixed use area that forms part of the Swan Street Major Activity Centre. This area is also characterised by higher density residential development and commercial uses and the proposed uses will provide services for the benefit of the community. The proposed uses will therefore complement the diverse land uses in the area.

165. In relation to amenity impacts, Clause 22.05 seeks to ensure that new non-residential uses do not unreasonably impact dwellings including through noise, light spill, emissions and rubbish.

166. The proposal has residential interfaces to its west, north and east. The proposed hours of operation for the ground floor food and drink premises' is 6am to 10pm, Monday to Sunday. These are considered acceptable hours for cafes and similar to those of the commercial tenancies to the north along Swan Street, which are as of right uses in the Commercial 1 Zone. The recommendation includes a permit condition restricting hours of operation to this effect.

167. Food and drink premises patron capacity numbers were provided for the originally advertised plans, with 87 patrons to the northern tenancy and 73 patrons for the southern tenancy. However, these were not updated for the S57a plans. If the same 2.32 patrons/m2 ratio for patrons is applied to the revised tenancy layouts, the capacities will be 59 and 98 patrons for the northern and southern tenancies respectively. The recommendation includes a permit condition restricting patron numbers to this effect.

168. Office uses are not known for off-site amenity impacts and typically operate during daytime and evening hours with no significant noise generation, which complies with policy within Clause 22.05. Accordingly, no conditions are proposed to limit the hours of operation of the office use.

169. However, in relation to light spill, there will be no adverse light spill impacts from vehicular lights because there is no dwelling located at the ground floor in the buildings opposite the car park entry. In relation to light spill from the office use, in a recent VCAT decision, *Hines 9 Stewart Property Pty Ltd* v Yarra CC [2021] VCAT 185) the Tribunal found:

    (a) '*we do not dismiss the potential for light spill from the internal lights to cause amenity impacts on nearby residential properties*'

    but resolved it was not appropriate to restrict the hours of operation. It is therefore considered that a condition should require motion sensor lighting for minimising light spill after normal business hours.

170. Waste generated from the commercial uses will be concealed from a visual and odour perspective within the basement levels of the proposed building. Furthermore, general conditions are included in the recommendation to ensure the amenity of the area is not unreasonably compromised.

171. The acoustic report submitted by the Applicant recommends a range of attenuation measures to addresses potential noise impacts from the proposed commercial uses and other noise sources on the proposed dwellings, which is discussed further below.

Built form and design

172. This section of the report considers the built form of the proposed development and is guided principally by the DDO26 at Clause 43.02 of the YPS. This assessment is also based upon the decision guidelines of the MUZ at clause 32.04-10 and local policy at clauses 21.05 – Urban design, 22.05 – Interface Uses Policy and 22.10 – Built form and design policy.

173. These provisions and policies 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 site context, building height, massing, architectural response, the pedestrian experience and the development's interface with existing sensitive uses. These will be considered in the following paragraphs.

Site Context

174. The built form of the surrounding area is a mixture of architectural styles, uses and materials.

175. The area is dominated by its location within the Swan Street MAC and the railway line to the south. Most of the surrounding developments are constructed with a zero setback from the street, high levels of site coverage (most with 100%) and walls on the boundaries. The existing character of the surrounding area is predominantly between one and three storeys in height with emerging taller built forms in the wider area with brick, render and glazing being the predominant materials.

176. The direct interfaces to the subject site include:

    (a) the railway line to the south;

(b) hard-edged walls of the finer grain three-storey townhouses to the west;

(c) to the north are back of house areas of the Swan Street commercial premises some with shop top housing and recently constructed infill dwellings, which are affected by the Heritage Overlay (HO335); and

(d) to the east, across Brighton Street (15m wide, boundary line to boundary line) are a single storey dwelling and double storey offices and warehouses (all located within a Commercial 1 Zone and affected by DDO27).

177. Three boundaries of the Site have a public realm interface that provide a buffer from amenity impacts. Additionally, there are lower scale residential areas to the south, which are separated by two streets (Little Lesney and Lesney Streets) as well as the width of the railway line (31m) resulting in a separation distance of approximately 42m.

178. As outlined above, there is no dispute that strategically the subject site is well-located for a higher-density development, being located in the MUZ within the Swan Street NAC, 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.

Specific DDO26 controls for the Site

179. The development is assessed against the quantitative building height and setback controls of DDO26 in the table below:

Item	DDO26 Built form Controls	Proposal	Complies?
Preferred maximum building height	28m	44.5m (SW corner) 43.2m (NW corner)	No (+15.2m)
Mandatory maximum building height	N/A		
Preferred maximum street wall height	11m (Brighton and Wilshire Street) 0m (Little Lesney Street)	12.1m – 12.6m (Wiltshire Street) 12.1m – 13m (Brighton Street)	No (+1.1m - 2m)
Preferred min. upper level setback	3m (Brighton and Wilshire Streets) 0m (Little Lesney Street)	>2.5m (Wiltshire and Brighton Streets) -0.25m (Little Lesney St)	No (<-0.5m)
Min. building separation (west boundary)	4.5m (habitable window / balcony) 3m (commercial or non-habitable window) 6m for floors above 28m	3m (at window or balcony alignment)	No (-1.5m – 3m)

180. As demonstrated above, the proposal seeks variations from the discretionary building height, street wall heights, upper level setback and building separation requirements setout in DDO26. These variations are discussed in detail below.

Heritage

181. The subject site is not affected by a heritage overlay and as such, no consideration is warranted for the proposed demolition of the existing buildings on site (as this does not trigger a planning permit).

182. No specific DDO26 heritage requirements apply to the Site, as it does not have an abutting interface to a heritage building.

183. North of the subject site (northern side of Wiltshire Street) are a series of commercial properties fronting Swan Street. These properties are located within the Swan Street Heritage Precinct (Schedule 335 to the Heritage Overlay), which comprises 1-3 storey Victorian and Edwardian era shopfront buildings. The first Objective of DDO26 seeks to ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes. Various decision guidelines of DDO26 also require the impact of upper levels on heritage character along Swan Street to be considered. These matters will be considered under the building height assessment below.

Street wall heights (Brighton and Wiltshire Streets)

184. In relation to street wall requirements, DDO26 states:

> *A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:*
>
> - *The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule;*
> - *The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule; and*
> - *The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.*

185. DDO26 sets out a preferred street wall height of 11m for both Wiltshire and Brighton Street. No maximum street wall height requirement applies along the Little Lesney Street frontage under DDO26.

186. The street wall along Wiltshire Street ranges in height between 12.1m (east) and 12.6m (west). Along Brighton Street the street wall ranges in height between 12.1m and 13m. Accordingly, a variation of between 1.1m and 2m is required from the preferred street wall requirement set out in DDO26.

187. Having regard to the relevant DDO26 Design Objectives, design requirements and ground floor activation, it is considered that the proposed street wall height variations to Wiltshire and Brighton Streets are considered appropriate for the following reasons:

(a) The proposed street walls to Wiltshire and Brighton Street will be setback at least 30 metres from Swan Street and will therefore not visually compete with the existing heritage street walls.
(b) The proposed ground floor incorporates setbacks that ‘give back’ at least 2.7m to the adjoining public realm along Wiltshire and Brighton Streets. The subject setbacks, together with ground floor activation from two (2) food and drink premises, will significantly enhance the pedestrian experience along these streets.
(c) The cantilevered first floor element resulting from the ground floor setbacks provides shelter to pedestrians.
(d) The additional height above the preferred requirement is in part required to accommodate commercial areas (office) at first and second floor, which demand a higher ceiling height than a typical residential floor. The additional commercial levels above ground will also provide positive activation to the surrounding public realm.

(e) The natural slope of the land toward the south and southwest corner also contributes to the need to exceed the preferred street wall requirement. The highest point of the Wiltshire Street street wall interfaces Little Lesney Street / railway corridor, which is not considered to be sensitive.

(f) The ground level floor-to-ceiling height is 4 metres, which will ensure a range of commercial uses can be accommodated within the two ground floor commercial tenancies from an adaptability perspective.

(g) The composition, articulation, fenestration and external materials of the proposed street walls (3 storey podium) is considered to achieve urban design and architectural excellence as sought by the design quality requirements of DDO26. Architectural quality is discussed further below.



Image: Render of the proposed S57a street wall viewed along Wiltshire Street. Source: Applicant submission.

Street wall height (Little Lesney Street)

188. With regard to the Little Lesney Street street wall, the proposal seeks to construct a hard edge (0m setback) at all levels and introduces a recess in the building from level 6 and above. This design response satisfies the quantitative 0m setback requirement for Interface Type H outlined in DDO26. The Level 11 external wall will be setback at least 2.3 metres from the southern boundary but will still feature balcony framing detail at the title boundary and will contribute to the perceived street wall height. The maximum overall height of the street wall is 41.7m, measured at the southwest corner.

189. A 0.25m projection beyond the title boundary is proposed for the horizontal and vertical framing details on the southern façade at Levels 3-11. These projections add architectural depth to the façade and are supported from a visual interest and engineering perspective. It is noted that the projections will commence approximately 13 metres high above Little Lesney Street and will not affect the operation of the street.

190. The southern façade has also been designed with significant articulation to effectively break up visual mass and avoid a continuous wall along the railway corridor as sought by DDO26 through the following:

    (a) A stepping of building height from west to east, which reduces mass adjacent the Brighton Street intersection.

    (b) Depth created by open balconies contrasted by solid/glazed external walls.

    (c) A central 'notch' measuring 4.25 metres width x 1.12 metres in depth at Levels 6-10 that breaks up the horizontal mass, which responds to a recommendation of Council's urban design consultant (Recommendation 6).

    (d) Contrasting architectural language / external materials between lower three levels and upper levels above.

    (e) Recessive roof deck level with plant screen (1.2m high) setback at least 1.2m from the southern boundary. Roofed area is setback a minimum of 7.3m at this level.

191. The proposed Little Lesney Street street wall height at up to 41.7 metres will not cast any additional overshadowing over residentially zoned properties south of the railway between 9am – 3pm at the September Equinox. This overshadowing will further reduce with the recommended reduction in building height (one level / 3.2m) discussed below. The recommended reduction in height will result in the maximum street wall being one storey greater than the approved building at 1 Little Lesney Street measuring approx. 37.6 metres.



Image: Render of the S57a proposal, viewed from the footbridge crossing the southern railway corridor.

Building height

192. DDO26 outlines a preferred maximum building height of 28 metres, which is measured above ground level. The proposed building will exceed this requirement by 16.5 metres with an overall height of up to approx. 44.5 metres, measured above ground level adjacent the south west corner of the Site.

193. To set the scene for the building height assessment, it is important to acknowledge the recent planning permit activity on the Site and at 1 Little Lesney Street to the west detailed above:

    (a) PLN18/0658 (Site) allowing a 10 storey mixed use development, featuring:

        (i) A maximum building height of approximately 34.4 metres, measured adjacent the southwest corner and 28.1 metres in the northeast corner.

(ii) Minimum 3m upper level setbacks from Wiltshire and Brighton Streets and the western common boundary (above the boundary wall).

(b) 1 Little Lesney Street and 9 Wiltshire Street (PLN20/0740) allowing a 13 storey residential hotel building featuring:

(i) A maximum building height of 40.45 metres.

(ii) 3m setback from the eastern common boundary (above the boundary wall).

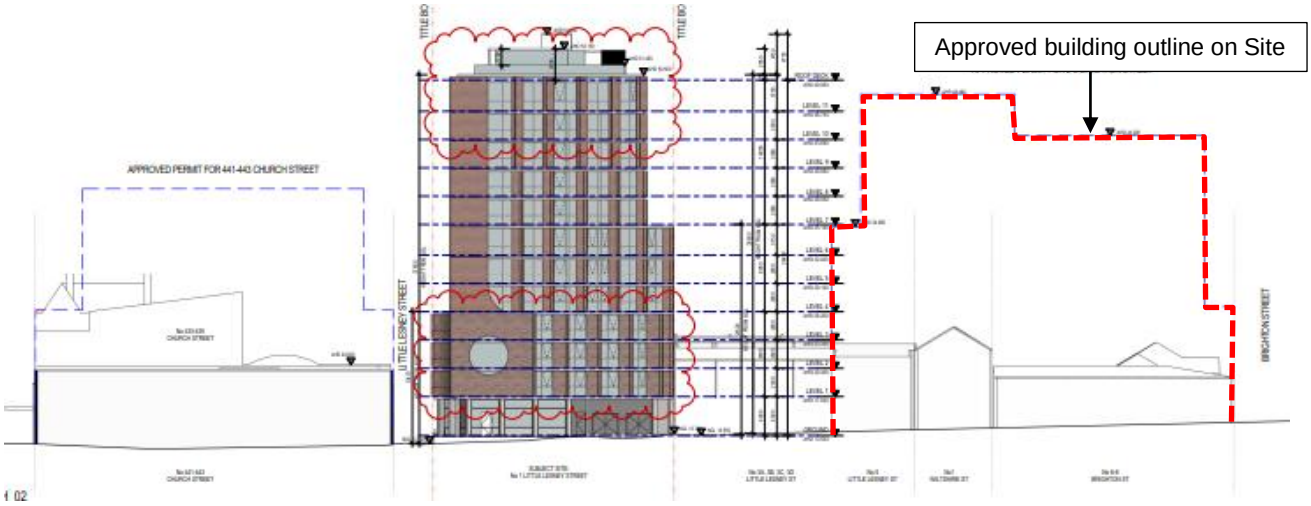


Image: Extract from Applicant submission of PLN20/0740, showing south elevation of approved building at 1 Little Lesney Street and the approved building outline (red dashed line) for the Site.

194. These two permits are currently live and highlight the emerging mid-rise character sought within this section of the Swan Street MAC. Both approved buildings also exceed the preferred building height requirement by 6.4m and 12.4m respectively.



Image: Render of the approved buildings on the Site viewed along Brighton Street (left) and 1 Little Lesney Street / 9 Wiltshire Street from Swan Street (Right). Source: Applicant submissions (PLN18/0658 & PLN20/0740).

195. The permanent DDO controls introduced by Amendment C191yarra also allow for land immediately north and northwest of the Site to be developed with the following design controls:

(a) North (land fronting Swan Street within the Heritage Overlay):

(i) 18m mandatory maximum building height.

(ii) 6m mandatory minimum upper level setback above the retained heritage street wall.

(b) Northwest (274-280 Swan Street)

(i) 28m preferred maximum building height.

(ii) 6m preferred minimum upper level setback.

196. It is inevitable that the proposed building at 43.2m along the northern façade will be visually prominent when viewed along various vantages along Swan Street, including the northern footpath. A more open viewline to the proposal will also be available down Brighton Street, due to the 15m wide road reserve. Refer to image below.



Image: Render of the S57a proposal, viewed from the footpath adjacent 225 Swan Street.

197. However, should the heritage buildings north of the Site and service station site at 274 Swan Street be developed in accordance with the mandatory/preferred controls of DDO26 and DDO27, the visibility of the upper levels will be much more concealed. Below is a markup of the east elevation context (drawing SD05-08), which visually illustrates a potential viewline.

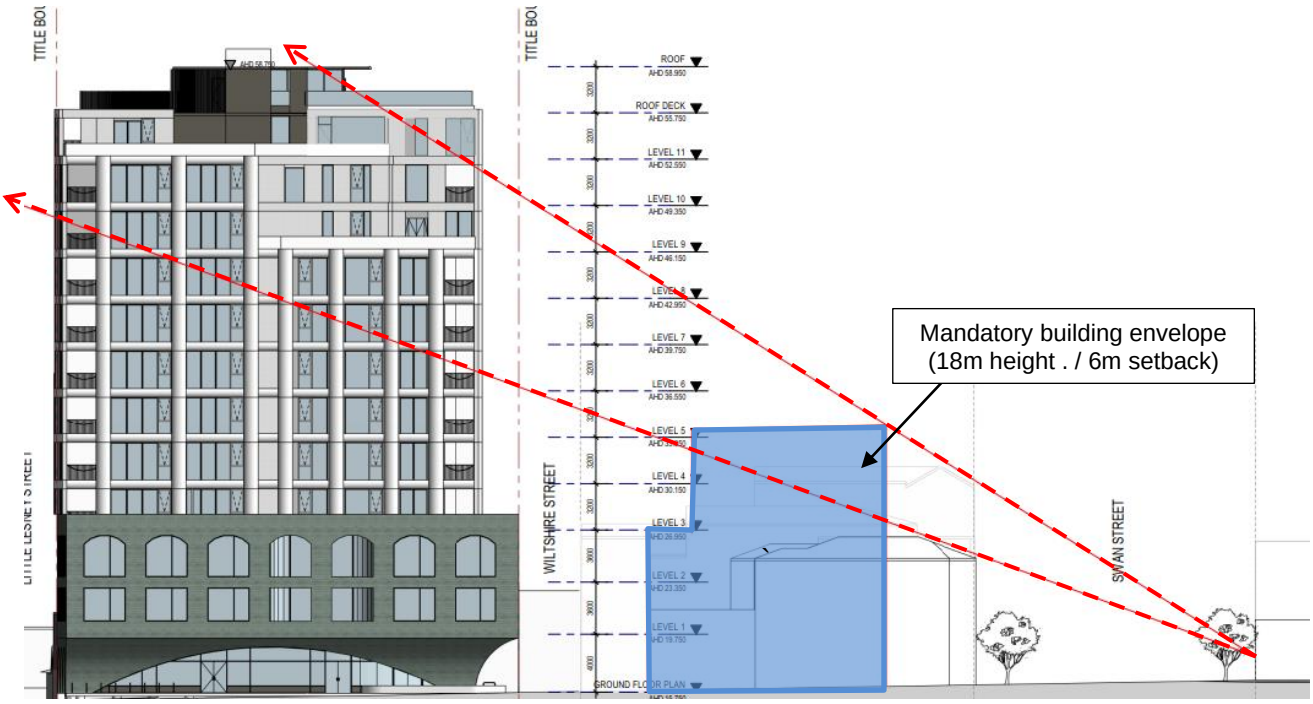


Image: Officer markup of the East elevation Context drawing, showing mandatory building envelope permitted on the northern heritage building properties and viewlines from northern footpath of Swan Street (1.7m above ground).

198. As can be seen in this image, the upper most residential level (Level 11) will still be visible when the viewline is taken to intersect with the mandatory building height limit of the heritage building at 272 Swan Street. Given this, it is considered that the proposal at 13 storeys is considered to be excessive in height and will unreasonably compete with the heritage and development outcomes sought on properties fronting the southern side of Swan Street. To reduce the visual impact of upper levels from Swan Street (particularly when land to the north is developed), a condition is recommended to remove one mid-level (Level 4). This will in effect reduce the building height by 3.2m to a maximum overall height of 41.3m, which will be comparable to the building height approved at 1 Lesney Street (0.85m higher).

199. By removing Level 4 or 5, the massing approach to the development will also be maintained. This includes the recessive nature of Level 9, 10 and 11 from the northeast corner of the Site, which is the most visually prominent corner of the development when viewed along Swan Street. Furthermore, the removal of one mid-level will also reduce the parapet height of the northeastern corner to 28.1 metres, which is near identical to the height approved under PLN18/0658 in this location. The proposed height above 28m will be setback at least 21 metres from Brighton Street and 9 metres from Wiltshire Street for the same length. The removal of Level 4 or 5 will also maintain the full height and visual effect of the notch on the southern elevation.

200. Council's urban design consultant recommended the removal of at least 2 storeys from the originally advertised development (Recommendation 2d), which included a more aggressive massing with apartments proposed on Level 12. This recommendation was focused principally around improving wind comfort levels of the private balcony and courtyard areas of adjoining dwellings to the west and reducing overshadowing on the foot bridge to the south.

201. The Section 57a plans have converted Level 12 into a communal living and open space area, with deeply recessive setbacks from Wiltshire / Swan Street (see image below). As seen in the comparison images at paragraph 17, this change in effect removes the visibility of the originally proposed upper most level when viewed from various public realm vantages to the north of the Site. The condition to remove an additional level in effect results in a building height outcome akin to that sought by Council's urban design consultant when viewed from the north.

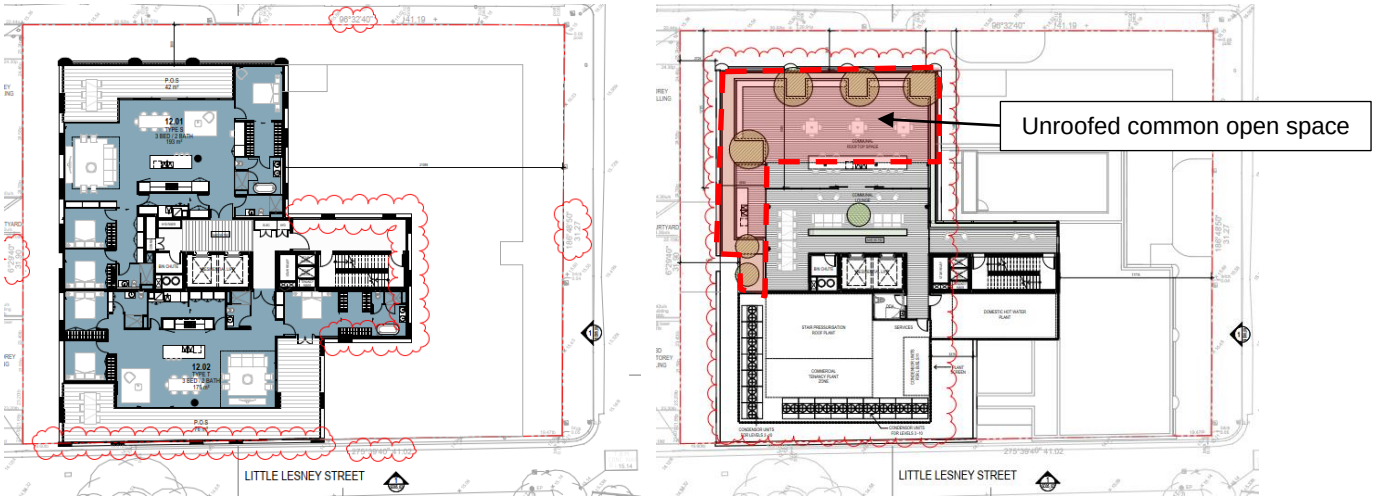


Image: Comparison of the originally advertised Level 12 floor plans (left) and S57a roof deck level plan (right).

202. DDO26 states that a permit should only be granted to exceed the preferred maximum building height where all the following requirements are met to Council's satisfaction:

   (a) the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant design requirements specified in this schedule; and

   (b) the proposal achieves each of the following:

      (i) greater building separation than the minimum requirement in this schedule;

      (ii) excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;

      (iii) no additional overshadowing or overlooking to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and

   (c) where the proposal includes dwellings, it also achieves each of the following:

      (i) accessibility provision objective that exceeds the minimum standards in Clauses 55.07-7 and 58.05-1 as relevant;

      (ii) communal open space provision that exceeds the minimum standards in Clauses 55.07-2 and 58.03-2; and

      (iii) private open space provision that exceeds the minimum standards in Clauses 55.07-9 and 58.05-3.

203. It is important to note the above criteria is a preferred criteria given the use of the word 'should'. As such, there is discretion to assess the development against each criterion on its own merits.

204. With regard to (a), the proposal is considered to meet the relevant Design Objectives, design requirements and decision guidelines of DDO26 for the following reasons:

   (a) The recommended reduction in height (one mid-level), in conjunction with a separation distance of at least 33 metres from Swan Street will ensure the proposed building will maintain the prominence of the heritage street walls along Swan Street.

   (b) The proposal at 11 storeys will positively contribute to the new mid-rise character sought under DDO26 the retail and entertainment focus of the precinct and a varied skyline on the south side of Swan where taller development is envisaged.

(c) The proposal will significantly enhance the pedestrian experience at ground level, as discussed above and further below.

(d) The only adjoining residential zoned properties within 40m of the Site are the adjoining townhouses immediately west. These townhouses are considered to be a development site within their own right, given they only stand 2-3 storeys in height (well below the 28m preferred height). Whilst some additional visual bulk and overshadowing impacts will be experienced, these impacts are not significantly different (1 storey higher with a setback of 2.7m – 3m adjacent the west boundary) than the approved building under PLN18/0658. Off-site amenity impacts are further addressed below, which are considered acceptable subject to conditions.

(e) The southern walls of the proposal will provide a robust (0m / -0.25m) interface adjacent Little Lesney Street and the railway corridor, while incorporating sufficient articulation to avoid the appearance of a continuous wall. The uppermost two levels are also setback beyond the southern street wall.

205. With regard to (b) the proposal will:

(a) Achieve building separation from the western common boundary of at least 3m to habitable room windows and balconies, consistent with the siting approved under PLN18/0658.

(b) Achieve a BESS excellence score of 71% as well as committing to being a 'carbon neutral' building for at least 10 years.

(c) Result in no unreasonable visual bulk or overshadowing to residentially zoned properties, which will be discussed further below under 'off-site amenity impacts'. Importantly, the proposal will not cast shadow over residential properties south of the railway corridor at the Equinox.



Image: Render of the proposed building viewed from in front of 205 Swan Street with 1 Little Lensey street approved envelope in green. Source: S57a plans.

206. With regard to (c), the proposal exceeds the accessibility (subject to a recommended condition), communal open space and private open space standards, which is discussed further below.

207. The proposed building height, subject to conditions reducing the scale of the proposed building, is considered to contribute appropriately to the preferred mid-rise built form character sought by DDO26 and demonstrates significant compliance with the criteria outlined above to exceed the preferred height limit.

Upper level setbacks

208. DDO26 outlines a minimum 3 metre upper level setback requirement above the street walls at Wiltshire and Brighton Street. As noted in Paragraph 17, the proposed development incorporates a minimum 2.5m setback from Wiltshire Street and 2.6m from Brighton Street.

209. Having regard to the relevant DDO26 Design Objectives, design requirements and decision guidelines, it is considered that the proposed upper level setback variations to Wiltshire and Brighton Streets are considered appropriate for the following reasons:

(a) The design elements that encroach within the 3m setback are limited to the curved columns and horizontal slab detail. The remainder of the building (balcony balustrades, windows and doors) are setback 3 metres in accordance with the requirement.

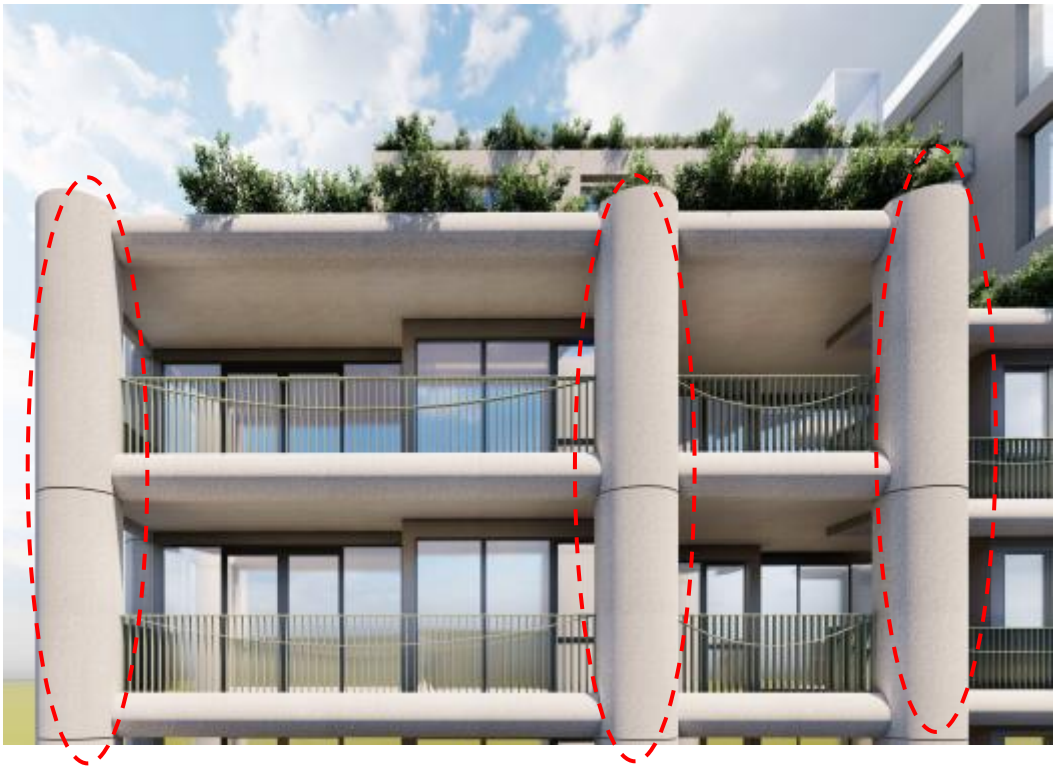


Image: Render of the proposed upper level detail. Source: S57a plans.

(b) The columns that encroach within the requirement represent <25% of the upper level facades to Wiltshire and Brighton Street façades. This does not create unreasonable additional mass to the overall building but will improve the sense of depth to the façade elements. The curved nature of columns and slab also helps reduce visual bulk.

(c) A high standard of architectural design is evident in the composition of the upper levels, discussed further below.

(d) The upper levels are massed to avoid repetitive stepped forms, which are discouraged in DDO26. Stepping is appropriately limited to the most exposed northeast corner of Levels 9-11. These steps are meaningful with a 9m setback for Levels 9 - 10 and 14.8m for Level 11 from Wiltshire Street and setbacks of 6.7m at Level 9 - 10 and 11.7m at Level 11 from Brighton Street.

(e) The larger façade span along Wiltshire Street is visually broken by a central notch measuring 5m width x 2m depth, which responds to a recommendation of Council's urban design consultant (Recommendation 6). Visual bulk will be further reduced with the recommended reduction in building height (removal of Level 4 or 5).



Image: Render of the proposed building viewed along Brighton Street, with officer markup showing a reduction of one level sought by condition. Source: S57a plans.

Public realm interface and pedestrian experience

210. This built form principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the use. DDO26 also includes a number of design objectives and requirements that seek to ensure development enhances the pedestrian experience through improved activation at ground floor. As discussed under the street wall heights (Brighton and Wiltshire Streets) section above, this outcome has been achieved at ground level via the following:
    (a) A high degree of glazing along all three street frontages. This allows views between the ground commercial uses and the public realm.
    (b) A 'give back' gesture along Wiltshire and Brighton Street with a minimum of 2.7m ground floor setback from the title boundary (refer to image below). 24 visitor bike spaces are incorporated within these setbacks.
    (c) A curvilinear cantilevered first floor structure that provides shelter to pedestrians.
    (d) Separate lobbies/entries are provided to residents, office levels and commercial tenancies that are attractive, generous in width and easily identifiable from the street.
    (e) Commercial uses (office) at first and second floor featuring significant provide additional daytime activation of the surrounding area.
    (f) The composition, articulation, fenestration and external materials of the proposed street walls (3 storey podium) is considered to achieve urban design and architectural excellence as sought by the design quality requirements of DDO26. Architectural quality is discussed further below.

(g) The north east corner of the Site is defined by a large planter bed that softens the appearance of the corner podium structure, prevents an entrapment opportunity behind the structure and provides an attractive outlook for patrons of the adjacent food and drink premises. This is also supported by Council's urban design unit, despite Council's urban design consultant seeking to have this treatment redesigned (Recommendation 5e).

(h) Revised bicycle facilities are integrated in the design of the Wiltshire Street façade with at-grade entry, which has addressed previous concerns of Council urban design and strategic transport units and Council's urban design consultant (Recommendation 4 and 5d).

(i) Vehicle access is limited to the northwest corner, well away from public realm corners, as approved under PLN18/0658.

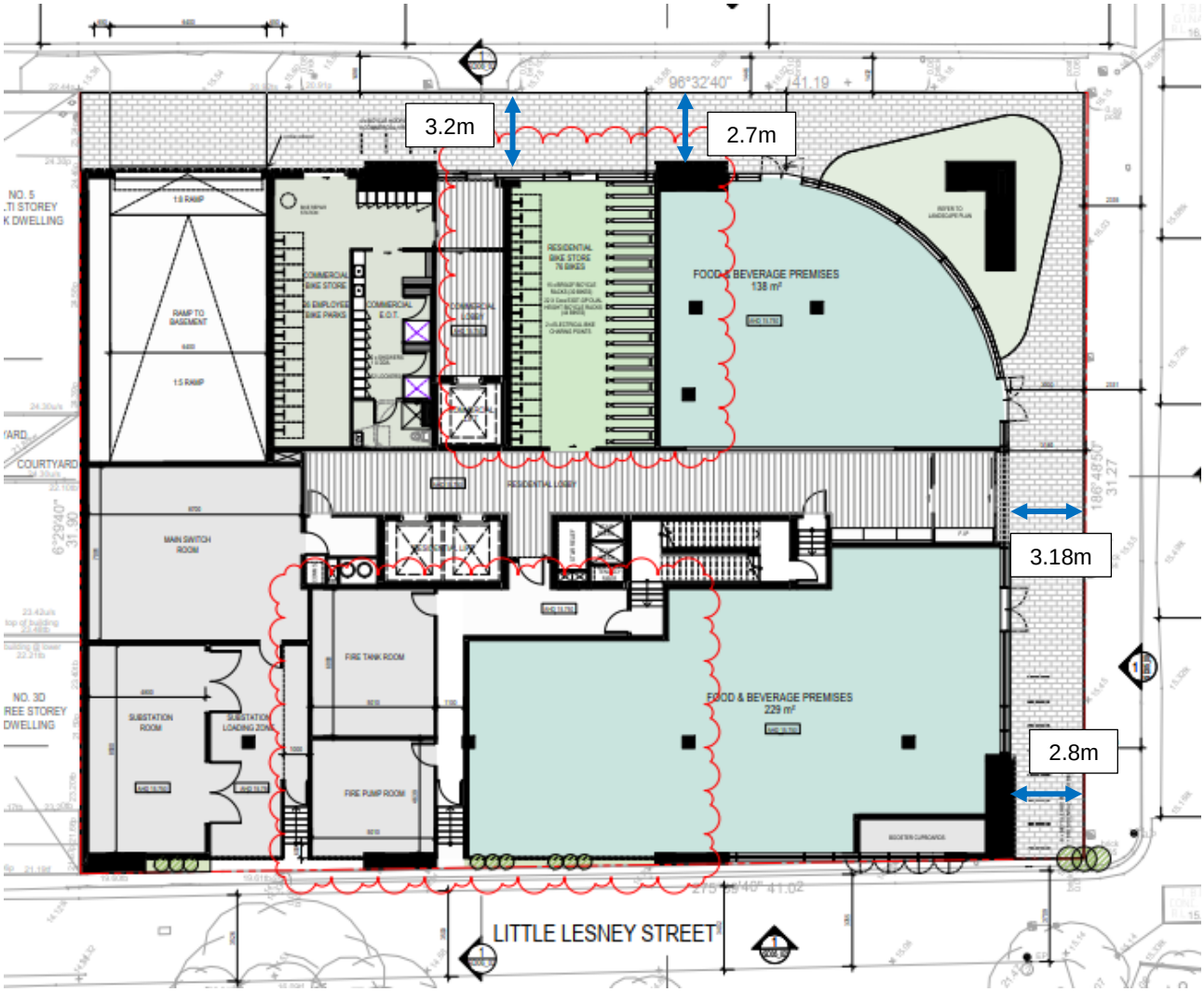


Image: Office markup of the proposed S57a ground floor plan, showing dimensions of boundary setbacks.



Image: Render of the propsoed ground plane interface along Wiltshire Street, looking west. Source: S57a plans.

211. Council's urban design consultant raised a number of issues concerning the design of the building based on likely wind impacts that do not support street activation (Recommendation 1a). However, this position is not shared with Council's wind consultant, which will be discussed under off-site amenity impacts below.

212. Council's urban design consultant raised issue with the location of the booster cupboard adjacent the intersection of Little Lesney Street and Brighton Street. Whilst this would be preferrable to relocate away from the corner, the natural slope of the land makes it difficult to relocate the cupboard further west. The proposed position is accepted due to the ground floor setback gesture and that the booster cupboards have been well integrated into the overall architectural design of the podium with glazing above. A condition of permit will require detailed drawings of the booster cupboards and other services to be included as part of the façade strategy.

213. The western most window of the southern retail tenancy is finished with a vertical screen, where as the external finish is unclear on the materials schedule. A condition has been included requiring the material and finish to be nominated with a transparency of no less than 50% to maximise activation of Little Lesney Street.

214. Based on the above considerations, the presentation of the development to the public realm is well designed and will provide a positive interface with the street.

Public realm – external to subject site

215. The application will require removal/reinstatement of the two redundant crossovers along Wiltshire Street (asphalt finish) and reconstruction of the two existing crossovers to 3 Wiltshire Street to create a single crossing to the basement levels. The proposed landscape concepts plans do not show any works beyond the title boundaries, aside from showing tables and chairs adjacent commercial tenancies (which will be conditioned to be removed as footpath trading permits will be required separately).

216. Condition 48 of the PLN18/0658 related to the submission and approval of a Brighton Street Public Realm Improvements Plan, which required details in relation street trees/pits, street furniture and a pram ramp along Brighton Street. The submitted landscape plan showed the provision of three street trees along Brighton Street, as shown in the image below.

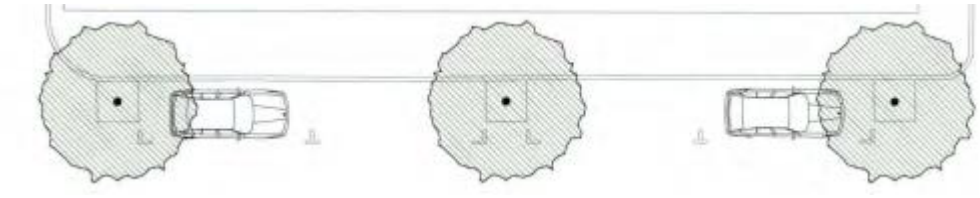


Image: Extract of the advertised landscape plan of PLN18/0658, showing proposed street tree locations.

217. Council's urban design consultant recommended the provision of kerb outstands at the corner of Wiltshire and Brighton Streets and at the midblock and southern end of the Brighton Street interface for the inclusion of street trees. However, these have not been pursued due to the topographic and drainage constraints that the exist along Brighton Street pose. Council's urban design unit have also recommended the provision of new street trees planted at the cost of the developer, including two each along Brighton and Wiltshire Streets (as per the image below). These requirements will be included within a public realm plan condition.

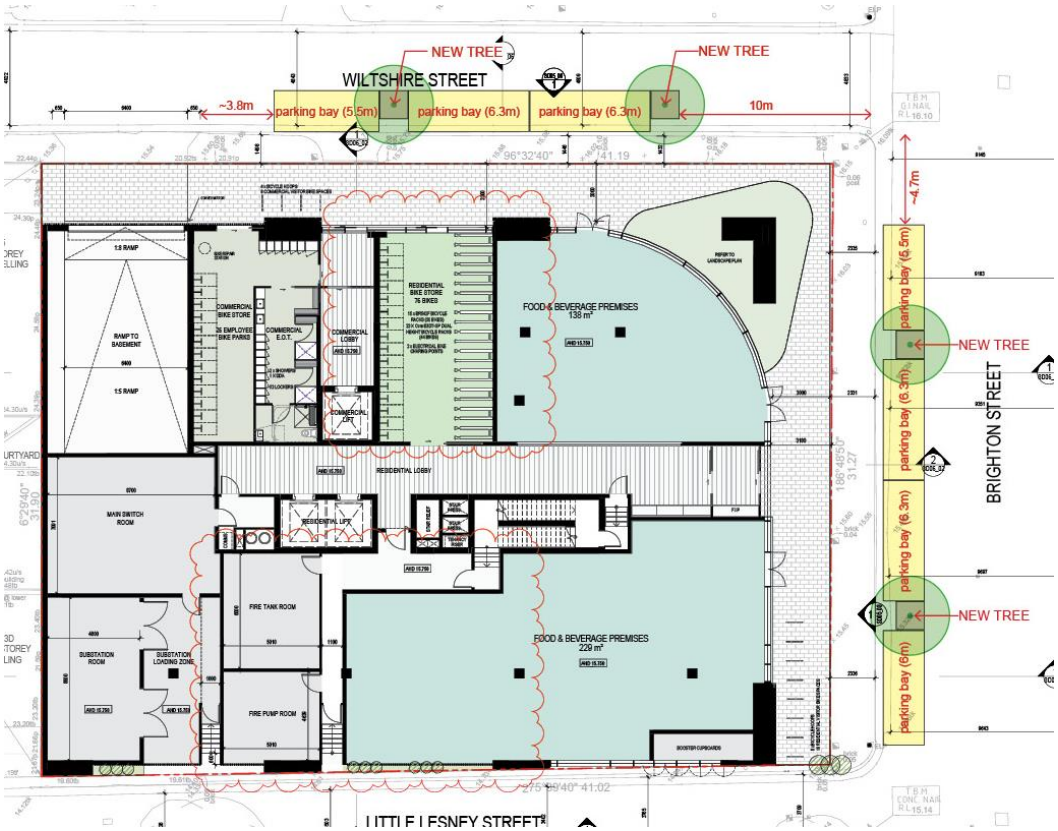


Image: Urban design unit markup of the S57a ground floor plan showing preferred location of new street trees and on-street car parking spaces.

218. DDO26 also identifies a 'future shared zone' along the east-west section of Little Lesney Street between 1 Litlle Lesney Street to the Site. This zone will enhance pedestrian amenity from Brighton Street and the pedestrian lane that runs along the southern boundary of 441-443 Church Street that provides connection to Church Street (refer to image below). This is further emphasised in the Swan Street Master Plan (2021), which identifies Little Lesney Street to be a 'pedestrian priority zone'.

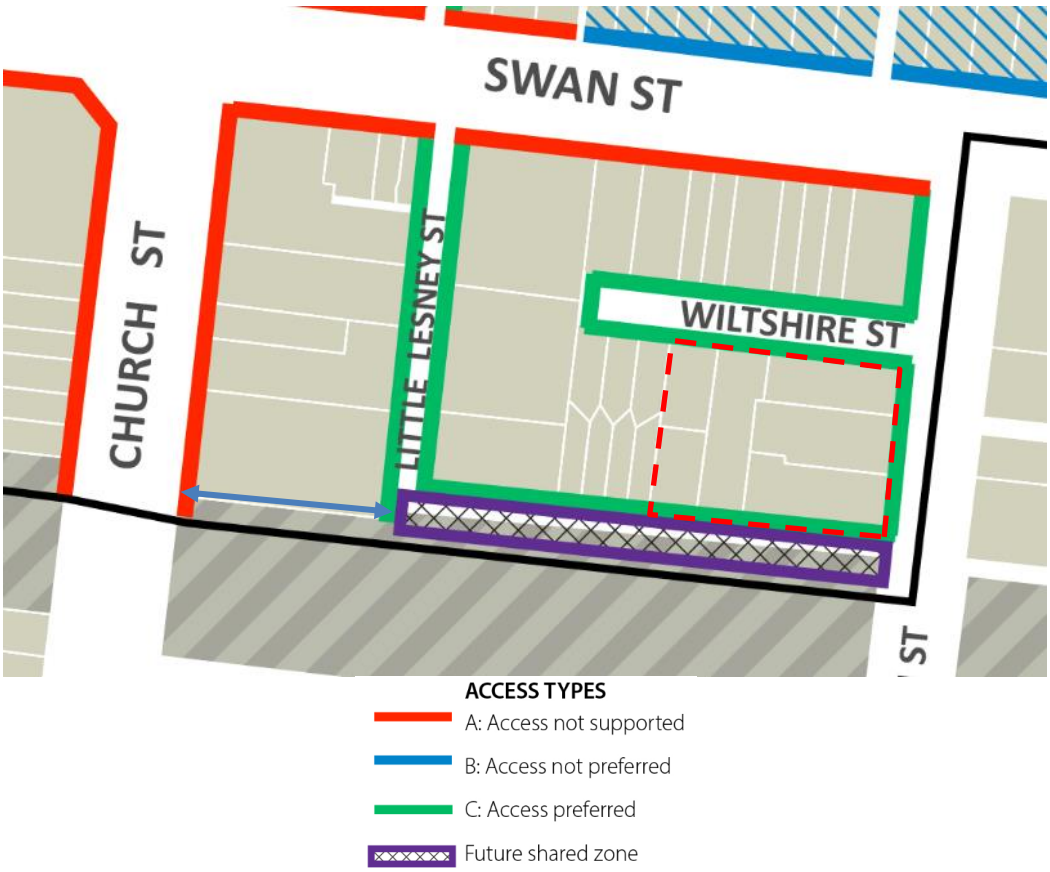


Image: Extract of the access map within DDO26, with officer markup showing the pedestrian lane connection to Church Street.

219. The public realm plan condition recommended also includes the requirement to reconstruct the section of Little Lesney Street adjacent the Site with a 'pedestrian priority treatment'. An additional condition requiring a detailed civil and drainage plan is also included in the recommendation to complement the public realm plan requirement. This will assist in achieving the DDO26 vision to create a shared zone along Little Lesney Street.

220. Overall, the public realm changes outlined in the recommendation will result in a substantial improvement for the pedestrian experience along all three public realm interfaces of the Site.

Architectural Quality

221. Policy at clause 15.01-2S encourages high standards in architecture and urban design, whilst clause 22.10 encourages the design of new development to respect (amongst others) the pattern, spatial characteristics, fenestration, roof form and materials in the surrounding area. A design quality requirement of DDO26 also states that development should achieve urban design and architectural excellence.

222. As noted earlier, an increasing degree of contemporary, mid-rise built form is emerging within this section of the Swan Street MAC. These developments typically provide robust designs, a balanced solid to void ratio to street walls with higher proportions of glazing at upper levels and flat roof forms. Examples are evident on the architectural design of the approved buildings at 1 Little Lesney Street / 9 Wiltshire Street and the subject Site.

223. The proposed architecture has been crafted to create a strong podium form with the lower three levels emphasised by green brickwork, curved arch forms integrated into the structure at the ground plane and large windows to Levels 1 and 2 (with sill and arch brick detailing). These elements together with a large asymmetric central break along the Wiltshire Street façade will contribute to a visually interesting and attractive pedestrian experience.

224. The proposed textured concrete finish of the upper levels effectively contrasts with the green brickwork of the podium levels. The upper levels incorporate curved columns and slab edges that project from the balcony and window alignments, which provide meaningful depth and shadow lines to the façade. The balcony balustrades will be constructed with ornate metal work with a green powedercoat finish.

225. The proposal incorporates a robust and restrained material and colour palette, which is executed thoughtfully to create a high level of visual interest. An image of the materials board is provided below.

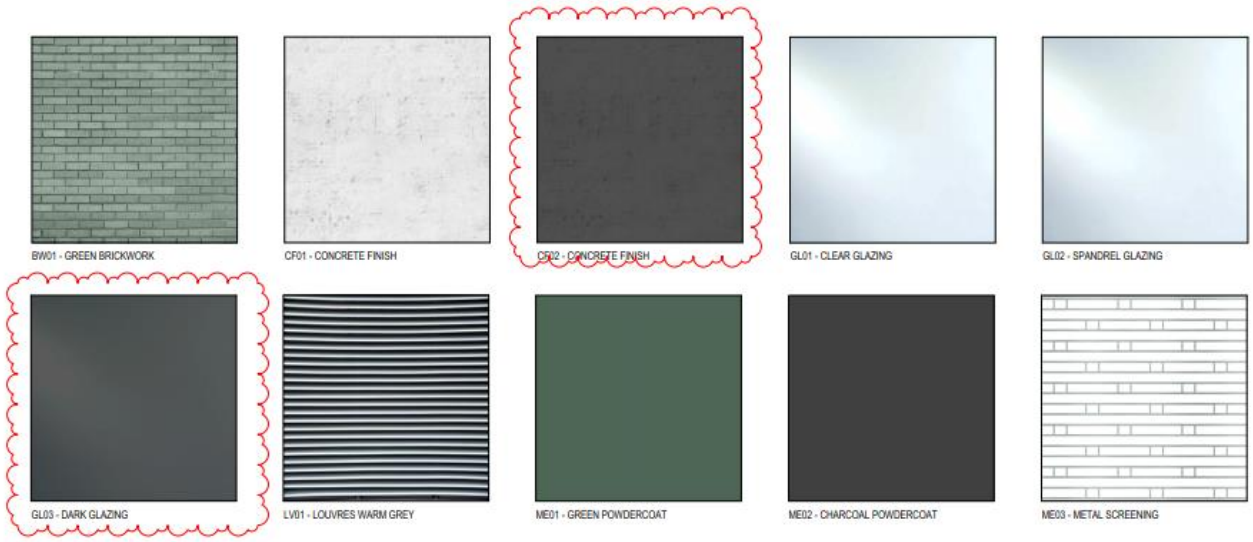


Image: Proposed Colour and Material Palette. Source: S57a architectural plans (Page 49).

226. Overall, it is considered that the proposed building has been designed 'in the round' and will feature a high level of architectural quality and appearance. Council urban design consultant states that '*the proposal incorporates meritorious ambitions in relation to the specification of the building both in terms of its materiality and environmental performance.*'

227. A façade strategy condition is included in the recommendation to ensure that all external finishes for the facades are executed to Council's satisfaction, including the provision of detailed images/samples of materials/finishes to ensure a high quality finish is achieved. A further condition is recommended that requires the retention of SJB Architects for the life of the project.

Landscaping

228. The landscape plans show dedicated planter boxes on the terrace areas shown at Levels 1, 3, 4, 5, 6, 9, 11 and roof deck (Level 12), which include the provision of some Weeping Lilly Pilly and Kanooka Gum canopy trees. Subject to appropriate maintenance, this level of landscaping will subtly soften and enhance the appearance of the development when viewed from the public and private realms.

229. Council's Open Space Unit have reviewed the advertised landscape concept by Tract Consultants and agreed the proposed landscaping will enhance the built form. The Unit requested more detailed landscape plans for endorsement purposes. Conditions have been recommended to ensure this detail is required (including methods for irrigation and drainage).

Off-site amenity impacts

230. Clause 15.01-2S of the Scheme aims to provide building design that minimises the detrimental impact of development on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing of SPOS, loss of daylight to windows, visual bulk, overlooking of sensitive areas and equitable development. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy) of the Scheme.

231. The subject site is zoned MUZ, as are the properties to the west. Land to the north and east is located within the C1Z, while the railway corridor to the south is located within the Transport Zone 1 (TRZ1). Land beyond the railway corridor is located within the GRZ and NRZ (approximately 41m from the Site).

232. The closest dwellings to the Site include:

(a) The land directly west that is occupied by multi-storey town houses featuring central courtyards/lightcourts and balconies abutting Little Lesney Street and Wiltshire Street. No habitable room windows of these properties directly face the Site.
(b) An existing single storey dwelling is located at 11 Brighton Street with a front yard (not secluded) and habitable room windows orientated toward the Site.
(c) 10 Wiltshire Street is a three storey, attached dwelling constructed to the rear of (and above) No. 264 Swan Street.
(d) 18 Wiltshire Street is a three-storey, attached dwelling, to the rear of No. 258 Swan Street.

233. Union House is located at 272 Swan Street to the north, which is a double storey hotel with a first floor rear deck. Its current hours of operation (approved under planning permit PLN17/0359) are Sunday to Wednesday, 11am to 11pm, and Thursday to Saturday 11am to 1am the following day with up to 328 patrons overall and 100 patrons allowed on the first floor deck. Amplified recorded music is also permitted. A number of other licensed premises are also located in close proximity of the Site but greater than 50 metres.

234. The acceptability of off-site amenity impacts (i.e. noise, visual bulk, overlooking, overshadowing, light pollution and equitable development) are considered below.

Noise

235. Policy at Clause 22.05-4.2 requires non-residential development to provide a high level of acoustic protection to adjoining properties. On-site and off-site acoustic impacts are addressed later in the report under the Clause 58 assessment, including the impacts from Union House as a live music venue. This assessment considers an acoustic report submitted by the Applicant, which has been peer reviewed by Council's acoustic consultant. Subject to an amended acoustic report recommended by permit condition, off-site noise impacts to nearby sensitive receivers and the proposed dwellings are considered to be appropriately managed.

Visual bulk

236. In the above built form and design analysis, the potential off-site amenity impacts by way of visual bulk to the eastern, northern and southern interfaces was assessed and found to be acceptable in this context.

237. With regard to the western interface with the adjoining townhouses, it is important to note that these properties are located within the MUZ and Swan Street MAC and benefit from the same built controls as the Site (eg. preferred height limit of 28). Accordingly, these townhouses have a significant opportunity for more intensive development, despite the current subdivided configuration (7 lots).

Notwithstanding this, it is noted that the approved building on the Site (PLN18/0658) features the following design attributes at its western interface:

(a) Western boundary walls setback 3 metres from the northern boundary, measuring between 19.7m (north) – 20.8m (south) high above ground level. These walls are broken by a central light court, commencing at Level 01, measuring approx. 7m wide x 3m deep.
(b) A 3m western boundary setback to upper levels above the boundary walls, incorporating various habitable room windows and balconies (no terrace abutting the boundary).
(c) Overall building height ranging between 33.3m (north) and 34.4m (south).



Image: Western elevation of the approved building on the Site. Source: Applicants submission, PLN18/0658.

238. The massing approved adjacent the western interface provides a basis to consider potential visual bulk impacts to the adjoining townhouses.

239. In this regard, the proposed design (when considering the removal of Level 4 / 3.2m) will result in the following western interface characteristics:

(a) Western boundary walls setback 3 metres from the northern boundary, measuring between 19.3m (north) – 20.4m (south) high above ground level. These walls are broken by a central light court, commencing at Level 01, measuring approx. 6.9m wide x 2.7m – 3m deep.
(b) A 2.75m - 3m western boundary setback to upper levels above the boundary walls, incorporating various habitable room windows and balconies.
(c) Building height up to Level 11 ranging between 37.5m (north) and 38.6m (south).
(d) A roof deck level featuring a 3.2m high internal communal area setback 6.6m from the western boundary, 11.5m from the south boundary and 12.1m from the north boundary. A balustrade for the roof terrace is also proposed above the parapet of northern half of the western upper level wall.

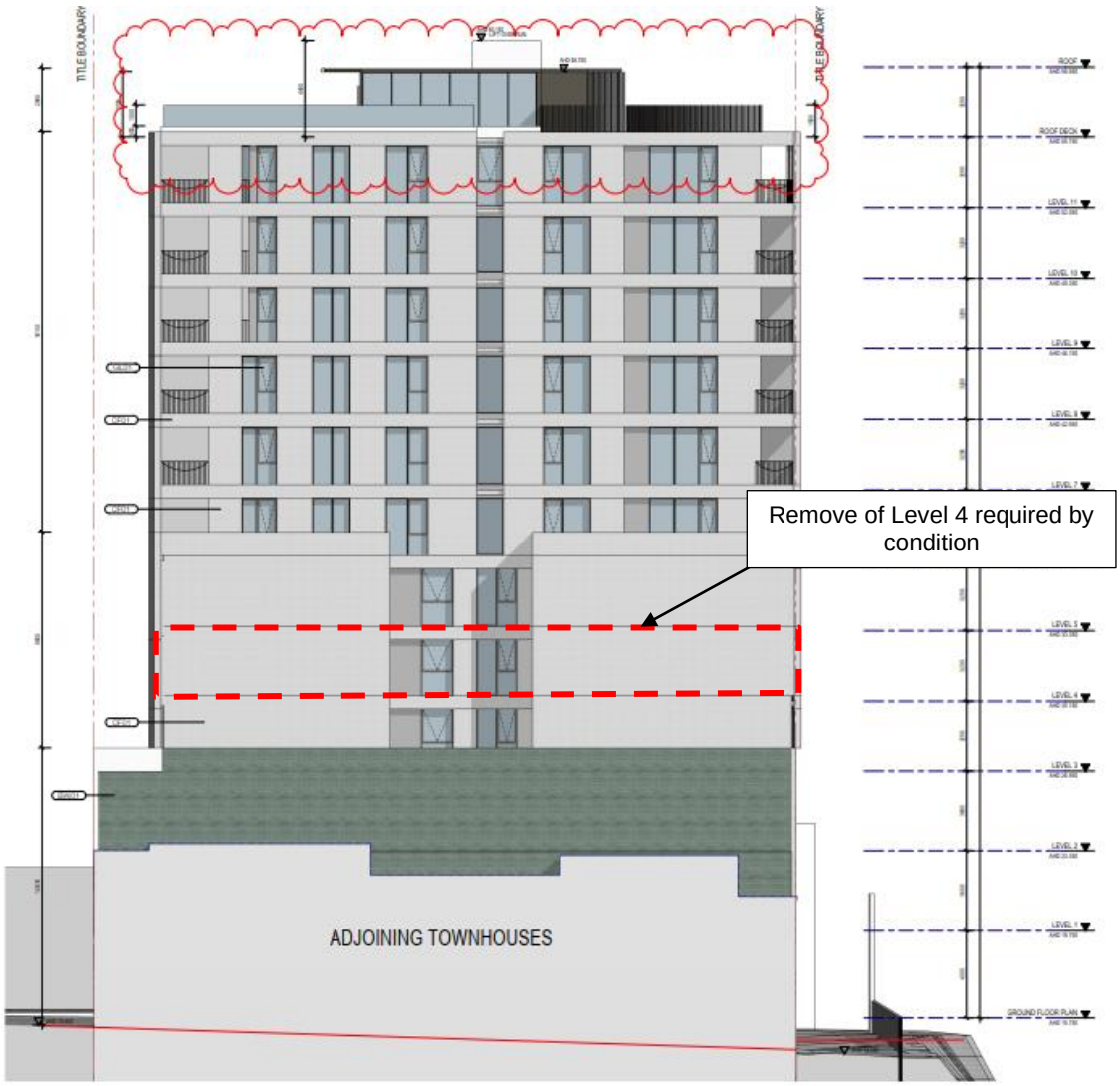


Image: Western elevation of the proposed S57a plans, with officer markup showing the removal of Level 4.

240. A comparison of the approved building and the primary visual mass changes are limited to an increase in the overall building height by 4.2m (excluding the recessive roof top level). The light court location and dimensions remains comparable. However, the western boundary wall configuration, whilst comparative in height, show the two office levels of the proposed development featuring a solid boundary wall adjacent the lighcourt at these levels. The upper level setbacks also reduce by 0.25m for solid wall elements that do not have a window or balcony.

241. It is important to note that the preferred building height requirement of the Site and adjoining townhouses was 21 metres, which has since increased to 28m with the permanent DDO26 controls. Furthermore, the quantitative requirements in relation to building separation have generally not changed between interim and permanent controls.

242. With the above in mind, the increased parapet height (excluding the roof deck level) by 4.2m is considered reasonable within the context of the preferred built form outcomes sought by DDO26 on both sites. A condition has been included in the recommendation to reduce the boundary wall height adjacent the western lightcourt at Levels 1 and 2 so as to be no greater in height than the parapet of the townhouse at 3D Little Lesney Street. Subject to this condition, no unreasonable visual bulk is expected to be experienced, including from POS areas of the adjoining townhouses given taller boundary walls are permissible under DDO26 controls.

243. The existing dwellings fronting the northern side of Wiltshire Street and eastern side of Brighton Street will be suitably separated from the proposed upper levels due to the buffer that the adjoining road reserves provide.

Overlooking

244. Clause 58.04-1 (building setback) and local policy at Clause 22.10 call for new development to consider overlooking impacts to nearby land in residential zones and existing dwellings. Clause 22.10 offers the following guidelines for mitigation of overlooking:

> *New residential development that contains a habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling or a dwelling's secluded private open space located within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio, should be either:*
> - *Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.*
> - *Have sill heights of at least 1.7 metres above floor level.*
> - *Have fixed obscure glazing in any part of the window below 1.7 metres above floor level.*
> - *Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25% transparent.*

245. In this instance, the Site is only within 9 metres of habitable room windows and POS (balconies and courtyards) of the adjoining townhouses to the west. These townhouses are centrally separated by an E-W central courtyard/light court measuring 2.9 metres in width. Habitable windows of kitchen and bedroom areas face this courtyard. Habitable room windows and balconies are also orientated to Little Lesney and Wiltshire Street. An extract of the approved second floor plans and Section for these townhouses are shown in the image below.

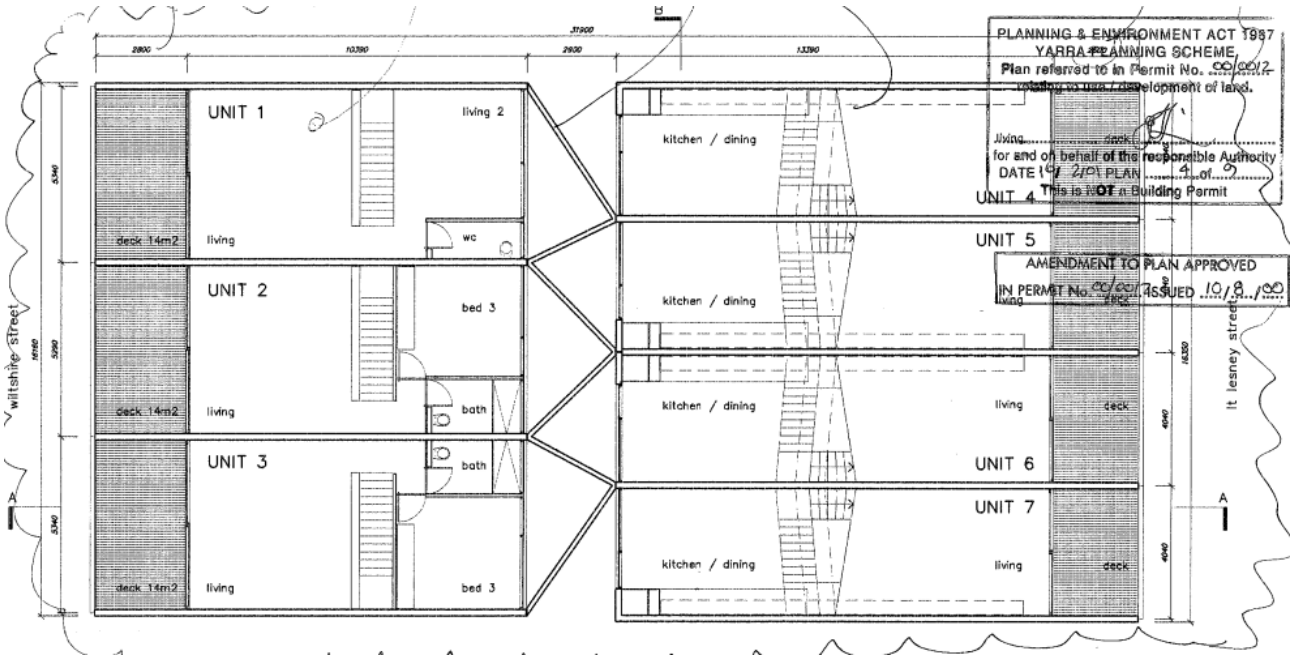


Image: Second floor plan of the 7 townouses adjoining the western boundary of the Site. Source: PN00/0012 endorsed plans.

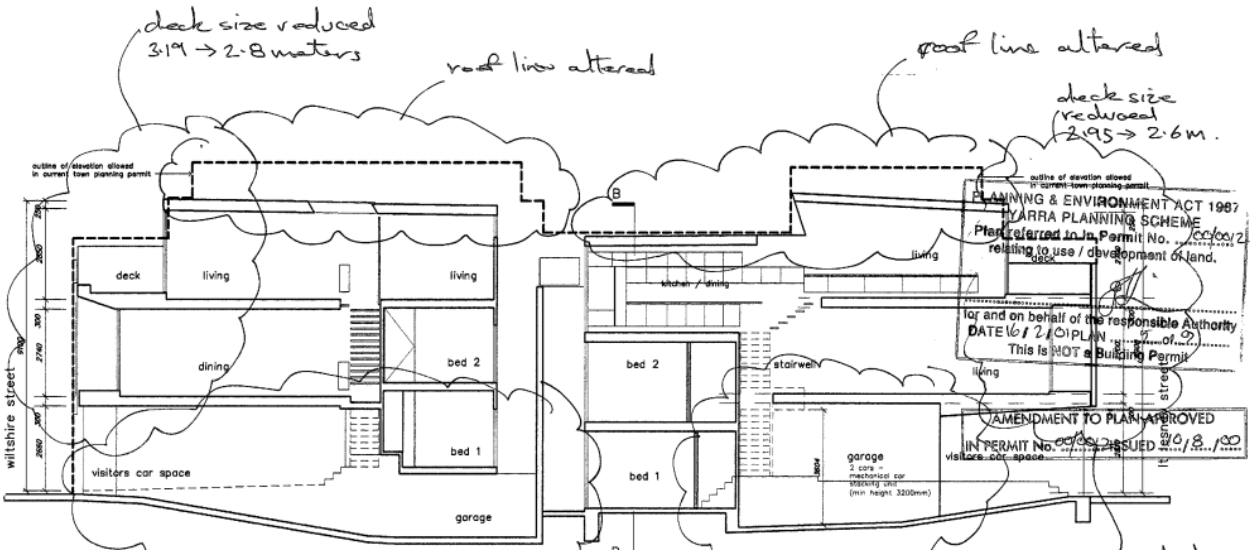


Image: N-S section of the 7 townouses adjoining the western boundary of the Site. Source: PN00/0012 endorsed plans.

246. The previously approved development on the subject Site features unscreened windows and balconies orientated to the western boundary, commencing at Level 01, without terraces abutting the common boundary at this level. the proposed building will feature habitable windows and balconies with a western aspect from Level 3. The previous permit included a condition that required confirmation that there is no unreasonable overlooking within 9m to the private open spaces and habitable room windows to the west. This condition is also be included in the recommendation, to the satisfaction of the responsible authority.

Overshadowing (private realm)

247. The applicant has included shadow diagrams that compare shadow impacts of the approved building allowed by PLN18/0658 and the S57a proposal plans between 9am – 3pm at the Spring Equinox. The plans show an increase in shadow impacts, from previously approved conditions, due to the increased mass at southern edge of the Site. This shadow will naturally reduce as a result of the recommended building height reduction by one level (Level 4 or 5).

248. There are no roof top solar energy facilities located nearby the proposal (north of the railway corridor). There are also no specific overshadowing controls in DDO26 that seek to protect amenity of the private realm. On the other hand, Clause 22.10-3.8 requires development to not substantially overshadow adjoining residential open space.

249. The only interface that warrants consideration of overshadowing impacts are the adjoining townhouses to the west. The shadow diagrams indicate that a modest increase in shadow will be experienced at the second floor terrace areas of the adjoining south-facing townhouses at 3A – 3D Little Lesney Street between 10am – approx. 11:30am. Refer to the images below, this impact will be lessened but the proposed deletion of Level 4 as recommended by this report.

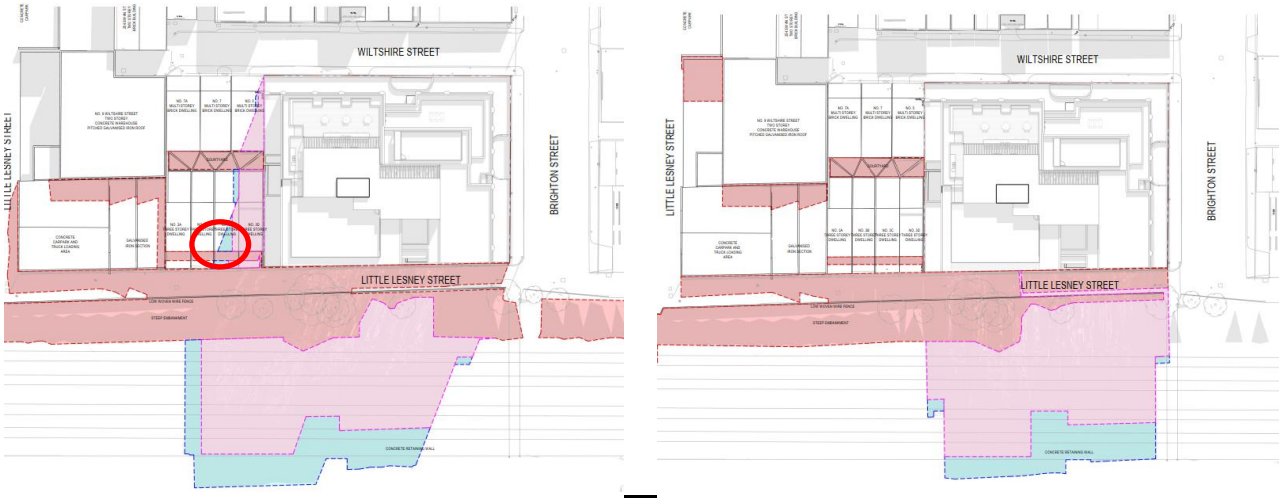


Image: Spring Equinox shadow diagrams, comparing the approved shadow impacts (pink) and proposed shadow impacts (blue) at 11am (left) and 12pm (right) with officer markup. Source: S57a plans.

250. The increased shadow impacts are not considered significant given the adjoining townhouses are located within the MUZ and Swan Street MAC, where higher dwelling densities and taller built form are expected. These townhouses are also considered to be a future development site in their own right, given they are afforded the same built form controls as the subject Site. No shadow impacts will be experienced after midday and morning shadow impacts will also be lessened by the recommended reduction of building height.

251. No shadow impacts will be experienced on NRZ and GRZ land on the southern side of the railway corridor.

Overshadowing (public realm)

252. Council's urban design consultant has raised a number of concerns relating to additional shadow impacts that would be cast on the southern pedestrian bridge and the eastern footpath of Brighton Street (Recommendation 2b and 2c).

253. DDO26 outlines mandatory shadow controls for the southern footpath along Swan Street and preferred shadow controls for opposite footpaths along Burnley, Mary and Coppin Streets. No reference is made to the southern pedestrian bridge or Brighton Street footpath.

254. The enclosed shadow diagrams indicate that no shadow over the pedestrian bridge is cast at midday, close to 70% of the pedestrian bridge will be in shadow at 1pm and at least 90% in shadow at 2pm and no additional impact at 3pm. Given the extent of existing shadow impacts to the pedestrian, together with no controls seeking to restrict overshadowing to this particular public realm infrastructure, the additional shadow impacts from the proposed development will not be unreasonable.

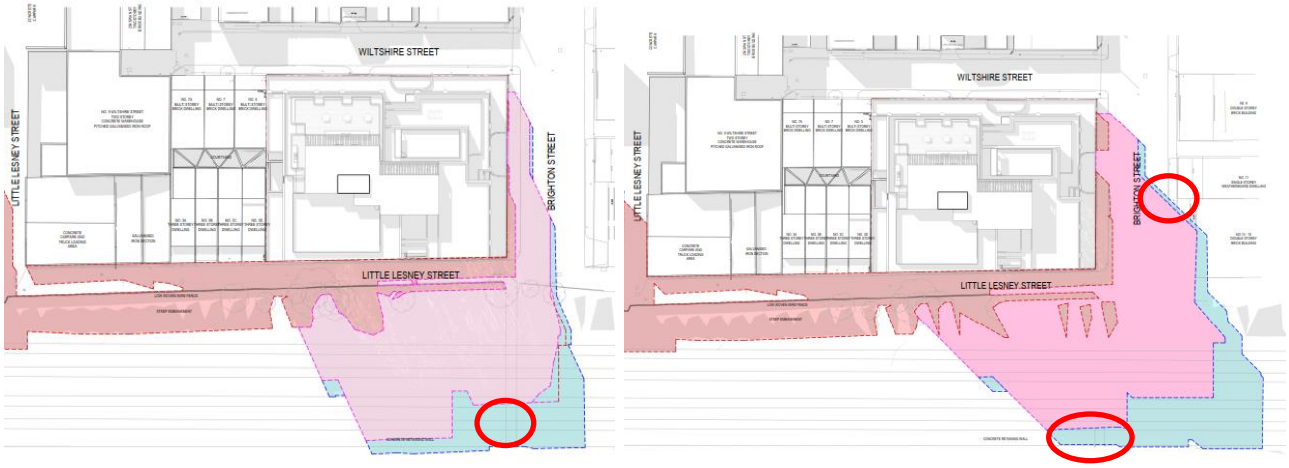


Image: Spring Equinox shadow diagrams, comparing the approved shadow impacts (pink) and proposed shadow impacts (blue) at 1pm (left) and 2pm (right) with officer markup. Source: S57a plans.

255. A very modest increase in shadow impacts will be experienced on the eastern footpath to Brighton Street at 2pm, as shown in the image above. This is largely due to a similar massing approach being adopted at the north east corner of the Site as the approved building. Accordingly, this minor increase is considered acceptable. Again, the recommended reduction in building will lessen shadow impacts experienced within the public realm.

Wind

256. The amended application was accompanied by a revised wind assessment prepared by MEL in response to Council's urban design consultants concerns regarding wind impacts to the adjoining public and private realms resulting in these not being fit for purpose (Recommendation 1).

257. The originally advertised environmental wind tunnel modelling report concluded that with the design (original advertised plans):

(a) *it has been demonstrated that with the incorporation of wind mitigation strategies (i.e. Rounded corner at ground level + Landscaped Zone at the northeast corner), the wind conditions on the pedestrian footpath would improve and pass the walking criterion.*
(b) *The wind conditions at all entrances into the proposed Development have been shown to pass the Standing criterion (i.e. recommended criterion for entrances).*
(c) *The wind conditions for the Proposed Configuration on the balconies and terraces of Levels 3, 9, 11 and 12 have been shown to pass the Walking criterion; with many Test Locations also passing the Standing criterion.*
(d) *The wind conditions for the Proposed Configuration in the streetscapes that surround the proposed 2 Brighton Street Development pass the Safety criterion.*

258. An additional assessment by MEL was also prepared for the communal roof terrace design shown on the S57a plans, which concluded:

> *The wind conditions on the Communal Rooftop Space on the Roof Deck level would be expected to satisfy the standing comfort criterion. The addition of local landscaping and trees would also be expected to further improve wind conditions on the Roof Deck.*

259. This wind report and supplementary roof terrace assessment has been peer reviewed externally by VIPAC. The external wind consultant raised no concerns and concludes:

The MEL consultants report uses the proper analysis and methodology to measure the wind effects on the pedestrian level surrounding the proposed development (original report).

VIPAC agrees that the updated design (S57a roof terrace*) has incorporated the design recommendation from the wind tunnel test and the modified roof-deck does not adversely affect wind conditions at the deck.*

260. Furthermore, both MEL and VIPAC agree that the increased wind comfort criteria within public and private realms on the Site and surrounds recommended by Council's urban design consultant was too stringent for new development and not practical.

261. Notwithstanding this, the wind conditions are still not fully supported, as it is considered that the private balconies and communal open space should meet sitting levels, rather than walking.

262. Wind impacts on a rooftop communal space were considered recently by the Tribunal in SMA *No. 17 Pty Ltd v Yarra CC [2020] VCAT 1364*. In that case, the Tribunal found:

> *'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.*
>
> *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.*
>
> *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.*

263. The above case directly discusses wind impacts to communal areas and demonstrates that the communal areas should be afforded greater wind comfort. Furthermore, it is considered that private areas are worthy of the same, if not greater, protection to allow for acceptable amenity. Conditions will require this to be provided and will require a wind tunnel study which includes the ground, Level 1 communal terrace, all private terraces and the roof terrace.

264. An updated wind assessment is recommended by permit condition to reflect the reduction of building height sought by condition 1, and measures to ensure that private balconies and communal open space areas achieve the walking criteria.

Equitable development

265. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development must be considered. In this instance, the site has a direct abuttal to the west, which is land affected by the MUZ and DDO26 (the same controls as the Site). Whilst this land is currently occupied by three storey town houses, this land is expected to have become a development site with time, due to the significant increase in development intensity envisaged by DDO26 and the broader context of the Swan Street MAC.

266. The proposed development is considered to appropriately provide for equitable development potential of the western adjoining land for the following reason:

(a) The western boundary walls to can be reciprocated on land and DDO26 envisages multi-storey boundary walls.
(b) The habitable room windows and balconies of the upper levels are setback 3 metres from the western boundary, consistent with PLN18/0658 including the lightcourt shown on levels 3 - 5.

On-site amenity, including Clause 58 and ESD

267. Clause 58 comprises design objectives and standards to guide the assessment of new apartment development.

268. Planning Scheme Amendment VC174 made a number of revisions to the Better Apartment Design Standards (BADS) to all Planning Schemes in December 2021. The transitional provisions apply to the subject application, as it was lodged before the gazettal date of VC174. As such, the Clause 58 assessment below is made against provisions that were in effect before this amendment was introduced.

269. As supplementary guidance, the UDGV and ADGV are also of relevance.

Standard D1 - Urban context objective

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

271. This has been considered earlier in the report under the *Built form and design* assessment. The proposed development provides an acceptable design response with regard to heritage values of nearby precincts, building height, massing and detailed design.

272. Overall, the proposed development achieves a positive response to the emerging character along this section of the Swan Street MAC. The objective and standard are satisfied.

Standard D2 – Residential policy objectives

273. This is addressed within the *Policy and strategic support* section of this report. The standard and objective are met.

Standard D3 – Dwelling diversity

274. The proposed development incorporates a genuine mix of one, two and three bedroom dwellings, including numerous apartment typologies. The standard and objective are met.

Standard D4 – Infrastructure

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

Standard D5 – Integration with the street

276. As discussed above, the proposal has made a concerted effort to maximise activation to all three public interfaces of the Site by locating the vehicular access away from the public realm corners and minimising the extent of service areas along Brighton and Wiltshire Streets.

277. No high fencing or dwellings are proposed at ground level to maximise commercial activation within the public realm and the Swan Street MAC.

278. The design of the upper levels incorporates high levels of glazing/openings to all three interfaces with the public realm, which will add significant activation/passive surveillance opportunities to the street from both commercial (office) and residential uses. The proposal is considered to comply with both the standard and the objective

Standard D6 – Energy efficiency

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

280. 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.

281. The proposed development, through design and commitments outlined in the SMP prepared by GIW Environmental Solutions, will achieve ESD excellence (71% BESS score) through the following:

(a) Carbon neutral building, fossil fuel free with a minimum 10-year power purchase agreement for 100% GreenPower.
(b) Good levels of daylight to most habitable rooms and commercial areas.
(c) Operable windows are indicated on the plans and elevations for each apartment. Mostly good natural ventilation standards to dwellings. Non-residential area mechanically ventilated 50% above AS1668 flow rates.
(d) Average 7.8 Star NatHERS thermal efficiency ratings for dwellings.
(e) Reasonable shading provided by balcony overhangs, wing walls and columns. All dwellings cooling load beneath the 30MJ/m2 for Melbourne's climate.
(f) A 20kW Solar PV system is to be located on the roof of the proposed development.
(g) A STORM report with a 117% STORM score has been submitted that demonstrates best practice and relies on ~788 m2 of roof connected to 20,000 litres of rainwater storage connected to toilet flushing for ground floor and level 1 and 2 toilets.
(h) The development is to utilise a centralised heat pump for hot water.
(i) Energy efficient split heating and cooling systems.
(j) No gas connected to the building.
(k) Individual cold and hot water, electricity meters will be provided to apartments and commercial tenancies.
(l) Water efficient fittings and fixtures are applied throughout.
(m) In total 102 bicycle spaces are to be provided for occupants. This includes 76 for residents and 26 of non-residential areas. Showers, lockers, bike repair station and change area provided for staff of non-residential areas.
(n) 2 charging points for electric bicycles are integrated in the proposed development. 4 car spaces only are EV ready.
(o) A target recycling rate of 80% of construction and demolition waste to minimise the volume of waste to landfill.
(p) An operational Waste Management Plan has been provided with separate residential and commercial areas with waste streams for landfill, recycling, organic waste and hard waste/e-waste.
(q) Planter boxes across ground floor, façade, terraces and communal area. Partial green roofs and walls within northern and eastern light courts.
(r) >200m2 of communal spaces across the proposed building.

282. Council's ESD Advisor reviewed the advertised SMP, daylight modelling and the development plans. Council's ESD advisor identified only one ESD deficiency:

(a) Recommend all car parking spaces are 'EV ready', not just one per level (4 in total).

283. Conditions are included in the recommendation that require the SMP to be updated to address this item requested by Council's ESD Advisor, as well as necessary updates that reflect the revised design outlined in the S57a plans.

284. The applicant has committed to Carbon Neutral certification for the base build and a minimum of 10 operating years. This commitment and the ESD initiatives of the proposal more generally are commended. This proposal will contribute to the growing number of carbon neutral developments within the municipality, while the applicant (Fortis) and their project team have shown strong leadership from a sustainability perspective.

Standard D7 – Communal open space

285. Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250m2, which ever is lesser. Accordingly, the proposal should provide 172.5m2 of communal open space to meet the standard.

286. The proposed communal areas the Roof Deck Level (Level 12) comprises approximately 170m2 of communal open space and 87m2 of internal communal space (257m2 of communal space in total). This communal open space exceeds the requirement of the standard and is designed with generous dimensions.

Standard D8 - Solar access to communal outdoor open space objective

287. The proposed communal open space has a northern orientation toward Wiltshire Street and therefore the standard will be met.

Standard D9 - Safety

288. All apartments will be accessed via the communal residential lobby proposed from Brighton Street, which has been designed to be clearly visible from the street. The objective and standard are met.

Standard D10 - Landscaping

289. The Site should be provided with 7.5% of the site area with deep soil area with a minimum dimension of 3 metres (refer to Table D2). The built form and land use context of the Site and surrounding area, coupled with the intensity of development sought by DDO26, result in the numeric deep soil landscaping requirements being of limited relevance to the proposal.

290. Notwithstanding this, a landscape concept has been prepared by Acre. These concept plans incorporate a series of planter boxes to each level containing terraces, as well as large ground level planter bed at the north east corner, which will help soften the appearance of the development when viewed from both public and private realms. A condition has been included to ensure the landscape plans are updated with appropriate detail for endorsement. Four additional street trees are also recommended by permit condition, to be implemented at the developers cost. Accordingly, the Objective is met.

Standard D11 – Access

291. The proposal is reducing the extent of the existing crossovers along Wiltshire Street (currently three crossovers) to a single width crossover with a 6.4m crossover width. With an overall frontage of approximately 41m, this equates to significantly less than 40 percent of the street frontage which complies with the standard. In reducing the extent of the existing crossovers, the development provides an opportunity for greater on-street car parking along Wiltshire Street.

292. A reduction of vehicle access is also proposed along Little Lesney Street, while no vehicle access is maintained along Brighton Street.

Standard D12 – Parking location

293. Car parking is contained within the basement levels of the development, which is accessed via Wiltshire Street. Occupants will benefit from convenient and universal access to these spaces via the central lift and stair core. The objective and standard are met.

Standard D13 – Integrated water and stormwater management

294. The Sustainable Management Plan (SMP) indicates that 20,000 litres of rainwater storage (25-30kL capacity tank shown on Basement 01) connected to flushing for toilets on ground floor and level 1 and 2.

295. The STORM report provided with the application achieves a score of 123%, which is in line with the policy direction under clause 22.16 – *Stormwater Management (Water Sensitive Urban Design).* The SMP also incorporates a stormwater construction and maintenance program. This complies with the objective and the standard

Standard D14 – Building setbacks

296. As outlined earlier in this report the height, massing and setbacks of the proposed building are considered to achieve an acceptable design response to the character of the surrounding area. The public realm interfaces to the south, north and west will ensure that apartments with these orientations are provided with ongoing external outlook and amenity. The western boundary wall and setbacks are also comparable to those approved previously on the Site (PLN18/0658). As discussed above, the proposed western setbacks are also not considered to prejudice future equitable development opportunities of adjoining land to the east.

297. This Standard aims to avoid direct views into habitable room windows and private open space of new and existing dwellings, thereby reducing the reliance on screening to inhibit these views. This has previously been discussed above under *off-site amenity impacts*.

Standard D15 – Internal views

298. Solid partitions are proposed where balconies adjoin one another on the same level to ensure privacy is provided.

299. In general, balconies of apartments within the upper levels are inset within the prevailing building line and are generally directly above the balcony below. An exception to this are podium terraces and views available from Apartment 10.02 and 11.02 where recessive setbacks are adopted, which allows for limited views to private open space terraces immediately below from habitable room windows. The limited views available from habitable room windows are considered acceptable and no significantly less than allowed by the standard. Some views from common areas will be afforded to the Level 11 terrace for Apartment 10.02, however this is a secondary POS terrace to this apartment and can be screened by landscaping in the proposed planter box layout.

Standard D16 – Noise impacts

300. According to VicRoads (DoT), Swan Street is not a road that generates in excess of 40,000 Annual Average Daily Traffic Volume and thus does not meet the threshold for a noise influence area in Table D3 of this Standard.

301. The Site is within 80 metres of railway tracks servicing passengers located south of Little Lesney Street, which represents a noise influence area in Table D3.

302. Union House at 272 Swan Street is a live music entertainment venue within 50 metres of the Site. Under Clause 53.06-3, noise sensitive residential uses within 50 metres of a live music venue must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:

    (a) Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020)
    (b) Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes.

303. A number of other general license venues are located greater than 50 metres from the Site.

304. To address the requirements of Standard D16 and Clause 53.06, the Applicant has submitted an Acoustic Report, which provides an acoustic assessment of noise impacts to and from the proposed development.

305. Council's acoustic consultant has reviewed this report and details the following findings and recommendations:

    (a) Noise Sensitive receivers: The report does not identify the existing noise sensitive receiver at 11 Brighton Street (which may be exposed to noise from the proposed food and beverage tenancies) or the proposed sensitive receiver at 1 Little Lesney and 9 Wiltshire streets (which will overlook the roof plant deck). Given that both have the potential to drive the design of some aspect of the development, they should be identified and considered in the report.

    (b) Rail noise: Confirmation is requested from Stantec that rail noise to apartments has also been assessed to the criteria provided in Standard D16. (i.e. 40 dB LAeq,16hr in living rooms during the day period, and up to 35 dB LAeq,8hr in bedrooms at night). It is also recommended that rail noise to offices be assessed to both LAeq criteria as has been provided in the report, and to LAmax criteria. As a guide, we suggest that the maximum rail noise levels (i.e. the 95th percentile of single rail passbys measured as an LAmax) not to exceed the AS/NZS2107 recommended ranges + 15 dB. Stantec may want to consider a potentially lower target to maximise the quality and usability of the office uses on behalf of the developer.

    (c) Union House Hotel: The MDA assessment adopted in the original report for this site was based on the hotel's operating conditions at that time, whereas we understand that larger number of patrons have subsequently been approved for the outdoor deck. From our review of the acoustic report prepared for the Union House Hotel, patron noise levels are likely to be louder due to both the increased number of patrons (increased from 44 to 100) and the more crowded nature of the outdoor patron area. It would be appropriate for the developer to take the proposed change of operations at the hotel into consideration. Given the proposed patron density, we recommend that noise from the outdoor area be based on patron voice noise levels commensurate with 'vertical consumption'.

    (d) Ground Floor Food and Drink Tenancy: It is recommended that a separate acoustic report be prepared to support the application for the ground floor food and beverage tenancies if operation outside the Noise Protocol 'day' period is proposed. The report should demonstrate that the venues will comply with the patron noise criteria provided in Section 6.1.4 of the City of Yarra 'Guidelines – managing noise impacts in urban development'.

306. The recommendation includes conditions that require these matters to be addressed through the submission / approval of an amended acoustic report in conjunction with Condition 1 plans. The condition also requires the acoustic report to be updated to reflect the revised S57a plans.

307. It is also acknowledged that the Harlow bar is located greater than 50 metres (approximately 70 metres) from the Site, as well as the Swan Hotel. Issues surrounding patron noise from both of these venues was not considered necessary to be addressed by Council's acoustic consultant for the following reasons:
    (a) The site is over 50m from these venues and outside the distance where it is considered essential that these issues be addressed as a matter of course (i.e. we would raise them only if we thought they were a problem).
    (b) The approved development at 1 Little Lesney and 9 Wiltshire, if it goes ahead, would shield this site from patron and music noise from Harlow and to a lesser extent from the Swan Hotel.
    (c) The subject development is also proposed to have Rw 42 dB glazing to all bedrooms and most living rooms in the west façade. This glazing is effective from an acoustic attenuation perspective, and can be expected to address the likely levels of patron noise from the venues on Church Street even if the development at 1 Little Lesney and 9 Wiltshire does not go ahead.

308. The Applicant's acoustic report considered vibration measures and predications of floor vibration and internal noise from structureborne rail noise. That assessment concluded that structureborne rail noise would not exceed the nominated criteria and on those grounds controls to manage rail vibration have not been proposed. Council's acoustic agreed that measures to control vibration from rail are not required.

Standard D17 – Accessibility

309. The standard requires that at least 50% dwellings should provide;
    (e) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
    (f) *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;*
    (g) *A main bedroom with access to an adaptable bathroom;*
    (h) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.*

310. The proposal plans demonstrate that all apartments (with the exception of the 1 bedroom typologies A, B and C) comply with at least part of the accessibility requirements outlined in the standard. This includes the 1.2m wide circulation path and adaptable bathroom design. However, the plans often show non-compliance with the opening width requirement for main bedrooms that appear to be easily reconciled without any impact on the floor plan. A condition has been recommended to ensure the proposal is revised to demonstrate full compliance with Standard D17.

Standard D18 – Building entry and circulation

311. All apartments are accessible via the glazed and sheltered lobby entry fronting Brighton Street, which provides a strong sense of entry and address for occupants.

312. The lobby has been designed with fire stair access directly adjacent the lift entries to promote use, despite its fire safety purpose. Corridors of each level all have a source of natural light, outlook and ventilation and a minimum width of 1.5 metres.

Standard D19 – Private open space

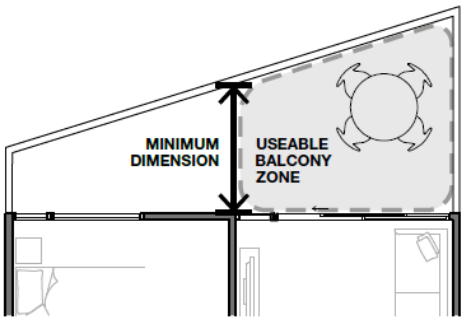
313. A dwelling should provide balconies meeting the dimensions outlined in Table 5 of this Standard. This table specifies that:

    (a) A one bedroom dwelling should have access to a balcony with a minimum area of 8sqm and minimum dimension of 1.8m, with convenient access from a living room.
    (b) A two bedroom dwelling should have access to a balcony with a minimum area of 8sqm and minimum dimension of 2m, with convenient access from a living room.
    (c) A three bedroom dwelling should have access to a balcony with a minimum area of 12sqm and minimum dimension of 2.4m, with convenient access from a living room.

314. Guidance is taken from the ADGV, which states:

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

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



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

316. All residential air conditioner plant equipment is proposed within roof top plant areas and will not obstruct the function of the proposed balconies / terraces.

317. All apartment typologies meet or exceed the minimum dimension and area requirements of the standard.

Standard D20 – Storage

318. The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table 6 of this Standard. This table specifies that:

    (a) A one bedroom dwelling should have a total minimum storage volume of 10 cubic meters with a minimum storage volume within the dwelling of 5 cubic meters.
    (b) *A two bedroom dwelling should have a total minimum storage volume of 14 cubic meters with a minimum storage volume within the dwelling of nine cubic meters.*
    (c) *A three bedroom dwelling should have a total minimum storage volume of 18 cubic meters with a minimum storage volume within the dwelling of 12 cubic meters.*

319. All apartments have been designed to exceed the minimum internal/total storage requirements outlined above through a combination of internal areas and 46 at-grade storage areas (generally between 4 - 5m3 in volume) provided throughout the basement levels. The BADS compliance table incorporated in the architectural plans detail which apartments will have access to external storage.

Standard D21 – Common property

320. The common property areas within the development are clearly delineated and would not create areas which were difficult to maintain into the future. The building entrance and vehicle access areas are well conceived and are generally cohesive with the overall building design and are therefore considered to be in line with the objectives of this Standard.

Standard D22 – Site services

321. Mailboxes are to be located adjacent the residential entry from Brighton Street. Site services are not proposed along Brighton and Wiltshire Streets and instead concentrated along Little Lesney Street. This is a positive outcome for public realm activation supported by Council's urban design unit.

Standard D23 – Waste and recycling

322. The applicant submitted a Waste Management Plan (WMP) prepared by Ratio. Key waste facilities of the development include:

    (a) Provision of a separate residential waste storage room within Basement 01, including:
        (i) Hard waste area (2m2).
        (ii) 3 x 1,100L bins (3 x recycling, twice weekly collection).
        (iii) 2 x 660L bin (2 x general garbage, twice weekly collection).
        (iv) 3 x 240L bins (3 x food organics, twice weekly collection).

    (b) Provision of a separate commercial waste storage room within Basement 01, including:
        (i) Hard waste area (2m2).
        (ii) 5 x 1,100L bins (2 x general garbage and 3 x recycling - twice weekly collection).
        (iii) 7 x 240L bins (7 x food organics, twice weekly collection).

    (c) Private collection will occur at Basement 01.

    (d) Garage and recycling waste from residents is collected via bin chute system provided on each floor. All commercial waste and resident glass and organics will need to be transferred from individual tenancies/dwellings to the bin stores, in person.

    (e) Glass recycling to be provided once the service is provided by the private contractor.

323. Council's City Works Unit reviewed the submitted WMP and noted the plan was generally acceptable. One recommendation was made to require the size of the bin storage rooms to be provided in M^2 on the plans. This is so it can be assessed if enough space is allocated to form an effective waste system. To address this, a condition has been included in the recommendation to require hard waste collection arrangements to be appropriately resolved in an amended WMP.

Standard D24 – Functional layout objective

Bedrooms

324. This standard requires that main bedrooms should have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions (any wardrobes should be additional to this).

325. All bedrooms provided within the development meet or exceed the standard requirement.

Living areas

326. The standard, at table D12 of Clause 58, requires the following minimum dimensions for living rooms:

Dwelling Type	Minimum width	Minimum area
Studio & 1 bedroom	3.3 m	10 sqm
2 or more bedroom	3.6 m	12 sqm

327. With respect to the minimum area requirement, all apartments comply with the Standard.

328. With respect to the minimum width requirement, its interpretation was discussed in *631 Plenty Road Preston Pty Ltd v Darebin CC (Red Dot)* [2018] VCAT 1849*,* in which Member Blackburn noted that the Standard should be interpreted as requiring a living area envelope to be provided within the broader open plan room. This envelope can be of any size, shape or orientation so long as it:

(a) Provides the minimum width;
(b) Provides the minimum area, and;
(c) does not include the kitchen or dining areas of the broader open plan room.

329. In addressing particular questions raised in this case, the Tribunal stated the following:

> *[73] …*
>
> *The area immediately in front of some of the proposed galley kitchens cannot be included in the 'living area' where this space is needed for the use of the kitchen (e.g. space to open cupboards, refrigerators, ovens, stand at the sink etc); and*
>
> *The 'minimum width' of the living area is the smaller of the two dimensions of that area (e.g. where the living area is depicted as a rectangle of 3.3 x 3 metres, then the minimum width is 3 metres, irrespective of the way in which the living area is oriented within the open plan room).*

330. In light of the above considerations, an apartment must provide the minimum area but also ensure that there is no dimension lower than the specified minimum width. Within the proposed development (considering the removal of Level 4), eight apartments comply will not comply strictly with the standard with shortfalls of the dimension up to 150mm. These are limited to the one bedroom apartments comprising Typologies A, B and C. However, these apartments are considered to have minor variations to Standard D2 and are considered acceptable. This is due to the total minimum area being exceeded and that useable and functional living layouts were provided in accordance with the Objective (drawing the same conclusion for non-compliance as *631 Plenty Road Preston Pty Ltd v Darebin CC*). Importantly, all apartments display high quality internal amenity, including generous area that incorporate study areas that respond to the increased flexibility for 'working from home' brought about by COVID-19.

Standard D25 – Room depth

331. This standard requires that single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height or 9 metres if all the following requirements are met:

(a) The room combines the living area, dining area and kitchen.

(b) The kitchen is located furthest from the window.
(c) The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level.
(d) This excludes where services are provided above the kitchen.

332. The proposal incorporates typical floor-to-ceiling heights of residential levels of approximately 2.8m and maximum room depth of 9 metres, in accordance with the objective and standard.

Standard D26 – Windows

333. All habitable rooms within the proposed development contain a window within an external wall to the building. There are many instances of living rooms and bedrooms facing onto a balcony which is covered by a balcony above, including those with a southern aspect. However, the daylight analysis based on the advertised plans provided by the Applicant indicates that worst case scenarios are acceptable. No concerns have been raised by Council ESD Advisor to this effect. Accordingly, the development is considered to meet the Objective.

Standard D27 – Natural ventilation

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

335. 30 (50%) of dwellings are shown to have cross ventilation (taking into consideration the recommended removal of Level 4), which meets the Standard.

Daylight and Ventilation (commercial)

336. Extensive glazing is proposed to each retail and commercial tenancy, which will provide good natural daylight opportunities. These tenancies are proposed will be mechanically ventilated at 50% above AS1668 flow rates, in accordance with best practice.

Circulation Spaces (commercial)

337. The pedestrian entrances to the two ground floor retail tenancies are accessed from either Brighton or Wiltshire Streets. No back of house access is proposed to these tenancies. To ensure these tenancies have appropriate access to bin storage in basement levels, a condition has been included in the recommendation to this effect.

338. The office areas at Levels 1-2 have a separate lobby accessed from Wiltshire Street, which also connects with the adjacent bicycle and end-of-trip facilities. Council's urban design consultant also states *'the proposal exhibits competence in the layout of the building, the workplace tenancies…'.* Male, female and accessible toilets are provided on each office floor to provide appropriate internal amenity.

Car parking, traffic, access, bicycle parking and waste management

Car parking reduction

339. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 41 car parking spaces, with 113 on-site car parking spaces proposed. A breakdown on the car parking requirements of the proposal and the allocation is provided in the table below:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
1 bedroom apartment	12	1 per dwelling	12	12
2 bedroom apartment	47	1 per dwelling	47	47
3 bedroom apartment	10	2 per dwelling	20	20
Food and drink premises	367sqm	3.5 spaces per 100 m^2 of leasable floor area	12	4
Office	2.114sqm	3 spaces per 100 m^2 of leasable floor area	63	30
		Total	**154 Spaces**	**113 Spaces**

340. The car parking reduction sought amounts to 8 spaces for the ground floor food and drink premises and 33 spaces for the office tenancies at Levels 1-2. The requirement for dwellings has been met. The condition that seeks to reduce the building height will mean 10 1 and 2 bedroom dwellings will be removed from the development, resulting in a car parking shortfall of 31 spaces for commercial uses.

341. To support the reduction in the statutory rate, a traffic engineering assessment was undertaken by Ratio for the Applicant.

342. With regards to the car parking demand generated by the proposed residential, retail and office uses, it is acknowledged that the statutory car parking rates outlined in the Scheme are conservative when applied in this instance, given the inner-city location of the subject site and proximity to alternative transport means.

343. It is well documented through recent decisions made by the Victorian Civil and Administrative Tribunal (VCAT) that modal shifts to reduce the reliance on the use of private motor vehicles is not only welcomed, but required, to ensure that a holistic planning approach to precincts that are designated for greater change is applied.

344. In the VCAT Red Dot Decision *Ronge v Moreland CC [2017]* VCAT 550 the Tribunal made the following key statements:

> *Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.*
>
> *A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.*
>
> *However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.*
>
> *Policy tells us the future must be different.*

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

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

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

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

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

(a) *Availability of Public Transport in the Locality of the Land* - The following public transport services can be accessed to and from the site by foot:
  (i) East Richmond railway station – 170 metre walk.
  (ii) Swan Street trams – 180 metre walk.
  (iii) Church Street trams – 180 metre walk.
  (iv) Richmond railway station – 880 metre walk.

(b) *Multi-Purpose Trips within the Area* - Customers and patrons to the development could combine their visit with other activities or business whilst in the area.

(c) Convenience of Pedestrian and Cyclist Access - The site is very well positioned in terms of pedestrian access to public transport nodes and other nearby businesses. The site has good access to the on- and off-road bicycle network.

(d) Availability of Car Parking - On-street parking in this part of Richmond is very high during business hours. The area surrounding the subject site is blanketed in time based parking restrictions. The high parking demand in the surrounding streets would be a disincentive for employees to drive.

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

(f) *Other Relevant Considerations* - Residents of the development would not be eligible to apply for on-street parking residential and visitor permits.

347. In summary, the proposed car parking reduction is supported and consistent with the intent of Clause 18.01-3S and 21.06, which seeks to reduce car dependency.

Traffic

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

Proposed Use	Adopted Traffic Generation Rate	Peak Hour	
		AM	PM
Residential (70 dwellings)*	0.4 trips per dwelling in each peak hour	28	28
Office (26 spaces)	0.5 trips per space in each peak hour	13	13
Food and Drink (4 spaces)	1.0 trip per space in each peak hour	4	4
	Total	**45 trips**	**45 trips**

***** Dwellings with on-site car parking. Also note the dwelling yield had dropped to 69 with the S57a plans and will be further reduced to 59 with recommended conditions.

349. Council's engineers stated the following in relation to traffic impact:
    (a) To determine the traffic impact of the development, Ratio Consultant have analysed the traffic performance of the Swan Street/Brighton Street intersection under existing and post development conditions. The analysis also considered the development at 1 Little Lesney Street.

    (b) Existing traffic volume data was obtained by way of turning movement counts during weekday peak hours outside of lockdown periods, which is considered satisfactory. It is understood that the proposed development at 1 Little Lesney Street would not contain any on-site car parking. Ratio Consultants had factored in two peak hour movements generated by this development – for loading and waste collection activities.

    (c) The submitted report has provided an existing and post-development breakdown of individual traffic movements at the intersection of Swan Street and Brighton Street.

    (d) The traffic impact of this intersection (unsignalised) was assessed using the SIDRA program, which measures intersection performance. SIDRA modelling works well under free flowing traffic conditions and may have limitations, such as queuing of downstream traffic. The results of the post-development modelling suggest that this intersection would continue to operate satisfactorily.

350. Council's engineers are satisfied that the development peak hour volumes generated by the site is not unduly high and should not adversely impact the traffic operation of the Swan and Brighton Streets intersection or the surrounding road network.

Access and layout

351. 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.

352. These details, along with the proposed ramp designs 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, which are recommended by way of conditions:

    (a) Dimensions of basement headroom clearance to be shown.
    (b) Dimensions of the basement ramp grades and transition grades.
    (c) A vehicle crossing ground clearance.

353. Various engineering conditions in relation to civil works (including reconstruction/restoration of Council road assets), underground drainage works along Brighton Street (included in the public realm condition), road asset protection, vehicle crossing design, public lighting on roads, construction management, impacts of assets on the proposed development, discharge of water and car parking signage have been recommended. These conditions have been included as part of the recommendation.

354. Overall, the proposed design and configuration of access and car parking areas are considered to achieve a satisfactory outcome and will be further improved with the above details requested by Council's Engineering Unit.

Loading and unloading

355. 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.*

356. Commercial and residential loading details are not specifically detailed for the application. Council's engineering unit have requested details of on-site loading and unloading to be detailed. However, short term loading and unloading could occur in a similar manner to the proposed on-site waste collection arrangement at Basement 01 (refer to waste vehicle swept paths in the TIA prepared by Ratio), subject to body corporate requirements. A condition of permit

357. Furthermore, the provision of on-street loading zones may be reviewed by Council Parking Unit following the completion and occupation of the subject development (together with other recently completed developments) to ensure loading activities can be appropriately managed. Accordingly, no condition regarding additional loading and unloading details is considered necessary.

Bicycle parking and facilities and strategic transport

358. The Clause 52.34 statutory bicycle parking/facility requirements for the proposal are as follows:

    (a) 21 resident/staff spaces (102 provided)
    (b) 10 visitor bicycle parking spaces (24 provided); and
    (c) 2 shower / change room (3 are provided).

359. The application substantially exceeds the planning scheme bicycle parking requirements numerically, subject to appropriate access/designation of spaces for visitors.

360. Council's Strategic Transport Unit reviewed the provision and layout of bicycle parking and generally support the provision and design of such facilities. However, they recommended the following changes to improve the strategic transport credentials of the development:

    (a) Bicycle spaces to be clearly dimensioned to demonstrate compliance with AS2890.3.
    (b) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
        (i) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
        (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.

361. Conditions have been included in the officer recommendation to address these recommendations from Council's Strategic Transport Unit. This recommendation is also made by Council's ESD Advisor.

Development contributions

362. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The subject site is located within Charge Area 10 (Richmond South). A community infrastructure levy is applicable to the additional dwellings whilst the development infrastructure levy is applicable to the additional dwellings as well as the additional retail and office floor space.

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

Environmental Audit Overlay

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

Objector concerns

365. 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) Inappropriate built form and design (excessive building height and bulk, non-compliance with DDO requirements, significantly higher than previous approval, loss of heritage fabric, impact on surrounding built form / heritage character, insufficient upper level setbacks, architectural design, scale and massing, precedent and overdevelopment);

    This is discussed within paragraphs 172 - 229.

    (b) Lack of context information for the residential area south of the railway line;

    The Site analysis section of the originally advertised architectural plans includes various sheets showing the Site within the broader context, which includes the southern residential interface. The shadow diagrams included with the proposal also show the context of the southern footpath along Lensey Street.

    (c) Off-site amenity impacts (wind impacts, loss of sunlight/daylight, visual bulk, private and public realm overshadowing, loss of privacy, odour from waste);

    This is discussed within paragraphs 230 - 266.

    (d) Noise impacts from operable windows of dwellings;

    Dwellings are an as of right use within the Mixed Use Zone. Any noise impacts from the proposed dwelling is considered entirely reasonable in a zone that envisages higher dwelling densities.

(e) Acoustic assessment has not considered impacts from the Harlow Bar (licensed live music venue) at 447 Church Street, Richmond;

This is discussed within paragraph 307.

(f) Increased traffic, parking and vehicle safety impacts;

This is discussed within paragraphs 348 - 357.

(g) Insufficient on-site car parking;

This is discussed within paragraphs 339 - 347.

(h) Request for a resident and patron management plan that discourages residents and patrons of the two cafes from parking in nearby private commercial property;

A resident and patron management plan to address any potential for illegal car parking on nearby private commercial properties is not considered necessary for the proposed development to be appropriate. The car parking requirements of Clause 52.06 are met for the proposed dwellings, while a green travel plan is conditioned for the commercial uses to discourage private vehicle use.

(i) Construction impacts (including construction traffic along Brighton Street); and

Whilst these issues will be managed at the Building Permit stage, a Construction Management Plan will be required via condition to ensure the construction is managed in accordance with Council policies and procedures. Additional management conditions are required by Transport for Victoria.

(j) Negative impact on property values.

The impact on property values is not a consideration within the Planning Scheme or the Objectives of the *Planning and Environment Act 1987*.

Conclusion

366. 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.

367. 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 Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the construction of a multi-storey building, use of the land for dwellings (permit not required) and office and food and drink premises (permit required) and a reduction in the car parking requirements at 2 - 8 Brighton Street, 1 - 3 Wiltshire Street & 5 Little Lesney Street, Richmond, subject to the following conditions:

Amended Plans

1 Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the decision plans, prepared by SJB Architects (dated 11 April 2022) but modified to show:

Building Design

(a) Deletion of Level 4 from the building, reducing the overall height of the building by a minimum of 3.2m;
(b) A reduction in height of the western boundary wall adjacent the proposed light court so as to not exceed the parapet line of the existing townhouse at 3D Little Lesney Street;
(c) That the designs prevent items from being thrown or falling onto railway land from any part of the building development as required at Condition 53 by the Head Transport for Victoria;
(d) Spot levels along the adjoining footpaths and within the ground level setbacks adjacent Brighton and Wiltshire Streets at regular intervals to demonstrate an appropriate grading transition between the public and private realms;

Layout

(e) Back of house entries for each ground floor tenancy to internal corridors in order to provide access to car parking and waste storage area at basement levels;
(f) Demonstrate compliance with Standard D17 of Clause 58.05-1 (Accessibility);
(g) Demonstrate there is no unreasonable overlooking within 9m to the private open spaces and habitable room windows to the west;
(h) The external material/finish to the vertical screen of the western most set of windows of the southern ground floor tenancy and detail demonstrating a minimum transparency of 50% to be annotated;
(i) The size of the bin storage rooms to be annotated in M^2;

Car Parking and Bicycle Parking

(j) Dimensions of the basement entry headroom clearance to be shown;
(k) Dimensions of the basement ramp and transition grades;
(l) A vehicle clearance cross check demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet
(m) All resident and employee spaces to be dimensioned to demonstrate compliance with AS2890.3.
(n) All visitor spaces to be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
(o) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
    (i) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
    (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.

Reports

(p) Any changes required by the amended Sustainable Management Plan at Condition 5;
(q) Any changes required by the amended Waste Management Plan at Condition 7;
(r) Any changes required by the amended Wind Assessment Report at Condition 10;
(s) Any changes required by the amended Acoustic Report at Condition 12; and
(t) Any changes required by the amended Landscape Plan at Condition 14.

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

3 As part of the ongoing progress and development of the site, SJB 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.

Façade Strategy and Materials and Finishes Plan

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 or 1:50 illustrating typical street wall and upper level details, entries and doors;
(b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
(c) Details of the entries into the commercial tenancies and residential lobby;
(d) Details of any services proposed along Wiltshire, Brighton and Little Lesney Streets to be integrated into the overall design of the building;
(e) Information about how the façade will be maintained, including vegetation; and
(f) A materials schedule and coloured drawings and renders outlining colours, materials (brick) and finishes and graffiti proofing of walls.

Sustainable Management Plan

5 In conjunction with the submission of development plans under Condition 1, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan dated 30 July 2021, prepared by GIW Environmental Solutions, but updated to include the following:

(a) Reference to the amended plans required by Condition 1.
(b) Carbon neutral operations for a minimum commitment period of 10 years.
(c) All car parking spaces are ‘EV ready’.

6 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority. This shall include:

(a) The submission of evidence of carbon neutral operations within 6 months of a Certificate of Occupancy being issued.

Waste Management Plan

7 In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Ratio and dated 13 May 2021, but modified to include:

(a) The amended plans required by Condition 1, including associated updates to waste generation rates.
(b) The size of the bin storage rooms to be annotated in M^2.

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

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

Wind Report

10 Before the development commences, an amended Environmental Wind Tunnel Modelling Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this Incorporated Document. The Environmental Wind Tunnel Modelling Report to must be generally in accordance with the Environmental Wind Tunnel Modelling Report to prepared by MEL, dated 10 June 2021, but modified to refer to:

(a) The amended plans required by Condition 1.
(b) Demonstrate sitting criterion is achieved for all dwelling balconies and communal open space areas.

11 The provisions, recommendations and requirements of the endorsed Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

12 In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed and will form part of this permit. The Report must be generally in accordance the acoustic report prepared by Stantec, dated 13 May 2021, but modified to include:

(a) The amended plans required by Condition 1.
(b) The existing sensitive receiver at 112 Brighton Street and future sensitive receivers in the proposed development at 1 Little Lesney and 9 Wiltshire Streets
(c) Compliance of rail noise with Standard D16 in residential apartments and with the relevant levels provided in AS/NZ2107:2016 in other areas, including office spaces.
(d) An updated assessment of patron noise from Union House Hotel taking into consideration the approved expansion of that venue's outdoor patron area. (Subsequent to the preparation of the MDA acoustic report assessing impact, the permitted number of patrons in the outdoor area increased from 44 to 100).
(e) An assessment of patron noise from the proposed ground floor food and beverage tenancies if operation outside the Noise Protocol 'day' period is proposed. The assessment should demonstrate that the venues will comply with the patron noise criteria provided in Section 6.1.4 of the City of Yarra 'Guidelines – managing noise impacts in urban development'

Once endorsed, the Report must not be modified except with the written consent of the Responsible Authority.

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

Landscape Plan (Private realm)

14 In conjunction with the submission of development plans under Condition 1, an updated landscape plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the landscape plan will then form part of this permit. The plan must be generally in accordance with the landscape concept plans, prepared by Tract, but modified to show:

(a) The amended plans required by Condition 1.
(b) The removal of tables and chairs at ground level.
(c) Type of soil and mulch.
(d) Soil volumes to support growth of proposed planting.A plant schedule detailing the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers.
(e) Provide a plant schedule and detailed planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants, ensuring none listed on the DELWP list of advisory weeds species;
(f) Detailed drawings provided for all infrastructure – planters, seating, any other items.
(g) Allow for intended vegetation growth and structural protection of buildings.
(h) Irrigation Plans – detailing location of irrigation, type (drippers, sprays), density of irrigation lines, control cabinet location, source of water supply and drainage.
(i) show the materiality of the proposed spaces;
(j) provide a specification of works to be undertaken prior to planting; and
(k) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

15 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

(a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
(b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
(c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Green Travel Plan

16 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, but not be limited to, the following:

(a) Details 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.
(k) Any car sharing details.

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

Car parking

18 Before the use commences, 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.

19 Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

(a) the number and location of car parking spaces allocated to each tenancy and dwelling;
(b) the management of visitor car parking spaces and security arrangements for occupants and employees of the development, including details on how residential visitors are to access car parking;
(c) details of way-finding, cleaning and security of end of trip bicycle facilities;
(d) The number and allocation of storage spaces;
(e) policing arrangements and formal agreements;
(f) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc; and
(g) details regarding the management of loading and unloading of goods and materials.

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

Loading and Unloading

21 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.

Street Trees

22 Before the development commences, the permit holder must make a one off contribution of $4,692 to the Responsible Authority to be used for the planting and two (2) years maintenance of four (4) new street trees along Brighton and Wiltshire Street frontages that is required by the development.

Public Realm Plan

23 Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Realm Plan must include the following:

(a) The replacement of redundant vehicle crossings with paving, kerb and channel and asphalt footpath.

(b) The planting of two (2) new street trees along the roadway of Brighton St, and two (2) new street trees along the roadway of Wiltshire St.

(c) Reconfiguration of the existing parallel parking bays (including parking sensors) along Brighton and Wiltshire Streets, including dimensioned linemarking layout.

(d) The provision of a permanent slow-speed pedestrian-priority (shared zone) treatment of the section of Little Lesney Street adjoining the Site.

(e) Annotations that state:

(i) The kerb and channel along the property's Wiltshire Street road frontage to be reconstructed to Council's satisfaction and at the Permit Holder's cost.
(ii) The road (including carriageway, kerb and channel and partial footpath) along the property's Little Lesney Street road frontage to be reconstructed as a shared zone to Council's satisfaction and at the Permit Holder's cost
(iii) The footpath along the property's Wiltshire Street and Brighton Street road frontages to be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 (for concrete) or 1 in 33 (for asphalt) or unless otherwise specified by Council.

(f) Spot levels along the adjoining footpaths and within the ground level setbacks adjacent Brighton and Wiltshire Streets at regular intervals to demonstrate an appropriate grading transition between the public and private realms.

(g) Information and annotations requiring the existing powerlines along Brighton Street to be relocated under-ground to the relevant authorities satisfaction and at the Permit Holder's cost.

(h) Show the location of all existing infrastructure on the footpath like grated pit and other drainage assets and if any of this infrastructure is proposed to be relocated show the proposed new locations.

(i) Materials schedule of all proposed materials, including surface materials and street furniture materials (with all materials to comply with the Yarra Standard Drawings and Road Materials Policy).

(j) Any detail required to be shown from the endorsed Detailed Civil and Drainage Plan (condition 25),

All to the satisfaction of the Responsible Authority.

24 Before the building is occupied, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 23) must be fully constructed and completed by the permit holder, with all costs borne by the permit holder, to the satisfaction of the Responsible Authority.

Detailed Civil and Drainage Design Plan

25 Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Detailed Civil and Drainage Design Plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once the plan is approved, it will be endorsed and will then form part of the permit. The Detailed Civil and Drainage Design Plan must provide:

(a) Detailed civil and drainage design for the full length of Little Lesney Street as a pedestrian priority treatment to ensure that the treatment can be extended for the remaining section of the street at a later stage.
(b) The provisions for all civil and drainage works that are required to the abutting road frontages, as part of the development.
(c) Surface material finishes shown and specified;
(d) A drainage scheme to ensure no 'ponding' or retention of water in the roadways (i.e. including kerb extension);

(e) A drainage scheme that includes the construction of new underground drainage to connect the site's stormwater outlet to the existing drain at the south east corner of the Brighton Street/Little Lesney Street intersection;
(f) Roadworks to provide road pavement crossfalls as determined by Council;
(g) design in accordance with Council's engineering standards and requirements.

26 Before the development is completed or at a later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Detailed Civil and Drainage Plan must be fully constructed and completed by and at the cost of the permit holder, all to the satisfaction of the Responsible Authority.

Road Infrastructure

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

(a) The kerb and channel along the property's Wiltshire Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
(b) The kerb and channel along the property's Little Lesney Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
(c) The footpath along the property's Wiltshire Street and Brighton Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 (for concrete) or 1 in 33 (for asphalt) or unless otherwise specified by Council.
(d) Internal finished floor levels (FFL) must be aligned to the proposed DDA compliant footpath levels at the interface with the property boundary.
(e) 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.
(f) The road pavement of Wiltshire Street, between the western boundary of the site and Brighton Street, must be profiled (grounded to a depth of 50 mm) and re-sheeted to Council's satisfaction and at the Permit Holder's cost.
(g) All redundant property drains are to be removed and reinstated to Council's satisfaction and at the Permit Holder's cost.

28 The existing public lights on the north side of Wiltshire Street (pole No. 1327) and the south side of Little Lesney Street (pole No. 1324) are to be replaced with alternative luminaires to avoid light spillage into the habitable windows of new development. These public lighting works must be done to the satisfaction of the relevant power authority and Council and at the Permit Holder's cost.

29 Before the development is completed, unless otherwise agreed to by the Responsible Authority, the new vehicle crossing must be designed and 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 Council.

30 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.

31 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.

32 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:

(a) at the permit holder's cost; and
(b) to the satisfaction of the Responsible Authority.

33 Before the building is occupied, or by such later date as approved in writing by the responsible authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:

(a) at developer's cost;
(b) the satisfaction of any other relevant authority; and
(c) to the satisfaction of the responsible authority.

34 Before the building is occupied, or by such later date as approved in writing by the responsible authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:

(a) at the developer's cost; and
(b) to the satisfaction of the responsible authority.

35 Before the building is occupied, or by such later date as approved in writing by the responsible authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

(a) at the developer's cost; and
(b) to the satisfaction of the responsible authority.

36 Before the building is occupied, or by such later date as approved in writing by the responsible authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the developer to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the developer.

Food and Drink Premises Use

37 Except with the prior written consent of the Responsible Authority, the ground floor food and drink premises authorised by this permit may only operate between the following hours:

(a) Monday to Sunday 6:00am – 10:00pm.

38 Except with the prior written consent of the Responsible Authority, no more than the following maximum number of patrons are permitted within the ground floor tenancies at any time as follows:

(a) Northern tenancy – 59.

(b) Southern tenancy – 98.

Office Use

39 Use of motion sensor lighting within the office areas to minimising light spill after normal business hours.

General

40 The amenity of the area must not be detrimentally affected by the use or development, including through:

(a) the transport of materials, goods or commodities to or from land;
(b) the appearance of any buildings, works or materials;
(c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
(d) the presence of vermin.

to the satisfaction of the Responsible Authority.

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

42 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.

43 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.

44 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.

45 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

46 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.

47 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:

(a) located;

(b) directed;

(c) shielded; and

(d) of limited intensity,

all to the satisfaction of the Responsible Authority.

Construction Management Plan

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

(a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
(b) works necessary to protect road and other infrastructure;
(c) remediation of any damage to road and other infrastructure;
(d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
(e) facilities for vehicle washing, which must be located on the land;
(f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
(g) site security;
(h) management of any environmental hazards including, but not limited to,:
(i) contaminated soil;
(j) materials and waste;
(k) dust;
(l) stormwater contamination from run-off and wash-waters;
(m) sediment from the land on roads;
(n) washing of concrete trucks and other vehicles and machinery; and
(o) spillage from refuelling cranes and other vehicles and machinery;
(p) the construction program;
(q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
(r) parking facilities for construction workers;
(s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
(t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
(u) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
(v) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
(w) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

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

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

(iv) fitting pneumatic tools with an effective silencer;

During the construction:

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

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

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

50 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

(a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
(b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
(c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Development Infrastructure Levy

51 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.

Community Infrastructure Levy

52 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.

Transport for Victoria (Conditions 53 – 66)

53 Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority.

When approved, the plans will be endorsed and will then form part of the 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 plans submitted with the application but modified to show:

(a) that the designs prevent items from being thrown or falling onto railway land from any part of the building development to the satisfaction of the Head Transport for Victoria.

54 Any windows doors and balconies that are set back from, and generally facing the railway land title boundary shall:

(a) be designed to prevent items from being thrown or falling onto railway land.
(b) not require people to access onto railway land for the purposes of cleaning, replacement, inspection and maintenance.
(c) not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
(d) not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.

55 Before development starts (excluding demolition and bulk excavation) building materials (including glass/window/ balcony treatments) or advertising signs likely to have an effect on train driver operations along the rail corridor must be shown by a reflectivity and or light study (the study) not to cause reflections or glare that may interfere with train driver operations. The study must clarify that:

(a) the development does not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
(b) the development does not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
(c) the development exterior avoids use of red, green or yellow colour schemes that may interfere with driver operations or schemes or shapes capable of being mistaken for train signals.

56 Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria detailed construction / engineering plans and structural computations for any construction work abutting railway infrastructure or railway land, must be submitted and approved by Vic Track, the Head, Transport for Victoria and the Rail Operator (RO). The plans must detail all basement excavations and retention system design and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must also ensure compliance with:

(a) the relevant Rail Transport Operator's engineering standard for minimum clearances to all existing and planned future electrical assets, and procedures for works adjacent. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding and electrolysis mitigation design.
(b) Energy Safe Victoria (ESV) requirements for clearances to electrical assets and Australian Standards AS2067, AS7000 and Electricity Safety (General Regulations 2019, Part 6) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding and electrolysis mitigation design.
(c) earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'.

(d) a design that does not require people to access railway land, or breach electrical safety requirements, for the purposes of routine cleaning, replacement, inspection, maintenance and repair of any part of the building or development. The development should be designed so that maintenance can occur from within the development site without access to the rail corridor
(e) any temporary or permanent ground anchors, soil nails, reinforced earth straps or other ground stabilising devices, do not penetrate onto railway land
(f) demonstrate that entry onto railway land or air space over railway land is not required for fire, light, ventilation and maintenance for all buildings and works on site.

57 Before development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements must be prepared and entered into with VicTrack, the Head, Transport for Victoria and the Rail Operator to the satisfaction of and at no cost to the Head, Transport for Victoria.

58 Before development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to and approved by the Head, Transport for Victoria. The Traffic Management Plan must provide for:

(a) how public transport operations, traffic, walking and cycling movements will be managed during the demolition and construction; and
(b) how any traffic impact to the railway land and associated infrastructure will be mitigated.

The Traffic Management Plan must be implemented and complied with to the satisfaction of the Head, Transport for Victoria at the full cost to the permit holder.

The Traffic Management Plan must be consistent with any Traffic Management Plan required by the Responsible Authority.

The endorsed Traffic Management Plan must not be modified without the prior written consent of the Head, Transport for Victoria.

59 Before development starts, including demolition and bulk excavation, a Demolition Plan and/or Construction Management Plan as applicable must be submitted to and approved by the Head, Transport for Victoria. The Plan must include details of (but not limited to) management proposals to minimise impacts to the rail land, assets and the operation of the railway during construction and must set out objectives and performance and monitoring requirements for:

(a) Access to the rail environment, including designation of any areas to be used under license during the construction process.
(b) Approvals and permits required from TfV, VicTrack and the accredited Rail Operator prior to works commencing and prior to accessing the railway land.
(c) Rail safety requirements that must be adhered to by the permit holder.
(d) Protection of all rail infrastructure to ensure rail infrastructure is not damaged during demolition or construction.
(e) Minimising disruption to train services and railway maintenance and commuter access.
(f) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure railway land is not used for, or impacted on by these activities outside of the licence area.
(g) Public safety, amenity and site security.

(h) Operating hours, noise and vibration controls.
(i) Air and dust management.
(j) The remediation of any damage to railway land, track, overhead and underground power and communication assets associated infrastructure;
(k) details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules;

All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to the Head, Transport for Victoria VicTrack, and/or the Rail Operator.

The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.

60 No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.

61 Any damage to rail land or infrastructure as a consequence of the construction works must be rectified to the satisfaction of the Rail Operator at full cost of the Building Permit Applicant.

62 The Planning Permit holder must make all reasonable steps to ensure that the disruption to train operation within the railway corridor are kept to a minimum during the construction of the development and in compliance with the Rail Operators Safety and Environmental requirements contained within the Rail Operators construction control and indemnity agreement.

63 No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of train signals and the rail lines by train drivers. No building or structure is to be erected that interferes with or restricts train driver lines of sight to train signals.

64 The developer shall pay any Rail Operator costs required for the development documentation review or construction works associated with the development as required by the Rail Operator.

65 Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operator's Site Access Procedures and conditions during and post construction and access can be applied for through the Internet web site: www.metrotrains.com.au/metrositeaccess.

66 Prior to commencement of works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.

Time Expiry

67 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 of the land is not commenced within four years of the date of this permit.

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

Notes:

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

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

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

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

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

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

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

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

All future employees, residents, future owners and occupiers within the development approved under this permit will not be permitted to obtain business, resident or visitor parking permits.

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

Transport for Victoria Note

As the planning application relates to a site that is within approximately 490 meters of the Richmond stack, it may impact on, or be impacted by, the City Link stack plume dispersal. The stack emits exhaust from the City Link tunnels into the atmosphere and is licensed by the Environment Protection Authority.

The Environment Protection Authority will need to be consulted with and provided an opportunity to comment on the effects of the plume generated from the Richmond stack and to determine if the building height is acceptable. We also recommend that the EPA make an informed decision about whether the proposed project is consistent with the purposes of the Design & Development Overlay and to ensure the proposed project reduces the risk of harm to human health and the environment, consistent with the general environmental duty under the Environment Protection Act 2017.

Attachments

1 PLN22/0325 - Originally advertised plans

2 PLN22/0325 - Original Council referral comments

3 PLN22/0325 - S57a advertised plans

4 PLN22/0325 - S57a Council referral comments

5 PLN22/0325 - Statutory referral comments from Transport for Victoria

Attachment 1 - PLN22/0325 - Originally advertised plans



Attachment 1 - PLN22/0325 - Originally advertised plans

We create amazing places

SJB is passionate about the possibilities of architecture, interiors, urban design and planning.

Let's collaborate.

Version: 01
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Checked by: TW / BF

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SJB Architecture Pty Ltd
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ACN 065 207 490

Attachment 1 - PLN22/0325 - Originally advertised plans

Contents

1	Project Scope	5
2	Site Analysis	8
3	Design Approach	19
4	Documentation	60

Attachment 1 - PLN22/0325 - Originally advertised plans

1.1 Project Team

Client: Fortis

Architect: SJB Architects

Project Manager: Neoscape

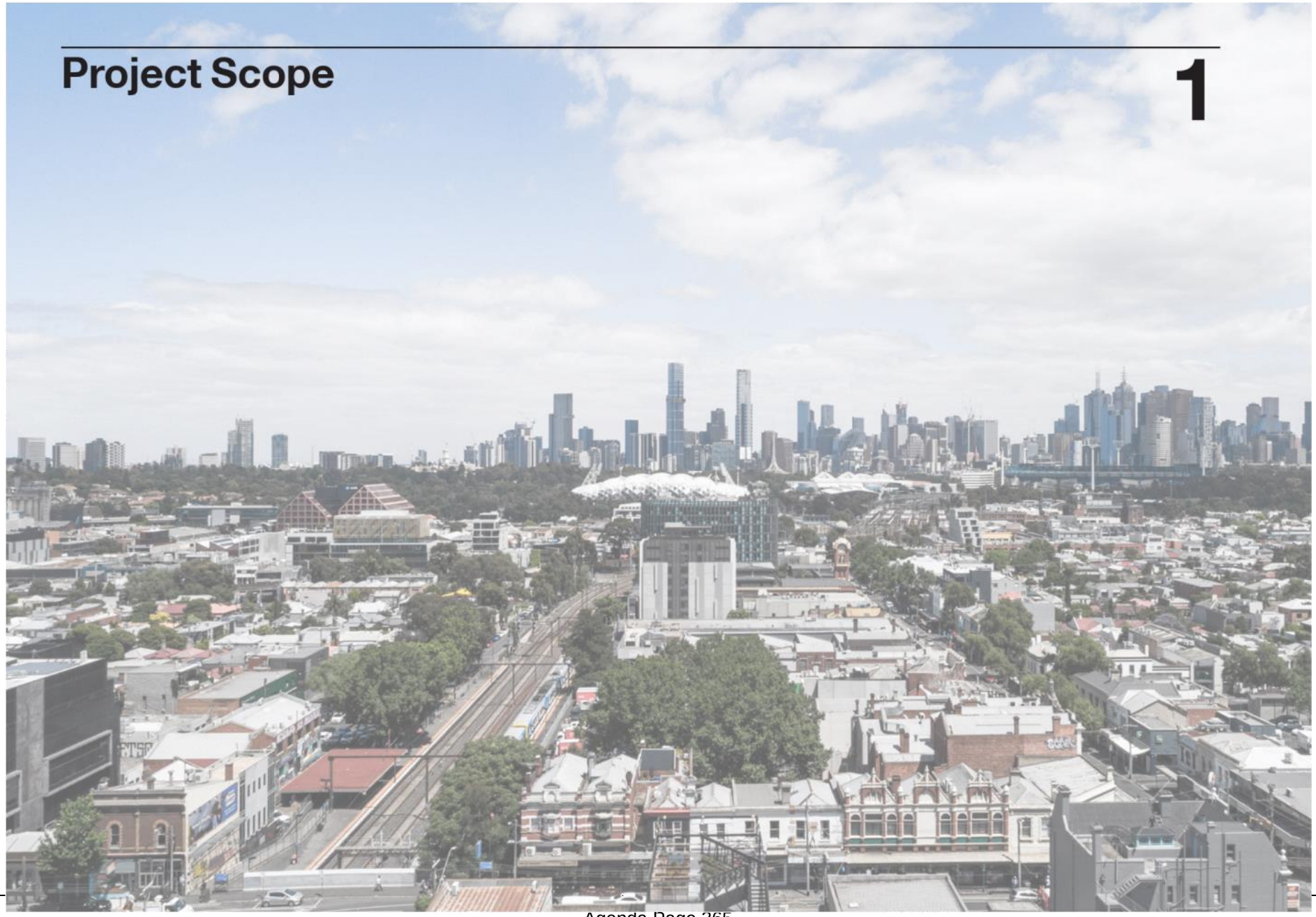
Planning: Tract

Structural Engineer: Stantec
Civil Engineer: Stantec
Services Engineer: Stantec
Fire Engineer: Stantec
Acoustic Engineer: Stantec

Traffic & Waste Engineer: Ratio

ESD Consultant: GIW

Attachment 1 - PLN22/0325 - Originally advertised plans



Attachment 1 - PLN22/0325 - Originally advertised plans

Project Scope

Heritage is a tradition. It is the bit of the past that we cherish, and that is not static. Heritage is forever borrowing from itself and evolving.

To design the future heritage of Richmond we look to the past for cues and to the future for inspiration.

Attachment 1 - PLN22/0325 - Originally advertised plans

Project Scope



Attachment 1 - PLN22/0325 - Originally advertised plans



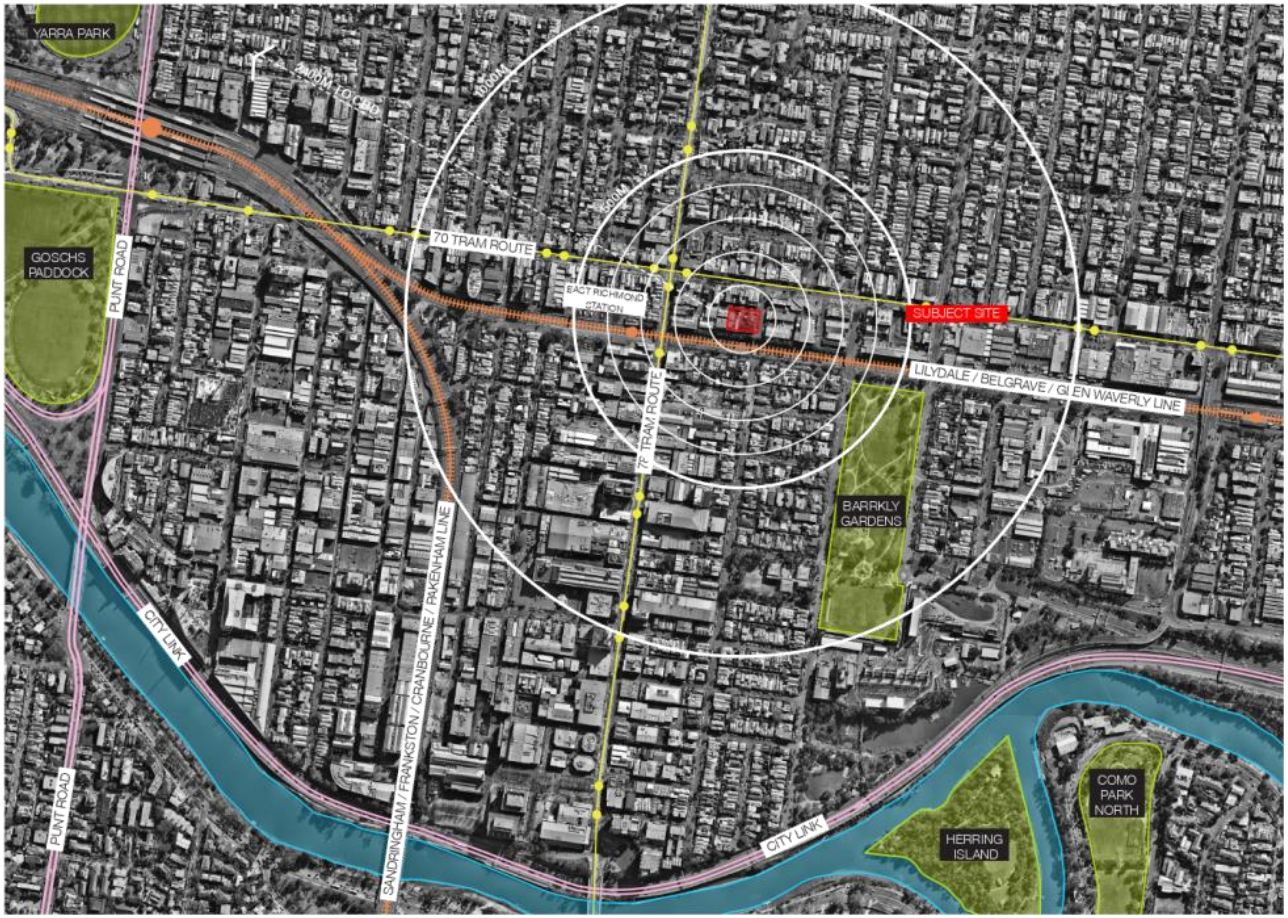
Attachment 1 - PLN22/0325 - Originally advertised plans

Site Analysis

2.1 Metropolitan Context

2-8 Brighton Street is located in Richmond, 3km from Melbourne CBD. It is considered an inner city suburb of Melbourne and is part of the City of Yarra municipality. Richmond is well known for it's active high streets which includes cafés, restaurants, shops and commercial offices.

Richmond has an estimated residential population of 27,705 according to the 2016 Census.

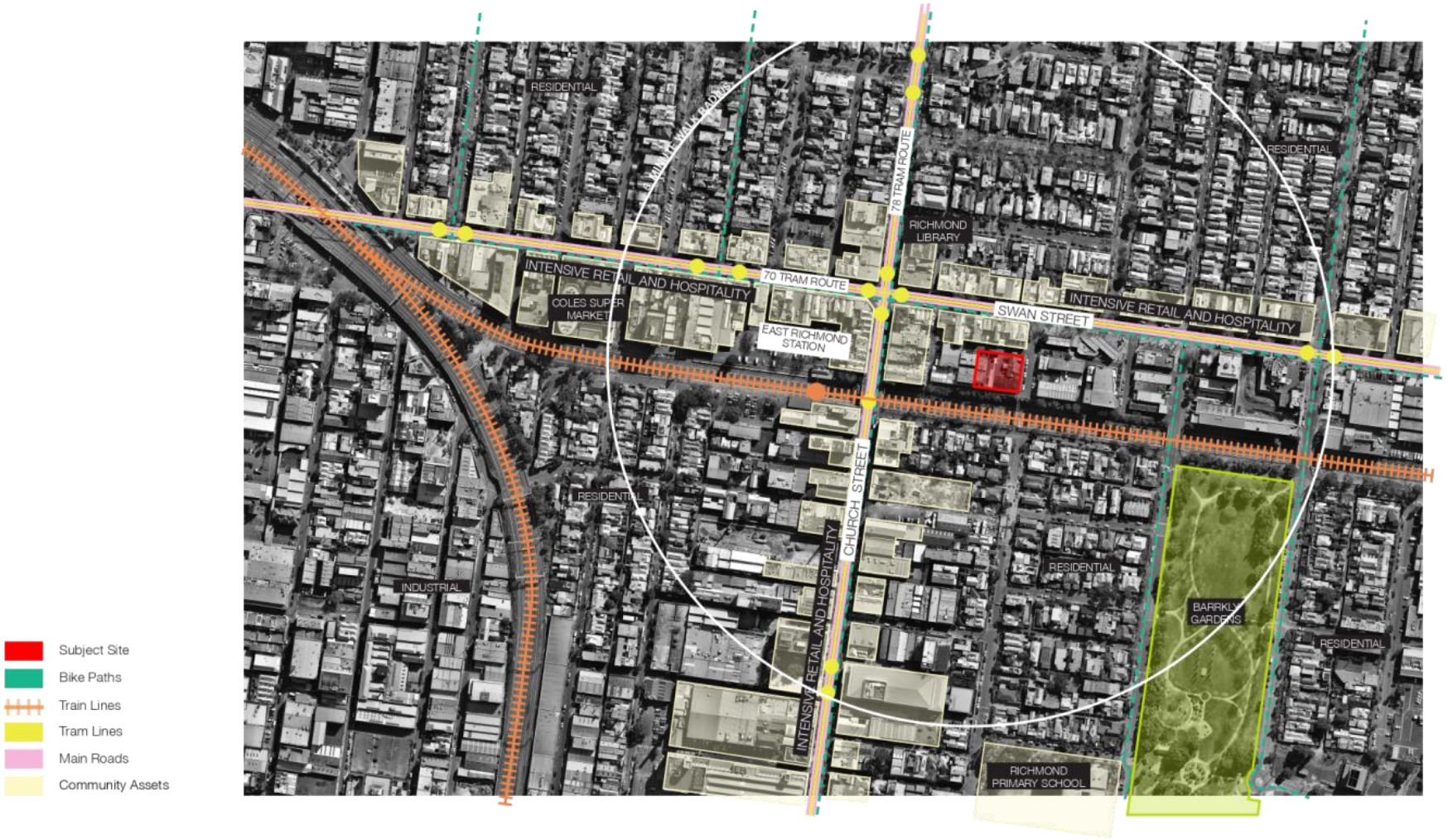


- Subject Site
- Parks
- Train Lines
- Tram Lines
- Arterial Roads
- Yarra River

Attachment 1 - PLN22/0325 - Originally advertised plans

Site Analysis

2.2 Site Context



Attachment 1 - PLN22/0325 - Originally advertised plans

Site Analysis

2.3 Site Context

Approved permits

1. 171-173 Swan Street
   (unknown height)
2. 195 Swan Street
   (unknown height)
3. 1 Little Lesney Street
   Current permit - 10 storeys
   Under application - 15 storeys

Current appications

3. 1 Little Lesney Street
   Current permit - 10 storeys
   Under application - 15 storeys
4. 221 Swan Street
   (unknown height)
5. 223 Swan Street
   6 storeys
6. 300-304 Swan Street
   8 storeys
7. 16 Brighton Street
   (unknown height)



Attachment 1 - PLN22/0325 - Originally advertised plans

Site Analysis

2.4 Site Movement

The site is extremely well connected via public transport and arterial roads. There are tram and train networks as well as bicycle trails that connect the subject site to varying locations throughout the CBD as well as many areas of outer Melbourne.



- Subject Site
- Bike Paths
- Train Lines
- Tram Lines
- Pedestrian Paths

Attachment 1 - PLN22/0325 - Originally advertised plans

Site Analysis

2.5 Planning Zones

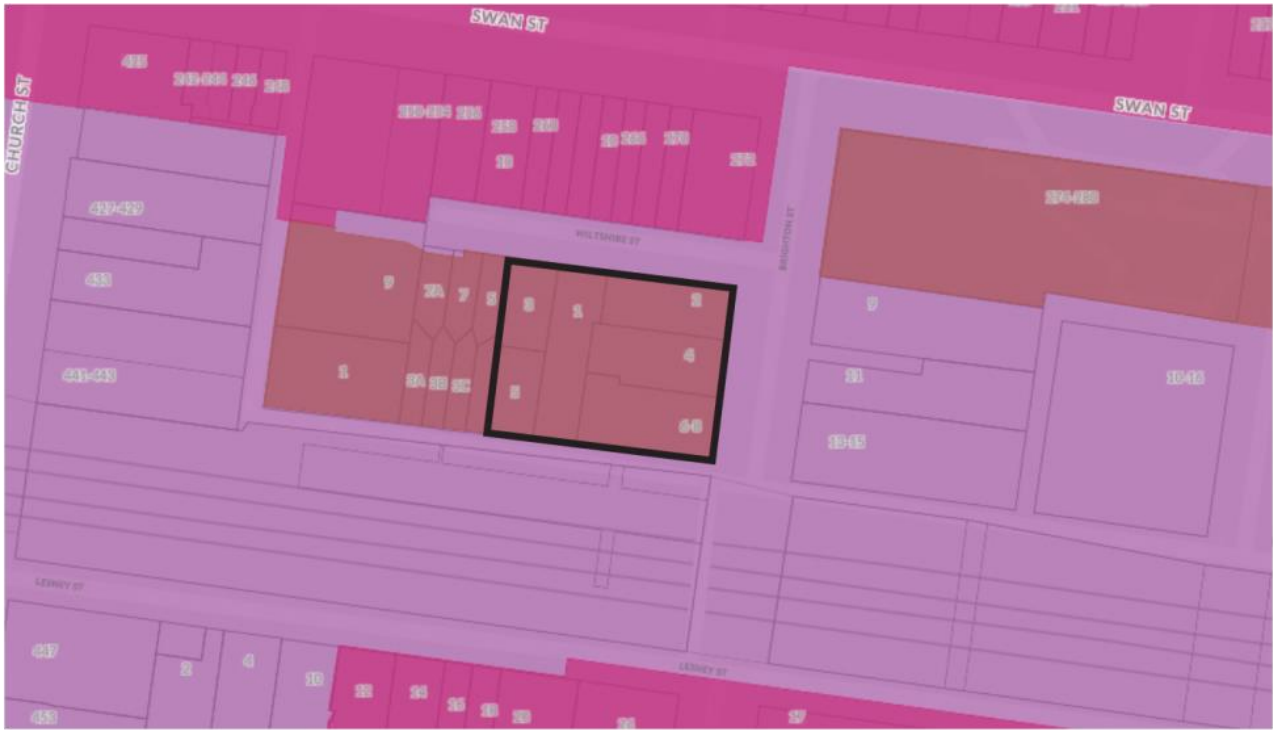


- MUZ - Mixed Use Zone
- C1Z - Commercial 1 Zone
- C2Z - Commercial 2 Zone
- GRZ - General Residential Zone
- NRZ - Neighbourhood Residential Zone
- PUZ - Public Use Zone
- RDZ1 - Road Zone

Attachment 1 - PLN22/0325 - Originally advertised plans

Site Analysis

2.6 Overlays



HO - Heritage Overlay
DDO - Design And Development Overlay
EAO - Environmental Audit Overlay

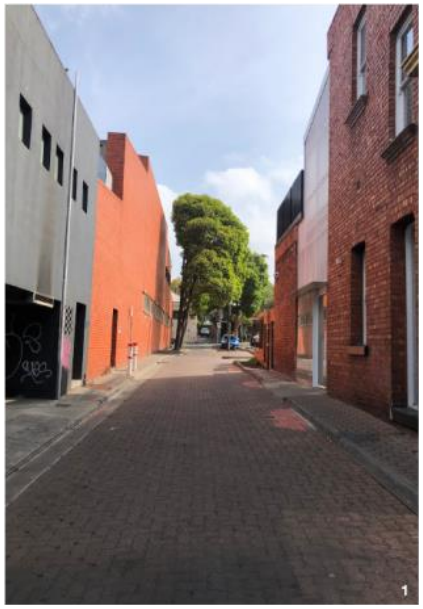
Attachment 1 - PLN22/0325 - Originally advertised plans

Site Analysis

2.7 Street Character

The subject site is situated in the suburb of Richmond - a densely built suburb with close proximity to the activity centre of Swan and Church Street. The urban fabric is characterised by warehouses, heritage buildings from different eras and as well as modern contemporary buildings.





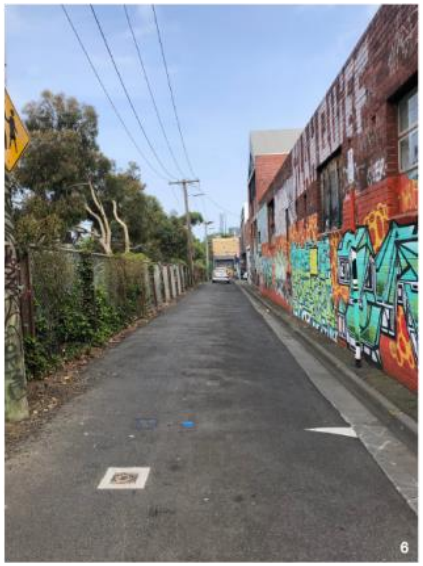


Attachment 1 - PLN22/0325 - Originally advertised plans

Site Analysis

2.8 Little Lesney Street















Attachment 1 - PLN22/0325 - Originally advertised plans

Site Analysis

2.9 Swan Street Interface

Swan Street is a major street running through the Melbourne suburbs of Richmond, Cremorne and Burnley.

It is an active precinct filled with restaurants, cafés and shops and is well connected to the Melbourne CBD through public transport.

The precinct contains a variety of architectural typologies including heritage listed buildings, iconic industrial buildings and warehouses through to contemporary offices and residential buildings. The heritage listed façades along Swan Street are bold, have a sense of solidity and permanence. It is the character of these buildings that begin to inform the architectural language of our proposal.





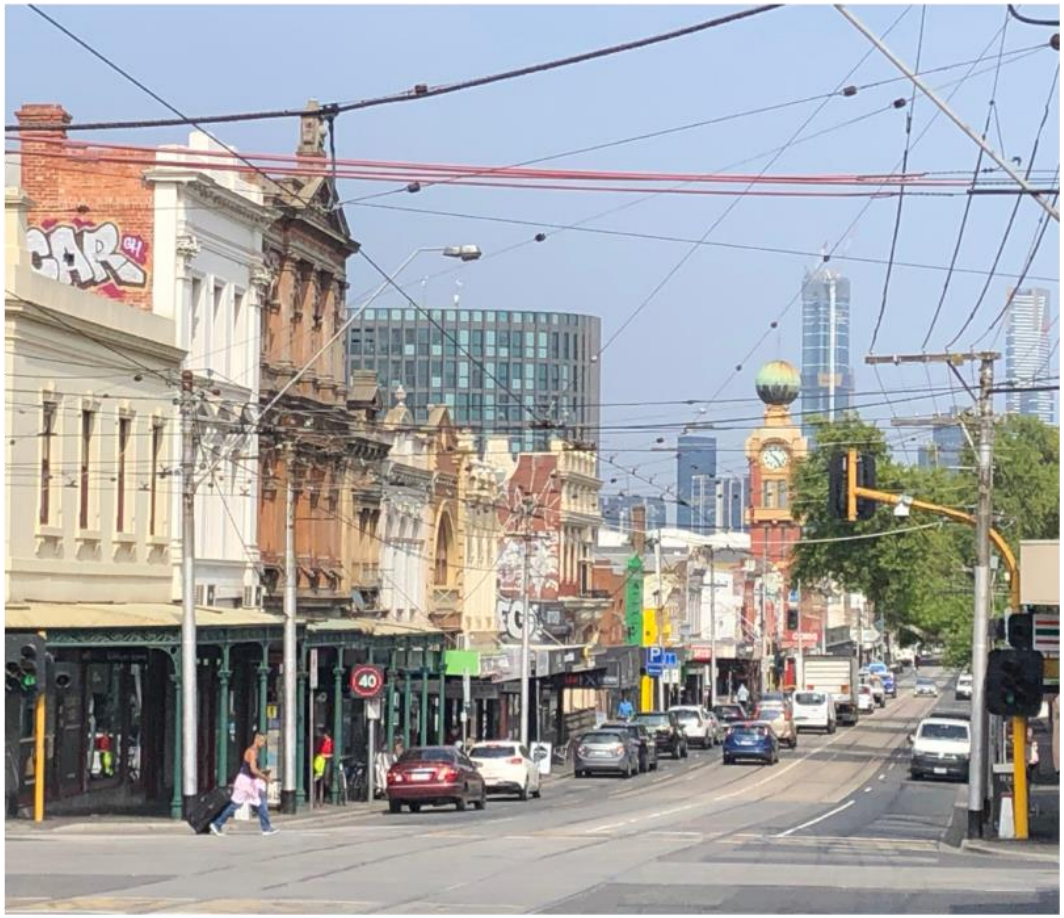


Attachment 1 - PLN22/0325 - Originally advertised plans

Site Analysis







Attachment 1 - PLN22/0325 - Originally advertised plans



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

Fortis SJB

EXPERIENCE	AESTHETIC	MATERIALITY	APARTMENTS	COMMERCIAL
Blended Uses. Chance Encounters. Innovation.	Nod to historic & contextual fabric, but highly contemporary	Robust and honest. Enhance with age.	A return to larger apartments & better finishes.	Flexibility for continued relevance.

SUSTAINABILITY

Exceeding guidelines for environmental performance.
Design that puts people's wellness first.

Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

How do we design *the future heritage of Richmond*?

Heritage is a tradition. It is the bit of the past that we cherish, and that is not static. Heritage is forever borrowing from itself and evolving.

To design the future heritage of Richmond we look to the past for cues and to the future for inspiration.

Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.1 Richmond Context



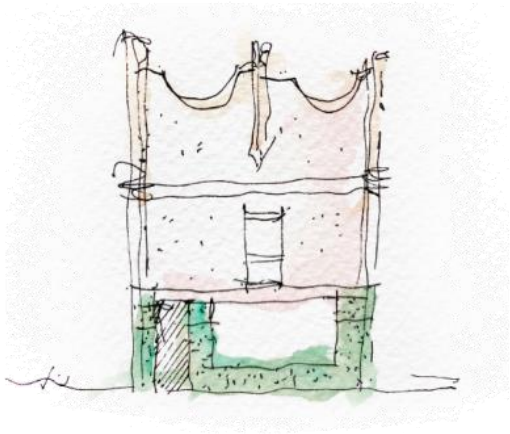


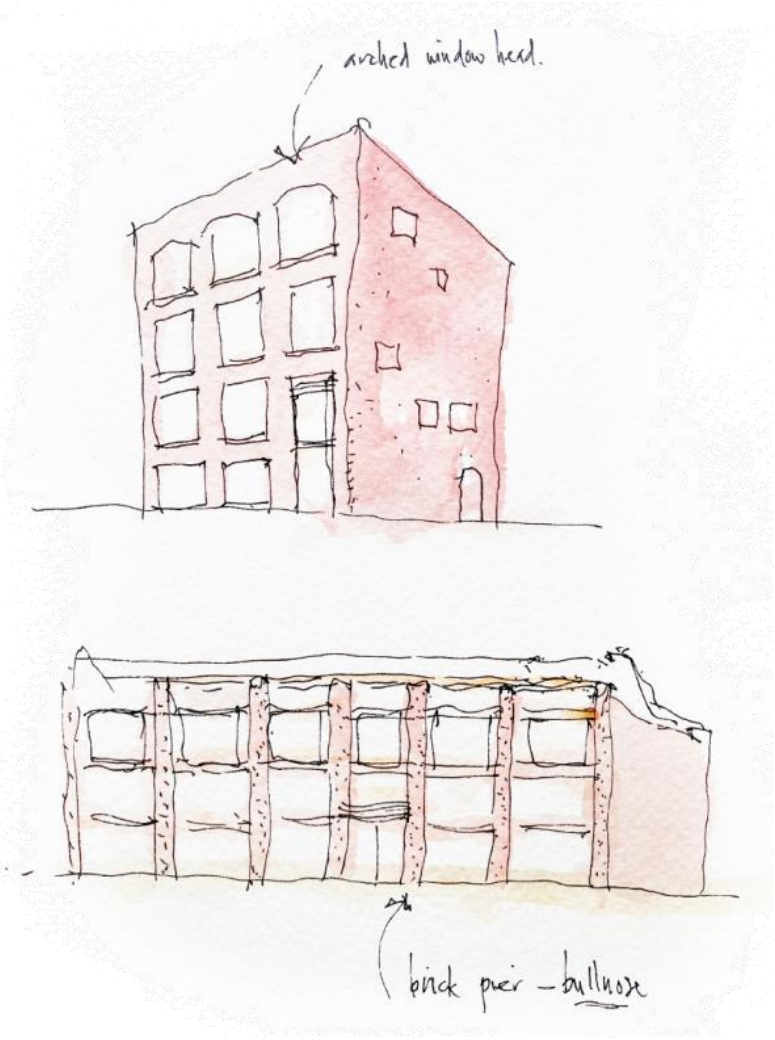


Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

Adapt and reuse design signatures of local heritage



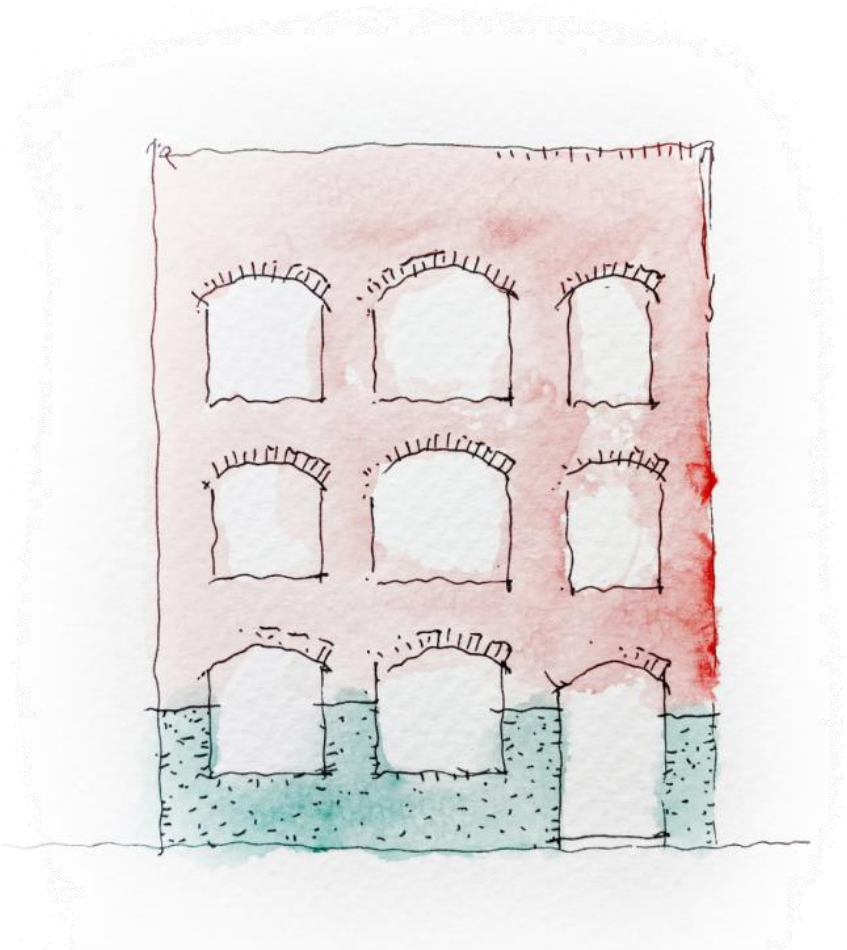


Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

Curate for beauty and longevity.

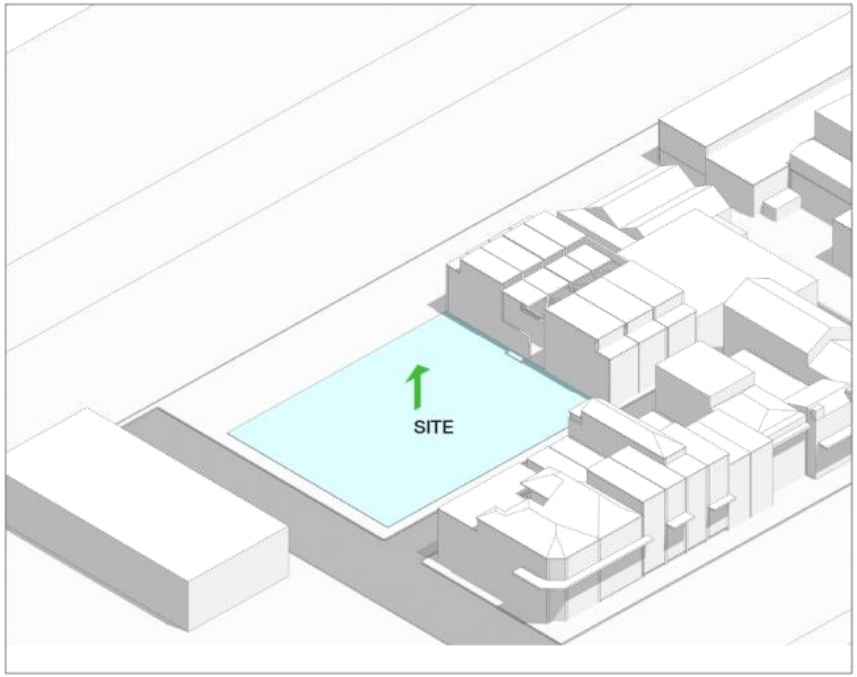
Harmonious materiality unites a diverse structure.



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.2 Massing Concept



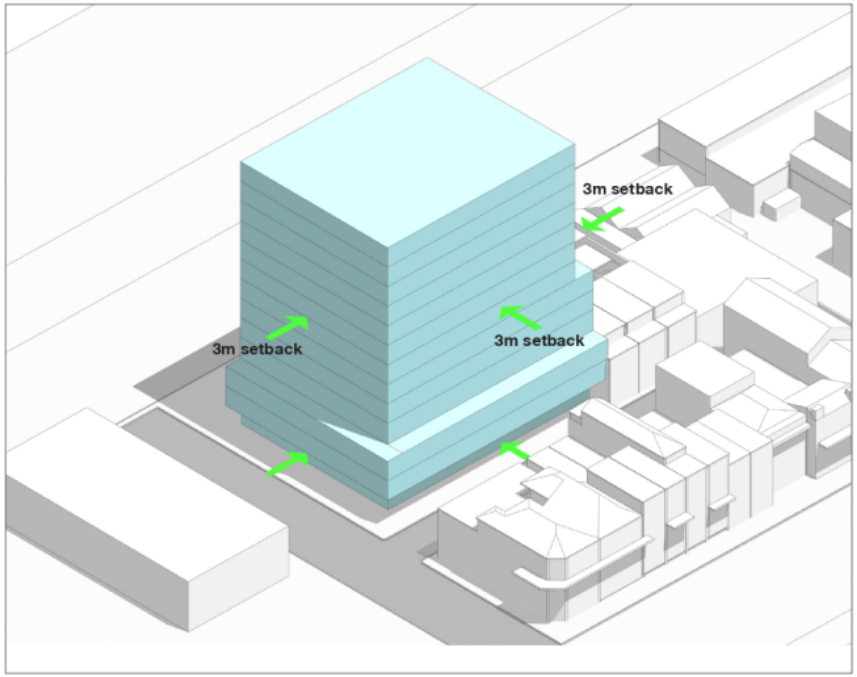
1. The site includes three street frontages, Little Lesney Street, Brighton Street and Wiltshire Street



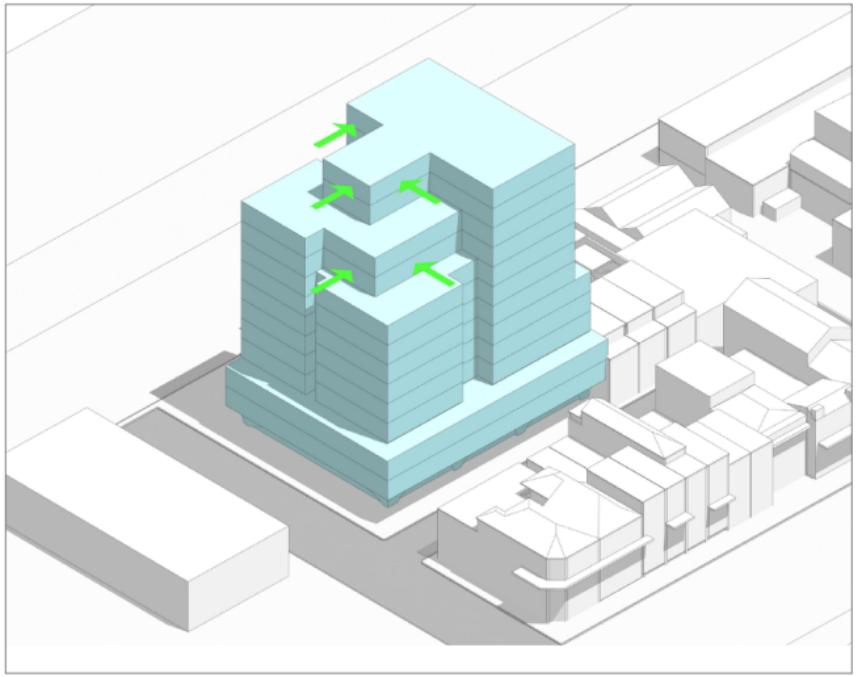
2. Extrusion of building envelope.

Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach



3. 3m setback to North, West and East elevations in response to planning controls.



4. Further articulation and sculpting to the building form creates architectural interest and breaks down the building's mass. The setback on upper levels also provide outdoor terraces and open communal space.

Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.3 Concept Sketch



5. Activation of podium and ground floor by introducing planting, vegetation, and sculpting the massing.



6. Sculpting of podium facade and creating arched openings and entry points at ground.

Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

Intrigue and delight the public at ground to create an alluring address.

Delineate uses to foster interaction.

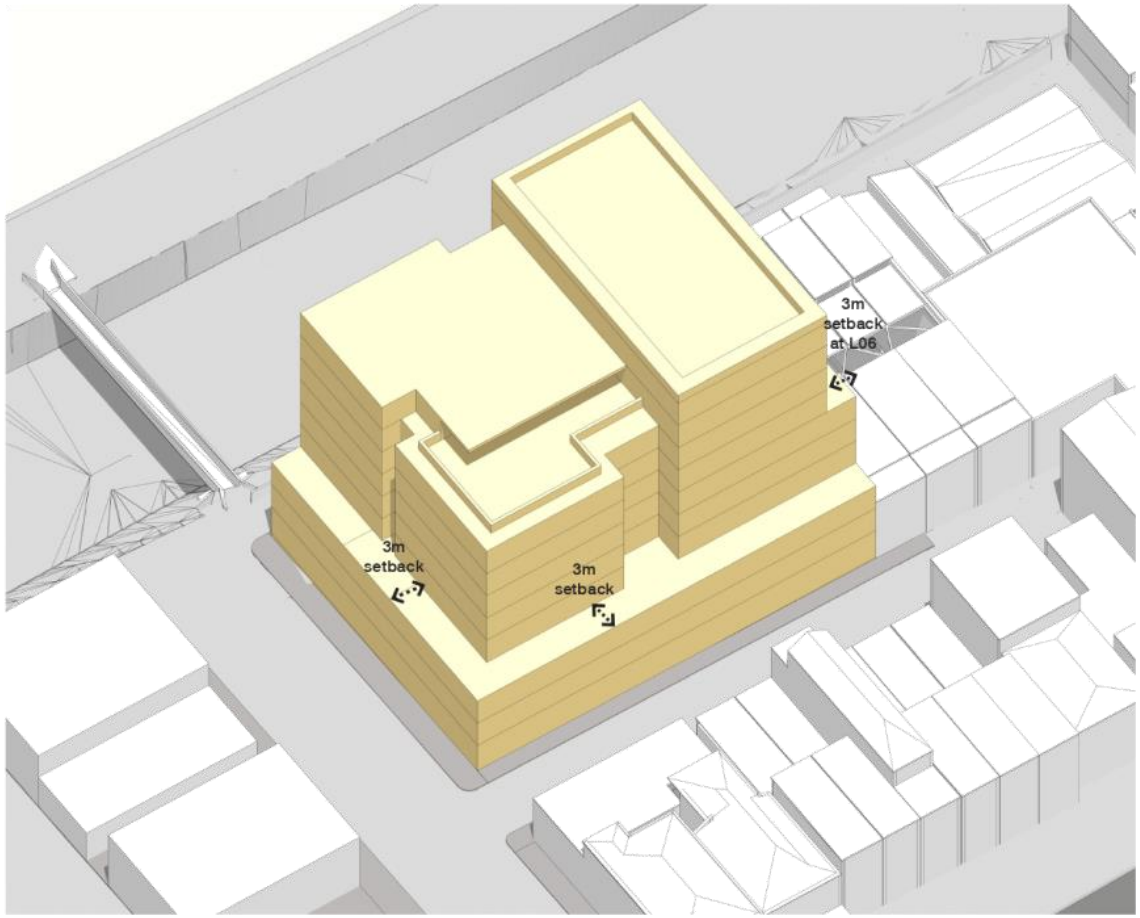


Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.4 Permitted Scheme

10 Storey (G+9) residential development.

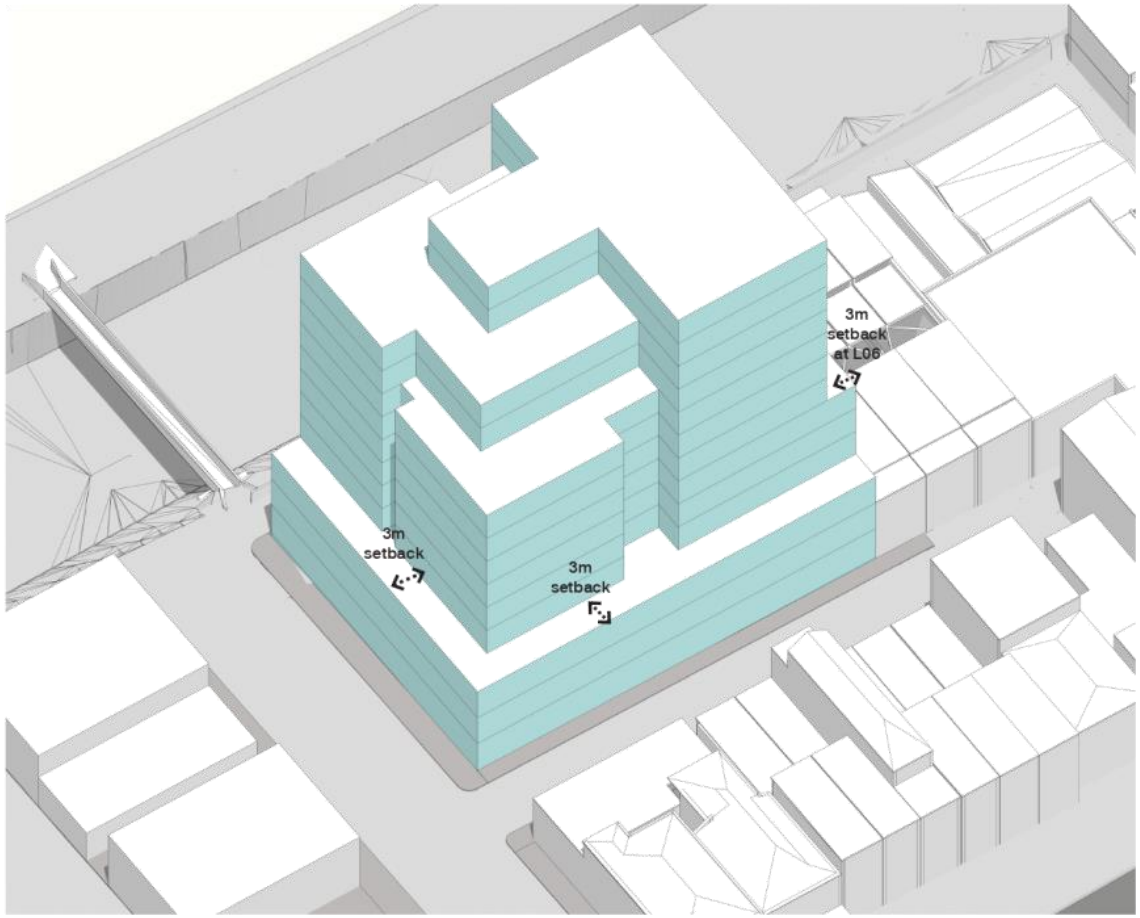


Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.5 Proposed Scheme

A true mixed-use 13 Storey (G+12) development with F&B, commercial offices and residential uses.



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.6 Design Excellence & Overview

Carbon Neutral

Achieving the highest levels of sustainability - this projects strives to be carbon neutral that significantly reduces its carbon footprint

Architecture Grounded in Place

A design that both responds to Richmond's sensitive local context whilst celebrating the existing grain of its architecture

Sculpted & Considered Forms

Highly detailed architectural forms on an urban and human scale

Honest Use of Materiality

Material selection that is synonymous with Richmond's local vernacular through the use of concrete and brickwork



Carbon Neutrality



Architecture Grounded in Place



Sculpted & Considered Forms



Honest Use of Materiality

Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

Activated Public Interfaces

Extensive fine grain activation along 3 key pedestrian routes

Urban Repair

Rejuvenation of street-scape that repairs and expands the public realm

Biophilic Design

Drawing inspiration from organic forms and the natural environment through the use of curves, colour and abundant landscaping

Extensive Landscaping

Integration of vegetation throughout the development to regenerate an urban ecology



Activated Public Interfaces



Urban Repair



Biophilic Design



Extensive Landscaping

Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.7 Design Aspirations - Environmental & Sustainable Considerations

Energy Use

Utilisation of Renewable Resources



Responsive Facade

Minimising Extent of Glazing



Passive Design

Response to Local Climate & Site Conditions



Carbon Neutral

Sustainable Strategies



Carbon Neutrality

Photo Voltaics for all electric services and commitment to GreenPower enables a fossil fuel free operational model.

Natural Light

Filtered daylight improves internal amenity, and further reduce need for artificial lighting

Solar Control

Passive solar control elements are integrated into the facade through minimising the amount of glazing.

Natural & Passive Ventilation

Operable windows are provided to all rooms delivering high quality indoor air and reduce the use of air conditioning services.

Optimal Orientation

North facing solar orientation for communal terraces and amenity. The PV panels also optimise the building's north facing orientation. Shading to north orientated spaces for thermal comfort.

Green Power

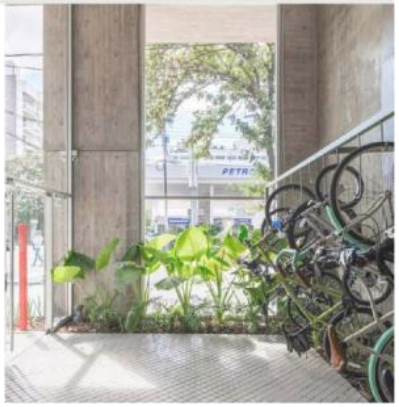
The use of greenpower which reduces the overall energy consumption and C02 emissions.

Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

Green Transport

Bike facilities / Public Transport



Urban Ecology

Community & Urban Ecology



Sustainable Materials

Low Embodied Energy



Active Lifestyles & Green Transport

Sustainable modes of transports have environmental, social and economic benefits. The building's incentive to encourage sustainable transport modes can lead to reduced green house emissions, improved health and well-being for guests.

Greening of Buildings

Integration of vegetation in and around the building form. The greening and on-ground landscaping assists in minimising local heat gains and heat island effect.

Low Impact Materials

Use of local sustainably sourced materials such as brick.
Use of low VOC materials.

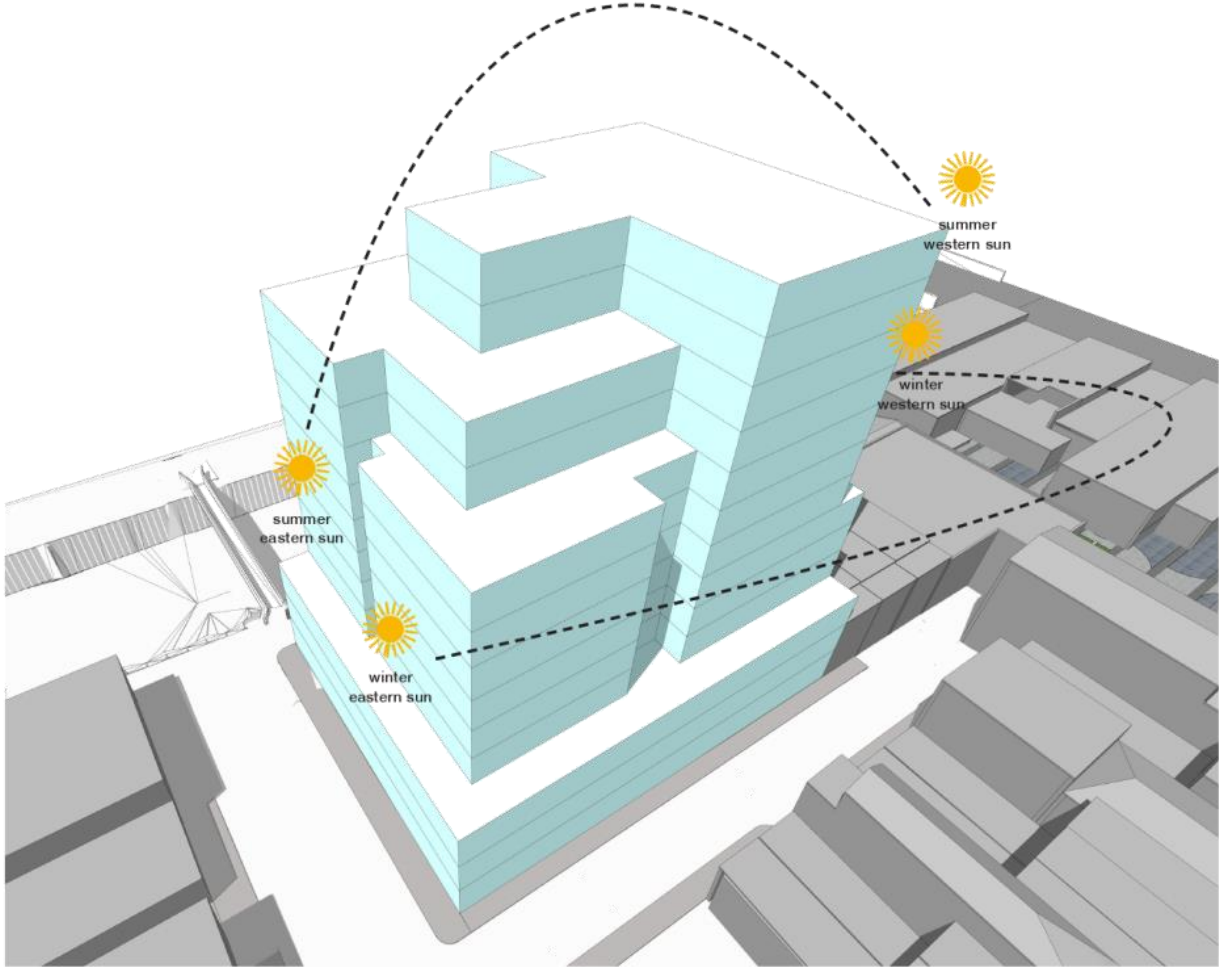
Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.8 Building Orientation

The orientation of the site presents opportunities to have all four activated facade and frontages. With uninterrupted views to the north, west and south, the site offers spectacular views to iconic sites around Melbourne.

The site's solar orientation presents opportunities for good daylight amenity while at the same time, solar control to the building's northern and broad western faces are desirable. Responding to the building's solar orientation becomes an key conceptual driver to the proposal; the designing of an environmentally and contextually responsive building.



Attachment 1 - PLN22/0325 - Originally advertised plans

3.9 Environmentally Responsive Building Principles

As the project strives to achieve ESD excellence, passive design principles are embedded throughout the project from the facade to the amenity provided.



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.10 Environmentally Responsive Facade

With thermal comfort in mind, passive solar control elements are integrated into the facade through minimising the amount of glazing.



PV Panels



Activated Terraces



Optmising building orientation





Greening of Building



Minimising extent of glass on facade

Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

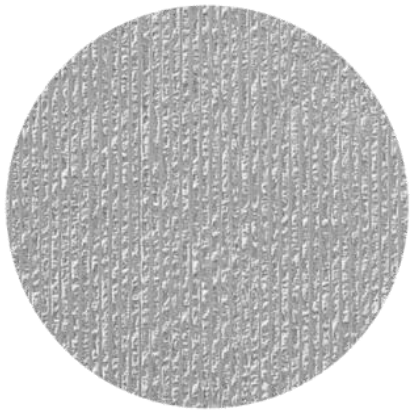
3.11 Design Pillars



Formal Reference



Nod to Traditional Detail



Authentic Materiality



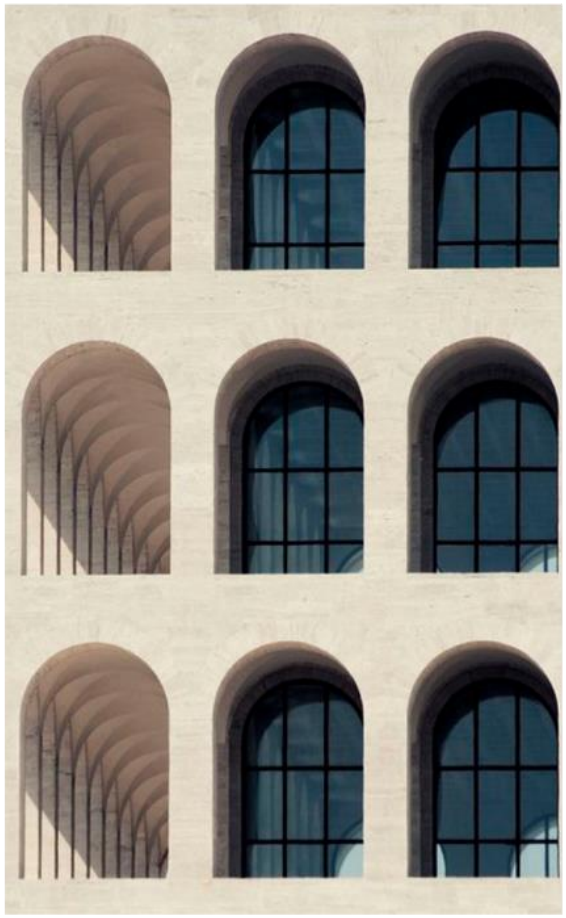
Lighting & Shadow Play

Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.12 Facade Precedents







Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.13 Facade Precedents







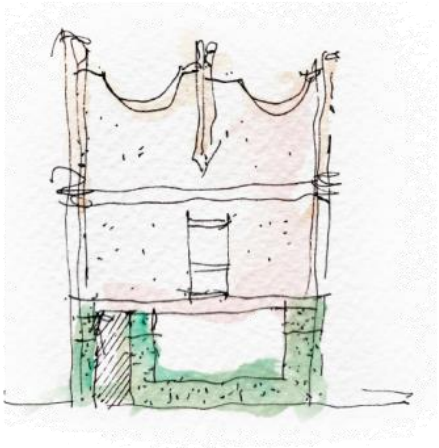
Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.14 Podium Activation

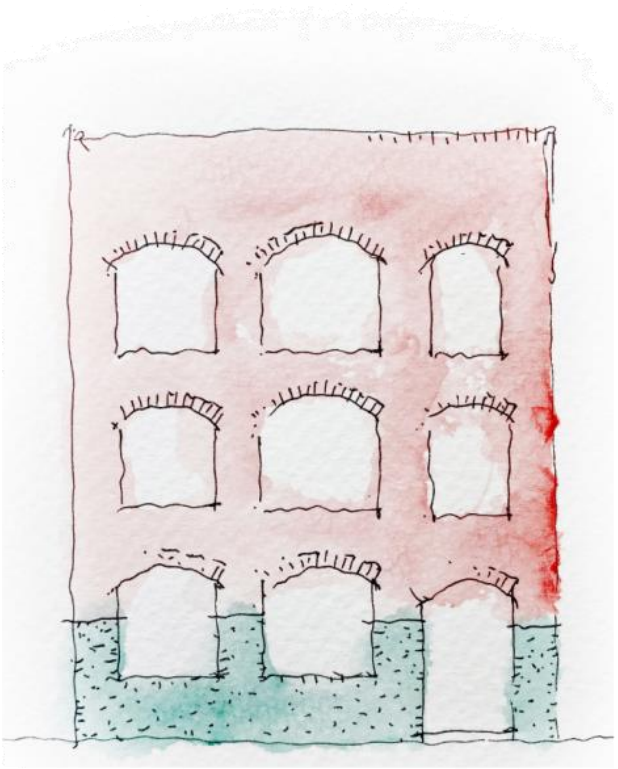
The project's robust architectural forms, gestures and materiality draws upon Richmond's rich history and built heritage.

The use of arched forms is a nod to the Victorian era architecture along Swan Street. The application of green tiles to the project's podium also draws upon Richmond's vernacular where tiles are used on shopfronts and pubs grounding the building and creating a bold and textured base. Through these considered architectural motifs, the project strives in celebrating the existing grain and heritage of the old through a contemporary yet contextual refinement.









Attachment 1 - PLN22/0325 - Originally advertised plans



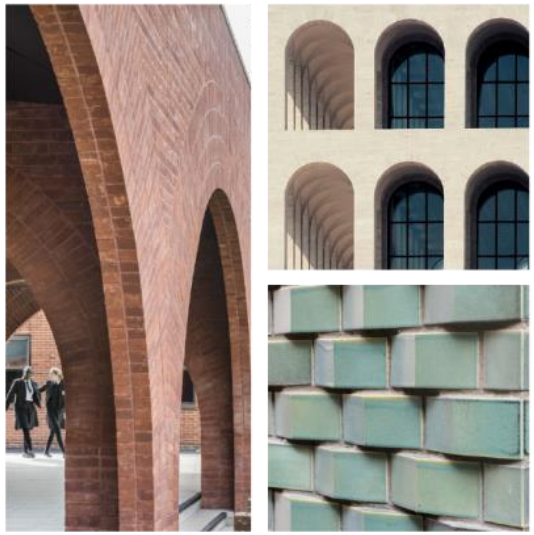
Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.15 Wiltshire and Brighton Street

The use of detailed brickwork at ground brings a level of fine grain detail to the building at a human scale. The cantilevered arch forms here create architectural interest drawing people into the building, framed by the arched openings.

The integration of greenery and vegetation within the project's facade and podium terraces can be appreciated from street level evoking a sense of harmonious beauty between built form and vegetation and reinforces the building's sustainable credentials.





Attachment 1 - PLN22/0325 - Originally advertised plans



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.16 Street Interface & Public Realm

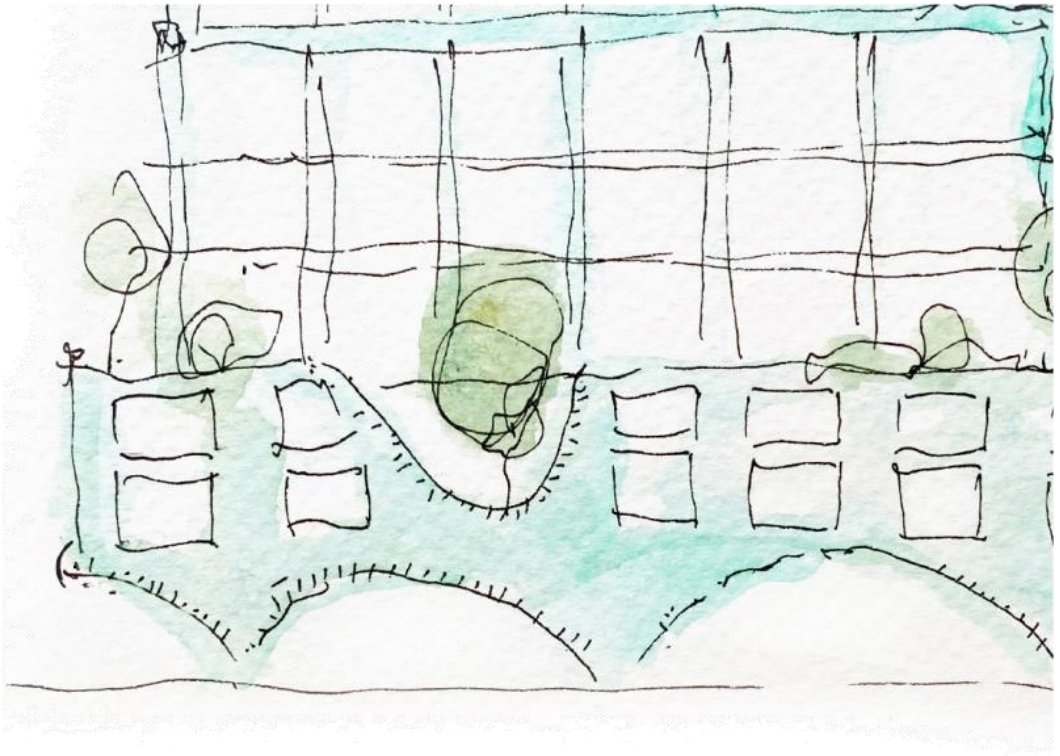
Cantilevered and vaulted curves at ground create delight and drama; an architectural boldness to the pedestrian interface and enhances the arrival experience. This cantilevered podium creates a 3m setback at ground, giving back to the public realm by widening the the existing narrow footpaths.

This setback will be utilised and activated by the food and beverage tenancies; used for outdoor dining and seating playing a significant role in the post-Covid environment. This expanded footpath also provides space for residential and commercial visitor bike parking and landscaping.









Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach



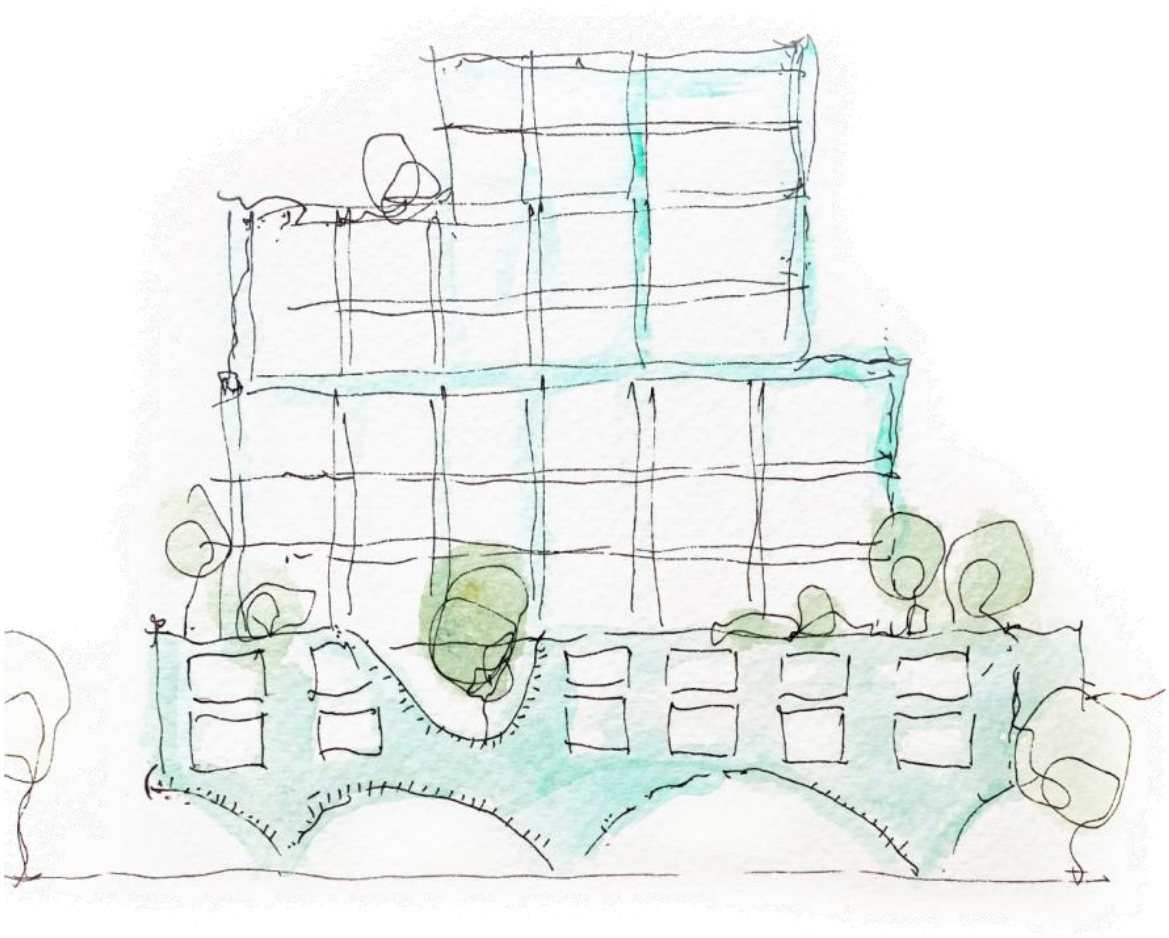
Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.17 Tower and Podium Delineation

A strong podium and tower delineation is achieved through the use of the bold green brickwork within the podium contrasting against the textured concrete on the tower.

Planting and greenery on the podium setback level further delineates the podium and tower forms and provides privacy and buffer to the residents from each other and nearby buildings.



Attachment 1 - PLN22/0325 - Originally advertised plans



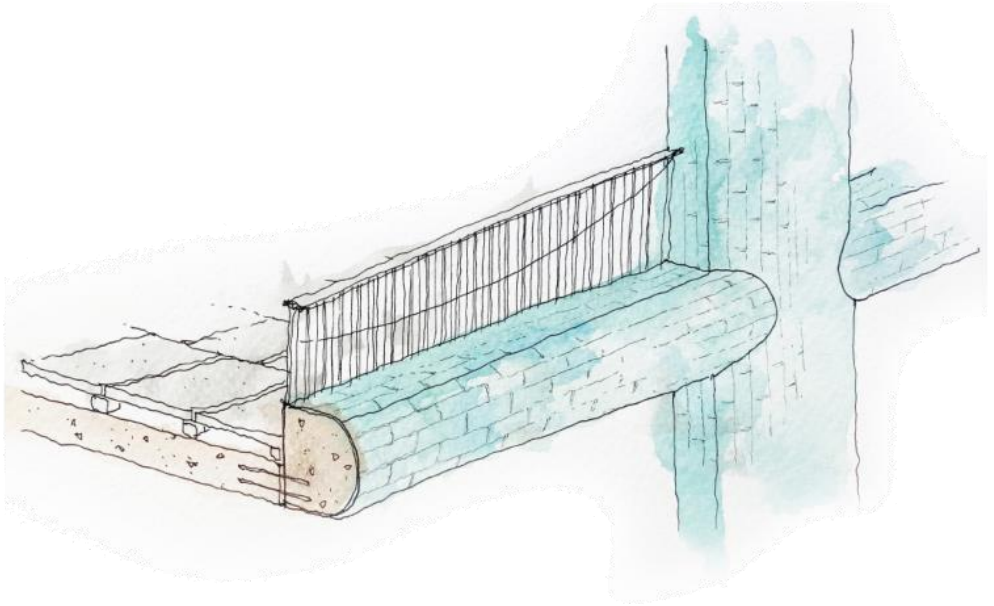
Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.18 Tower Facade

The rounded columns and slab edges have been designed to play on the light and shadows cast across the articulated facade. The robustness of these elements are further contrasted by the fine delicate metal work balustrades containing arched detailing, taking cues from the ornamental Victorian era heritage architecture.





Attachment 1 - PLN22/0325 - Originally advertised plans



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

3.19 North / East Facade



Attachment 1 - PLN22/0325 - Originally advertised plans



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

Current application

Approved permit

3.20 RFI Item 5A - View from Lesney Street Looking North-East



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

Current application

Approved permit

3.21 RFI Item 5B - View from Pedestrian Railway Bridge Looking North-West



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

Current application

Approved permit

3.22 RFI Item 5C - View from Church Street



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

Current application

Approved permit

3.23 RFI Item 5D i - View in Front of 205 Swan Street



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

Current application

Approved permit

3.24 RFI Item 5D ii - View in Front of 225 Swan Street



Attachment 1 - PLN22/0325 - Originally advertised plans

Design Approach

Current application

Approved permit

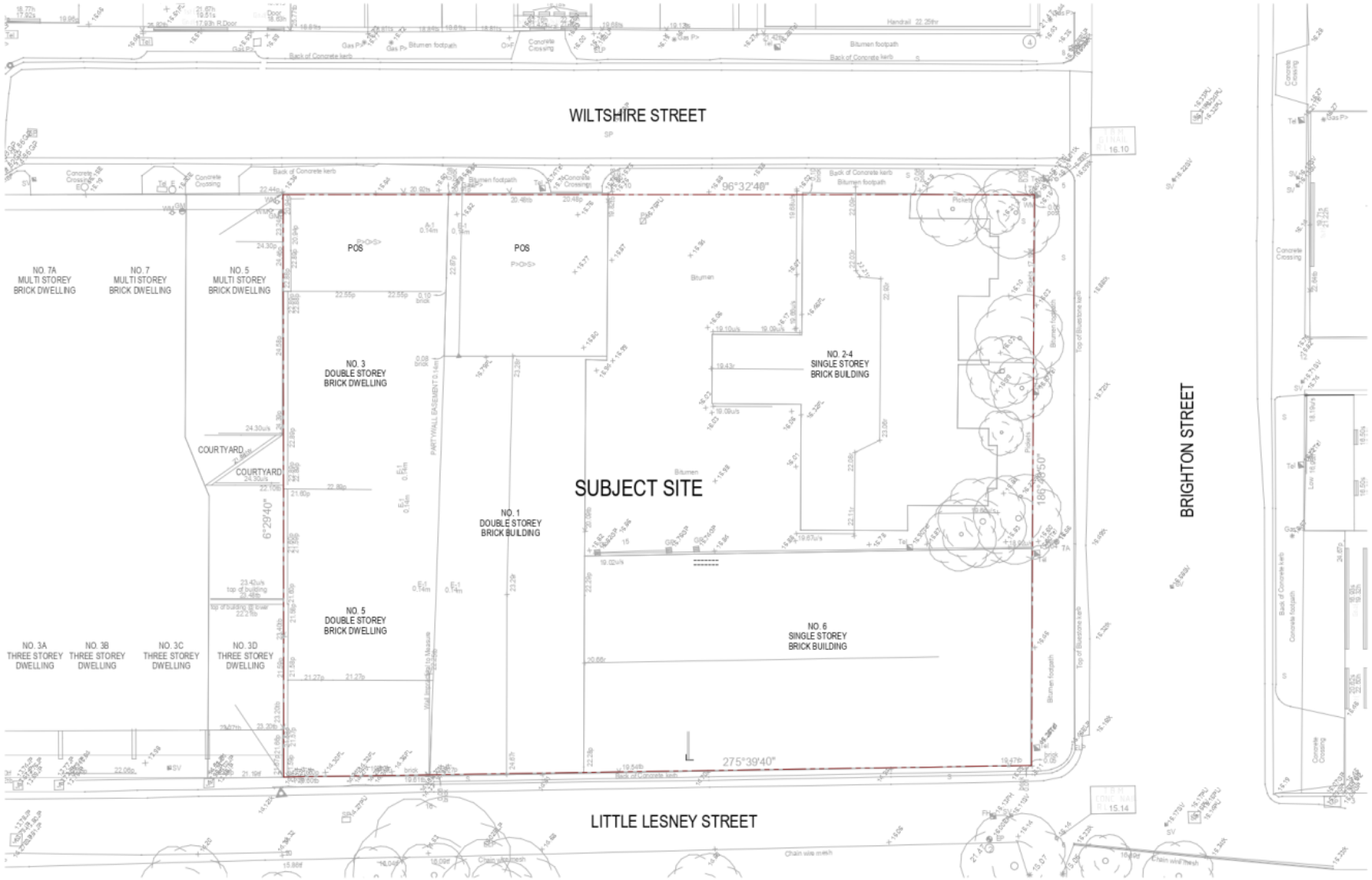
3.25 RFI Item 5E - View from Corner of Church & Swan Street



Attachment 1 - PLN22/0325 - Originally advertised plans

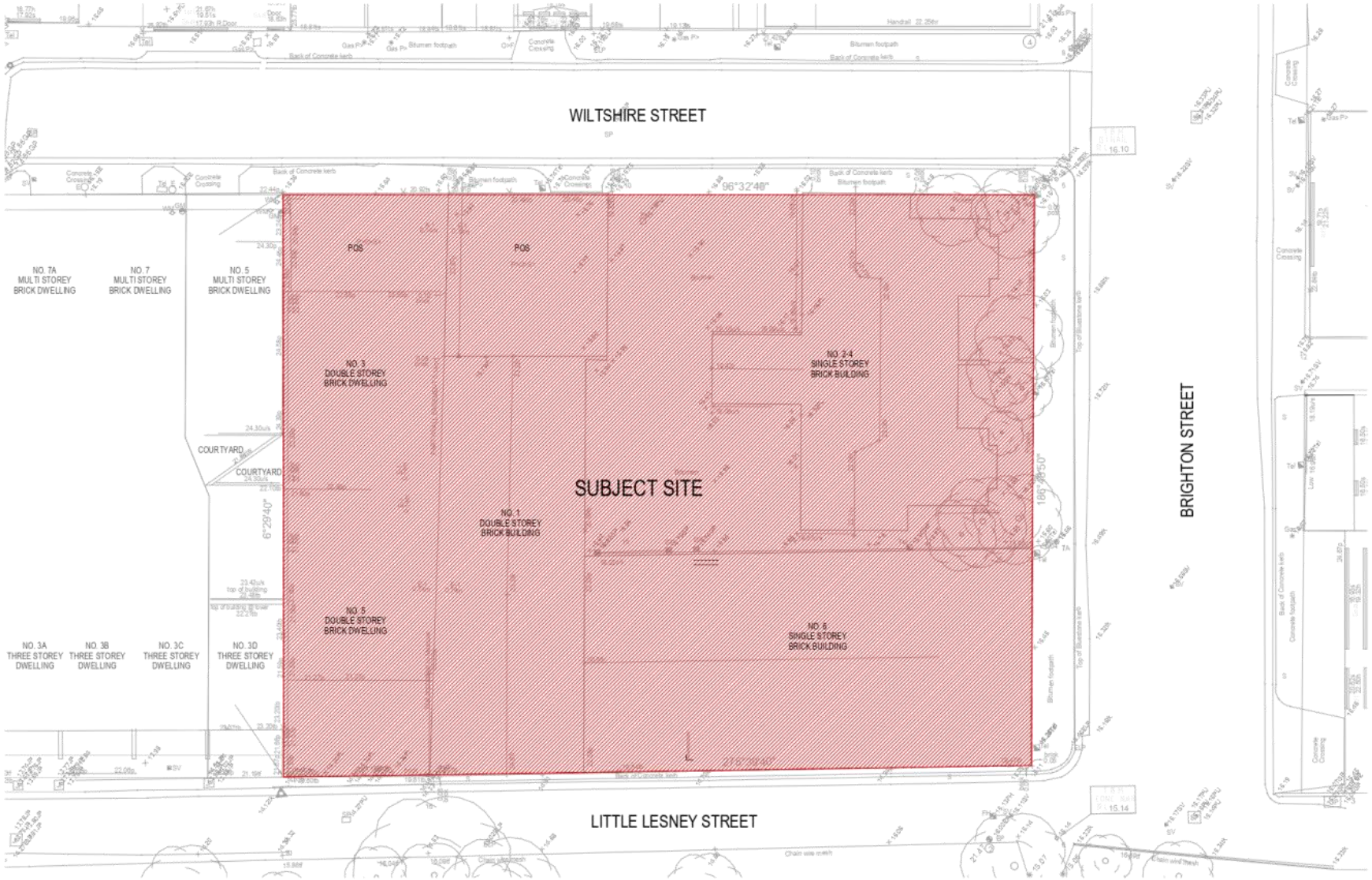


Attachment 1 - PLN22/0325 - Originally advertised plans



Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD01_02 EXISTING SITE PLAN	13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9999 8888 sjb.com.au

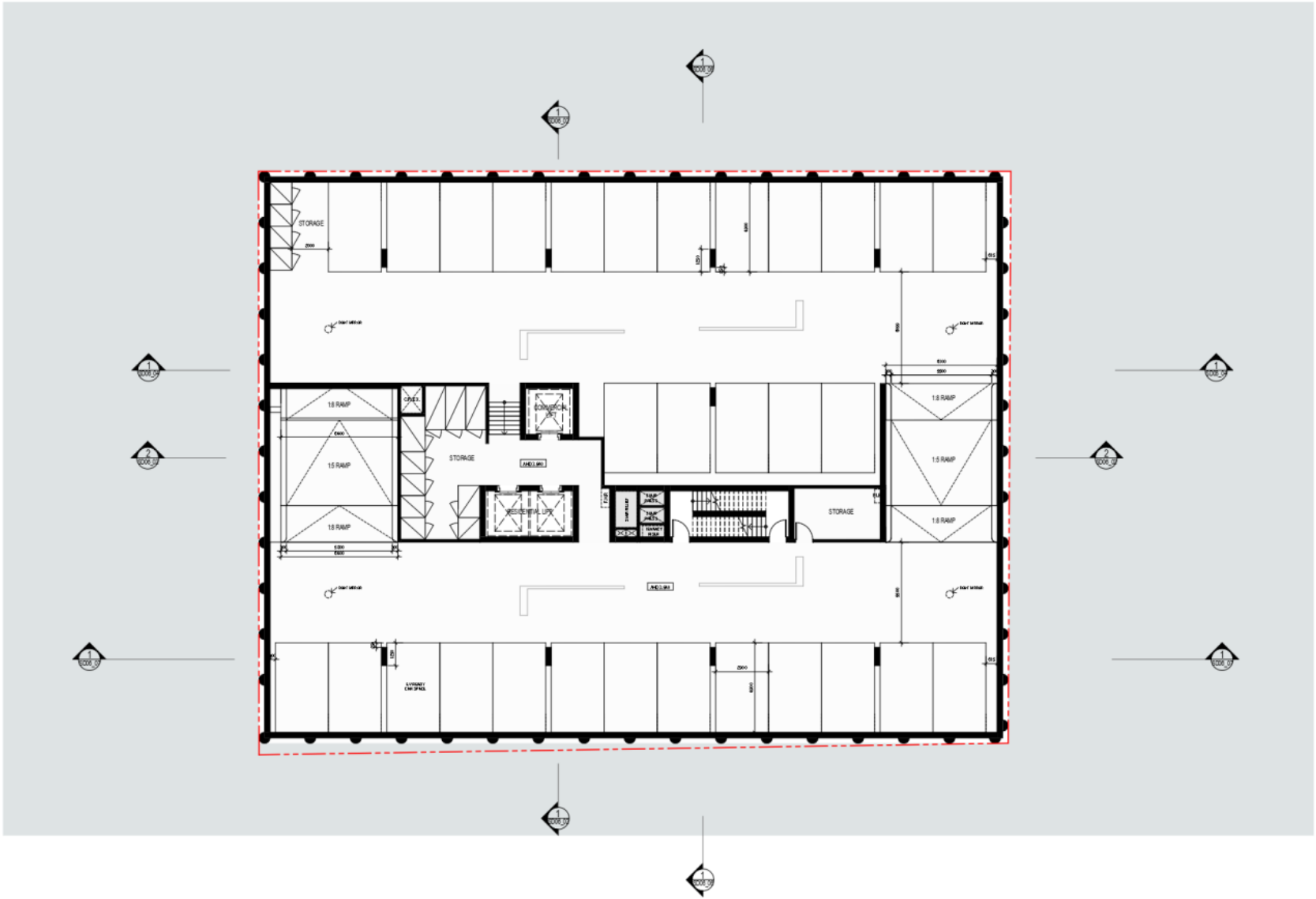
Attachment 1 - PLN22/0325 - Originally advertised plans



Project: FORTIS 2-8 BRIGHTON STREET | Job No: 21567 | Scale: 1 : 100 @A1 | Drawing: SD01_03 DEMOLITION PLAN | Revision: 13 06/08/21

Level 5, 18 Oliver Lane
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3000 Australia
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Attachment 1 - PLN22/0325 - Originally advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

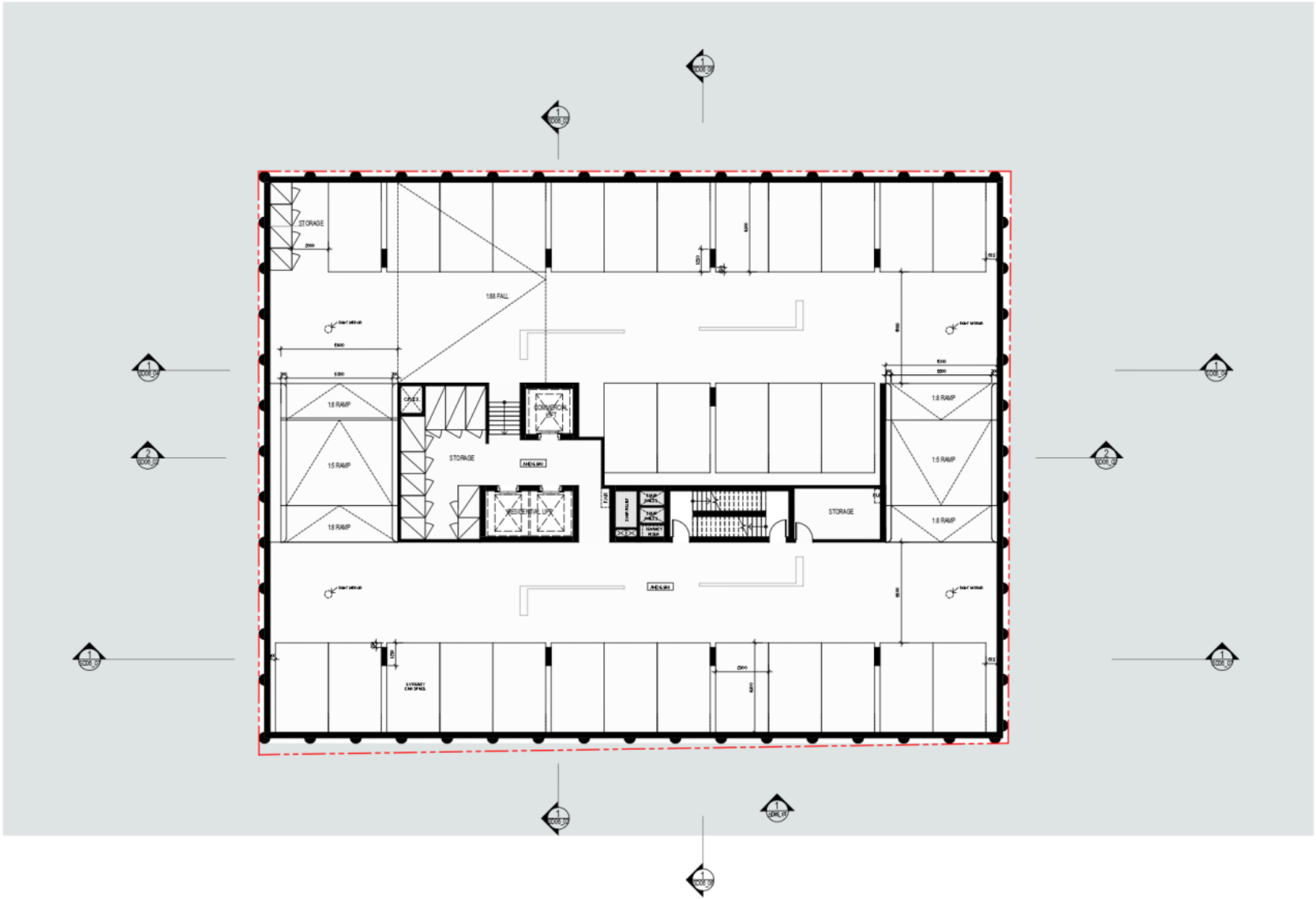
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Drawing
SD02_01
BASEMENT 04

Revision
13
06/08/21

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Attachment 1 - PLN22/0325 - Originally advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

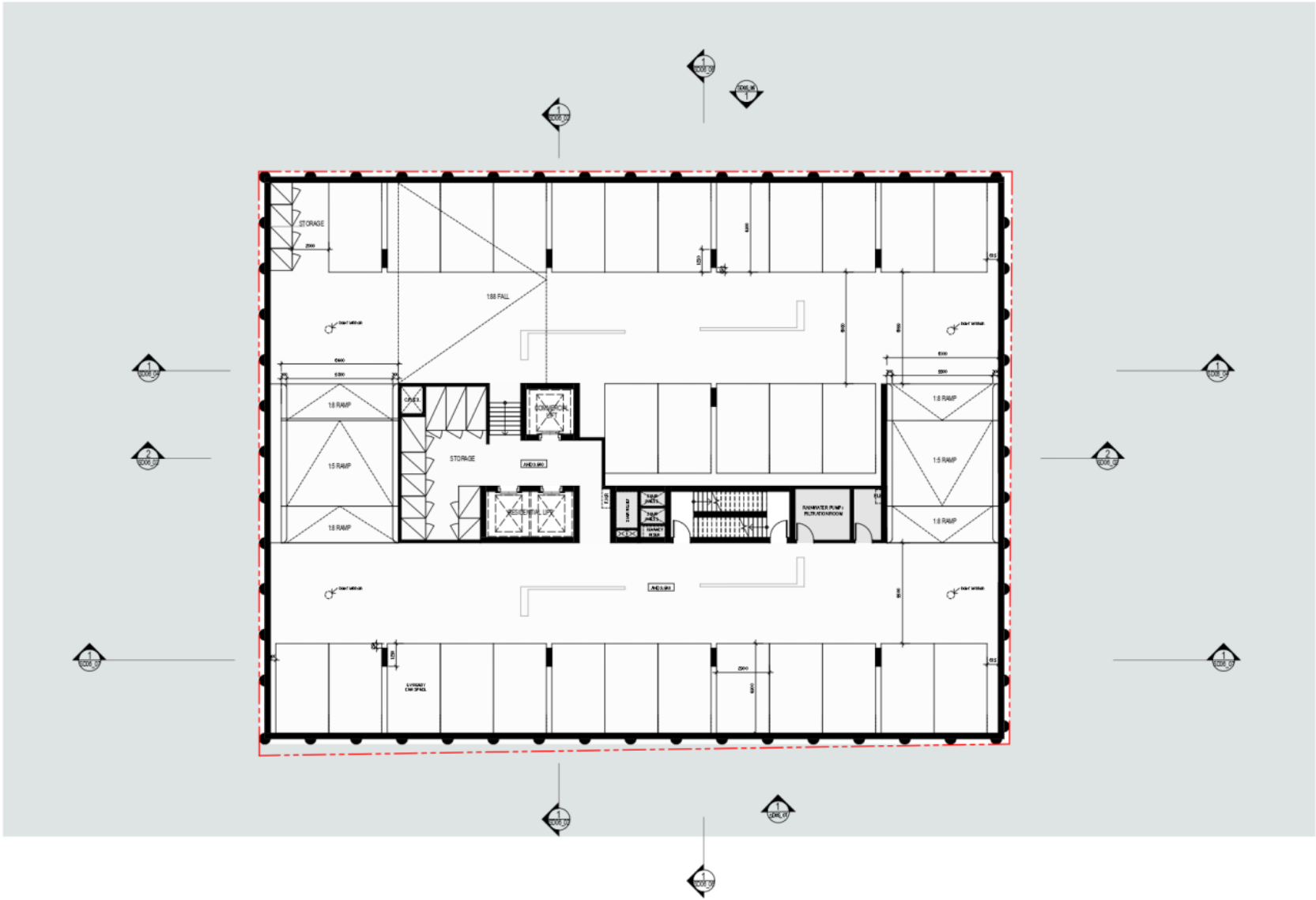
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SD02_02
BASEMENT 03

Revision
13
06/08/21

Level 5, 18 Oliver Lane
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Attachment 1 - PLN22/0325 - Originally advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

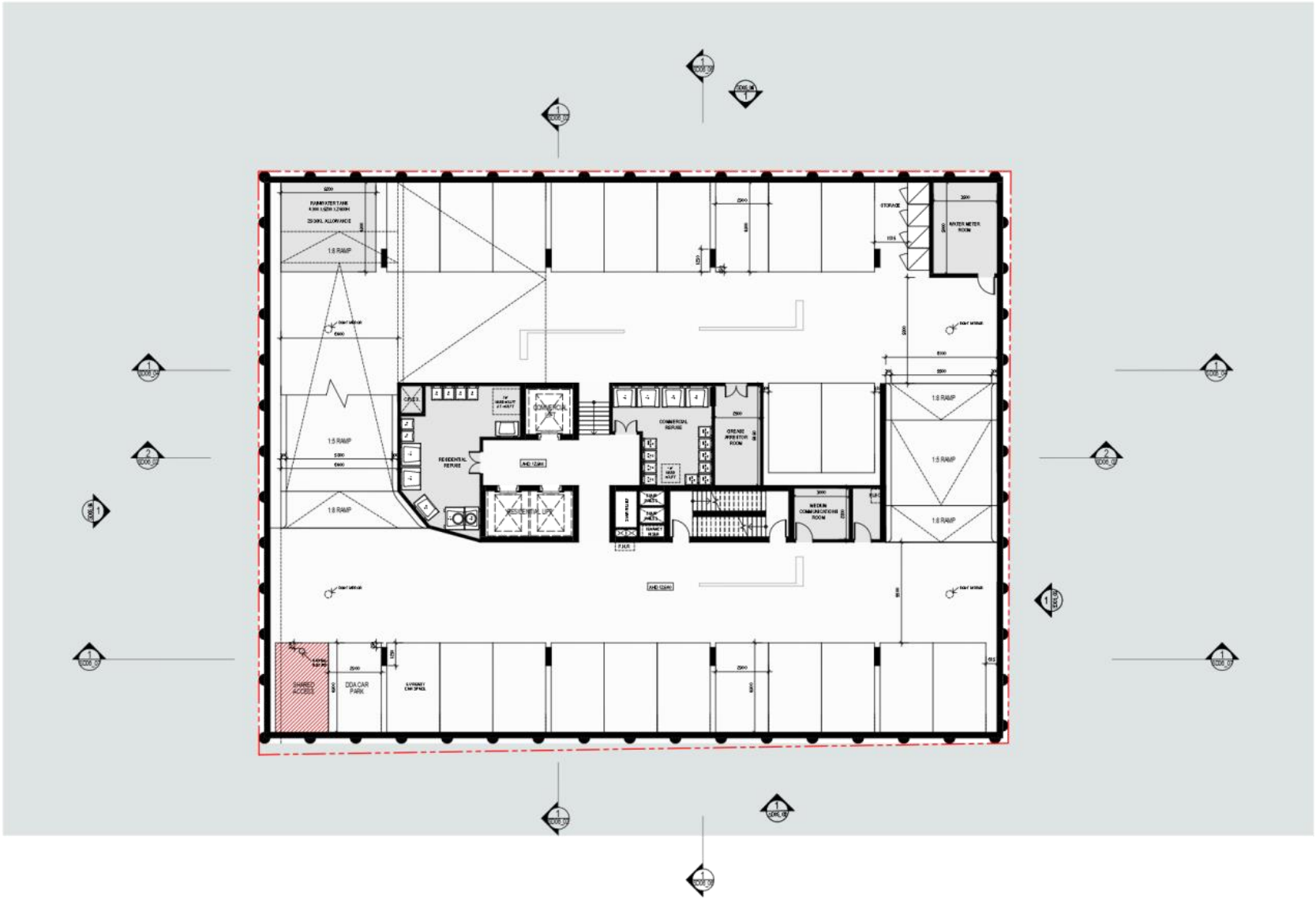
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Drawing
SD02_03
BASEMENT 02

Revision
13
06/08/21

Level 5, 18 Oliver Lane
Melbourne VIC
3000 Australia
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Attachment 1 - PLN22/0325 - Originally advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No
21567

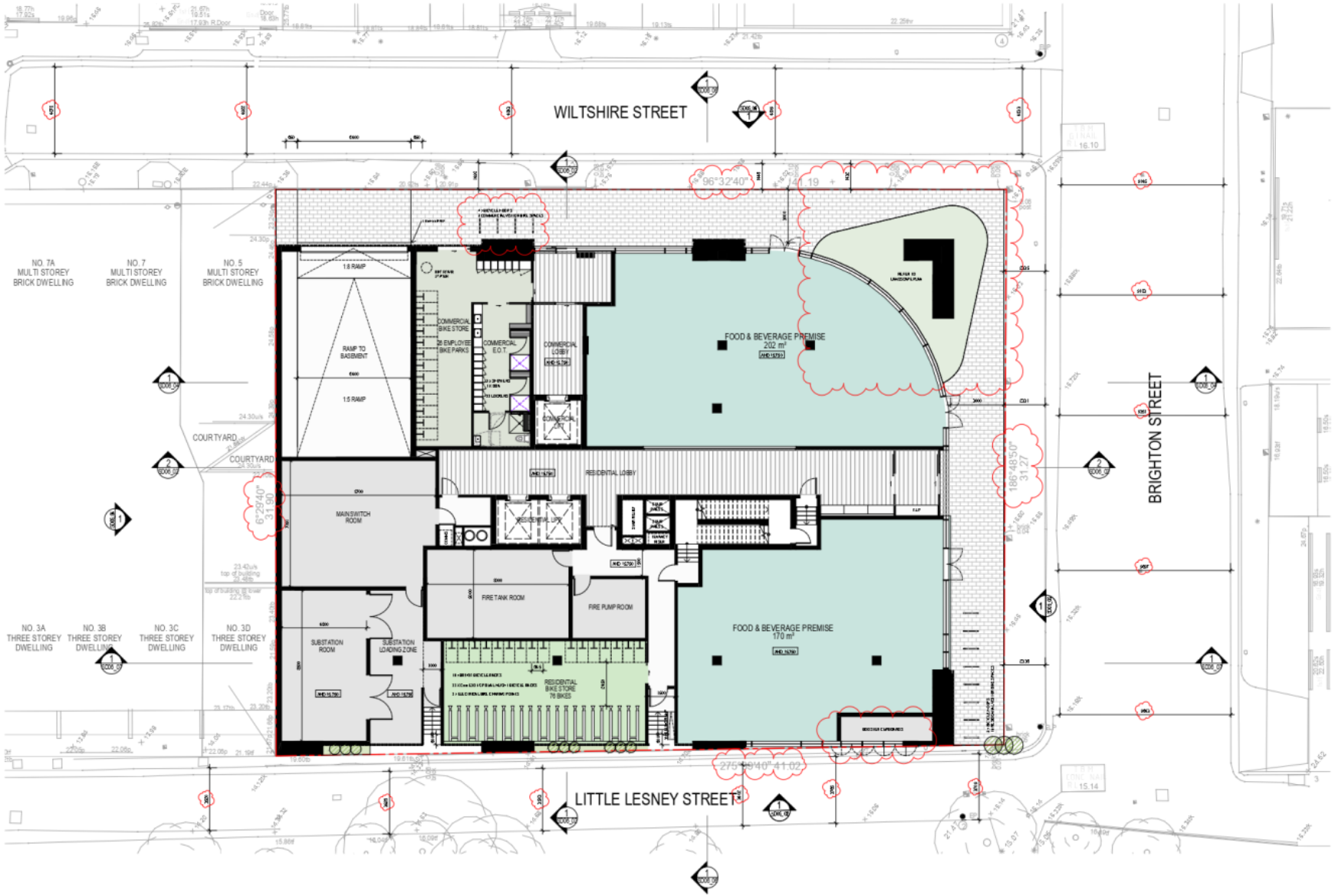
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BASEMENT 01

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13
06/08/21

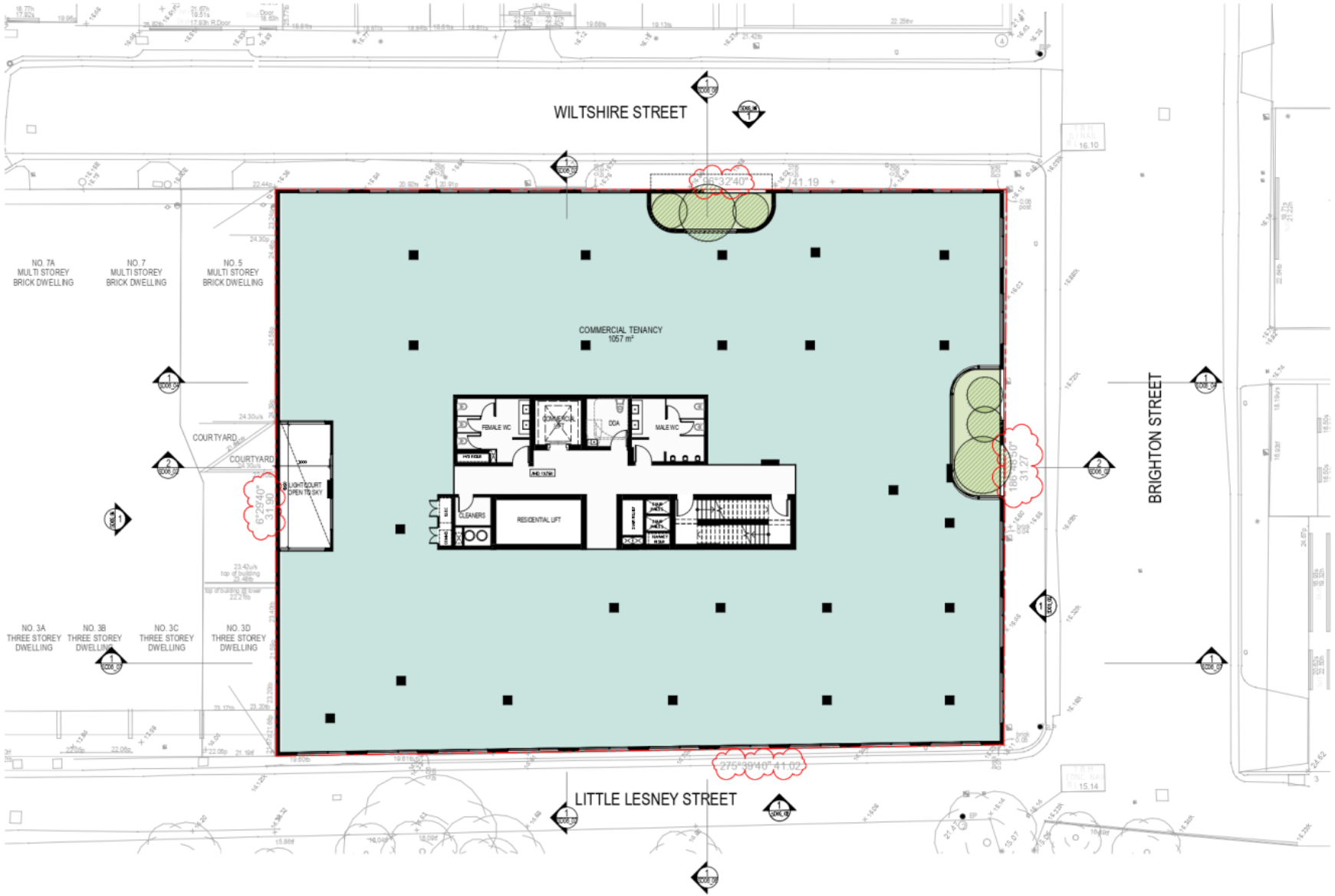
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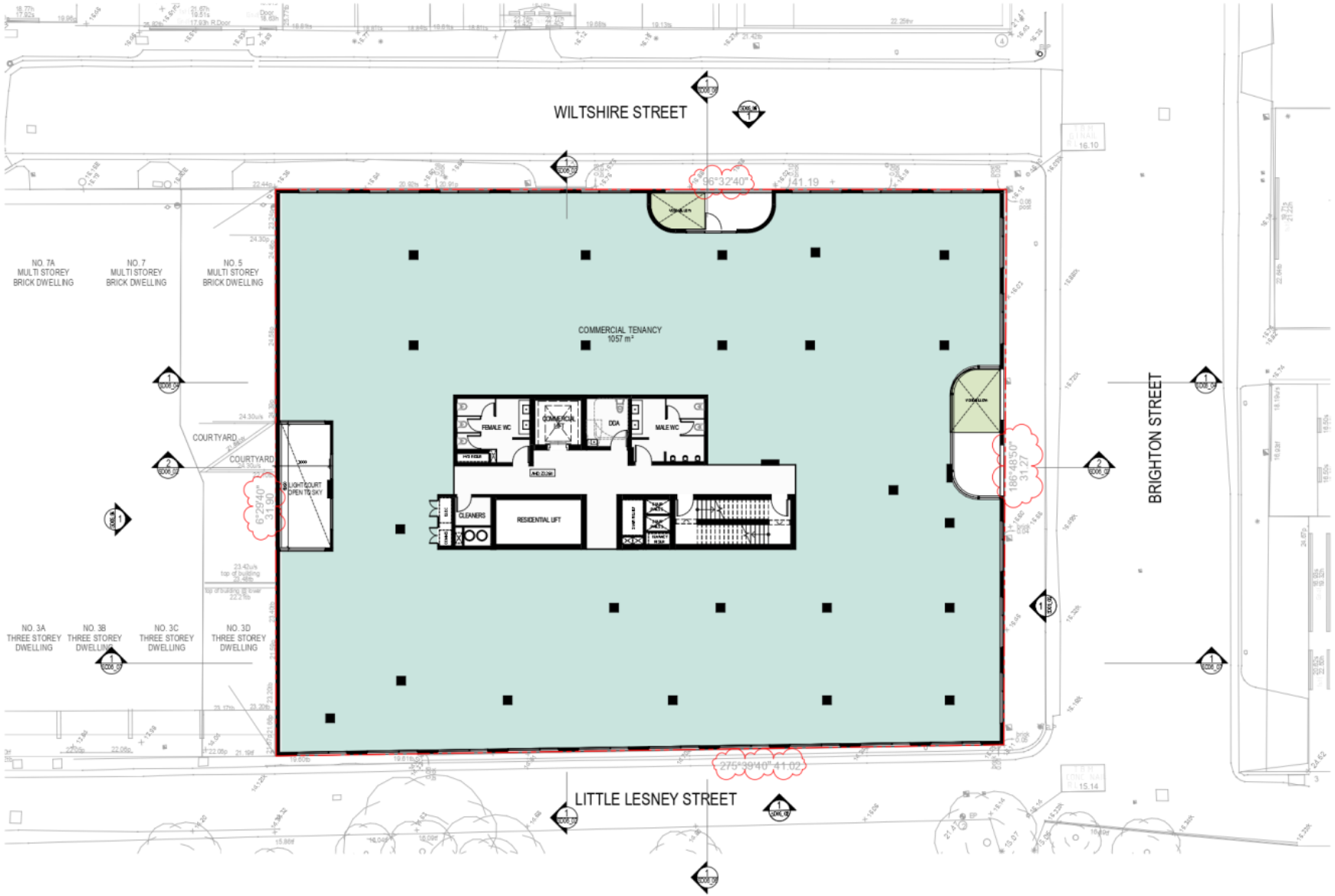
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FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_05 GROUND FLOOR PLAN	13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9999 8888 sjb.com.au

Attachment 1 - PLN22/0325 - Originally advertised plans



Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_06 LEVEL 1 FLOOR PLAN	13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9999 8888 sjb.com.au

Attachment 1 - PLN22/0325 - Originally advertised plans



Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_07 LEVEL 2 FLOOR PLAN	13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6888 sjb.com.au

Attachment 1 - PLN22/0325 - Originally advertised plans



Project	Job No	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_08 LEVEL 3 FLOOR PLAN	13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T 61 3 9999 6888 sjb.com.au

Attachment 1 - PLN22/0325 - Originally advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_09 LEVEL 4 FLOOR PLAN	13 06/08/21

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Melbourne VIC
3000 Australia
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sjb.com.au

Attachment 1 - PLN22/0325 - Originally advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_10 LEVEL 5 FLOOR PLAN	13 06/08/21

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3000 Australia
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sjb.com.au

Attachment 1 - PLN22/0325 - Originally advertised plans



Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_11 LEVEL 6 FLOOR PLAN	13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6888 sjb.com.au

Attachment 1 - PLN22/0325 - Originally advertised plans



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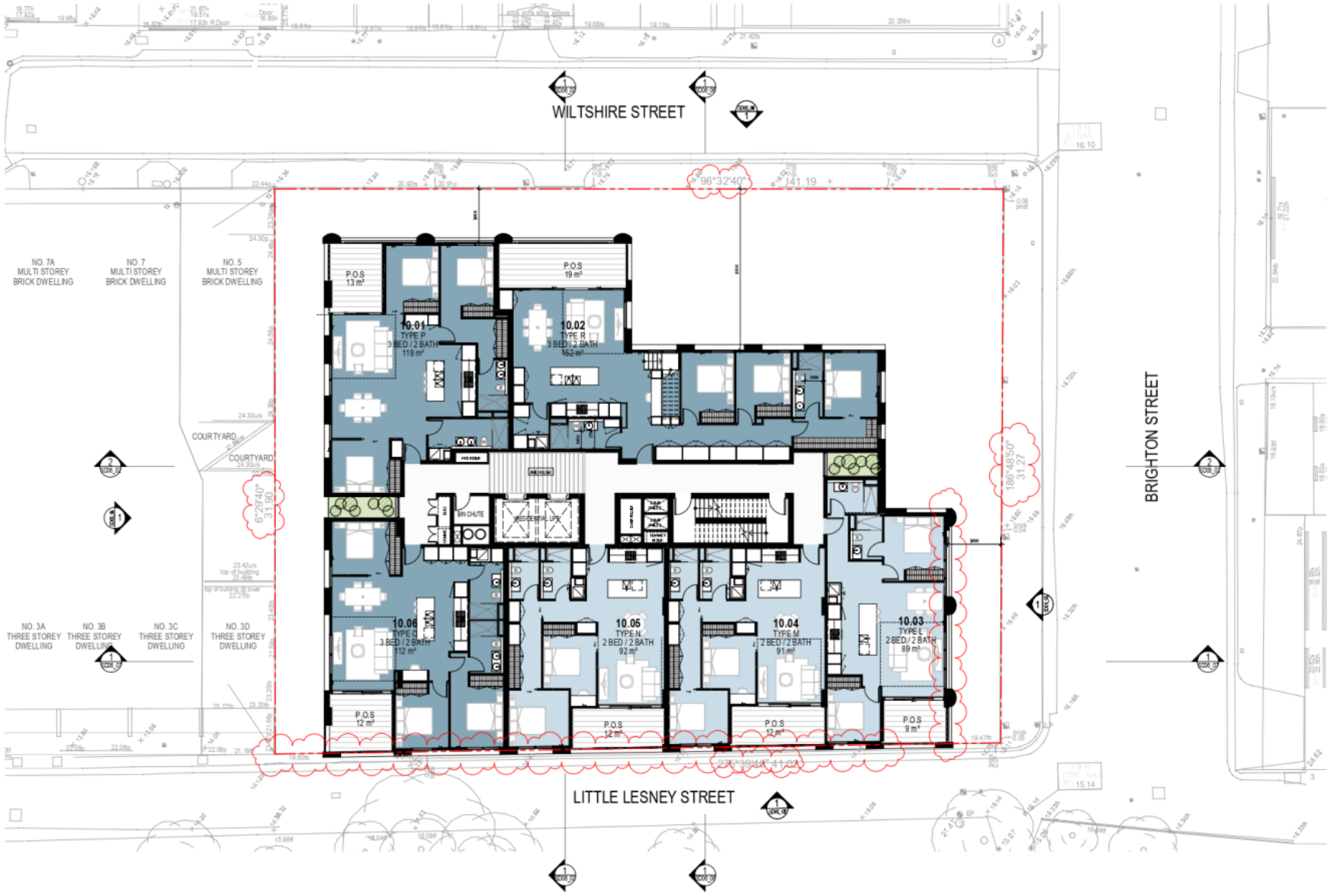
Attachment 1 - PLN22/0325 - Originally advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_13 LEVEL 9 FLOOR PLAN	13 06/08/21

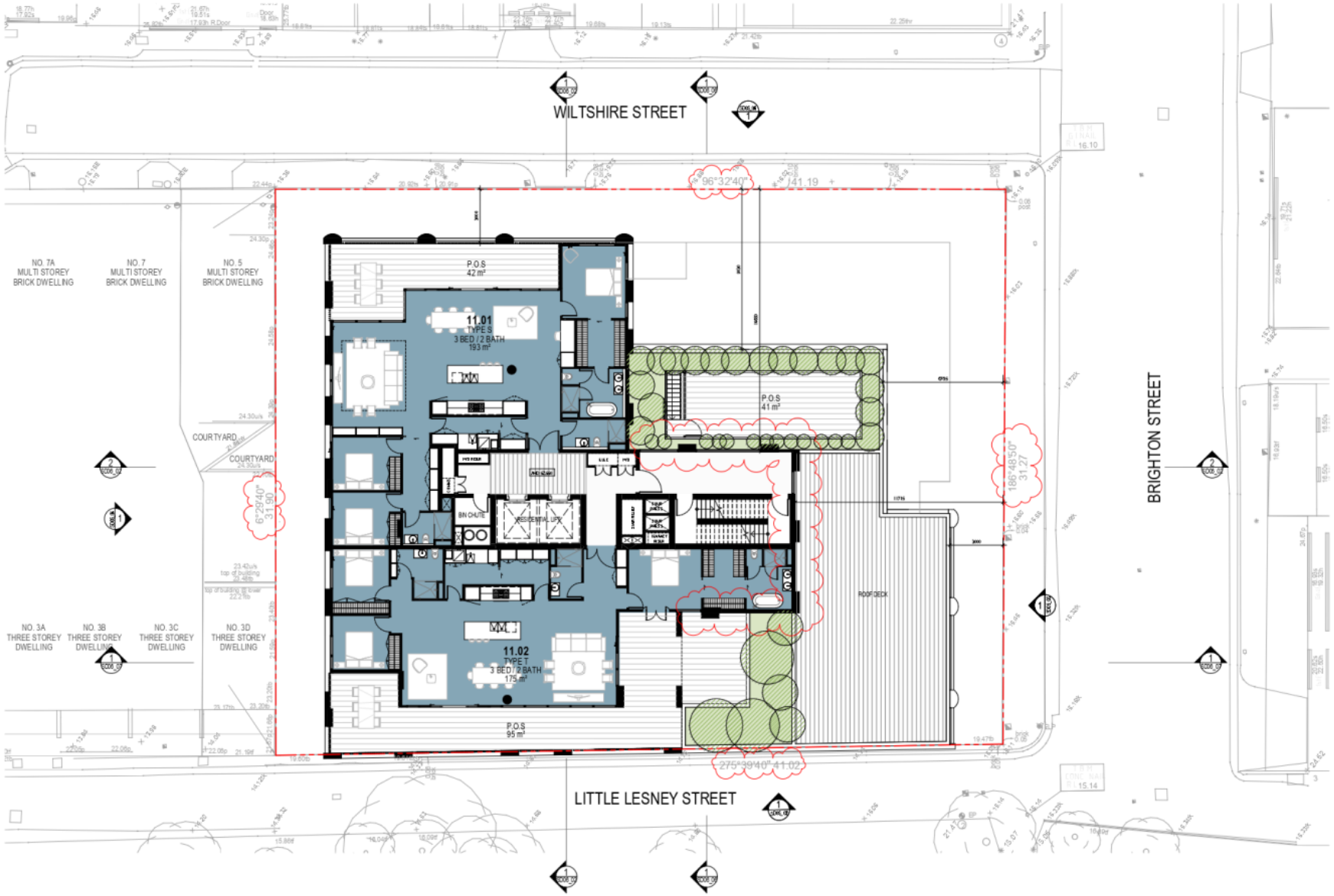
Level 5, 18 Oliver Lane
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sjb.com.au

Attachment 1 - PLN22/0325 - Originally advertised plans



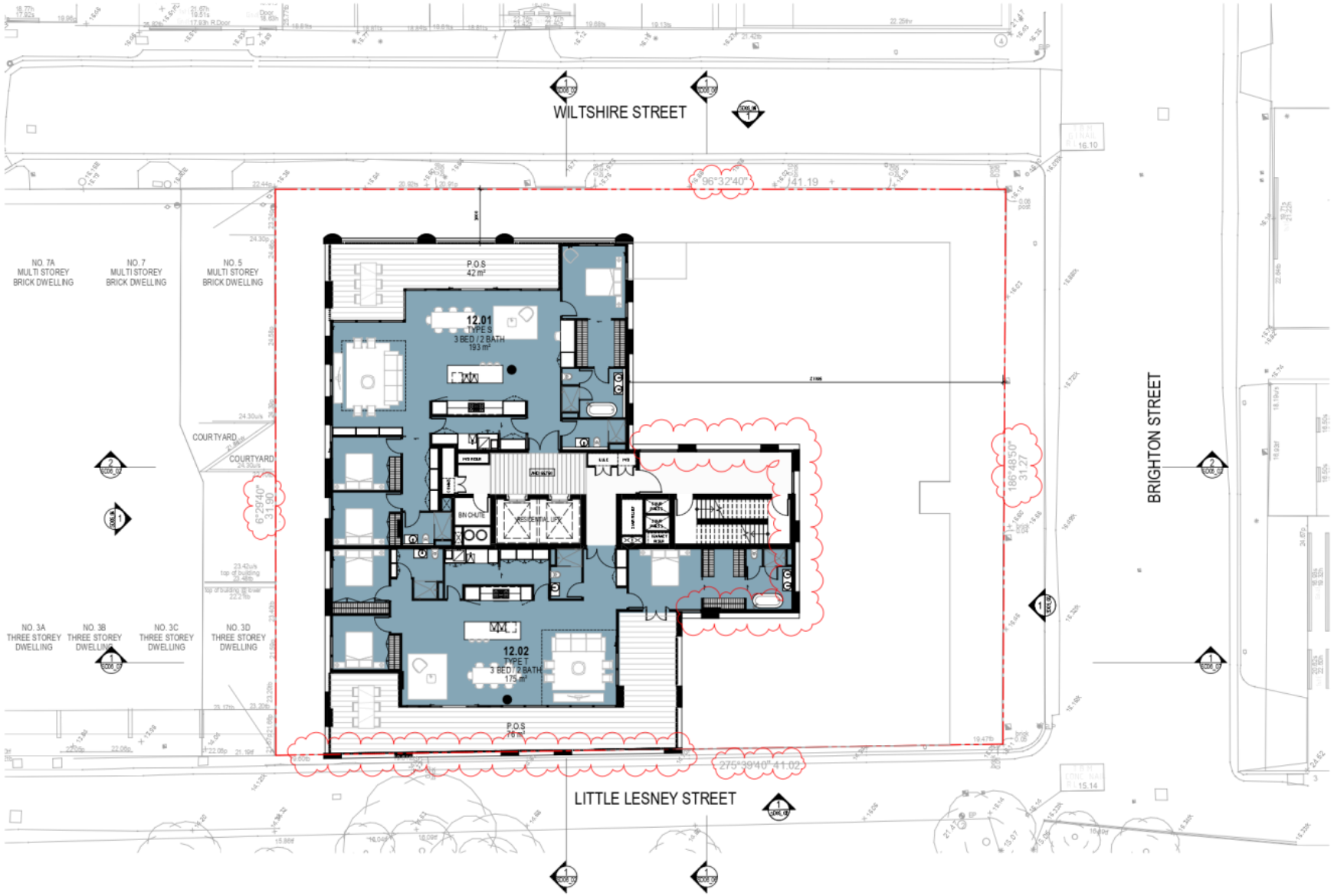
Project FORTIS 2-8 BRIGHTON STREET	Job No. 21567	Scale 1 : 100 @A1	Drawing SD02_14 LEVEL 10 FLOOR PLAN	Revision 13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6688 sjb.com.au	SJB

Attachment 1 - PLN22/0325 - Originally advertised plans



Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_15 LEVEL 11 FLOOR PLAN	13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6888 sjb.com.au

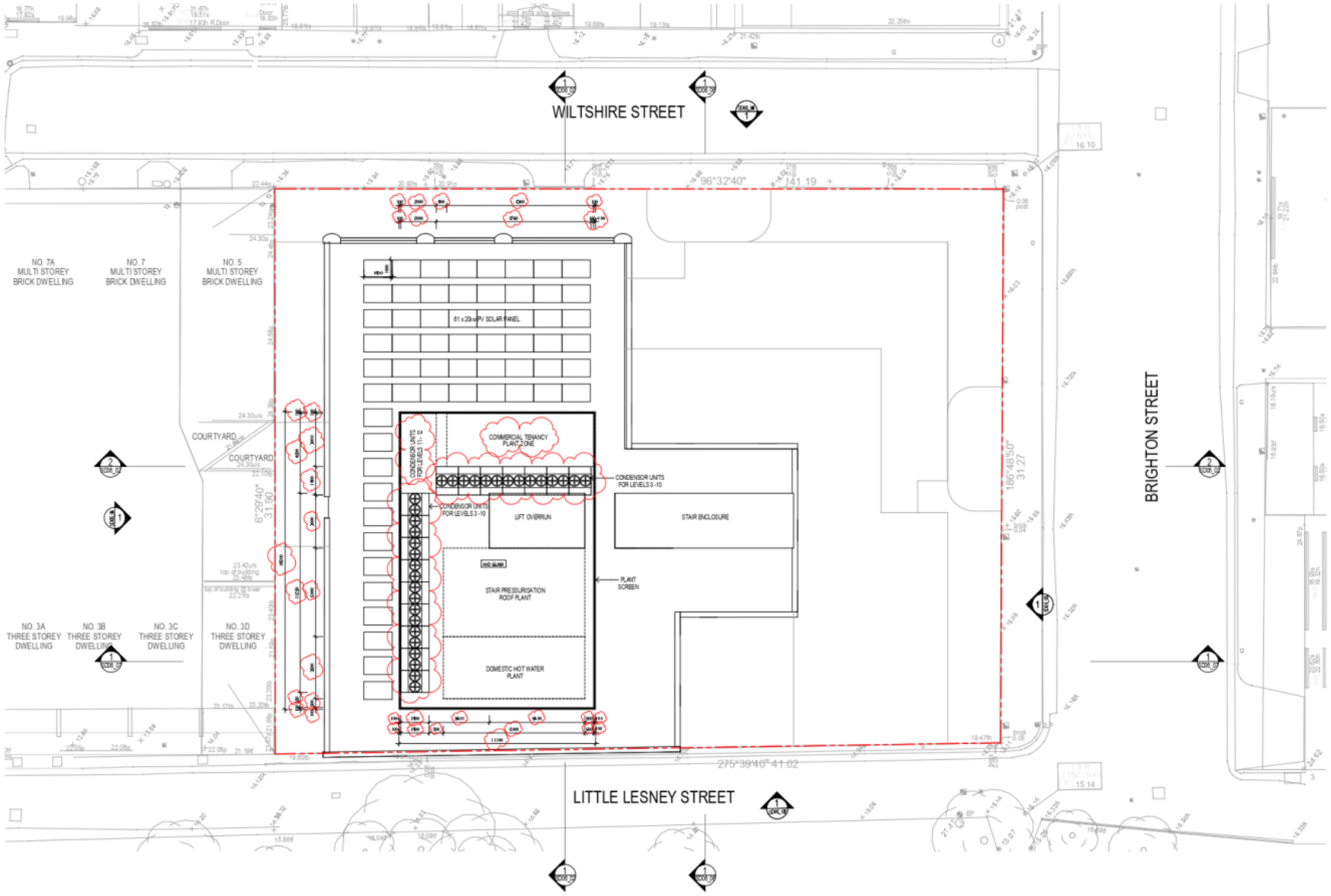
Attachment 1 - PLN22/0325 - Originally advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_16 LEVEL 12 FLOOR PLAN	13 06/08/21

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Attachment 1 - PLN22/0325 - Originally advertised plans



Project FORTIS 2-8 BRIGHTON STREET	Job No. 21567	Scale 1 : 100 @A1	Drawing SD02_17 ROOF PLAN	Revision 13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9999 8888 sjb.com.au	SJB

Attachment 1 - PLN22/0325 - Originally advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No
21567

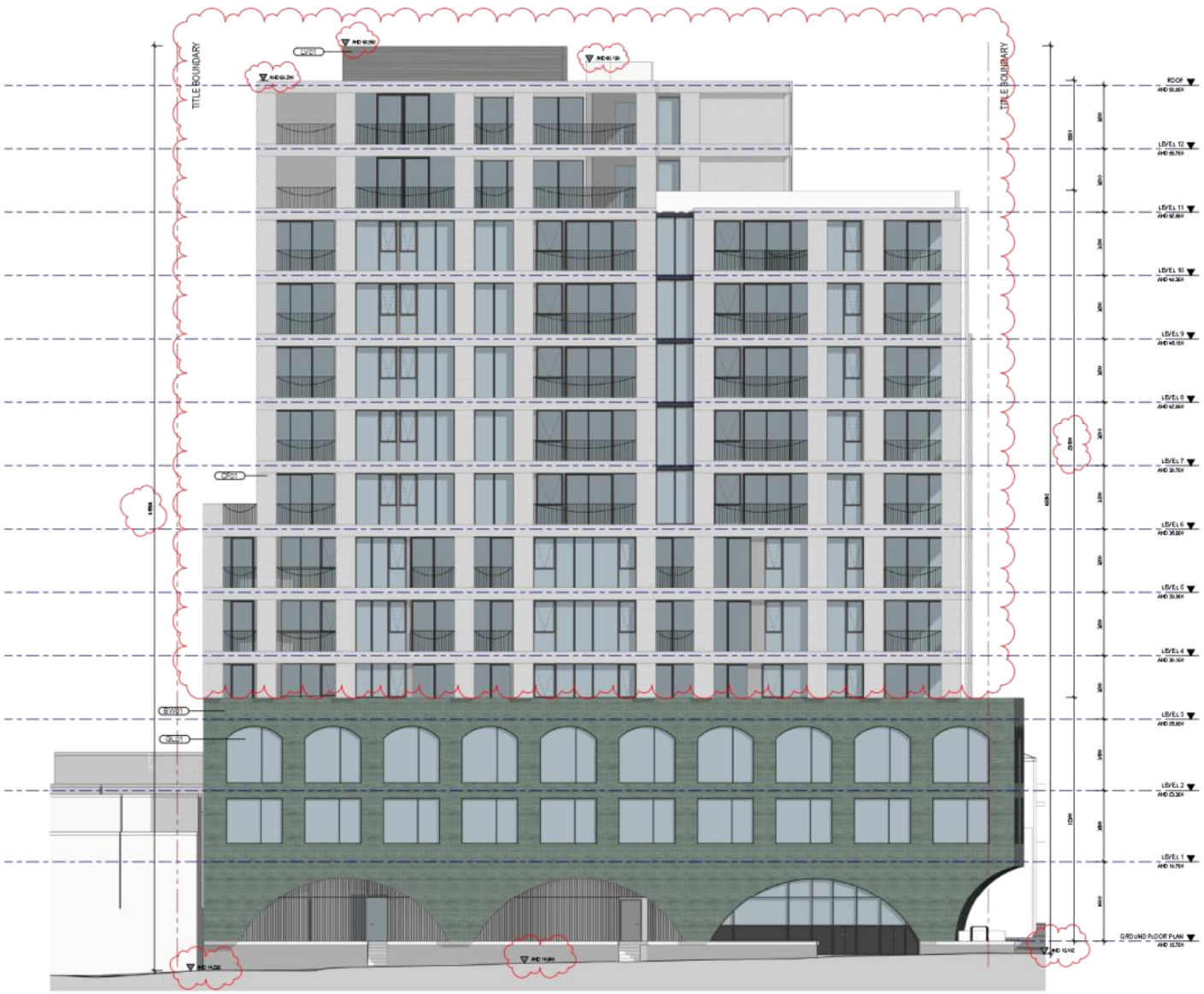
Scale
1 : 100 @A1

Drawing
SD05_01
NORTH ELEVATION

Revision
13
06/08/21

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Attachment 1 - PLN22/0325 - Originally advertised plans



Project FORTIS 2-8 BRIGHTON STREET	Job No 21567	Scale 1 : 100 @A1	GRN1 - GREENBROOKERS CON1 - CONCRETE FINISH GLA1 - CLEAR GLAZING GLA2 - GRADIENT GLAZING	MET4 - GREENPOWDERCOAT MET2 - CHARCOAL POWDERCOAT MET3 - METAL SCREEN	Drawing SD05_02 SOUTH ELEVATION	Revision 13 06/08/21

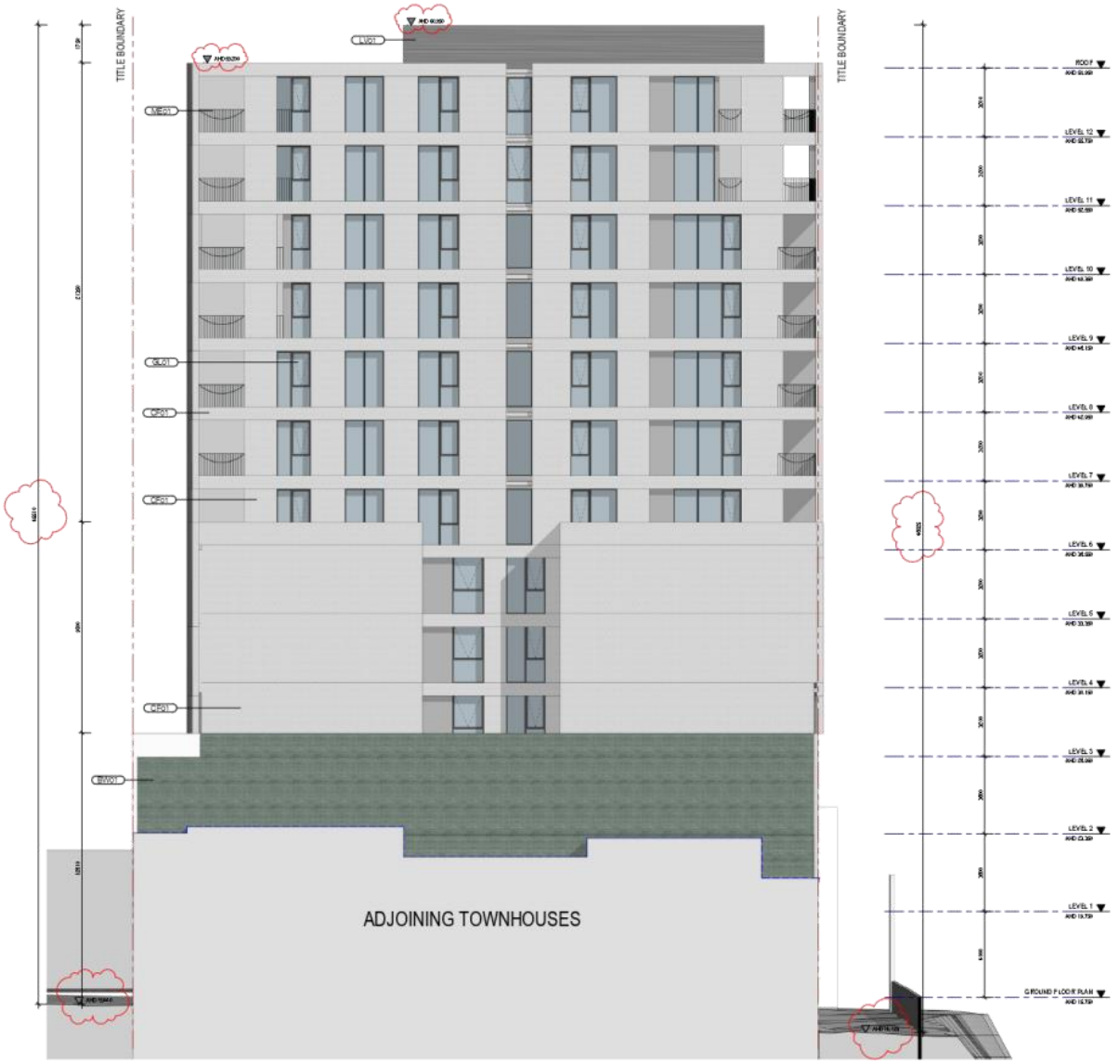
Level 5, 18 Oliver Lane
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Attachment 1 - PLN22/0325 - Originally advertised plans



Project	Job No	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD05_03 EAST ELEVATION	13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9999 8888 sjb.com.au

Attachment 1 - PLN22/0325 - Originally advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No
21567

Scale
1 : 100 @A1

Drawing
SD05_04
WEST ELEVATION

Revision
13
06/08/21

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Attachment 1 - PLN22/0325 - Originally advertised plans



Project FORTIS 2-8 BRIGHTON STREET	Job No 21567	Scale 1 : 200 @A1	Drawing SD05_06 NORTH ELEVATION - STREETSCAPE	Revision 13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T 61 3 9999 6888 sjb.com.au	SJB

Attachment 1 - PLN22/0325 - Originally advertised plans



Project FORTIS 2-8 BRIGHTON STREET	Job No 21567	Scale 1 : 200 @A1	Drawing SD05_07 SOUTH ELEVATION - STREETSCAPE	Revision 13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9999 6888 sjb.com.au	SJB

Attachment 1 - PLN22/0325 - Originally advertised plans



09-Aug-21 1:42:36 PM

Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

Scale
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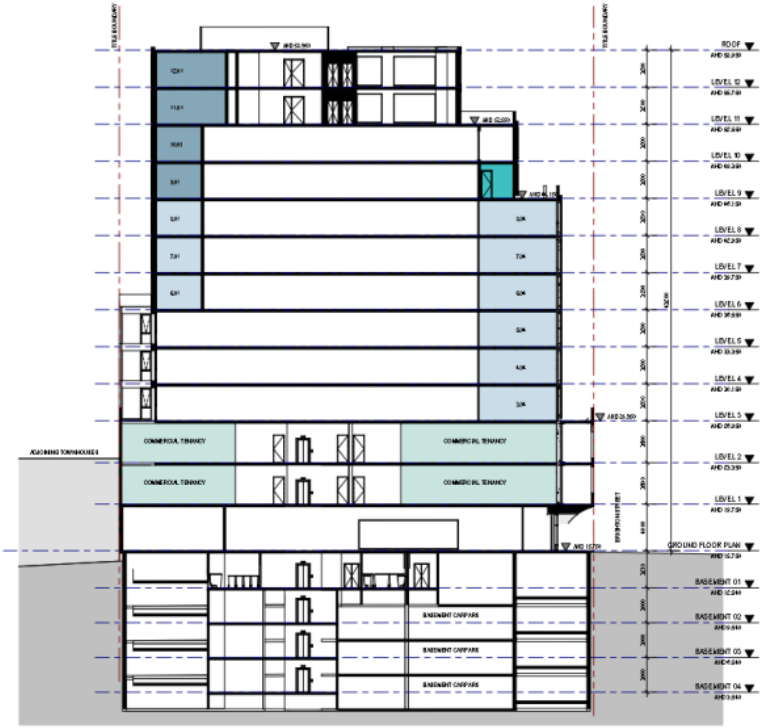
Drawing
SD05_08
EAST ELEVATION - CONTEXT

Revision
13
06/08/21

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Attachment 1 - PLN22/0325 - Originally advertised plans





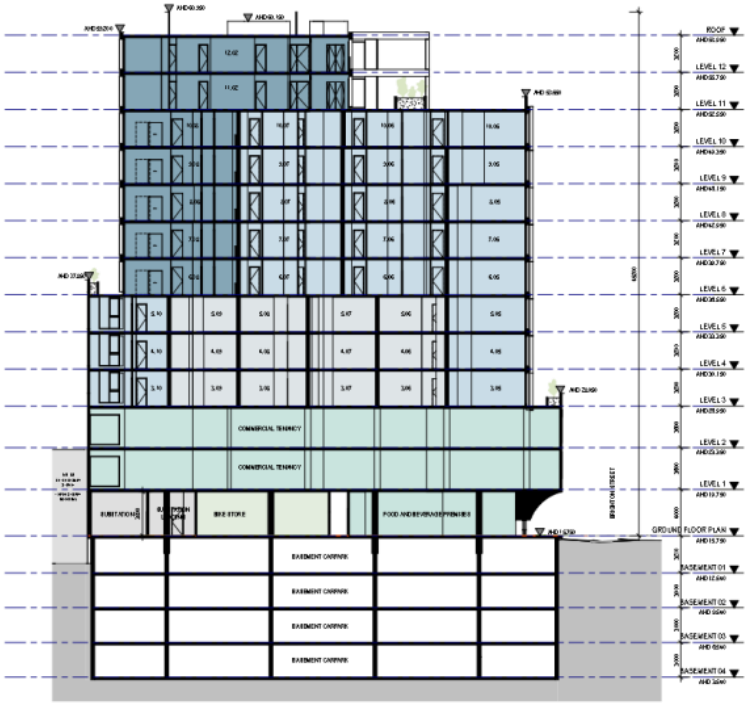
Attachment 1 - PLN22/0325 - Originally advertised plans



Project: FORTIS, 2-8 BRIGHTON STREET | Job No. 21567 | Scale 1 : 200 @A1 | Drawing SD06_06, SECTION N-S APT 12.02 | Revision 13, 06/08/21

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Attachment 1 - PLN22/0325 - Originally advertised plans



06-Aug-21 3:24:06 PM

Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 200 @A1	SD06_07 SECTION E-W APT 3.06	13 06/08/21	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9999 8888 sjb.com.au

Attachment 1 - PLN22/0325 - Originally advertised plans



BW01 - GREEN BRICKWORK



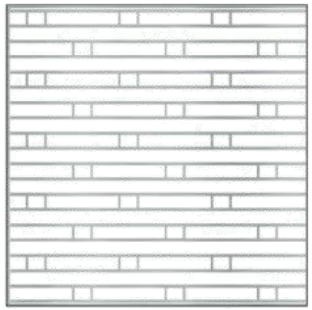
CF01 - CONCRETE FINISH



ME01 - GREEN POWDERCOAT



ME02 - CHARCOAL POWDERCOAT



ME03 - METAL SCREENING



GL01 - CLEAR GLAZING

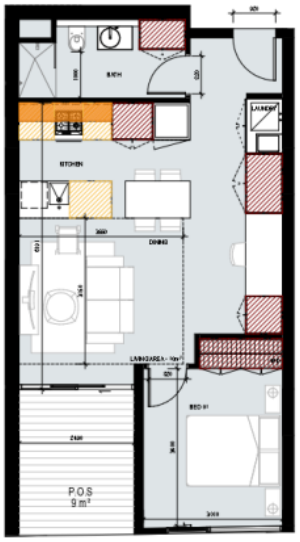


GL02 - SPANDREL GLAZING

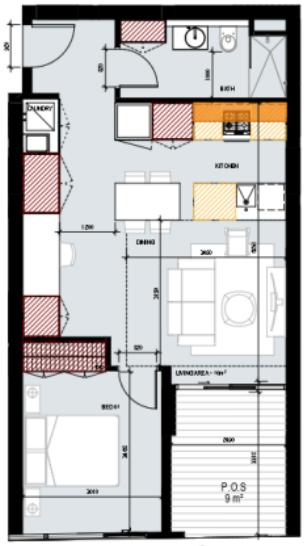


LV01 - LOUVRES WARM GREY

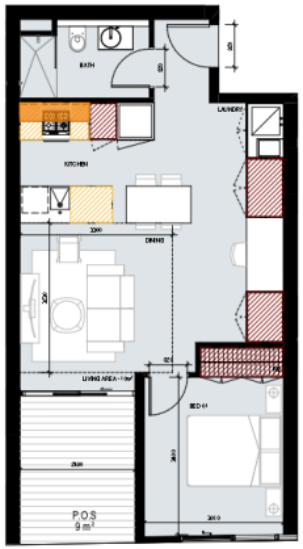
Attachment 1 - PLN22/0325 - Originally advertised plans



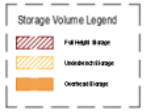
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SCALE 1 : 50



1 SD05_01 TYPE B_1BED/STUDY
SCALE 1 : 50



2 SD05_01 TYPE C_1BED/STUDY
SCALE 1 : 50



08-Aug-21 12:41:11 PM

Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

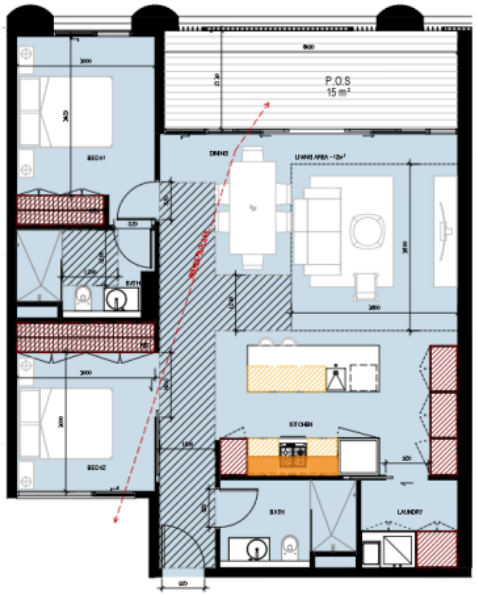
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Drawing
SD14_01
APARTMENT TYPES

Revision
13
06/08/21

Level 5, 18 Oliver Lane
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3000 Australia
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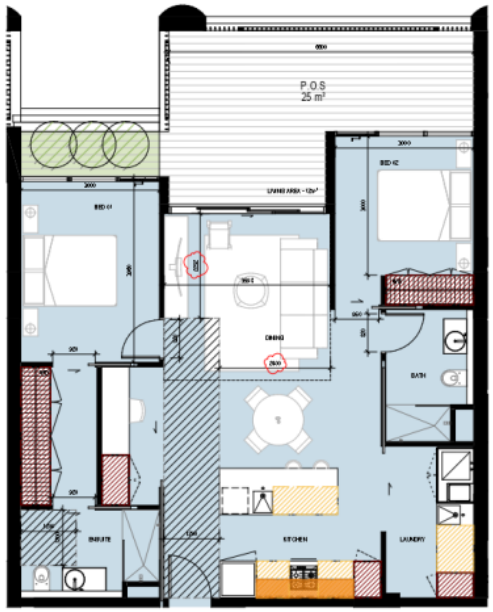
Attachment 1 - PLN22/0325 - Originally advertised plans



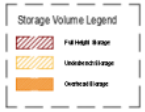
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2 SD05_01 TYPE E_2 BED/2 BATH SCALE 1 : 50



3 SD05_01 TYPE F_2 BED/2 BATH SCALE 1 : 50



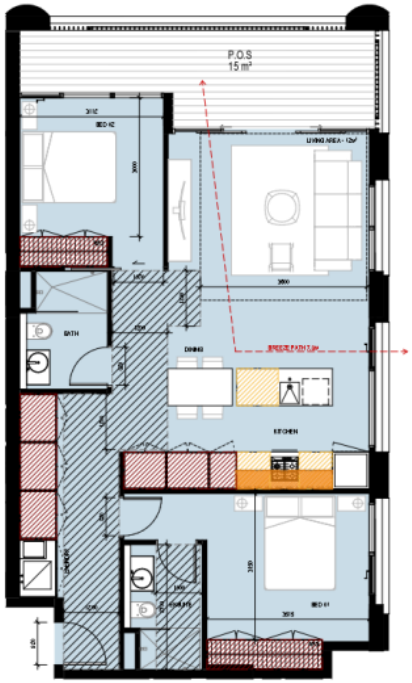
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Project	Job No.	Scale
FORTIS 2-8 BRIGHTON STREET	21567	1 : 50 @A1

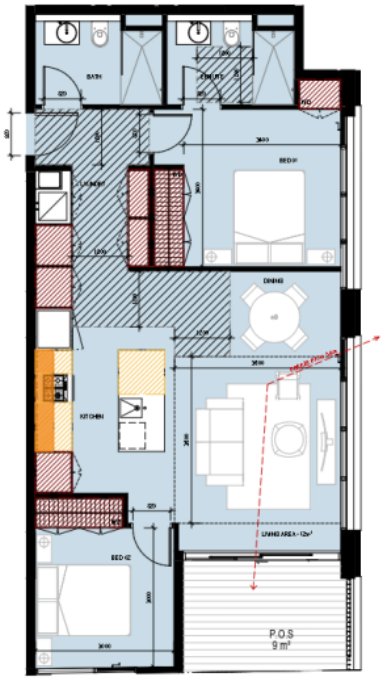
Drawing	Revision
SD14_02 APARTMENT TYPES	13 06/08/21

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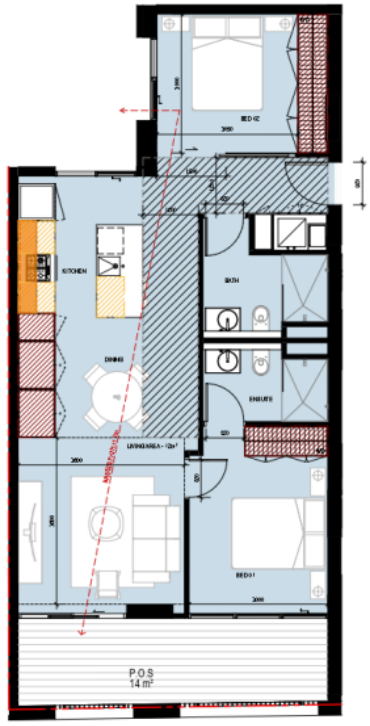
Attachment 1 - PLN22/0325 - Originally advertised plans



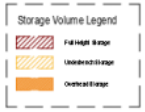
1 TYPE G_2 BED/2 BATH
SD05_01 SCALE 1:50



2 TYPE H_2 BED/2 BATH
SD05_01 SCALE 1:50



3 TYPE I_2 BED/2 BATH
SD05_01 SCALE 1:50



06-August-2021 4:40:07 PM

Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

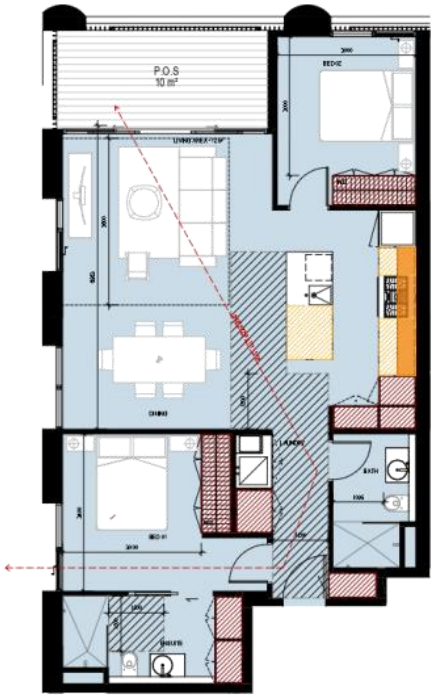
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Drawing
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APARTMENT TYPES

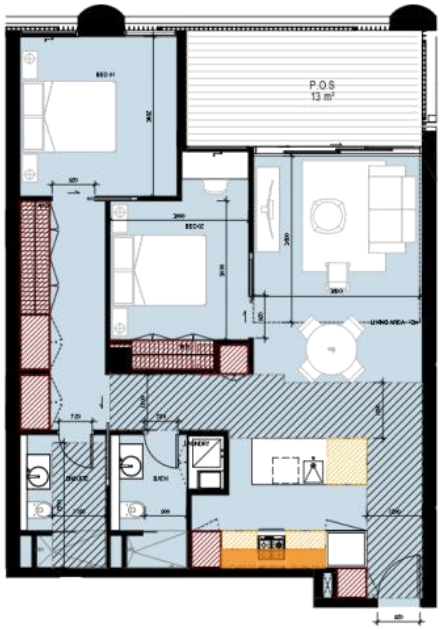
Revision
13
06/08/21

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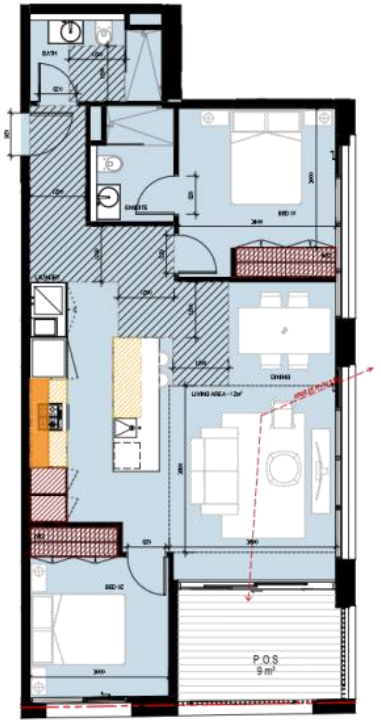
Attachment 1 - PLN22/0325 - Originally advertised plans



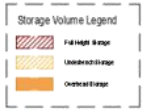
1 TYPE J_2 BED/2 BATH
SD05_01 SCALE 1 : 50



2 TYPE K_2 BED/2 BATH
SD05_01 SCALE 1 : 50



3 TYPE L_2 BED/2 BATH
SD05_01 SCALE 1 : 50



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Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

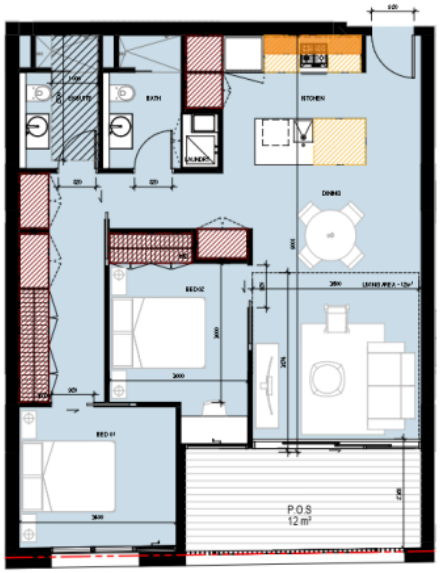
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Drawing
SD14_04
APARTMENT TYPES

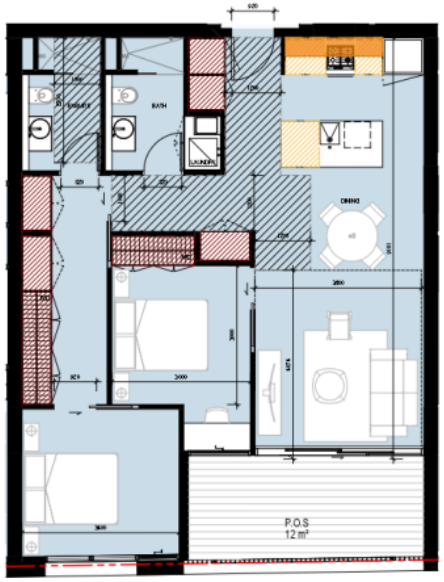
Revision
13
06/08/21

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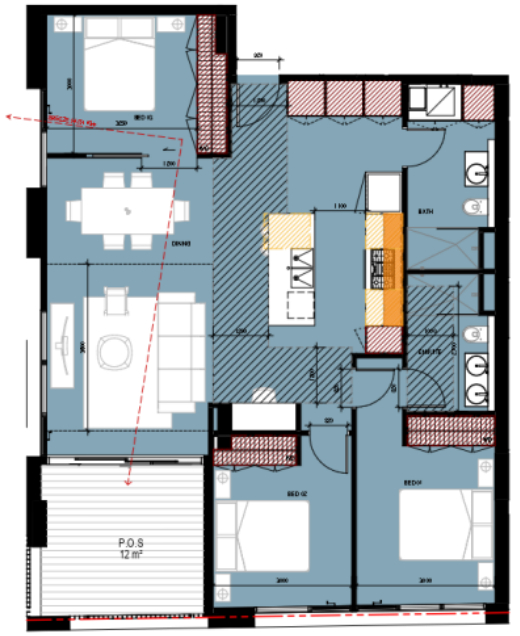
Attachment 1 - PLN22/0325 - Originally advertised plans



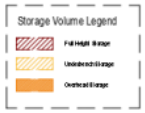
1 SD05_01 TYPE M_2 BED/2 BATH
SCALE 1 : 50



2 SD05_01 TYPE N_2 BED/2 BATH
SCALE 1 : 50



3 SD05_01 TYPE O_3 BED/2 BATH
SCALE 1 : 50



08-Aug-21 4:35:17 PM

Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

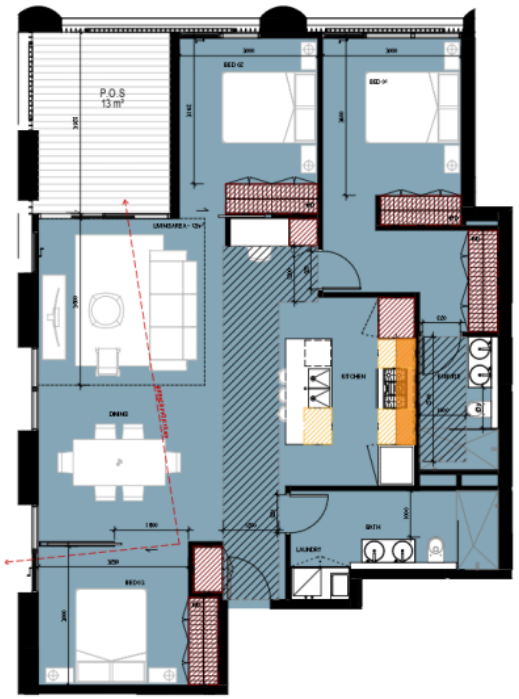
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Drawing
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APARTMENT TYPES

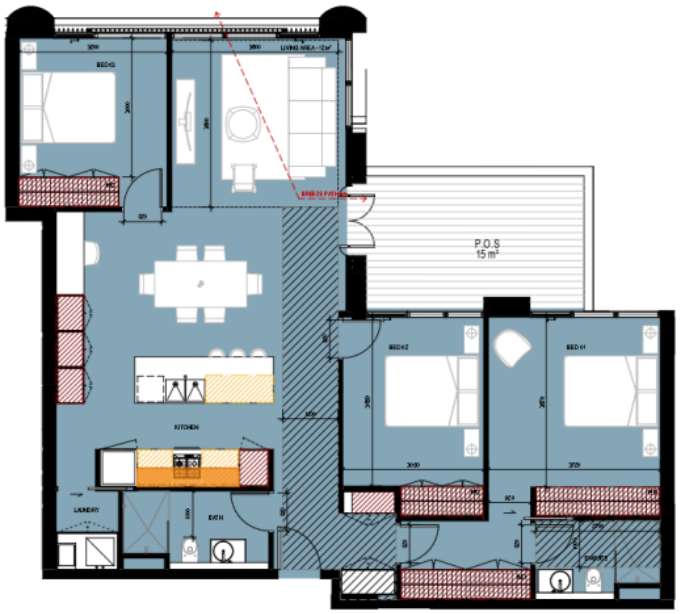
Revision
13
06/08/21

Level 5, 18 Oliver Lane
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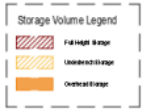
Attachment 1 - PLN22/0325 - Originally advertised plans



1 TYPE P_3 BED/ 2 BATH
SCALE 1 : 50



2 TYPE Q_3 BED/2 BATH
SCALE 1 : 50



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

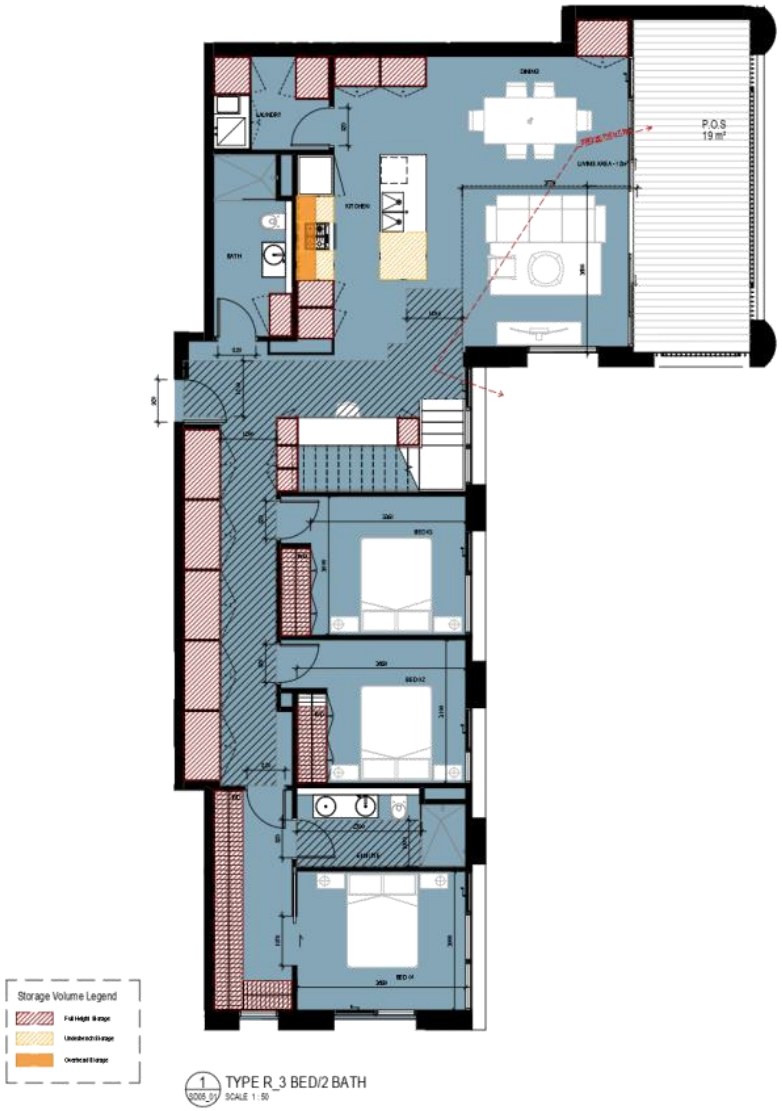
Scale
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Drawing
SD14_06
APARTMENT TYPES

Revision
13
06/08/21

Level 5, 18 Oliver Lane
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Attachment 1 - PLN22/0325 - Originally advertised plans



1 TYPE R_3 BED/2 BATH
SCALE 1 : 50



2 TYPE S_3 BED/2 BATH
SCALE 1 : 50

Project: FORTIS
2-8 BRIGHTON STREET

Job No.: 21567

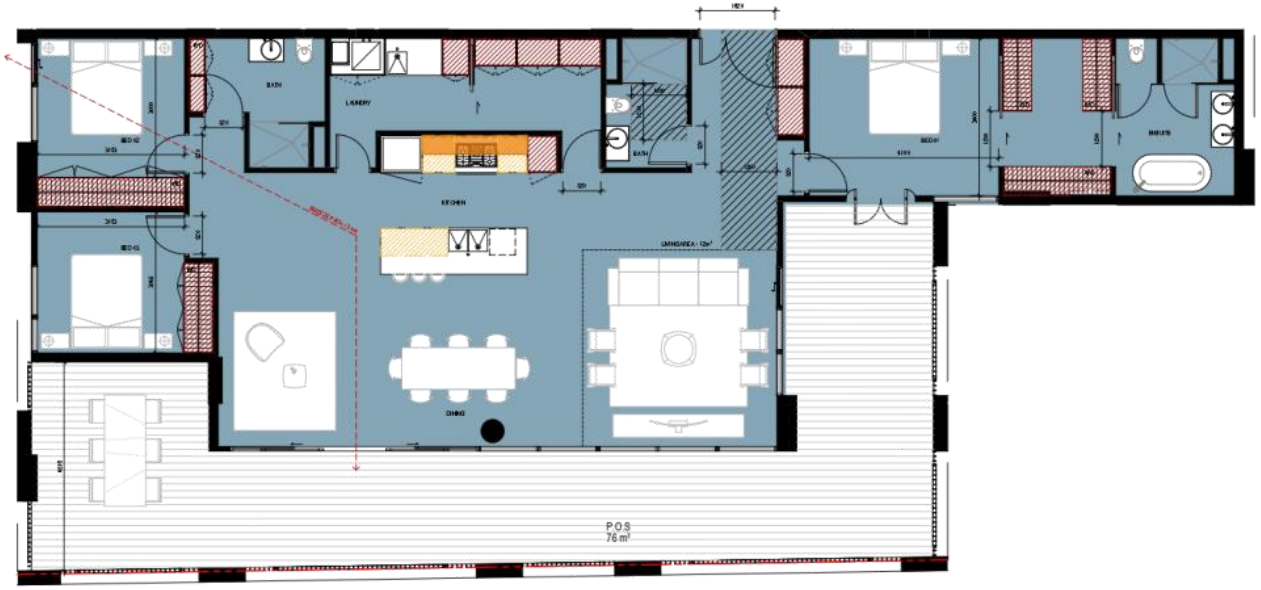
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Drawing: SD14_07
APARTMENT TYPES

Revision: 13
06/08/21

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Attachment 1 - PLN22/0325 - Originally advertised plans



1 SD08_01 TYPE T_3 BED/2 BATH
SCALE 1:50

Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

08-August-2021 4:58:00 PM

Project: FORTIS, 2-8 BRIGHTON STREET
Job No.: 21567
Scale: 1 : 50 @A1
Drawing: SD14_08 APARTMENT TYPES
Revision: 13
06/08/21

Level 5, 18 Oliver Lane
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Attachment 1 - PLN22/0325 - Originally advertised plans

Documentation

BADS Matrix

				INTERNAL AMENITY							PRIVATE OPEN SPACE						ACCECCIBILITY				STORAGE			
	Apt No.	Type	Beds	Primary Bedroom (3x3.4m)	Secondary Bedrooms (3x3m)	Living Room Width (1B - 3.3m &2-3B - 3.6m)	Living Room Area (1B - 10m² &2-3B - 12m²)	Habitable Room Depth (Max 9m)	Living Area Ceiling Height (Min 2.7m Living & 2.4m Kitchen where impacted by services)	Natural Cross Ventilation	1 Bed 8m² & 1.8m depth		2 Bed 8m² & 2m depth		3 Bed 12m² & 2.4m depth		Entry Door and Internal Circulation (1.2m clear path)	Adaptable Bathroom	Adaptable Bathroom Option A	Adaptable Bathroom Option B	Storage Requirements	Inside Apartment Studio - 5m³ 1B - 6m³ 2B - 9m³ 3B+ - 12m³	Outside Apartment	Total Volume Studio - 8m³ 1B - 10m³ 2B - 14m³ 3B+ - 18m³
				Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	40% or more	Mandatory		Mandatory		Mandatory		50% or more				Mandatory			
Level 03																								
LEVEL 3	3.01 D	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	15.00 m²	N/A		Yes	Yes	Yes	No	Yes	16.40 m³	4.21 m³	20.61 m³
LEVEL 3	3.02 E	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes	24.00 m²	N/A		No	Yes	Yes	No	Yes	17.25 m³	4.21 m³	21.46 m³
LEVEL 3	3.03 F	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes	23.00 m²	N/A		No	Yes	Yes	No	Yes	14.16 m³	4.21 m³	18.37 m³
LEVEL 3	3.04 G	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	15.00 m²	N/A		Yes	Yes	No	Yes	Yes	19.84 m³	3.74 m³	23.38 m³
LEVEL 3	3.05 H	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	9.00 m²	N/A		Yes	Yes	Yes	No	Yes	17.53 m³	0.00 m³	17.53 m³
LEVEL 3	3.06 A	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes	8.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	10.30 m³	0.00 m³	10.30 m³
LEVEL 3	3.07 A	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes	8.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	10.30 m³	0.00 m³	10.30 m³
LEVEL 3	3.08 C	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes	8.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	10.05 m³	0.00 m³	10.05 m³
LEVEL 3	3.09 C	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes	8.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	10.05 m³	0.00 m³	10.05 m³
LEVEL 3	3.10 I	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	14.00 m²	N/A		No	No	No	No	Yes	14.51 m³	0.00 m³	14.51 m³
Level 04																								
LEVEL 4	4.01 D	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	15.00 m²	N/A		Yes	Yes	Yes	No	Yes	16.40 m³	5.46 m³	21.86 m³
LEVEL 4	4.02 E	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes	24.00 m²	N/A		No	Yes	Yes	No	Yes	17.25 m³	4.21 m³	21.46 m³
LEVEL 4	4.03 F	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes	23.00 m²	N/A		No	Yes	Yes	No	Yes	14.16 m³	4.21 m³	18.37 m³
LEVEL 4	4.04 G	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	15.00 m²	N/A		Yes	Yes	No	Yes	Yes	19.84 m³	3.74 m³	23.38 m³
LEVEL 4	4.05 H	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	9.00 m²	N/A		Yes	Yes	Yes	No	Yes	17.53 m³	0.00 m³	17.53 m³
LEVEL 4	4.06 A	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes	8.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	10.30 m³	0.00 m³	10.30 m³
LEVEL 4	4.07 A	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes	8.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	10.30 m³	0.00 m³	10.30 m³
LEVEL 4	4.08 C	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes	8.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	10.05 m³	0.00 m³	10.05 m³
LEVEL 4	4.09 C	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes	8.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	10.05 m³	0.00 m³	10.05 m³
LEVEL 4	4.10 I	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	14.00 m²	N/A		No	No	No	No	Yes	14.51 m³	0.00 m³	14.51 m³
Level 05																								
LEVEL 5	5.01 D	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	15.00 m²	N/A		Yes	Yes	Yes	No	Yes	16.40 m³	5.46 m³	21.86 m³
LEVEL 5	5.02 E	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes	24.00 m²	N/A		No	Yes	Yes	No	Yes	17.25 m³	4.21 m³	21.46 m³
LEVEL 5	5.03 F	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes	23.00 m²	N/A		No	Yes	Yes	No	Yes	14.16 m³	4.21 m³	18.37 m³
LEVEL 5	5.04 G	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	15.00 m²	N/A		Yes	Yes	No	Yes	Yes	19.84 m³	3.74 m³	23.38 m³
LEVEL 5	5.05 H	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	9.00 m²	N/A		Yes	Yes	Yes	No	Yes	17.53 m³	0.00 m³	17.53 m³
LEVEL 5	5.06 A	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes	9.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	12.12 m³	0.00 m³	12.12 m³
LEVEL 5	5.07 B	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes	9.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	11.89 m³	0.00 m³	11.89 m³
LEVEL 5	5.08 C	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes	9.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	10.05 m³	0.00 m³	10.05 m³
LEVEL 5	5.09 C	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes	9.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	10.05 m³	0.00 m³	10.05 m³
LEVEL 5	5.10 I	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	14.00 m²	N/A		No	No	No	No	Yes	14.51 m³	0.00 m³	14.51 m³
Level 06																								
LEVEL 6	6.01 J	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	10.00 m²	N/A		Yes	Yes	Yes	No	Yes	18.33 m³	3.74 m³	22.07 m³
LEVEL 6	6.02 K	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes	13.00 m²	N/A		Yes	Yes	No	Yes	Yes	16.64 m³	3.74 m³	20.38 m³
LEVEL 6	6.03 F	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes	23.00 m²	N/A		No	Yes	Yes	No	Yes	14.16 m³	4.21 m³	18.37 m³
LEVEL 6	6.04 G	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	15.00 m²	N/A		Yes	Yes	No	Yes	Yes	19.84 m³	3.74 m³	23.38 m³
LEVEL 6	6.05 H	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes	9.00 m²	N/A		Yes	Yes	Yes	No	Yes	17.53 m³	0.00 m³	17.53 m³
LEVEL 6	6.06 A	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	9.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	12.12 m³	0.00 m³	12.12 m³
LEVEL 6	6.07 C	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	9.00 m²	N/A		N/A		No	Yes	No	Yes	Yes	10.05 m³	3.74 m³	13.79 m³
LEVEL 6	6.08 O	3 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		N/A		Yes	12.00 m²	Yes	Yes	No	Yes	Yes	14.92 m³	5.46 m³	24.58 m³

Attachment 1 - PLN22/0325 - Originally advertised plans

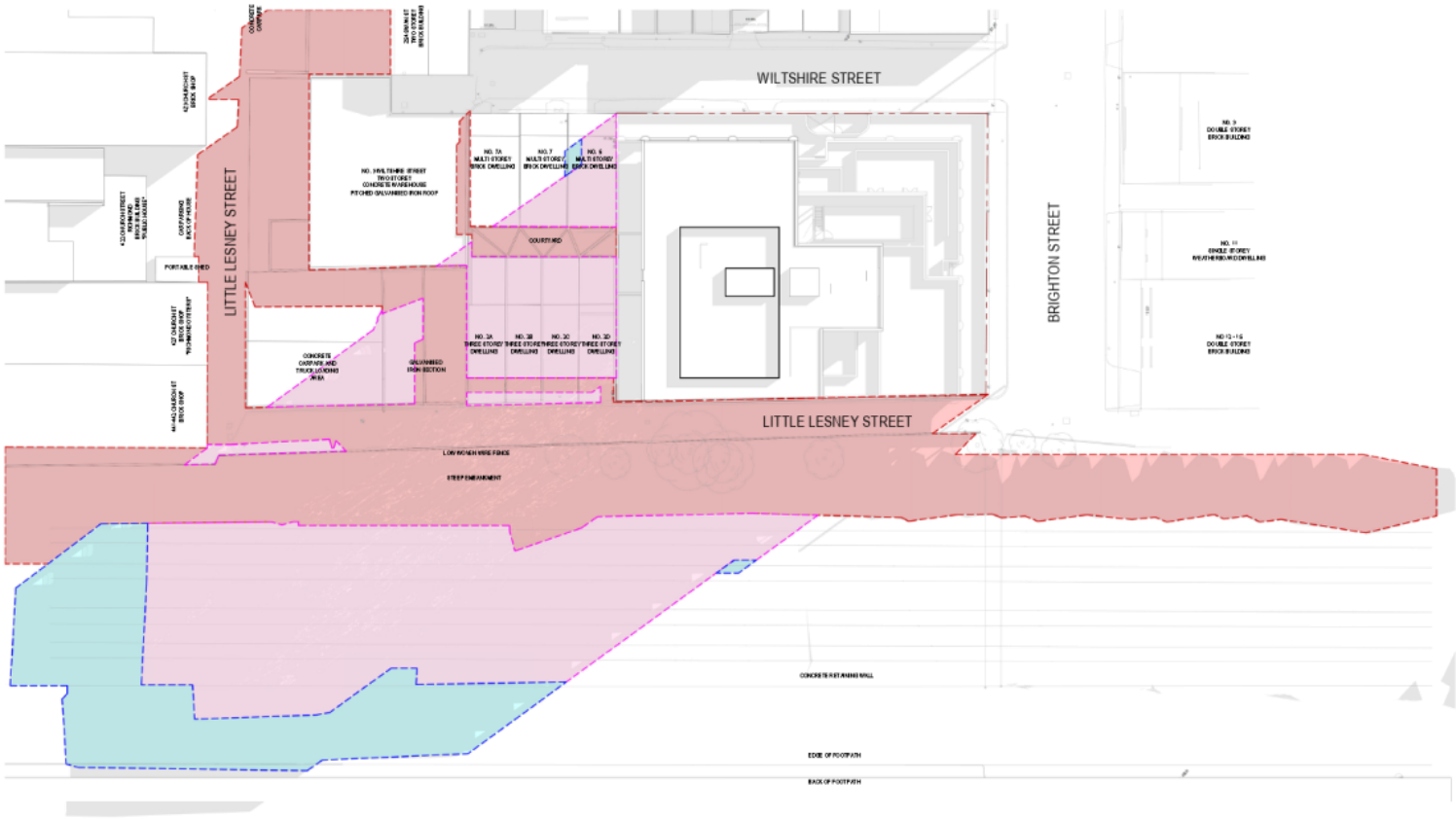
Documentation

BADS Matrix

	Apt No.	Type	Beds	INTERNAL AMENITY: Primary Bedroom (3x3.4m)	Secondary Bedrooms (3x3m)	Living Room Width (1B - 3.3m &2-3B - 3.6m)	Living Room Area (1B - 10m² &2-3B - 12m²)	Habitable Room Depth (Max 9m)	Living Area Ceiling Height (Min 2.7m Living & 2.4m Kitchen where impacted by services)	Natural Cross Ventilation	PRIVATE OPEN SPACE: 1 Bed 8m² & 1.8m depth	2 Bed 8m² & 2m depth	3 Bed 12m² & 2.4m depth	ACCESSIBILITY: Entry Door and Internal Circulation (1.2m clear path)	Adaptable Bathroom	Adaptable Bathroom Option A	Adaptable Bathroom Option B	STORAGE: Storage Requirements	Inside Apartment (Studio - 5m³, 1B - 6m³, 2B - 9m³, 3B+ - 12m³)	Outside Apartment	Total Volume (Studio - 8m³, 1B - 10m³, 2B - 14m³, 3B+ - 18m³)
				Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	40% or more	Mandatory	Mandatory	Mandatory	50% or more				Mandatory			
Level 07																					
LEVEL 7	7.01 J		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes 10.00 m²	N/A	Yes	Yes	Yes	No	Yes	18.33 m³	3.74 m³	22.07 m³
LEVEL 7	7.02 K		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes 13.00 m²	N/A	Yes	Yes	No	Yes	Yes	16.64 m³	3.74 m³	20.38 m³
LEVEL 7	7.03 F		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes 23.00 m²	N/A	No	Yes	Yes	No	Yes	14.16 m³	4.21 m³	18.37 m³
LEVEL 7	7.04 G		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes 15.00 m²	N/A	Yes	Yes	No	Yes	Yes	19.64 m³	4.21 m³	23.85 m³
LEVEL 7	7.05 H		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes 9.00 m²	N/A	Yes	Yes	Yes	No	Yes	17.53 m³	0.00 m³	17.53 m³
LEVEL 7	7.06 A		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes 9.00 m²	N/A	N/A	No	Yes	No	Yes	Yes	12.12 m³	3.74 m³	15.86 m³
LEVEL 7	7.07 C		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes 9.00 m²	N/A	N/A	No	Yes	No	Yes	Yes	10.05 m³	3.74 m³	13.79 m³
LEVEL 7	7.08 O		3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes 12.00 m²	Yes	Yes	No	Yes	Yes	19.12 m³	6.80 m³	25.92 m³
Level 08																					
LEVEL 8	8.01 J		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes 10.00 m²	N/A	Yes	Yes	Yes	No	Yes	18.33 m³	3.74 m³	22.07 m³
LEVEL 8	8.02 K		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes 13.00 m²	N/A	Yes	Yes	No	Yes	Yes	16.64 m³	3.74 m³	20.38 m³
LEVEL 3	3.03 F		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes 23.00 m²	N/A	No	Yes	Yes	No	Yes	14.16 m³	4.21 m³	18.37 m³
LEVEL 8	8.04 G		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes 15.00 m²	N/A	Yes	Yes	No	Yes	Yes	19.64 m³	4.21 m³	23.85 m³
LEVEL 8	8.05 H		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes 9.00 m²	N/A	Yes	Yes	Yes	No	Yes	17.53 m³	0.00 m³	17.53 m³
LEVEL 8	8.06 A		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes 12.00 m²	N/A	No	Yes	No	Yes	Yes	12.12 m³	3.74 m³	15.86 m³
LEVEL 8	8.08 C		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes 12.00 m²	N/A	No	Yes	No	Yes	Yes	10.05 m³	3.74 m³	13.79 m³
LEVEL 8	8.09 O		3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes 12.00 m²	Yes	Yes	No	Yes	Yes	19.12 m³	6.80 m³	25.92 m³
Level 09																					
LEVEL 9	9.01 P		3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes 13.00 m²	Yes	Yes	No	Yes	Yes	18.31 m³	6.80 m³	25.11 m³
LEVEL 9	9.02 Q		3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes 15.00 m²	Yes	Yes	No	Yes	Yes	22.70 m³	6.90 m³	29.60 m³
LEVEL 9	9.03 L		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes 9.00 m²	N/A	Yes	Yes	Yes	No	Yes	10.75 m³	0.00 m³	10.75 m³
LEVEL 9	9.04 M		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes 12.00 m²	N/A	No	Yes	No	Yes	Yes	17.47 m³	3.74 m³	21.21 m³
LEVEL 9	9.05 N		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes 12.00 m²	N/A	Yes	Yes	No	Yes	Yes	17.20 m³	3.74 m³	20.94 m³
LEVEL 9	9.06 O		3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes 12.00 m²	Yes	Yes	No	Yes	Yes	19.12 m³	6.90 m³	26.02 m³
Level 10																					
LEVEL 10	10.01 P		3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes 13.00 m²	Yes	Yes	No	Yes	Yes	18.31 m³	6.90 m³	25.21 m³
LEVEL 10	10.02 R		3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes 19.00 m²	Yes	Yes	No	Yes	Yes	45.48 m³	6.90 m³	52.38 m³
LEVEL 10	10.03 L		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes 9.00 m²	N/A	Yes	Yes	Yes	No	Yes	10.75 m³	0.00 m³	10.75 m³
LEVEL 10	10.04 M		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes 12.00 m²	N/A	No	Yes	No	Yes	Yes	17.47 m³	3.74 m³	21.21 m³
LEVEL 10	10.05 N		2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes 12.00 m²	N/A	Yes	Yes	No	Yes	Yes	17.20 m³	3.74 m³	20.94 m³
LEVEL 10	10.06 O		3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes 12.00 m²	Yes	Yes	No	Yes	Yes	19.12 m³	6.90 m³	26.02 m³
Level 11																					
LEVEL 11	11.01 S		3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes 42.00 m²	Yes	Yes	Yes	Yes	Yes	26.27 m³	6.90 m³	33.17 m³
LEVEL 11	11.02 T		3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes 76.00 m²	Yes	Yes	Yes	No	Yes	28.91 m³	6.90 m³	35.81 m³
Level 12																					
LEVEL 12	12.01 S		3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes 42.00 m²	Yes	Yes	Yes	Yes	Yes	26.27 m³	6.90 m³	33.17 m³
LEVEL 12	12.02 T		3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes 76.00 m²	Yes	Yes	Yes	No	Yes	28.91 m³	6.90 m³	35.81 m³
			Number of Apartments:	70	58	70	70	70	70	38	70			38	67			70			
TOTAL	70	Apts	Percentage:	100%	83%	100%	100%	100%	100%	51%	100%			54%	96%			100%			

Disclaimer:
Areas noted in this schedule are approximate and based on Concept Design plans and as such are preliminary only, may alter as work progresses and do not necessarily represent a YES and accurate depiction of the finished as-built development.
This schedule is not intended to form part any contract or warranty by SJB Architects.

Attachment 1 - PLN22/0325 - Originally advertised plans



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FORTIS
2-8 BRIGHTON STREET

Job No.
21567

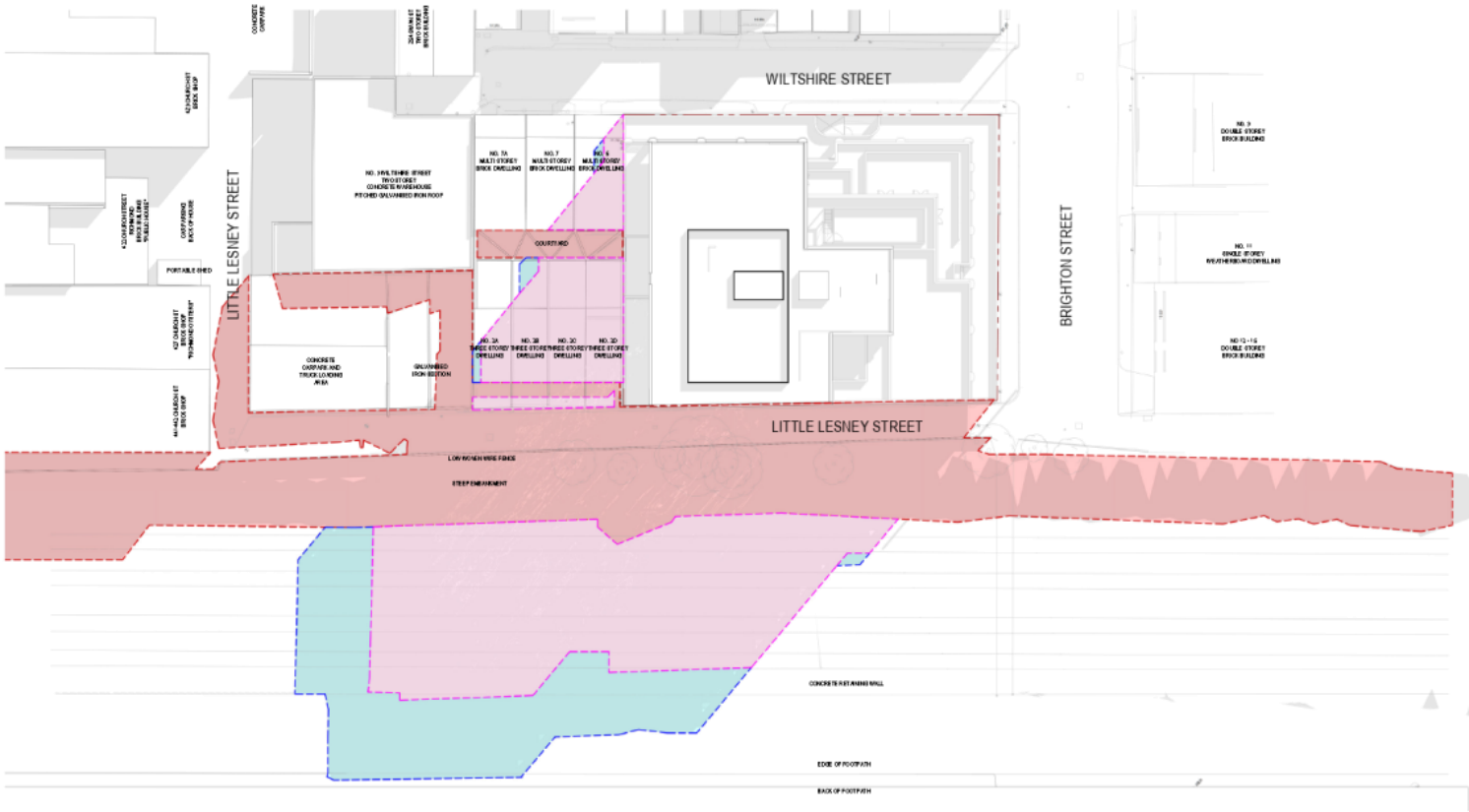
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- 9AM

Revision
13
06/08/21

Level 5, 18 Oliver Lane
Melbourne VIC
3000 Australia
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2-8 BRIGHTON STREET

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21567

Scale
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Revision
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2-8 BRIGHTON STREET

Job No.
21567

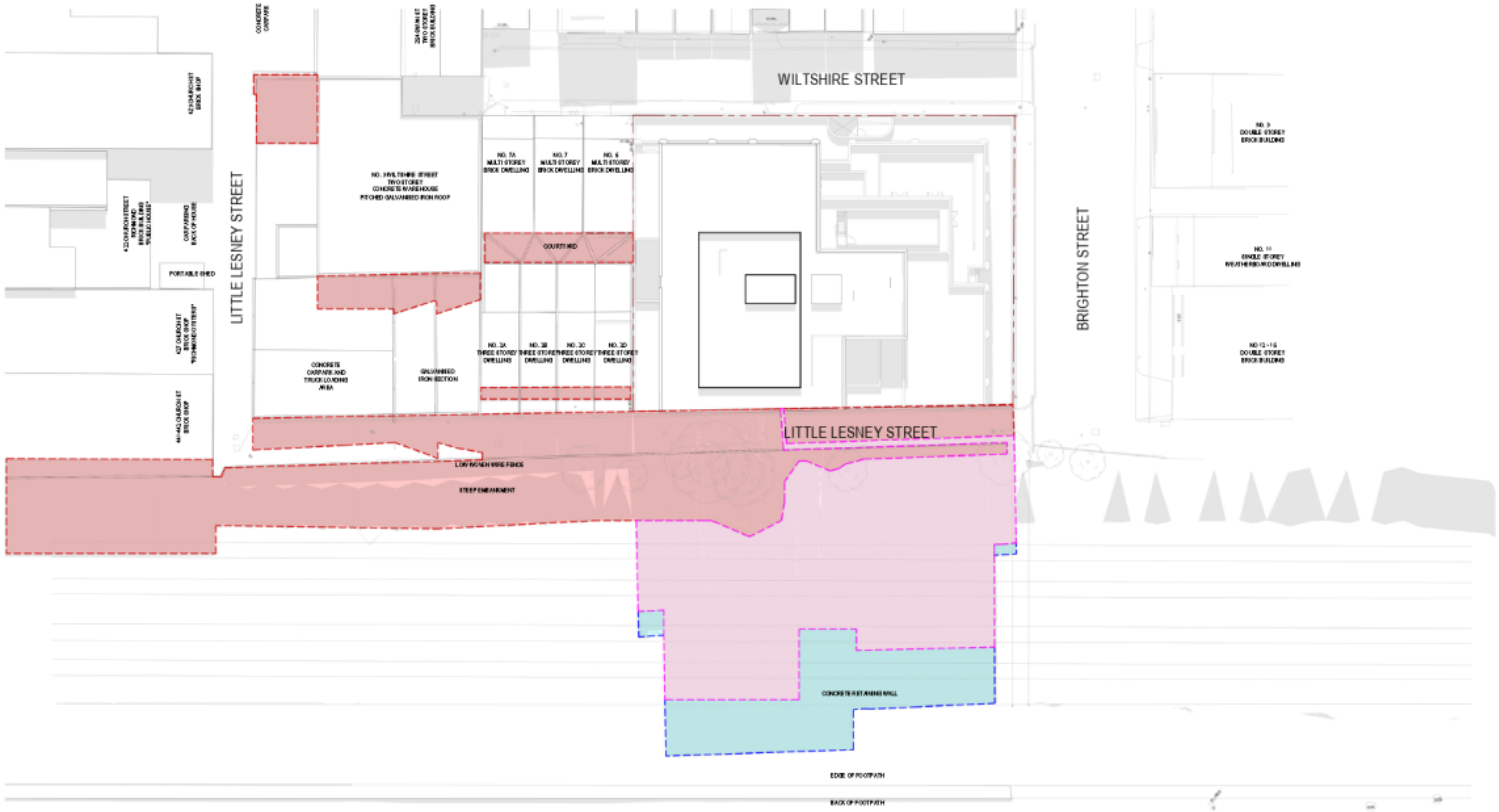
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Revision
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06/08/21

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Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

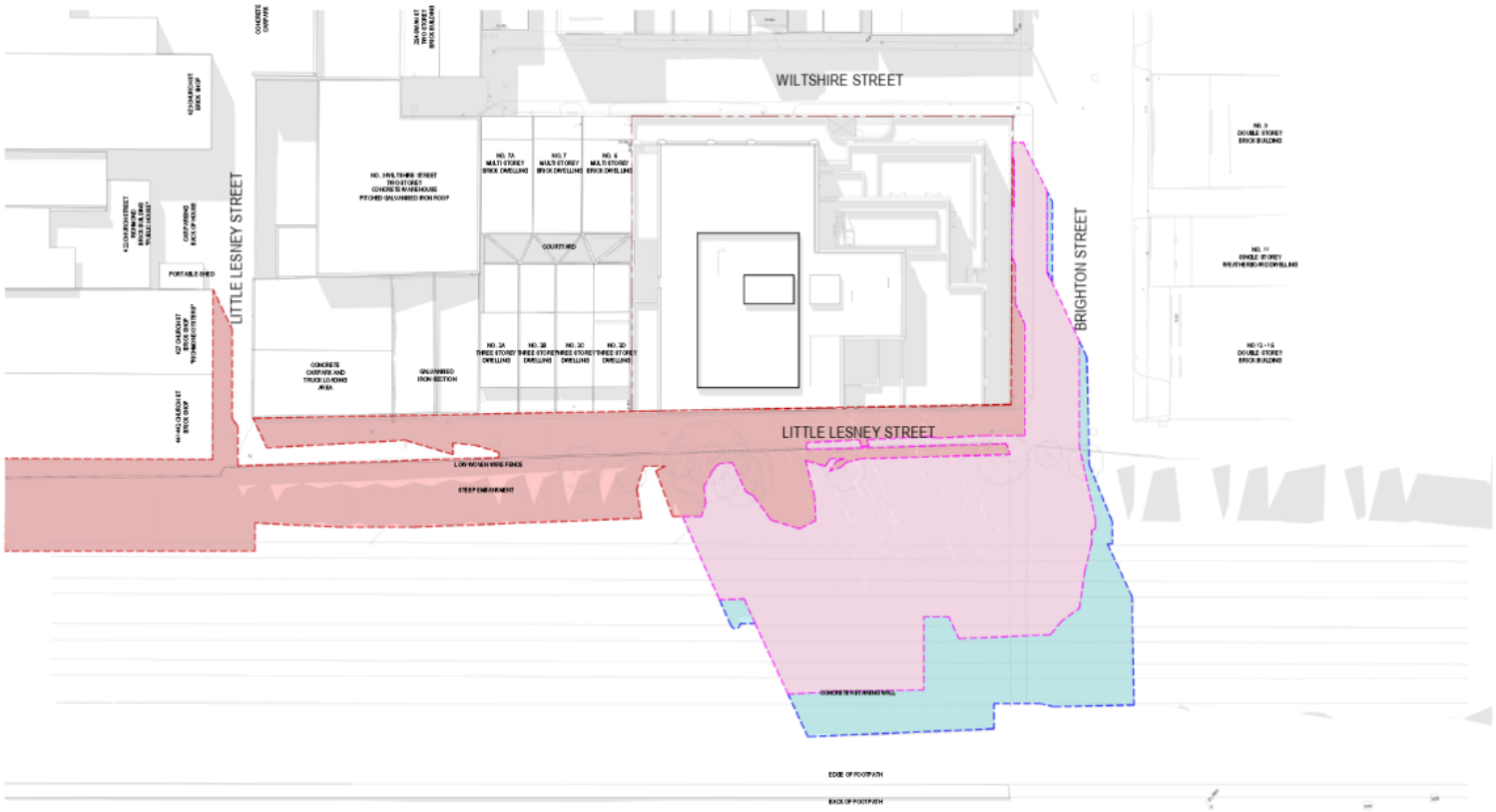
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Revision
13
06/08/21

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2-8 BRIGHTON STREET

Job No.
21567

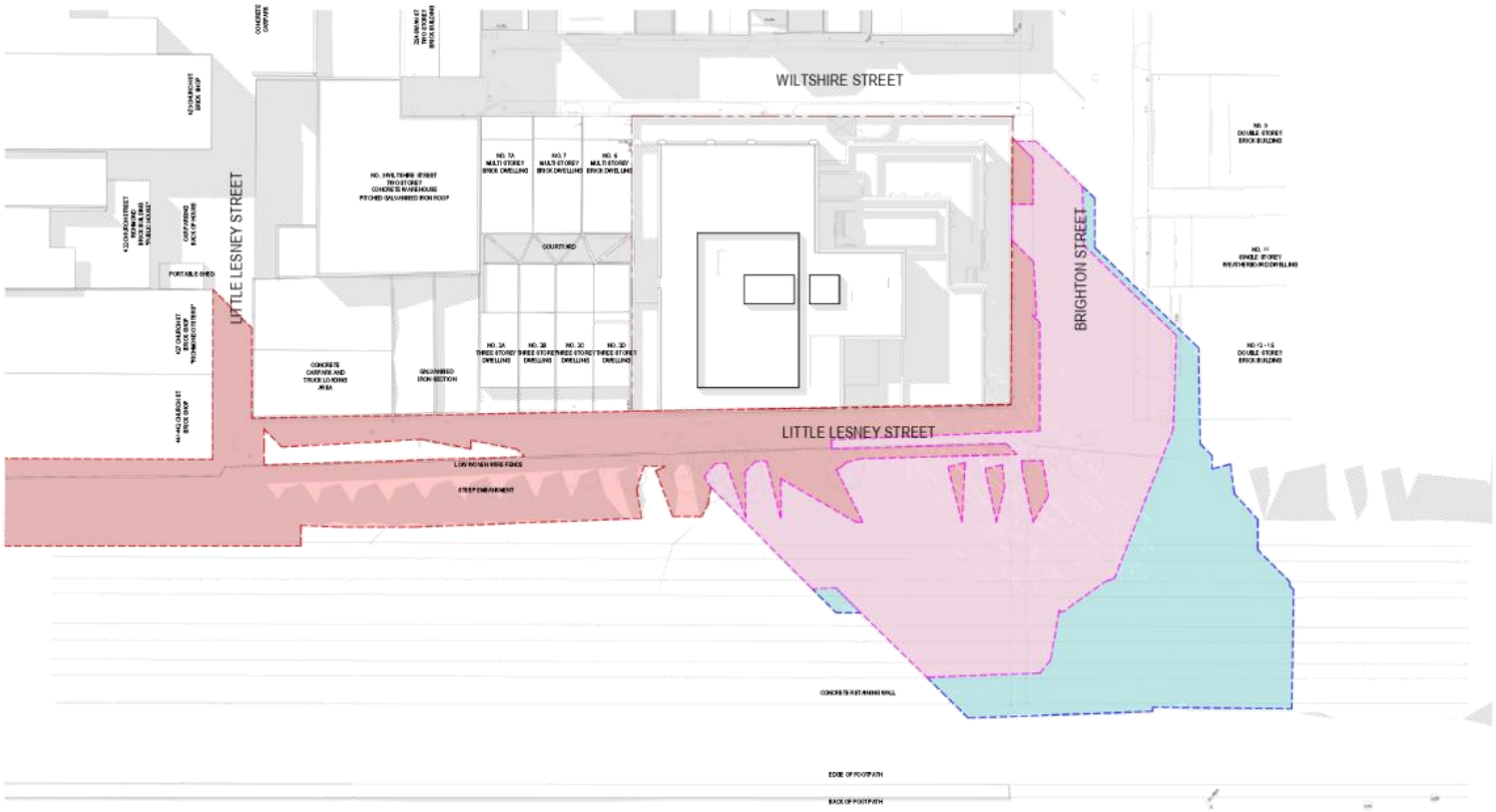
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Revision
13
06/08/21

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2-8 BRIGHTON STREET

Job No
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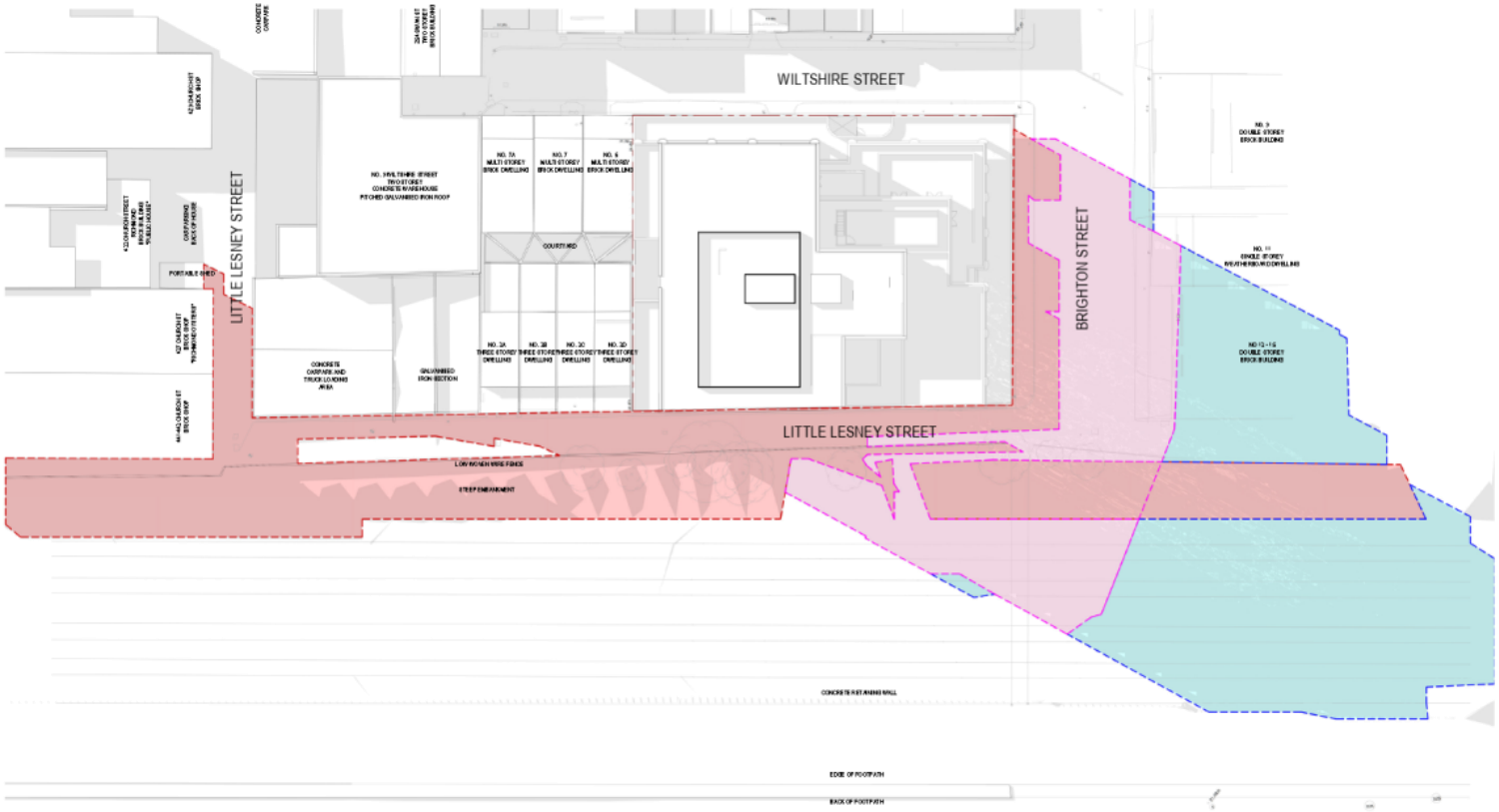
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Revision
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06/08/21

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Project
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2-8 BRIGHTON STREET

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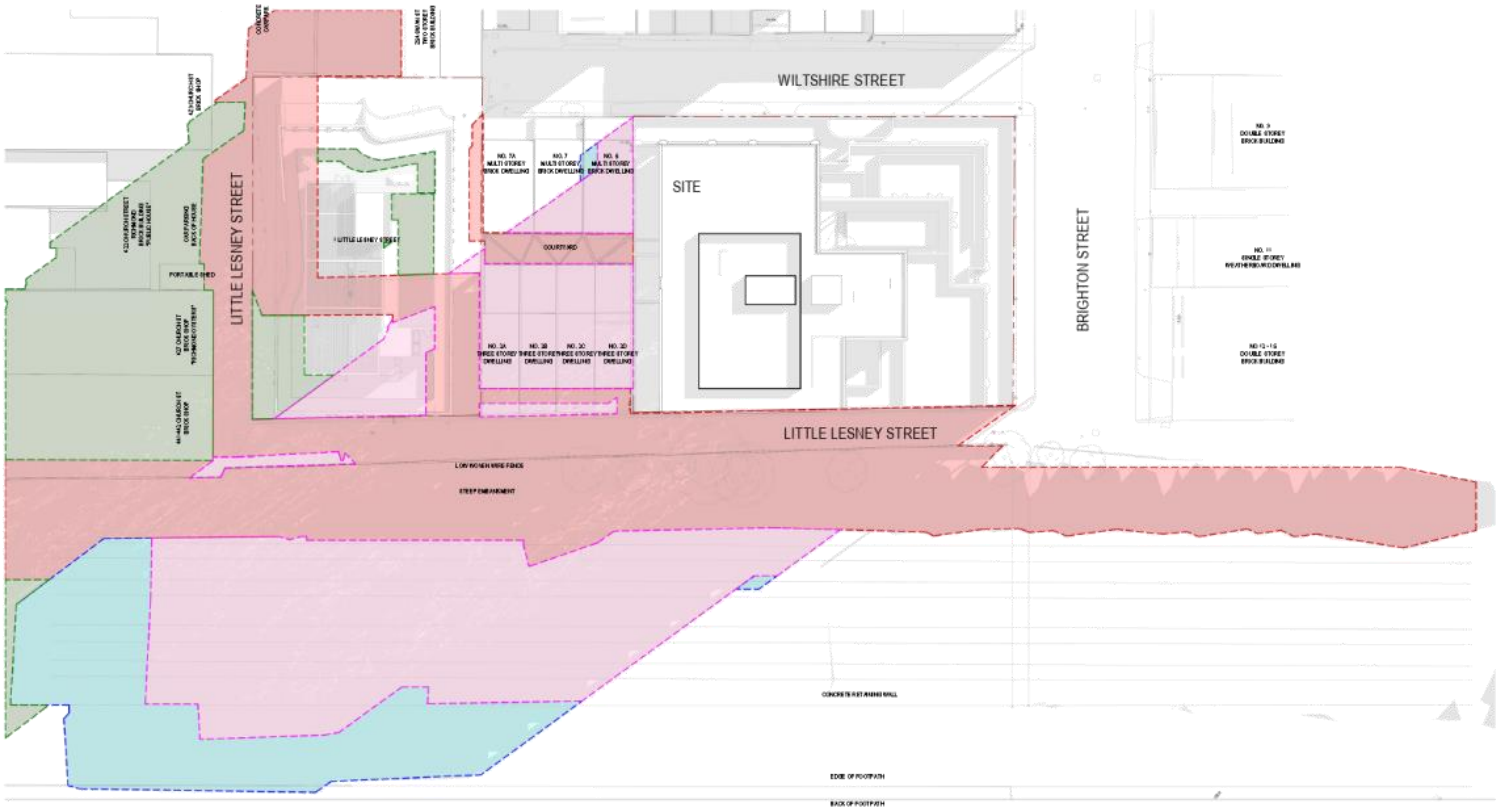
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Revision
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06/08/21

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2-8 BRIGHTON STREET

Job No
21567

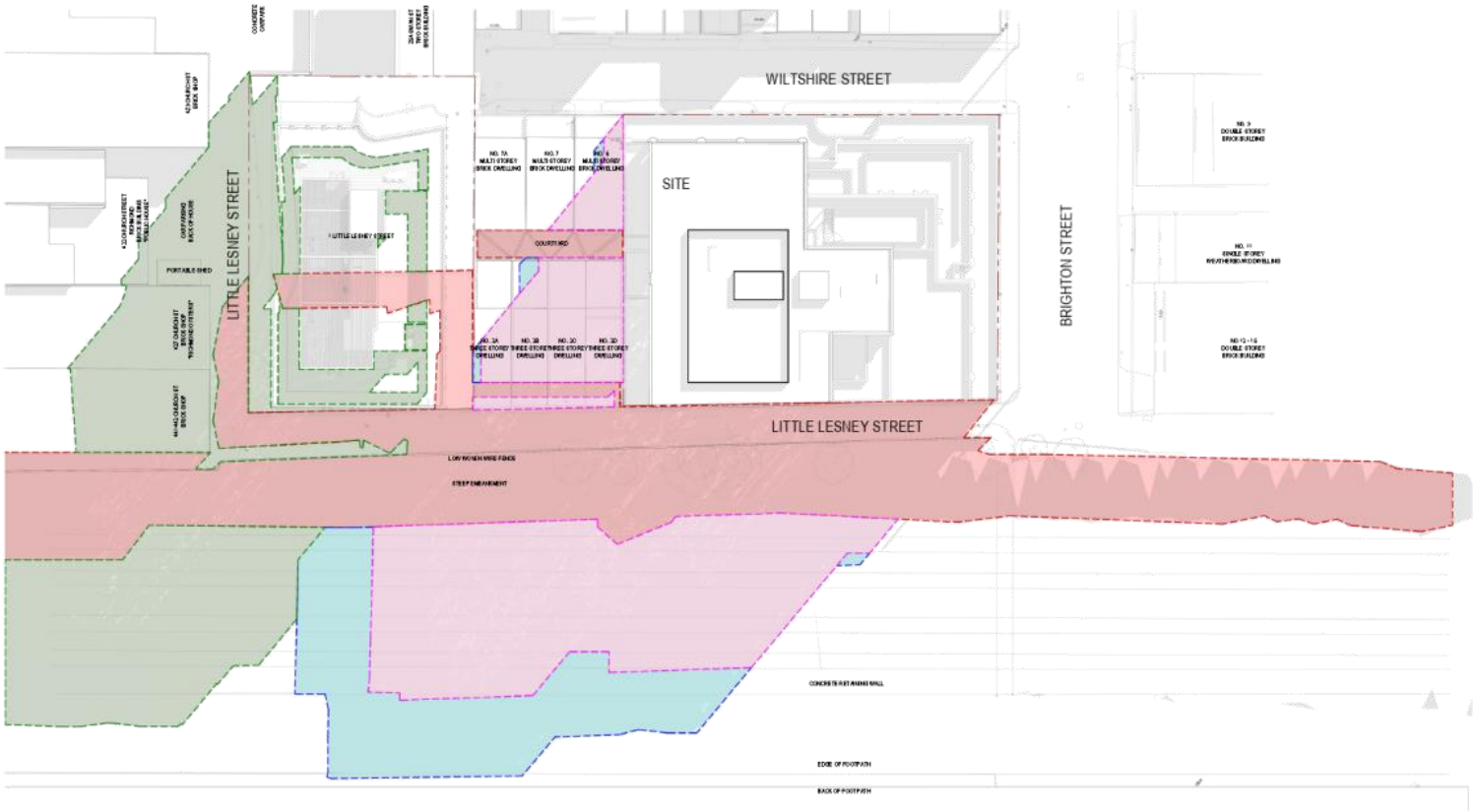
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Revision
13
06/08/21

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2-8 BRIGHTON STREET

Job No
21567

Scale
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Drawing
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SOLAR ANALYSIS DIAGRAM
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Revision
13
06/08/21

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2-8 BRIGHTON STREET

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21567

Scale
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Drawing
SD30_11
SOLAR ANALYSIS DIAGRAM
1 LITTLE LESNEY ST - 11AM

Revision
13
06/08/21

Level 5, 18 Oliver Lane
Melbourne VIC
3000 Australia
T61 3 9999 6888
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Attachment 1 - PLN22/0325 - Originally advertised plans



Project: FORTIS
2-8 BRIGHTON STREET

Job No: 21567

Scale: 1 : 250 @A1

Drawing: SD30_12
SOLAR ANALYSIS DIAGRAM
1 LITTLE LESNEY ST - 12PM

Revision: 13
06/08/21

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Project
FORTIS
2-8 BRIGHTON STREET

Job No
21567

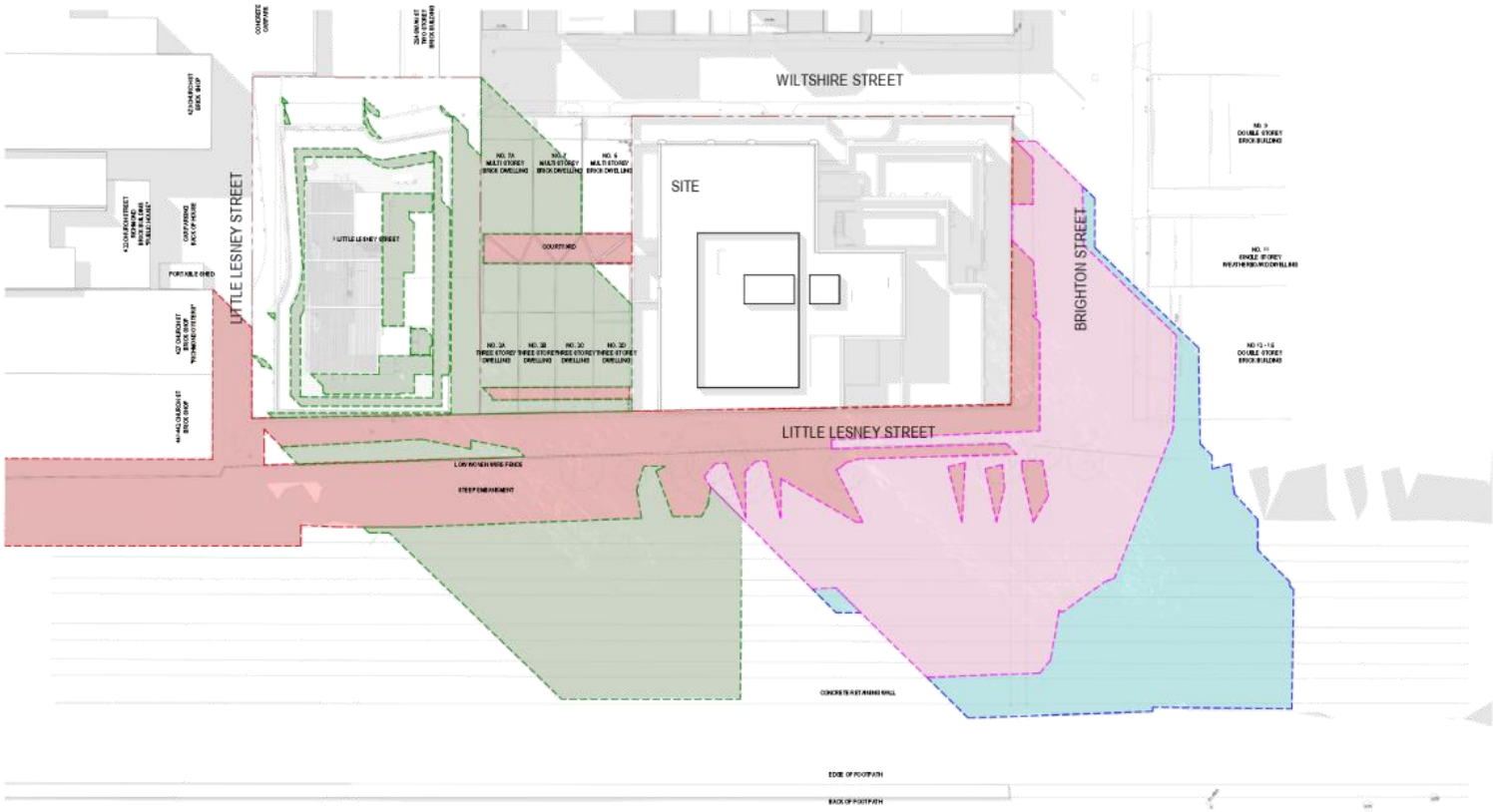
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Drawing
SD30_13
SOLAR ANALYSIS DIAGRAM
1 LITTLE LESNEY ST - 1PM

Revision
13
06/08/21

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Attachment 1 - PLN22/0325 - Originally advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No
21567

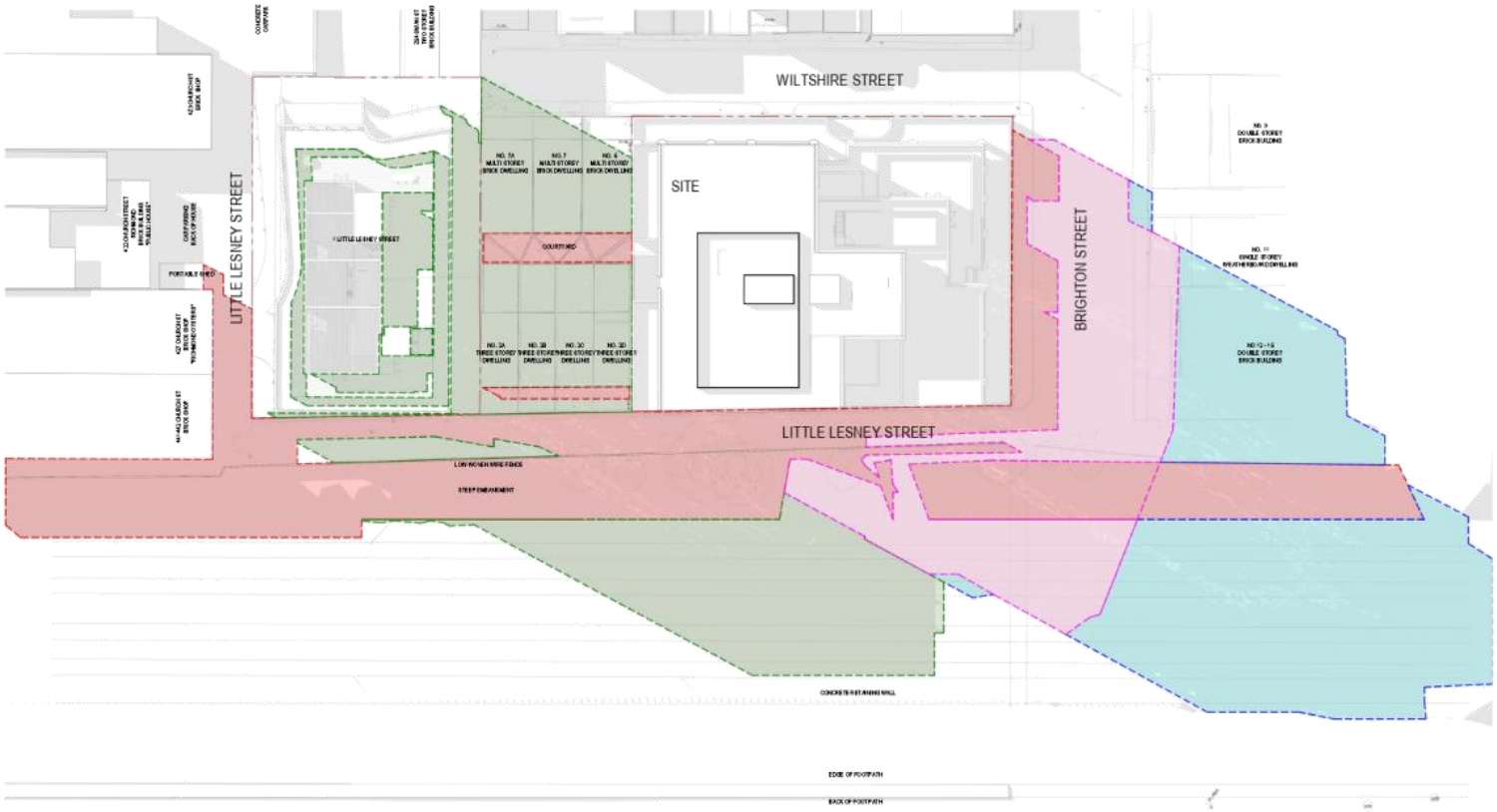
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Drawing
SD30_14
SOLAR ANALYSIS DIAGRAM
1 LITTLE LESNEY ST - 2PM

Revision
13
06/08/21

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Project: FORTIS
2-8 BRIGHTON STREET

Job No: 21567

Scale: 1 : 250 @A1

Drawing: SD30_15
SOLAR ANALYSIS DIAGRAM
1 LITTLE LESNAY - 3PM

Revision: 13
06/08/21

Level 5, 18 Oliver Lane
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Attachment 1 - PLN22/0325 - Originally advertised plans

Documentation

Development Summary

SITE AREA	1298 m²

LEVELS	PARKING SPOTS CARS	NO.	APARTMENTS UNITS	NO.	NSA	m²	TERRACE m²	COMMERCIAL NLA m²	FOOD & BEVERAGE NLA m²	RESIDENTIAL AMENITY	COMMON	SERVICES	PARKING	TOTAL GFA
BASEMENT 04	30	No.									90 m²	10 m²	1102 m²	1202 m²
BASEMENT 03	30	No.									90 m²	10 m²	1102 m²	1202 m²
BASEMENT 02	30	No.									76 m²	24 m²	1097 m²	1197 m²
BASEMENT 01	23	No.									33 m²	149 m²	1028 m²	1210 m²
GROUND									372 m²		287 m²	210 m²	94	963 m²
LEVEL 01								1057 m²			86 m²	0 m²		1143 m²
LEVEL 02							19 m²	1057 m²			86 m²	0 m²		1143 m²
LEVEL 03			10	No.	791	m²	195 m²				78 m²	0 m²		869 m²
LEVEL 04			10	No.	791	m²	127 m²				78 m²	0 m²		869 m²
LEVEL 05			10	No.	791	m²	127 m²				78 m²	0 m²		869 m²
LEVEL 06			8	No.	763	m²	149 m²				62 m²	0 m²		825 m²
LEVEL 07			8	No.	763	m²	104 m²				63 m²	0 m²		826 m²
LEVEL 08			8	No.	763	m²	104 m²				63 m²	0 m²		826 m²
LEVEL 09			6	No.	627	m²	132 m²			52 m²	65 m²	0 m²		744 m²
LEVEL 10			6	No.	655	m²	77 m²				66 m²	0 m²		721 m²
LEVEL 11			2	No.	368	m²	178 m²				45 m²	0 m²		413 m²
LEVEL 12			2	No.	368	m²	118 m²				51 m²	0 m²		419 m²
ROOF TERRACE											m²	m²		0 m²
TOTAL	113	No.	70	No.	6680	m²	1330 m²	2114 m²	372 m²	52 m²	1109 m²	210 m²	4423 m²	10630 m²

excl basement

APARTMENTS	UNITS	NO.	
1 BED	12	No.	17%
2 BED	45	No.	64%
3 BED	13	No.	19%
TOTAL	70		100%

TOTAL UNITS	70	**No.**
TOTAL NSA (RESIDENTIAL)	6680	**m²**
TOTAL NLA (COMMERCIAL)	2114	**m²**
TOTAL NLA (FOOD & BEVERAGE)	372	**m²**
TOTAL NLA & NSA	9166	**m²**
TOTAL GFA (excl. basement)	10630	**m²**
TOTAL CARPARK	113	**No.**

84.6 % EFFICIENCY

NLA Net Lettable Area — The part of the net floor area able to be leased. It does not include public or common tenancy areas, such as terraces and amenities.
*Note: Measured to centre of parti wall, to outside of external face and corridor wall

GFA Gross Floor Area — It includes NLA, common areas, lobby, amenities, EOT, carparking and plants / services
*Note: Excludes balconies / terraces, vertical circulation, service shafts, and façade projections.

Attachment 1 - PLN22/0325 - Originally advertised plans

Documentation

Development Summary

LEVEL	TYPE	AREA	COMMERCIAL NLA	RESI NSA	TERRACE	GFA
BASEMENT 4	COMMON	90				
	SERVICES	10				
	CARPARK	1104				
TOTAL		1204 m²	0 m²			1204 m²
BASEMENT 3	COMMON	90				
	SERVICES	10				
	CARPARK	1104				
TOTAL		1204 m²	0 m²			1204 m²
BASEMENT 2	COMMON	76				
	SERVICES	24				
	CARPARK	1104				
TOTAL		1204 m²	0 m²			1204 m²
BASEMENT 1	COMMON	33				
	SERVICES	149				
	CARPARK	1028				
TOTAL		1210 m²	0 m²			1210 m²
GROUND FLOOR	COMMON	287 m²				
	SERVICES	210 m²				
	CAR PARK	94				
	TENANCY 01		202 m²			
	TENANCY 02		170 m²			
TOTAL		591 m²	372 m²			963 m²
LEVEL 01	COMMON	86 m²				
	SERVICES	0 m²				
	TERRACE				37 m²	
	NLA		1057			
TOTAL		86 m²	1057 m²			1143 m²
LEVEL 02	COMMON	86 m²				
	SERVICES	0 m²				
	TERRACE	19 m²				
	NLA		1057			
TOTAL		105 m²	1057 m²			1162 m²

LEVEL 03	COMMON		78 m²				
	SERVICES		m²				
	A03.01	2 BED / 2 BATH			91 m²	21 m²	
	A03.02	2 BED / 2 BATH			97 m²	31 m²	
	A03.03	2 BED / 2 BATH			95 m²	30 m²	
	A03.04	2 BED / 2 BATH			94 m²	36 m²	
	A03.05	2 BED / 2 BATH			90 m²	27 m²	
	A03.06	1 BED / 1 STUDY			59 m²	9 m²	
	A03.07	1 BED / 1 STUDY			59 m²	9 m²	
	A03.08	1 BED / 1 STUDY			59 m²	9 m²	
	A03.09	1 BED / 1 STUDY			59 m²	9 m²	
	A03.10	2 BED / 2 BATH			83 m²	14 m²	
TOTAL			78 m²		791 m²	195 m²	869 m²
LEVEL 04	COMMON		78 m²				
	SERVICES		m²				
	A04.01	2 BED / 2 BATH			91 m²	15 m²	
	A04.02	2 BED / 2 BATH			97 m²	17 m²	
	A04.03	2 BED / 2 BATH			95 m²	21 m²	
	A04.04	2 BED / 2 BATH			94 m²	15 m²	
	A04.05	2 BED / 2 BATH			90 m²	9 m²	
	A04.06	1 BED / 1 STUDY			59 m²	9 m²	
	A04.07	1 BED / 1 STUDY			59 m²	9 m²	
	A04.08	1 BED / 1 STUDY			59 m²	9 m²	
	A04.09	1 BED / 1 STUDY			59 m²	9 m²	
	A04.10	2 BED / 2 BATH			83 m²	14 m²	
TOTAL			78 m²		791 m²	127 m²	869 m²

Attachment 1 - PLN22/0325 - Originally advertised plans

Documentation

Development Summary

LEVEL 05						
	COMMON		78 m²			
	SERVICED		m²			
	A05.01	2 BED / 2 BATH		91 m²	15 m²	
	A05.02	2 BED / 2 BATH		97 m²	17 m²	
	A05.03	2 BED / 2 BATH		95 m²	21 m²	
	A05.04	2 BED / 2 BATH		94 m²	15 m²	
	A05.05	2 BED / 2 BATH		90 m²	9 m²	
	A05.06	1 BED / 1 STUDY		58 m²	9 m²	
	A05.07	1 BED / 1 STUDY		59 m²	9 m²	
	A05.08	1 BED / 1 STUDY		58 m²	9 m²	
	A05.09	1 BED / 1 STUDY		59 m²	9 m²	
	A05.10	2 BED / 2 BATH		83 m²	14 m²	
TOTAL			78 m²	791 m²	127 m²	869 m²
LEVEL 06	COMMON		62 m²			
	SERVICED		m²			
	A06.01	2 BED / 2 BATH		97 m²	31 m²	
	A06.02	2 BED / 2 BATH		95 m²	13 m²	
	A06.03	2 BED / 2 BATH		95 m²	21 m²	
	A06.04	2 BED / 2 BATH		94 m²	15 m²	
	A06.05	2 BED / 2 BATH		90 m²	9 m²	
	A06.06	2 BED / 2 BATH		89 m²	12 m²	
	A06.07	2 BED / 2 BATH		91 m²	12 m²	
	A06.08	3 BED / 2 BATH		112 m²	36 m²	
TOTAL			62 m²	763 m²	149 m²	825 m²
LEVEL 07	COMMON		53 m²			
	SERVICED		m²			
	A07.01	2 BED / 2 BATH		97 m²	10 m²	
	A07.02	2 BED / 2 BATH		95 m²	13 m²	
	A07.03	2 BED / 2 BATH		95 m²	21 m²	
	A07.04	2 BED / 2 BATH		94 m²	15 m²	
	A07.05	2 BED / 2 BATH		90 m²	9 m²	
	A07.06	2 BED / 2 BATH		89 m²	12 m²	
	A07.07	2 BED / 2 BATH		91 m²	12 m²	
	A07.08	3 BED / 2 BATH		112 m²	12 m²	
TOTAL			53 m²	763 m²	104 m²	825 m²
LEVEL 08	COMMON		53 m²			
	SERVICED		m²			
	A08.01	2 BED / 2 BATH		97 m²	10 m²	
	A08.02	2 BED / 2 BATH		95 m²	13 m²	
	A08.03	2 BED / 2 BATH		95 m²	21 m²	
	A08.04	2 BED / 2 BATH		94 m²	15 m²	
	A08.05	2 BED / 2 BATH		90 m²	9 m²	
	A08.06	2 BED / 2 BATH		89 m²	12 m²	
	A08.07	2 BED / 2 BATH		91 m²	12 m²	
	A08.08	3 BED / 2 BATH		112 m²	12 m²	
TOTAL			53 m²	763 m²	104 m²	825 m²

LEVEL 09	COMMON		65 m²		59 m²	
	COMMUNAL AMENITY		52 m²			
	SERVICED		m²			
	A09.01	3 BED / 2 BATH		119 m²	13 m²	
	A09.02	3 BED / 2 BATH		125 m²	15 m²	
	A09.03	2 BED / 2 BATH		88 m²	9 m²	
	A09.04	2 BED / 2 BATH		91 m²	12 m²	
	A09.05	2 BED / 2 BATH		92 m²	12 m²	
	A09.06	3 BED / 2 BATH		112 m²	12 m²	
TOTAL			117 m²	627 m²	132 m²	744 m²
LEVEL 10	COMMON		66 m²			
	SERVICED				m²	
	A10.01	3 BED / 2 BATH		119 m²	13 m²	
	A10.02	3 BED / 2 BATH		152 m²	19 m²	
	A10.03	2 BED / 2 BATH		89 m²	9 m²	
	A10.04	2 BED / 2 BATH		91 m²	12 m²	
	A10.05	2 BED / 2 BATH		92 m²	12 m²	
	A10.06	3 BED / 2 BATH		112 m²	12 m²	
TOTAL			66 m²	655 m²	77 m²	721 m²
LEVEL 11	COMMON		45 m²			
	SERVICED				41 m²	
	A11.01	3 BED / 2 BATH		193 m²	42 m²	
	A11.02	3 BED / 2 BATH		175 m²	95 m²	
TOTAL			45 m²	368 m²	178 m²	413 m²
LEVEL 12	COMMON		51 m²			
	SERVICED					
	A12.01	3 BED / 2 BATH		193 m²	42 m²	
	A12.02	3 BED / 2 BATH		175 m²	76 m²	
TOTAL			51 m²	368 m²	118 m²	419 m²
ROOF TERRACE	COMMON					m²
	SERVICED					m²
TOTAL						m²

Attachment 1 - PLN22/0325 - Originally advertised plans



Attachment 2 - PLN22/0325 - Original Council referral comments

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City of Yarra
333 Bridge Road
Richmond, VIC 3121

5 October 2021
Ref: 30N-21-0446-GCO-22329-0

Dear Daniel Herrmann,

2-8 Brighton Street, 1-3 Wiltshire Street and 5 Little Lesney Street

This peer review of MEL Consultants "Environmental Wind Speed Measurements on a Wind Tunnel Model of the 2 Brighton Street Development, Richmond" (Report: 58-21-WT-ENV-00) 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 wind tunnel test report and have the following comments:

i. The wind tunnel test was carried out in June 2021 and the model was based on the design drawings dated 14th May, 2021

ii. Vipac has no issues with the methodology, wind sampling technique and environmental wind criteria.

iii. A total of 35 locations were tested, 8 locations of which were tested on the terraces. Vipac has no issues with the spread along Swan Street, Wiltshire Street, Brighton Street and Little Lesney Street. The findings from the report can be summarised as follows:
   a) All pedestrian pathways, except Locations 10 and 10a, in the public realm measured wind speeds within at least the walking comfort criterion with proposed conditions. Vipac has no issues with this and the mitigation strategy introduced to resolve the issue at Locations 10.
   b) The mitigation strategy for Location 10a, involves the use of a Landscaping Zone to prevent pedestrian access. The Landscape Plans reflect what has been advised and MEL Consultant's Wind Assessment Letter endorsed this. Vipac has no issues with this.
   c) Entrances into the proposed developments measured wind speeds within the recommended standing comfort criterion. Vipac has no issues with this.
   d) The terraces on Levels 3, 9, 11 & 12. All locations measured wind speeds within at least the standing comfort criterion. Vipac has no issues with this.
   e) The safety criterion is satisfied in all locations except locations 10a with proposed conditions. Vipac has no issues with this, and the mitigation strategies introduced to resolve the issue at this location.

In conclusion, the MEL Consultants "Environmental Wind Speed Measurements on a Wind Tunnel Model of the 2 Brighton Street Development, Richmond" (Report: 58-21-WT-ENV-00) report uses the proper analysis and methodology to measure the wind effects on the pedestrian level surrounding the proposed development. While most critique in this review are minor.

Yours sincerely,

Vipac Engineers & Scientists Ltd

Rumman Islam
Consulting Engineer

Eric Yuen
Wind Group Leader

Attachment 2 - PLN22/0325 - Original Council referral comments

8 October 2021

640.10090.05760 2-8 Brighton 5 L Lesney 1 Wiltshire 20211008.docx

Yarra City Council
PO Box 168
RICHMOND 3121

Attention: Daniel Herrmann

Dear Daniel

2-8 Brighton, 5 Little Lesney and 1 Wiltshire Streets, Richmond
Development Application Acoustic Review
PLN 21/0325

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the mixed use development proposed for 2-8 Brighton, 5 Little Lesney and 1 Wiltshire Streets, Richmond.

Details of the report are as follows.

- Title: 2-8 Brighton Street, Richmond: Acoustic Town Planning report
- Reference: 301150096
- Date: 13 May 2021
- Prepared for: Brighton Street Pty Ltd c/- Neoscape Pty Ltd
- Prepared by: Stantec Pty Ltd

The report has been prepared to address noise impacts to and from the subject development, and Condition 19 of the planning permit No. PLN18/0658. The earlier permit was issued for a former application for the site.

A previous acoustic report was prepared to support the former application by Marshall Day Acoustics (MDA). SLR reviewed that report, and provided commentary on the reissued report (our reviews dated 30 January 2019 and 4 August 2020)

The current report generally adopts the MDA report findings as a basis.

1 Background Information

(Sections 1, 2 and 4 of the acoustic report)

- The project is a 13 level mixed use development consisting:
  - three levels of basement carparking and services
  - ground floor cafés (2) and services
  - Two (2) levels of offices

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- Nine (9) levels of apartments
- Potential noise impacts to the subject development are identified as
  - Road traffic noise from Swan Street
  - Music and patron noise from the Union House hotel, on the north side of Wiltshire Street (270-272 Swan Street)
  - Rail noise from the rail corridor approximately 15 m to the south of the site
- Nearby noise sensitive receivers are identified in Figure 18 as:
  - Two storey dwelling on the western boundary of the subject site (3A to 3D Little Lesney Street and 7 and 7A Wiltshire street)
  - Dwelling on the north side of Wiltshire Street (10 & 18 Wiltshire Street)
- Potential noise impact from the development are identified as project mechanical plant.

***SLR Comments**: The development, the site context and noise impacts to and from the site have generally been identified.*

However, regarding sensitive receivers, there also appears to be a single level dwelling at 11 Brighton Street, east of the development site, which will potentially be exposed to noise from the proposed ground level food and beverage tenancies.

There is also a 14 level mixed use development proposed for 1 Little Lesney Street and 9 Wiltshire Street, approximately 18 m west of the subject site. This development will overlook the roof of the subject site, and will potentially be impacted by noise from roof mounted mechanical plant.

2 Road Traffic Noise

2.1 Criteria

(Section 4.2.1 and Table 14 of the report)

Road traffic noise is proposed to be assessed to the Better Apartments Design Standards (i.e. Standard D16, Clause 58.04-3 of the Yarra Planning Scheme). These levels are 40 dB $L_{Aeq,16hr}$ in living rooms during the day period, and up to 35 dB $L_{Aeq,8hr}$ in bedrooms at night.

***SLR Comment**: The proposed criteria are appropriate. It is also recommended that the $L_{Aeq,1hr}$ levels do not exceed the upper end of the AS/NZS2107 design ranges, being 40 dB $L_{Aeq,1hr}$ in bedrooms between 10 pm and 7 am and 45 dB $L_{Aeq,1hr}$ in living rooms.*

However, based on our understanding of the area, it is unlikely that the $L_{Aeq,1hr}$ criteria will drive the design of the façade. On these grounds an explicit assessment to these criteria has not been requested.

2.2 Quantification of noise impacts

(Section 3.1.2 of the report)

Stantec have adopted MDA's road traffic noise measurement data (attended measurement obtained 21/6/2018).

SLR Comment: *SLR have previously reviewed and accepted the MDA traffic noise data for this project. Its use by Stantec in the current report is considered reasonable.*

2.3 Façade upgrade treatments to address road traffic noise

(Section 5.2.1 and Appendix B of the report)

Glazing to areas of the façade potentially most impacted by road traffic noise is proposed to be not less than Rw 34 dB. Example glazing systems that meet this rating are provided in the report, and are given as 6.5 mm VLAM Hush (single glazed) and 6 mm thick float glass / 12 mm airgap / 6.38 mm thick laminated glass (double glazed option).

SLR Comment: *The proposed glazing appears adequate for addressing the measured and predicted levels of road traffic noise.*

3 Rail Noise

3.1 Rail noise criteria

(Sections 4.2.1, 4.2.2 and Table 6 of the report)

The development site is identified as a building in a 'noise influence zone', as defined in the Victorian Planning Provisions (i.e. Standard D16, Clause 58.04-3 of the Yarra Planning Scheme). However, Table 14 of the report states that intermittent noise is to be assessed to sleep disturbance and structureborne noise criteria of 55 L_{Amax} dB and 40 L_{Amax}, dB respectively.

Rail noise to the office levels is proposed to be assessed to AS2107 ranges, which is given as 45 L_{Aeq}, dB for all areas.

SLR Comment: *Confirmation is requested from Stantec that rail noise to apartments has also been assessed to the criteria provided in Standard D16. (i.e. 40 dB $L_{Aeq,16hr}$ in living rooms during the day period, and up to 35 dB $L_{Aeq,8hr}$ in bedrooms at night). Consideration of L_{Amax} levels, as detailed in the report, is appropriate, however the Standard D16 levels must also be met.*

The criteria provided for offices is generally reasonable although we note that the AS2107 range given for board and conference rooms should be 40 dBA rather than 45 dBA. Assessment to these long term average levels does not prevent nuisance from individual train passby events (which can be substantially higher). We suggest that the maximum rail noise levels (i.e. the 95th percentile of single rail passbys measured as an L_{Amax}) not exceed the upper end of the AS/NZS2107 recommended ranges + 15 dB

The above criteria are considered to provide an acceptable minimum level of amenity from rail noise to commercial premises, however 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.

3.2 Rail noise impacts

(Section 3.1.3 of the report)

Attended measurements of rail noise were conducted by Stantec on 16 April 2021, overlooking the rail corridor. Overall, 23 rail passbys were measured. The 95th percentile of the measured passby levels was 77 $L_{Amax,}$ dB (octave band provided).

SLR Comment: *Rail noise L_{Amax} events have been appropriately quantified. The long term day and evening average levels also need to be determined given that the Standard D16 criteria are L_{Aeq} levels. The long term average levels may be able to be calculated from the short term $L_{Aeq,T}$ levels, if these are held by Stantec.*

The L_{Aeq} noise data used in the assessment of noise to offices should also be presented.

3.3 Façade upgrade treatments to address rail traffic noise

(Section 4.2.1 and Appendix B of the report)

Glazing to both offices and apartments exposed to rail noise is proposed to be rated Rw not less than 42 dB.

SLR Comment: *The rating of glazing to apartments is consistent with that proposed by MDA for the earlier design, and based on our review at that time, should be sufficient to address the measured and predicted levels of rail noise. However, Stantec should confirm that the Standard D16 criteria will also be met for rail noise, and that levels to offices will not exceed the relevant AS2107 ranges + 15 dB.*

4 Structureborne rail noise

(Section 5.3 of the report)

Stantec refer to MDA's original vibration measurements and predictions of floor vibration and internal noise levels due to structureborne sound. That assessment concluded that structureborne rail noise would not exceed the nominated criteria and on those grounds controls to manage rail vibration have not been proposed.

SLR Comments: *SLR reviewed the MDA report on structureborne rail noise and accepted it at that time. Based on the available information we agree that measures to control vibration from rail are not required.*

5 Union House Hotel

(Section 5.4 of the acoustic report)

Stantec adopt the MDA patron noise assessment and recommendations and provide the same advice as MDA for façade upgrade treatments to address patron noise.

SLR Comments: *SLR reviewed the MDA assessment of patron noise impacts in our review dated 4 August 2020 and raised concerns about the low levels of patron noise used in the assessment. Our review is reproduced in blue below:*

6 Condition 19(b) – inclusion of a patron noise assessment from 272 Swan Street

(Appendix G of the acoustic report)

Appendix G comprises a memo prepared by MDA in September 2019 addressing potential noise impacts from patrons on the first floor outdoor patron deck at 272 Swan Street.

Patron noise from the Union House Hotel has been acknowledged as a potential source of impacts to the proposed residential development and MDA propose to assess this source to indoor targets of 30 dBA L_{eq} in bedrooms and 35 dBA L_{eq} in living rooms. The actual noise level was not able to be measured, and MDA have predicted patron noise to the building assuming 100 patrons outdoors, and using sound power data based on patrons in 'taverns with significant food offerings'. The predicted patron noise level is 67 dBA L_{eq} at the façade of the development. These levels have been used to determine façade upgrade treatments to achieve the nominated indoor targets.

The most impacted apartments are proposed to have double glazed windows comprising 6 mm glass, 12 mm airgap, 8.5 mm thick Viridian Hush glass, with an indicative acoustic rating of Rw 38 dB.

***SLR Comment**: We agree that a theoretical assessment of patron noise to the nominated targets is appropriate.*

However, we recommend that the assessment be made with an assumed patron sound power level commensurate with 'vertical drinking' rather than 'taverns with significant food offerings', unless measurements can be conducted, with cooperation of the Union Hotel, demonstrating that lower patron levels are appropriate. These higher patron noise levels were required to be used by the Union Hotel in their application for extended use of the outdoor deck on the grounds that, when it is at capacity, patron density will be in the order of 1 person per m². In our experience this patron density can result in 'vertical drinking' voice noise levels.

These higher patron noise levels may necessitate further upgrades to the façade of the development.

The above comments are generally relevant to the current assessment and advice provided by Stantec. However, given the current COVID-19 restrictions, the option to assess noise via measurement is not available.

7 Mechanical Plant

7.1 Noise Limits

(Sections 4.1.1, 4.1.2 and 4.2.3 of the report)

Noise from centralised and commercial mechanical plant is proposed to be assessed to SEPP N-1. SEPP N-1 limits have been determined from calculated zoning levels and background noise data presented in the MDA report (data obtained on 21 June and 13 July 2018).

The SEPP N-1 limits are presented in Table 6 and are identified as 59 dBA (day), 50 dBA (evening) and 45 dBA (night).

Noise from the carpark entrance door is also proposed to be assessed to sleep disturbance targets of 55 dBA L_{Amax} indoors.

Noise from domestic mechanical plant (e.g. balcony mounted condenser units) is proposed to be assessed to 'background + 5 dB' targets during the day and evening periods, and to be inaudible inside apartments at night, in accordance with EPA Publication 1254.

***SLR Comments**: Subsequent to the report being issued, SEPP N-1 was replaced with Part I of the new 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues', Publication 1826 (the **Noise Protocol**). The EPA have confirmed to SLR that the Noise Protocol will be applied retrospectively.*

The setting of noise limits and assessment methodologies in the Noise Protocol are the same as those in SEPP N-1 in most instances. However, the effective indoor limit for noise transmitted through a solid building element (e.g. wall or floor), is 5 dB lower than it was under SEPP N-1.

Our calculated environment noise limits for commercial noise (e.g. Noise Protocol / SEPP N-1) are consistent with Stantec's.

7.2 Assessment

(Section 5.1 of the report)

Detailed advice for noise control is not provided in the report on the grounds that the mechanical design has not been finalised. Generic advice for controlling plant noise levels is included in the report. More specific advice is provided for controlling noise from the car park entrance door, including the requirement for smooth operation, and vibration isolation.

***SLR Comments**: We recommend that a specification be provided for the carpark entrance gate (e.g. a maximum sound pressure level @ 1 m) to ensure that the sleep disturbance criteria will be met outside all sensitive receiver locations.*

In other respects, the advice provided is reasonable for the planning phase of the project.

Given the proximity of future overlooking dwellings for 1 Little Lesney Street and 9 Wiltshire Street, it is recommended that all acoustically significant items of mechanical plant be reviewed during the detailed design phase by a suitably qualified acoustic consultant to ensure that the Noise Protocol limits are met.

8 Other Matters - Ground floor food and beverage premises

The project includes two large ground floor food and beverage premises that will be located opposite an existing single level dwelling. We would anticipate noise impacts from the proposal to be acceptable if the venues open during the Noise Protocol 'day' period only (e.g. 7 am to 6 pm Monday to Saturday). However, if extended hours of operation are proposed, consideration should be given to requiring the tenancies to submit an acoustic report demonstrating that noise from the uses will comply with the Noise Protocol and the City of Yarra 'Guidelines – managing noise impacts in urban development', in particular, Section 6.1.4 which pertains to patron noise to existing dwellings).

9 Summary

A review of the acoustic report for the mixed use development is provided above. A summary of our findings and recommendations are provided below.

Noise sensitive receivers

The report does not identify the existing noise sensitive receiver at 11 Brighton Street (which may be exposed to noise from the proposed food and beverage tenancies) or the proposed sensitive receiver at 1 Little Lesney and 9 Wiltshire streets (which will overlook the roof plant deck). Given that both have the potential to drive the design of some aspect of the development, they should be identified and considered in the report.

Rail noise

Confirmation is requested from Stantec that rail noise to apartments has also been assessed to the criteria provided in Standard D16. (i.e. 40 dB $L_{Aeq,16hr}$ in living rooms during the day period, and up to 35 dB $L_{Aeq,8hr}$ in bedrooms at night).

It is also recommended that rail noise to offices be assessed to both LAeq criteria as has been provided in the report, and to L_{Amax} criteria. As a guide, we suggest that the maximum rail noise levels (i.e. the 95th percentile of single rail passbys measured as an L_{Amax}) not to exceed the AS/NZS2107 recommended ranges + 15 dB. Stantec may want to consider a potentially lower target to maximise the quality and usability of the office uses on behalf of the developer.

Union House Hotel

The MDA assessment adopted in the original report for this site was based on the hotel's operating conditions at that time, whereas we understand that larger number of patrons have subsequently been approved for the outdoor deck. From our review of the acoustic report prepared for the Union House Hotel, patron noise levels are likely to be louder due to both the increased number of patrons (increased from 44 to 100) and the more crowded nature of the outdoor patron area. It would be appropriate for the developer to take the proposed change of operations at the hotel into consideration. Given the proposed patron density, we recommend that noise from the outdoor area be based on patron voice noise levels commensurate with 'vertical consumption'.

Ground Floor Food and Drink Tenancy

It is recommended that a separate acoustic report be prepared to support the application for the ground floor food and beverage tenancies if operation outside the Noise Protocol 'day' period is proposed. The report should demonstrate that the venues will comply with the patron noise criteria provided in Section 6.1.4 of the City of Yarra 'Guidelines – managing noise impacts in urban development'.

Regards,



Dianne Williams
Principal – Acoustics

Checked/
Authorised by: JA

Attachment 2 - PLN22/0325 - Original Council referral comments

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INDEPENDENT URBAN DESIGN ADVICE

PROPOSED DEVELOPMENT AT 2-8 BRIGHTON, 5 LITTLE LESNEY & 1-3 WILTSHIRE STREETS RICHMOND

October 2021



Nearmap

Prepared by
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Our Ref: 18136

Directors
Elliet Spring
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Joshua Wheeler

Attachment 2 - PLN22/0325 - Original Council referral comments

BACKGROUND

1. In August 2020, I was asked by the City of Yarra (Council) to comment on the proposed mixed-use development of the site at 2-8 Brighton, 5 Little Lesney & 1-3 Wiltshire Street Richmond.
2. I commented on a previous application for the site in 2018.
3. This application is for development of the land for the construction of a multi storey, mixed use building (13 storeys), use of the land for office/food and drink premises (permit required) and dwellings (no permit required) and a reduction of the statutory car parking requirements, including:

   > 372m2 food and drink premises area (ground level)
   > 2,114m2 office area (Level 01-02)
   > 70 apartments (Level 03-12)
   > 113 car parking spaces within 4 basement levels
   > 26 employee bicycle spaces
   > 76 residential bicycle spaces.

SUBJECT SITE & CONTEXT

4. The Site address is 2-8 Brighton Street, 1-3 Wiltshire Street & 5 Little Lesney Street, Richmond and comprises a total of five lots.
5. The Site is generally rectangular in shape and has a large land holding of approximately 1,302 sq.m.
6. The Site has a north-south orientation with a primary frontage to Brighton Street to the east of approximately 31m. The Site has a northern interface to Wiltshire Street of approximately 41m and a southern interface to Little Lesney Street of approximately 41m.
7. The Site is currently occupied by a collection of buildings ranging in quality, use and contribution to the street. They include:

   > 2-4 Brighton Street – a single storey red brick Edwardian dwelling with tile pitched roof currently utilised for commercial businesses.
   > 6-8 Brighton Street – a single storey brick building currently utilised for commercial purposes.
   > 1 Wiltshire Street – a double storey brick building with northern private open space.
   > 3 Wiltshire Street – a double storey brick dwelling with a northern second storey terrace.
   > 5 Little Lesney Street – a double storey brick dwelling with a southern facing second storey terrace.

8. A party wall easement affects much of the adjoining walls between 1 Wiltshire Street, 3 Wiltshire Street, and 5 Little Lesney Street.
9. The Site has an excellent level of public amenity with several services and facilities within close walking distance, including East Richmond Train Station (150m west), Church Street/Swan Street tram stop (100m northwest), Swan Street tram stop (110m northwest), Barkly Gardens (210m southeast), Alan Bain Reserve (460m southeast), McConchie Reserve (700m southeast) and White Street Park (400m southwest).
10. The Site is within the Swan Street Activity Centre, a thriving hub which includes commercial and recreational uses, Richmond Primary School, Melbourne High School, and the MCG (1.5km west).
11. Land to the north, abutting Swan Street is located within the Commercial 1 Zone (C1Z), land to the east is located within the Commercial 2 Zone (C2Z), the train line south of the Site is within Schedule 4 to the Public Use Zone (PUZ4), and other surrounding zones include the Public Park and Recreation Zone (PPRZ) at Barkly Gardens and Neighbourhood Residential Zone (NRZ) land comprising residential dwellings to the south being within the Neighbourhood and General Residential Zones. To the west include nine other properties within the MUZ.

Attachment 2 - PLN22/0325 - Original Council referral comments

Interfaces
North

12. The Site has a direct boundary interface with Wiltshire Street to the north of approximately 41m.
13. Wiltshire Street is a 'no through road' approximately 9m in width, running east-west from Brighton Street to the rear of 9 Little Lesney Street. The street provides limited on-street parking to the south and pedestrian walkways to the north and south.



Aerial photo showing properties at 5 to 7a and 10 & 18 Wiltshire Street and street view of 5 to 7a Wiltshire Street.

14. The northern interface of Wiltshire Street has six single and double width vehicle crossovers servicing the commercial tenancies and the residential properties fronting this. Two multi-dwelling properties at 10 and 18 Wiltshire Street have their primary residential pedestrian entries to this interface.



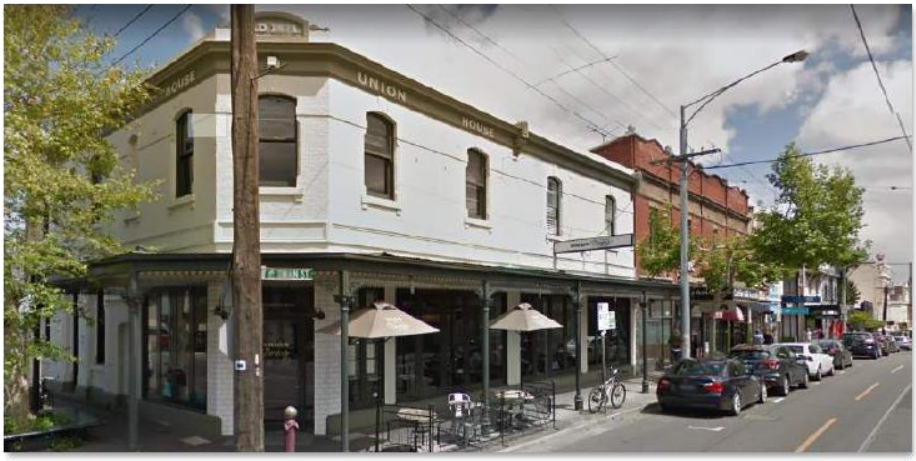
15. Wiltshire Street provides rear vehicle access via vehicle crossovers to the rear garages of 1 and 3 Wiltshire Street and to the bitumen carpark of 2-4 Brighton Street. In addition, it provides the primary residential address currently for properties at 1, 3, 5, 7 and 7a Wiltshire Street on the south side of the street.



16. Little Lesney Street to the south and west provides for multiple roles.
    a) To the west it provides service access to several larger properties with Church Street and Swan Street access and two larger commercial premises to the south-eastern end of this leg of the street before doglegging to the east at the interface with the rail reserve, meeting Brighton Street at its eastern end and continuing all the way east to Mary Street.
    b) A landscaped reserve marks its interface with the railway line to the south with Lesney Street to the south marked by an intact streetscape of fine grain one- and two-level housing.
    c) Little Lesney Street is connected to Lesney Street via a pedestrian bridge over the rail infrastructure, measuring approximately 32m long and 1.5m wide.
    d) The street provides the principal address for residential properties at 3a, 3b, 3c, 3d and 5 Little Lesney Street.




17. Brighton Street interconnects Swan Street at its north end and a pedestrian rail bridge to the south that then transitions into the Brighton Street south alignment and the large residential neighbourhood in the hinterland area to the south of the rail reserve.
18. Along the southern interface of Swan Street are several commercial brick buildings that collectively contribute to the streetscape character of Swan Street and the Brighton Street and Little Lesney Street gateways.



19. The buildings are of the early Victorian era. The properties are affected by Heritage Overlay 335 (H0335), a precinct-wide overlay identified as *Swan Street Precinct, Richmond*.



20. The building elements that contribute to the heritage value of the precinct include their two-level consistent street wall scale, quality of detailing and materiality, streetscape activation and façade parapets, no front or side setbacks and face brick or stucco walls.
21. Swan Street is a main arterial road with a road reservation approximately 20m in width.

East

22. Immediately to the east is Brighton Street. The street runs from Swan Street to the north to Little Lesney Street to the south.



23. The western footpath provides a high-quality pedestrian link between the pedestrian bridge to the south and Swan Street to the north broken only by the Little Lesney Street and Wiltshire Street low traffic carriageways.
24. This contrasts with the eastern street interface dominated by older commercial crossovers to service station and commercial properties.

West

25. The Site has direct boundary interface with two double storey dwellings to the west at 5 and 7 Wiltshire Street.
26. The Site also has direct boundary interface with 3 Little Lesney Street. These dwellings are three storeys in height and form part of a series of seven fine grain townhouses. These dwellings are in a row and are connected via adjoining walls.

27. Further west, I understand that a 9-level residential development comprising 63 apartments at 1 Little Lesney Street & 9 Wiltshire Street has been approved for residential development. (https://www.commercialrealestate.com.au/property/1-little-lesney-9-wiltshire-street-richmond-vic-3121-2014688021).
28. The development is within the Mixed-Use Zone and is inclusive of car and bicycle spaces.



29. The project incorporates a podium form to the street interfaces with a progressively eroded and contrasting more transparent suite of upper-level floors and materials.
30. Contrary to the Applicant's submission the proposed roof terrace was not approved, reducing the accommodation by one level. Additionally, I understand from permit conditions that larger light courts were conditioned through the removal of bedrooms at podium levels.

STATUTORY AND STRATEGIC PLANNING CONTEXT

PLAN MELBOURNE

31. Within *Plan Melbourne,* there are several outcomes, directions and policies that need to be considered when reviewing this proposal from an urban design perspective.
32. *Plan Melbourne* outlines a vision of Melbourne as a 'global city of opportunity and choice'. This vision is guided by seven key outcomes, each supported by directions and policies towards their implementation.
33. Outcomes relevant to the land-use and built-form changes sought by this proposal include the following:

    a) Outcome 1: Melbourne is a productive city that attracts investment, supports innovation, and creates jobs
    b) Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity
    c) Outcome 5: Melbourne is a city of inclusive, vibrant, and healthy neighbourhoods

34. Direction 1.1 seeks to create a city structure that strengthens Melbourne's competitive for jobs and investment, particularly regarding supporting the central city to become Australia's largest commercial and residential centre by 2050.

    a) Policy 1.1.1 & 1.1.2 encourages new development opportunities to create grow office floor space amongst residential space is to deliver co-benefits of employment, reduced commuting and transport costs for workers and residents. Urban renewal precincts in and around the central city is acknowledged here to play a major role in delivering high-quality, distinct, and diverse neighbourhoods that offer a mix of uses.

35. **Direction 4.1** advocates a place-making approach to urban design to create *"more great public places across Melbourne."*

    a) Policy 4.3.1 seeks to integrate place-making practices into road-space management to ensure the design of streets encourages the use of active transport and facilitates a greater degree of and encounter and interaction between people and places.

36. **Direction 5.1** outlines the ambition of creating a city of 20-minute neighbourhoods by encouraging the development of vibrant, mixed-use neighbourhoods linked by a network of activity centres. 'Walkability', 'housing diversity', 'ability to age in place' are identified here as key characteristics of 20-minute neighbourhoods.
37. **Direction 5.3** notes the importance of social infrastructure in supporting strong communities. Delivery and co-location of social infrastructure in accessible locations near public transport is a key policy under this direction.
38. Policy guidelines to consider where relevant include:

    a) *Urban Design Guidelines* for Victoria (Department of Environment, Land, Water and Planning, 2017).
    b) *Safer Design Guidelines* for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005).
    c) Urban Design Charter for Victoria (Department of Planning and Community Development 2009).

STATE PLANNING POLICY FRAMEWORK

39. State and regional planning provisions relevant to this application are set out below:
40. **Clause 11.01-1 Settlement - Metropolitan Melbourne** includes the following relevant strategies:

    a) Focus investment and growth in places of state significance, including Metropolitan Melbourne Central City, Metropolitan activity centres and major urban renewal precincts.
    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.

41. **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."* Relevant strategies outlined towards achieving this goal include the following:

    a) Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility, and providing for inclusiveness.
    b) Ensure the interface between the private and public realm protects and enhances personal safety.
    c) Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
    d) 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.
    e) Ensure that development provides landscaping that supports the amenity, attractiveness, and safety of the public realm.
    f) Promote good urban design along and abutting transport corridors.

42. **Clause 15-01-1R Urban design – Metropolitan Melbourne** sets out to create a *"distinctive and liveable city with quality design and amenity"* by undertaking the following relevant strategies:

    a) Support the creation of well-designed places that are memorable, distinctive, and liveable
    b) Integrate placemaking practices into road space management

c) *Provide spaces and facilities that encourage and support the growth and development of Melbourne's cultural precincts and creative industries.*

43. **Clause 15.01-02S Building design** aims to ensure that building design outcomes contributes positively to local contexts and enhances public realm, strategies relevant to this proposal include:

a) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
b) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
c) *Ensure development is designed to protect and enhance valued landmarks, views, and vistas.*
d) *Ensure development provides safe access and egress for pedestrians, cyclists, and vehicles.*
e) *Ensure development provides landscaping that responds to its site context, enhances the built form, and creates safe and attractive spaces.*

44. **Clause 15.01-4S Healthy neighbourhoods** seeks to achieve neighbourhoods that foster healthy active living and community wellbeing by designing neighbourhoods that encourage community interaction, physical activity, and engagement amongst community members of all ages and abilities. Key relevant strategies include the provision of:

a) *Connected, safe, pleasant, and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.*
b) *Streets with direct, safe, and convenient access to destinations.*
c) *Conveniently located public spaces for active recreation and leisure.*

45. **Clause 15.02 Sustainable Development** is concerned with encouraging development that is energy and resource efficient, minimising greenhouse gas emissions towards supporting a cooler environment. Strategies outlined under this clause include the incorporation of ESD principles in new developments and supporting low energy forms of transport such as walking and cycling.
46. **Clause 17.01-1 Economic Development** acknowledges the role of planning in providing a strong, innovative, and diversified economy where all sectors are critical to its property. Specifically, planning has a key role in providing land, facilitating decisions, and resolving land use conflicts to enable regions to capitalise upon its strengths and achieve its economic potential.
47. **Clause 18 Transport** encourages solutions that ensure an integrated and sustainable public transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movement of goods and people and is safe.
48. **Clause 18.01-1 Land use and transport planning** outlines strategies to develop an integrated, equitable and accessible transport networks that connects people to jobs and services and goods to the market. The following strategies are relevant to this proposal:

a) Ensuring equitable 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.
b) Requiring integrated transport plans to be prepared for all new major residential, commercial, and industrial developments.

49. **Clause 18.02-2S Public Transport** seeks to increase the use of public transport and encourage increased development close to high quality public transport networks.
50. **Clause 18.02-4S Car parking** encourages the efficient provision of car parking by consolidating facilitates and ensuring that such facilities achieve a high quality of urban design and protects local amenity, including pedestrians and other users.

51. **Clause 19.02-6R Open space – Metropolitan Melbourne** outlines the objective to strengthen the integration of Melbourne's open space network, strategies relevant to this proposal include the following:
    a) Develop a network of local open spaces that are accessible and of high-quality and include opportunities for new local open spaces through planning for urban redevelopment projects.
    b) Create continuous open space links and tails along the Yarra River parklands (extending from Warrandyte to the Port Phillip Bay).
    c) Continue the development of the lower Yarra River as a focus for sport, entertainment, and leisure.

52. Urban Design Guidelines for Victoria
    a) The Victoria Planning Provisions were amended to require consideration of the Urban Design Guidelines for Victoria, and Apartment Design Guidelines for Victoria, where applicable, in the design and assessment of new development proposals.
    b) 1.3 Large Development Structure seeks to develop a high quality amenity for sites whilst Objective 1.4.1 b seeks to arrange blocks and streets in higher density residential precincts to provide all lots with access to an activity centre, public transport and high quality open space within a walking distance.
    c) Objective 1.5.1 a seeks to locate walking destinations and activities along main pedestrian streets and paths with destinations nominated including bus stops parks and recreation facilities.
    d) 1.5.1b., seeks to Provide for a level of active frontage and lot access appropriate to street frontage and notes that *driveways and crossovers compromise pedestrian amenity and safety*.
    e) the guidelines also seek to ensure that's new development not undermine the humanity of surrounding public streets and spaces and ensure high quality communal spaces within the site are achieved that are fit full purpose.

LOCAL PLANNING POLICY FRAMEWORK

53. **Clause 21.04 – Land Use** Local planning provisions relevant to this application are set out below:
    a) Acknowledges the need for Yarra to accommodate its share of Melbourne's population growth, noting the need to direct higher density residential development to strategic re-development sites. Given the pre-existing population diversity, the clause looks to maintain diversity by encouraging all household types and structures - including supporting the provision of affordable housing, particularly in Strategic Redevelopment Sites. The subject site has been identified as a Strategic Development Site in the Swan Street Structure Plan, January 2014.

54. In response, Objective 8 under Clause 21.04-3 outlines the objective to increase the number and diversity of local employment opportunities by undertaking the following strategies:
    a) Strategy 8.1 Support re-zonings, as identified on the relevant Neighbourhood plan, to permit increased commercial and office use in existing industrial areas.
    b) Strategy 8.2 Support home-based businesses.
    c) Strategy 8.3 Encourage residential and business land use within the Mixed-Use Zone to locate on the same site.
    d) Strategy 8.5 Support opportunities for new uses on isolated industrial sites provided they reflect the predominant surrounding uses.

55. A key element of importance in this instance relates to Objective 3 under Clause 21.04.1 wherein it is important to ensure new built residential development in Mixed Use, Business 1,

Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.

56. **Clause 21.05 Built Form** contains objectives and strategies considering heritage, urban design, built form character and the public environment. It seeks to reinforce the existing urban framework of Yarra of a 'low-rise urban form punctuated by pockets of higher development'. Objectives and strategies under this clause relevant to this application include the following:

    a) Developments on strategic redevelopment sites should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal provide community benefits such as the provision of affordable housing or a positive contribution to the enhancement of the public domain.
    b) Retain, enhance, and extend Yarra's fine grain urban fabric by ensuring new developments are designed with regard to its surrounding urban context and fabric, including the re-establishment of historical streets and laneways.
    c) Provide a public environment that encourages community interaction and activity
    d) Objective 16 under Clause 21.05 seeks to reinforce the existing urban framework of the City of Yarra, with Strategy 16.2 seeking to "maintain" and strengthen the preferred character of each built form character type within the City of Yarra."
    e) Objective 17 under Clause 21.05 seeks to "retain Yarra's identity as a low-rise urban form with pockets of higher development", outlining the following relevant strategies:
    f) Strategy 17.2 Development on strategies development sites or within Activity Centres should generally be no more than five to six 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 use of heritage buildings
        > Positive contribution to enhancement of the public realm
        > Provision of affordable housing.
    g) Objective 19 under Clause 21.05 seeks to create an inner-city environment with landscaped beauty, outlining the following strategies:
        > Strategy 19.1 Require well resolved landscape plans for all new development.
        > Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.
        > Objective 20 under Clause 21.05 seeks to ensure that new development contributes positively to Yarra's urban fabric, including the following strategies:
    h) Strategy 20.1 Ensure development is designed having regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties, and its environs.
    i) Strategy 20.2 requires development of Strategic Redevelopment Sites to consider the opportunities for development on adjoining land.
    j) Objective 21 under Clause 21.05 seeks to enhance the built form character of Yarra's Activity Centres.
    k) Objective 22 under Clause 21.05 seeks to encourage the provision of universal access in new development.

57. **Clause 21.05-3 Built Form Character** outlines the built form character type for each character area.

    a) New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity.
    b) Clause 21.05-4 "Public environment" notes: "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. Public spaces and urban squares provide outdoor spaces for people to meet and gather. Opportunities to create such spaces will be sought. There is a need to ensure that, as development occurs, Yarra's public environment, buildings and transport infrastructure are accessible to all people."

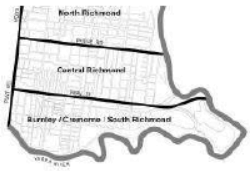
58. **Objective 28 under Clause 21.05-4** seeks to provide a public environment that encourages community interaction and activity. Strategy 28.1 Encourage universal access to all new public spaces and buildings.

    a) Strategy 28.2 Ensure that buildings have a human scale at street level.
    b) Strategy 28.3 requires buildings and public spaces to provide a safe and attractive public environment.
    c) Strategy 28.4 Require new development to consider the opportunity to create public spaces as part of new development.
    d) Strategy 28.5 Require new development to make a clear distinction between public and private spaces.
    e) Strategy 28.6 Require new development to consider the creation of public access through large development sites, particularly those development sites adjacent to waterways, parkland, or activity centres.
    f) Strategy 28.8 Encourage public art in new development.
    g) Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.
    h) Strategy 28.10 requires site rezoning for new development to consider the inclusion of public domain improvements commensurate with the new use.

59. **Clause 21.06 Transport** seeks to reduce car dependency by promoting active and public transport by improving the quality of walking and cycling infrastructure. It is explicitly noted that 'walking' includes people who use wheelchairs and other mobility devices. Strategies relevant to this application include:

    a) Improve pedestrian and cycling links in association with new development where possible.
    b) 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.

60. **Clause 21.07 Environmental sustainability** promotes environmentally sustainable development.
61. **Clause 21.08 Neighbourhoods** sets out locally specific objectives and strategies for each neighbourhood, the site sits within the Burnley/Cremorne/South Richmond Neighbourhood.



62. **Clause 22.03 Landmarks and Tall Structures** sets out the objective to maintain the prominence of Yarra's valued landmarks and landmark signs and outlines policies and design responses to this end.
63. **Clause 22.03-3 Policy**

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

d) In this context, the Ball Tower of Dimmeys, Swan Street and Spire of St Ignatius Cathedral, Church Street, Richmond are identified under Clause 22.03-4 as landmarks where development should protect views to these elements to ensure it remains the principal-built form reference.

64. **Clause 22.05 Interface Uses Policy** seeks to facilitate the 'development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes'. Its aim is to ensure that residential uses located within Mixed-Use Zones or near commercial centres and industrial uses enjoy a reasonable level of amenity and are designed to minimise the impact of nearby business operations and industrial activities on the amenity within the proposed dwellings.
65. **Clause 22.10 Built Form and Design Policy.** The objectives of this clause are to:

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

66. **Clause 22.10-3.2 Urban form and character** notes as it aims the following Design Objectives:

a) To retain and extend the City's fine grain of street pattern and urban form.
b) To ensure that developments contribute positively to the urban fabric and public realm.
c) To improve the transparency and legibility of the city's urban form and structure.
d) To achieve continuity in the built form having regard to rhythm and spacing of buildings and any distinctive street pattern (as identified in the Site Analysis Plan and Design Response).

67. **Design Guidelines outlined in the clause** and relevant to the subject proposal include the following:

a) Within large redevelopment sites, design a vehicle and pedestrian network that ensures a high level of access within the development for all vehicular and non-vehicular traffic that connects and integrates with the broader network.
b) New development on large remnant sites should respect any existing prevailing subdivision pattern (as identified in the Site Analysis Plan and Design Response) by providing adequate separation between buildings and modular building bulk rather than unbroken mass.
c) Express the original fine-grained subdivision pattern in building design, massing, modulation, and facade articulation.
d) Within sites removed from the small lot, fine-grain areas of the city, create a new urban character that adds to the layering of the city's historical evolution.

68. **Clause 22.10-3.3 Setbacks & Building Height** Sets out design objectives relevant to the site including the following:

a) To ensure that the setbacks of new development complement the desired neighbourhood character of the area (as identified in the Site Analysis Plan and Design Response, the Municipal Strategic Statement, and any relevant local planning policies).
b) To ensure that the height of new development is appropriate to the context of the area (as identified in the Site Analysis Plan and Design Response) and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character.

c) To ensure new roof forms respect any prevailing roof forms in the area (as identified in the Site Analysis Plan and Design Response) and contribute to the skyline silhouette.

69. **Guidelines** include that New development that is higher than adjacent buildings should adopt a secondary setback for the higher building component which:

a) Aligns to the street pattern.
b) Retains existing view lines to nearby heritage places and other key features

70. **Other provisions of the clause** include objectives:

a) To ensure the building presents visually interesting elevations on all faces visible from the public domain.
b) To provide pedestrian/human scaled design at street level

71. Design guidelines specifically see that new development should:
72. Be oriented to front existing and proposed streets.

a) Produce high quality architectural design.
b) Maintain the dominant parapet line of adjacent buildings (where this exists).
c) Express the traditional and characteristic vertical rhythm of buildings and the dominant lot widths (where they exist) within the street.
d) Continue vertical or horizontal themes within the facade (where these exist and where appropriate).
e) Use appropriate materials, finishes and colours, which add visual interest and, assist in breaking up the mass and bulk of new development.
f) Incorporate roof articulation.

73. **Clause 22.10-3.8 Off-Site Amenity.** Design Objectives seek:

a) To ensure that new development does not prejudice the rights of adjoining and/or nearby land users (especially residents) to enjoy solar access, privacy, and acceptable noise levels.
b) To ensure that built form enhances and does not detract from the landscape character of parks and open spaces.
c) To ensure that new development does not substantially overshadow adjoining residential private open space or public facilities such as parks and gardens.

74. **Design Guidelines** seek to ensure that new development should ensure that:

a) The location, length and height of any wall built to a side or rear boundary should not adversely impact on the amenity of any adjoining residential properties in terms of overshadowing of private open space, visual bulk, or daylighting to habitable room windows.
b) Where private open space and/ or windows to adjacent uses are affected, additional setbacks from side boundaries are required to address loss of daylight, overshadowing and visual bulk impacts on neighbouring properties, especially residential properties.
c) The perimeter walls of new development should provide appropriate articulation (utilising setbacks,

75. Recent amendments to the Planning and Environment Act 1987 have established the delivery of affordable housing as a key purpose of planning policy and have defined affordable housing as housing available for very low-, low- and moderate-income earners.
76. **Clause 22.07 Development abutting laneways** seeks to ensure that laneways and their interfaces are considered as an important part of the public realm and the lanes an important shared movement network that should enjoy informal surveillance and activation from development.
77. **Clause 22.17 Environmentally sustainable development** builds upon Clause 21.07 by setting out an aspirational framework to encourage developments that incorporate best practice in environmentally sustainable development from design through to construction.

78. **Clause 22.10 Built form and design policy**
79. **Clause 22.16 Stormwater Management (Water Sensitive Urban Design)**
80. **Clause 22.17 Environmentally Sustainable Development**
81. **Clause 52.06 Car Parking**
82. **Clause 52.35 Bicycle Facilities**
83. **Clause 58 Apartment Developments** is applicable to the proposal. I note the relevance of the following clauses:

    a) 58.03-1 Energy efficiency objectives
    b) 58.03-2 Communal open space objective
    c) 58.04-3 Noise impacts objectives
    d) 58.03-5 Landscaping objectives
    e) 58.03-6 Access objective
    f) 58.03-7 Parking location objective
    g) 58.03-8 Integrated water and stormwater management objectives
    h) 58.04-1 Building setback objectives
    i) 58.04-2 Internal view's objective

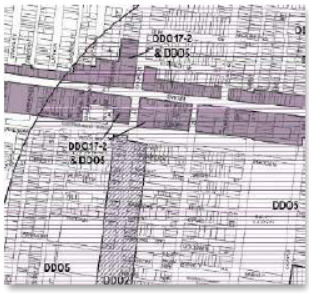
ZONING



84. The Site is subject to the Mixed-Use Zone (MUZ). The purpose of the MUZ is:

    > To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
    > 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.
    > To facilitate the use, development, and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

OVERLAYS
Design and Development Overlay



85. The Site is subject to Schedule 5 of the Design and Development Overlay (DD05). The purpose of the Design and Development Overlay is to identify areas which are affected by specific requirements relating to the design and built form of new development.
86. The design objectives of DD05 - City Link Exhaust Stack Environs include:

    > To ensure that the development of land around the City Link exhaust stack is not adversely affected by the operation of the stack
    > To ensure that development of land around the City Link exhaust stack does not adversely affect the operation of the stack
    > To ensure that the relevant authorities are informed of development within proximity of the City Link exhaust stack and to facilitate comment by those authorities on any specific requirements relating to the design and built form of new development in the area which might be desirable having regard to the proximity of the stack.

SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY - SWAN STREET ACTIVITY CENTRE



87. The DDO sets out General Design Objectives for the Swan Street Activity Centre which include the following:
    a) To recognise and respond to the distinct character and varying development opportunities defined by the four precincts along Swan Street.
    b) To support a new mid-rise scale-built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
    c) To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.
    d) To minimise the amenity impacts on residential properties adjoining the Swan Street Activity Centre including overlooking, overshadowing and visual bulk impacts.
    e) To ensure that vehicular access to development does not adversely impact the level of service, efficiency, and safety of the arterial and tram network.

Section 2.2 General Design Requirements

88. The following general design requirements apply to an application to construct a building or construct or carry out works and must be read in conjunction with the relevant precinct design requirements.

Building heights

89. *A permit cannot be granted to construct a building or construct or carry out works which exceeds the mandatory maximum building height shown in the Height and Interface Plans (Plan 1, 3, 5 and 7) of this Schedule*. The subject site is not subject to mandatory heights.
90. Relevantly in this instance, *a permit may be granted to construct a building or construct or carry out works which exceeds the preferred building height shown in the Height and Interface Plans (Plan 1, 3, 5 and 7) of this schedule where all the following requirements are met to the satisfaction of the responsible authority*:
    a) the built form outcome because of the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant precinct design requirements specified in this schedule.
    b) the proposed building height achieves the preferred future mid-rise character for Swan Street of generally 5 to 12 storeys; and the proposal will achieve each of the following:
        > greater building separation than the minimum requirement in this schedule
        > housing for diverse household types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations universal access, and communal and / or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58
        > excellence for environmentally sustainable design measured as a minimum BESS project score of 70%
        > No additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.

Street wall and setbacks

91. *A permit cannot be granted to construct a building or construct or carry out works which exceeds the mandatory maximum street wall height and/or reduces the mandatory minimum setback requirements specified in the Precinct Tables in this schedule.* This site is not in a mandatory street wall zone.
92. *A permit cannot be granted which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred mandatory minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:*

    a) The built form outcome because of the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule
    b) The built form outcome because of the proposed variation satisfies the relevant requirements specified in this schedule
    a) The following requirements also apply to the design of the street wall and upper levels:
        > Frontages at ground floor and within the street wall must be designed with floor-to-floor ceiling heights suitable to accommodate commercial activity.
        > Frontages at ground floor must incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.
        > Development must be designed to adopt the same street setback from all interfaces for a minimum of 65% of the height of upper levels to avoid repetitive stepped form.
        > Upper-level development must be designed to ensure buildings are expressed in the round and provide detail on facades when viewed from all directions.
        > Where development shares a common boundary and no interface treatment is shown in Plan 1, upper-level development must:
            – be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed
            – be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.

Heritage design requirements

93. The following design requirements apply on the subject land as it is affected by a heritage overlay.

Building facades and street frontages

94. Infill Buildings and Development Adjoining a Heritage Building

    b) Façade treatments and the articulation of infill buildings on land affected by a heritage overlay and of new buildings on land immediately adjoining a heritage building must:
        > ensure the façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s)
        > respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s)
        > avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts
        > Maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building.

Upper Levels (above street wall height)

2. Upper-level development on land within a heritage overlay and on land immediately adjoining a heritage building must:

    a) be visually recessive and not visually dominate the heritage building and the heritage streetscape

b) retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'
c) utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades
a) incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape
b) be articulated to reflect the fine-grained character of the streetscape.

Overshadowing

3. A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the overshadowing requirements specified in Clause 2.3 of this schedule unless the resultant overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Vehicle and pedestrian access

95. Development must provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule.
96. Vehicle ingress and egress into development, including loading facilities and building servicing, must be designed to ensure a high-quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.
97. Pedestrian access to buildings, including upper-level apartments, must be from a street or a shared zone shown on the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule.
98. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance must be setback from the rear laneway and well-lit to enable safe access.

Precinct Design Requirements Precinct 2

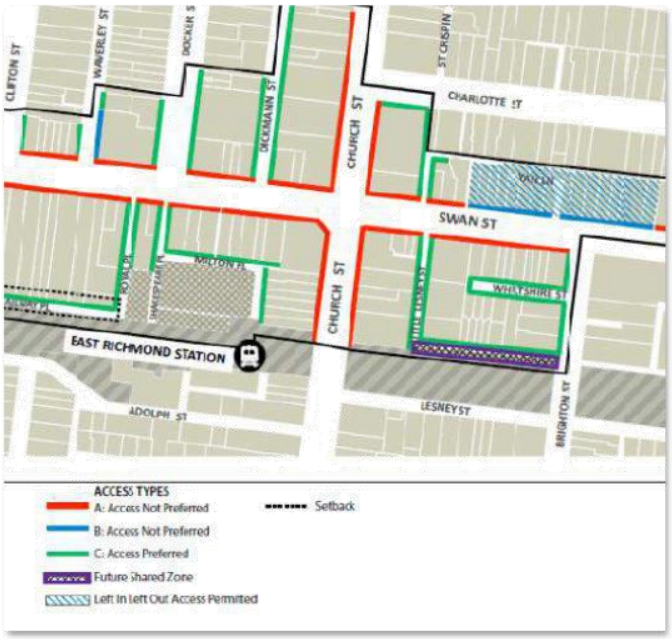
99. The site sits within the Swan Street retail Centre (Precinct 2) within DDO17.
100. The DDO outlines a series of Precinct Design Requirements for this precinct. These include relevantly the following:
101. The Precinct Design Requirements for Precinct 2 are as follows:

a) Development must respect the consistent scale, grain and architectural quality of the highly intact heritage streetscapes and the individually significant buildings in the precinct.
b) Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.
c) Taller built form adjoining the rail corridor must not compete with the architectural form and complexity of the Dimmeys Clock Tower.
d) Development must improve the pedestrian environment and amenity of streets and laneways that provide pedestrian connection to Swan Street, Church Street, East Richmond Train Station, and entrances to buildings.

102. The DDO prescribes as shown above Type F street wall approaches to the Wiltshire Street and Brighton Street interfaces and Type H to the Little Lesney street interface.

a) Type F prescribes a maximum street wall height of 11m with an upper-level setback of 5m for areas affected by HO335 (including the subject site).
b) Type H does not prescribe a maximum street wall height noting only setbacks from upper levels when prescribed on Plan 4.

c) Little Lesney Street is described as a future Shared Zone on the plan 4.



Decision Guidelines for DDO17

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

a) Whether the General Design Requirements and the Precinct Design Requirements in Clause 2.0 are met.
b) The design of the streetscape interface and its contribution to an active street environment.
c) Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
d) The shadowing impacts of the development on footpaths and public spaces.
e) The wind effects created by the development.
f) The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
g) The prominence of the heritage street wall in the vistas along Swan Street, Church Street, Burnley Street, and local streets.
h) Whether heritage buildings on street corners retain their prominence when viewed on both streets.
i) Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
j) Whether upper-level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
k) The impact of development on view lines to the Dimmeys Clock Tower.
l) The impact of development on the operation of the tram routes along Swan Street and Church Street.

104. A preferred maximum height of 21m is indicated for the site in contrast to the one storey higher 24m heights to the Church Street Railway Station gateway interface and either side of Little

Lesney Street west. Swan Street interfacing properties are earmarked with the same 21m high preferred maximum to the north and south.

105. The DDO outlines Precinct Design Requirements for Precinct 2 as follows:

a) Development must respect the consistent scale, grain and architectural quality of the highly intact heritage streetscapes and the individually significant buildings in the precinct.
b) Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.
c) Development on the south side of Swan Street must maintain Dimmeys Tower as the prominent landmark in the streetscape when viewed from the northern footpath of Swan Street east of the Rail Bridge and west of Church Street.
d) Taller built form adjoining the rail corridor must not compete with the architectural form and complexity of the Dimmeys Clock Tower.
e) Development must improve the pedestrian environment and amenity of streets and laneways that provide pedestrian connection to Swan Street, Church Street, East Richmond Train Station, and entrances to buildings.

Environmental Audit Overlay

106. The Site is subject to the Environmental Audit Overlay (EAO). The purpose of the EAO includes:

> To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.



107. The key provisions of the EAO relevant to the proposal include:

> Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either: "A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use."

Swan Street Structure Plan

108. The Swan Street Structure Plan (SSSP) was adopted by Council in January 2014 and covers the area in which the subject site is located.
109. The Study Area comprises 10 precincts - the Subject Site is located within the "Swan Street Retail" precinct.
110. The land use objectives for the precinct encourage housing to accommodate the growth within the precinct. Furthermore, the built form objectives and strategies seek development to provide active frontages to the street and to ensure that the prevailing fine-grain pattern is preserved where site consolidation or development of larger sites occurs.
111. The SSSP identifies redevelopment to a preferred maximum height of 5-6 storeys (19m) with no indication of preferred street wall heights. The Structure Plan does not nominate any mandatory street wall heights or building heights.
112. Whilst we understand that the SSSP has been adopted by Council, it did not proceed to a planning scheme amendment and, in a strategic planning sense this document has effectively been superseded by the subsequent Planning Scheme Amendment C191 that was the subject of a comprehensive Planning Panel process subsequently awaiting approval by the Planning Minister and the City of Yarra.

Attachment 2 - PLN22/0325 - Original Council referral comments

PROPOSED DEVELOPMENT

Basement

113. Basement Levels 2 to 4 of the building contain 30 car parking spaces each. These levels also contain lift access for both residential and commercial uses, storage facilities and building services.
114. Basement Level 1 contains 23 car parking spaces including one DDA space. Vehicle access to this basement level is via a ramp to Wiltshire Street at the north west corner of the proposal.
115. Basement Level 1 also contains lift access for both residential and commercial uses, storage facilities, residential and commercial refuse, a 20,000L water tank and services rooms.

Ground Floor

116. The ground floor comprises communal areas, two hospitality tenancies to Brighton Street (70sqm) and Wiltshire Street (202sqm), a residential entry and lobby to Brighton Street and a commercial entry and lobby to Wiltshire Street, bike storage and end of trip facilities, access to basement parking and building services rooms.
117. Hospitality tenancies are located along the Brighton Street and Wiltshire Street frontages, either side of the residential lobby.
118. The lobby provides access to residents' bike storage and lift core.
119. A secondary entry on Wiltshire Street has been provided for the commercial tenancies located on levels 1 and 2. The commercial lobby leads to the commercial lift core and cycling end of trip facilities, which include bike storage, lockers, showers and a DDA compliant bathroom.
120. All vehicle access is located to the north western corner of the Site.
121. Primary pedestrian access is provided at grade via the northern and eastern frontages of the Site. Additional resident pedestrian access is provided via steps and an accompanying bicycle ramp to the southern boundary for residents.
122. Landscaped garden beds are provided within the front street setback area.
123. The ground floor of the building is setback approximately 3m from both Brighton Street and Wiltshire Street with a cantilevered, vaulted arch.
124. The building's north-eastern edge has been rounded at ground level in accordance with wind modelling advice and creates a wider footpath to allow dining tables along Brighton Street.
125. All existing crossovers along Brighton and Wiltshire Street to the extent of the Site are proposed to be removed, except for a double width crossover at the northwest corner that is to provide vehicle access to basement car parking.

Levels I-2

126. These levels of the podium each feature commercial office space with 1,057sqm of floor area provided at both levels.
127. Glazing is provided to the north, east and south.
128. The podium levels contain a light court to the western boundary, with an integrated landscape setback to the east and north.
129. Each commercial floor plates includes access to the commercial lift and stair, bathrooms, a DDA compliant bathroom and a cleaner's room.

Level 3

130. Level 3 contains 10 residential apartments varying in ground floor size from 58sqm to 98sqm (not including private open space) with various typologies (one and two bedroom) and balconies.
131. This level includes landscaped open space around the boundary of the podium as well as areas open to the sky and bin chutes. Habitable room windows facing the light court or landscape areas include fluted glass for privacy.

Levels 4-5

132. Levels 4-5 are identical in layout; each contain 10 residential apartments varying in floor size from 58sqm to 98sqm (not including private open space) with various typologies (one and two bedroom) and balconies.
133. These levels include areas open to the sky and bin chutes. Habitable room windows facing the light court or recessed areas open to the sky include fluted glass for privacy.

Level 6

134. Level 6 contains 8 residential apartments varying in ground floor size from 89sqm to 112sqm (not including private open space) with various typologies (two and three bedroom) and balconies.
135. This level includes landscaped light well to the west of the level' s foyer (not accessible by residents) and bin chutes. Habitable room windows facing the light court or recessed areas open to the sky include fluted glass for privacy.

Levels 7-8

136. Levels 7-8 are identical in layout; each contains 8 residential apartments varying in ground floor size from 89sqm to 112sqm (not including private open space) with various typologies (two and three bedroom) and balconies.
137. These levels include landscaped light well to the west of the level's foyer (not accessible by residents) and bin chutes. Habitable room windows facing the light court or recessed areas open to the sky include fluted glass for privacy.

Level 9

138. Level 9 contains 6 residential apartments varying in ground floor size from 88sqm to 125sqm (not including private open space) with various typologies (two and three bedroom) and balconies.
139. The level features a communal lounge space of 52sqm in the north-eastern corner of the level which opens to a 59sqm landscaped communal terrace.

Level 10

140. Level 10 contains 6 residential apartments varying in ground floor size from 89sqm to 152sqm (not including private open space) with various typologies (two and three bedroom) and balconies.
141. This level also includes landscaped light well to the east and west of the level' s foyer (not accessible by residents) and bin chutes.

Levels 11 & 12

142. Levels 11 and 12 contain 2 three-bedroom residential apartments of ground floor size 175sqm and 193sqm (not including private open space) with balconies.
143. Level 11 also includes the private open space of a level 10 dwelling, accessed by internal stairs. The level foyer provides access to bin chutes.

Roof Deck

144. The roof deck contains the building's plants which are screened and 61 solar panels.

General

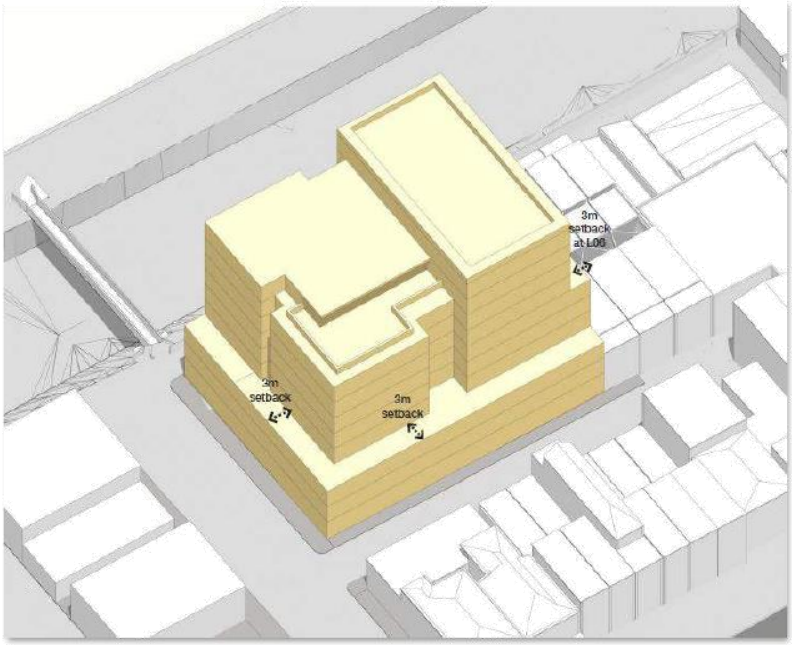
145. A series of key themes a set to underline the development as follows:

    a) Carbon neutral
    b) Architecture grounded in place
    c) Sculpted and considered forms
    d) Honest use of materiality
    e) Activated public interfaces

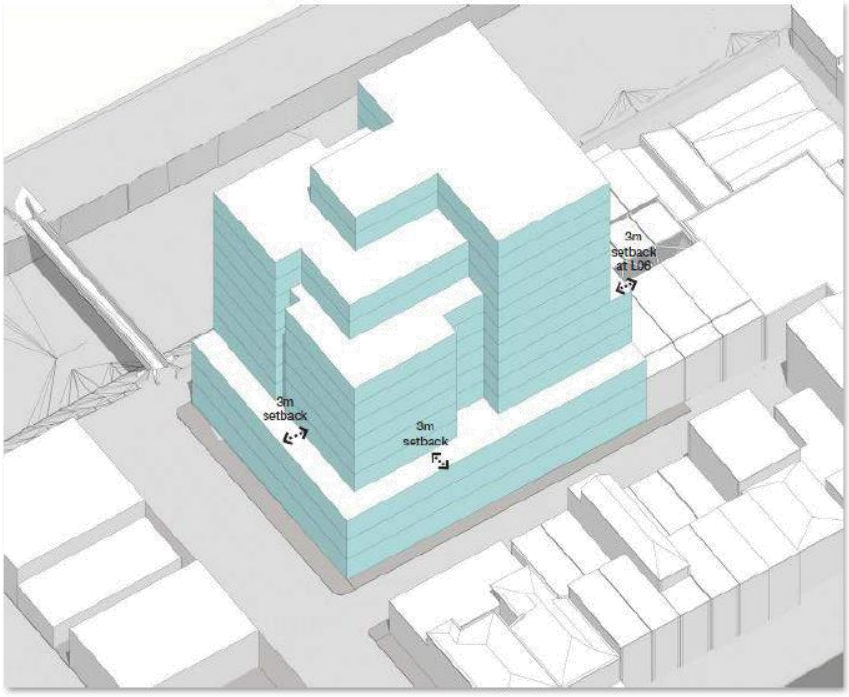
f) Urban repair
g) Biophilic design
h) Extensive landscaping

SUMMARY OF FINDINGS

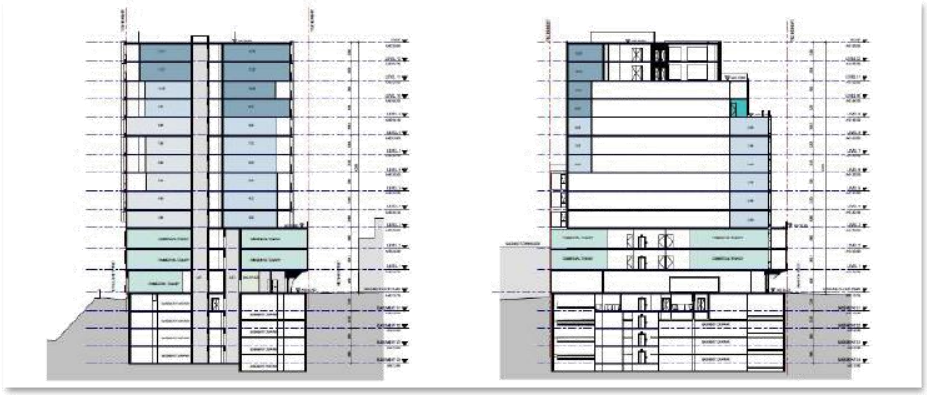
146. Section 3.4 and 3.5 of the Planning Report of this submission compares the existing permitted development with the proposed scheme.
147. The existing approval is for a 10-level residential development as illustrated in building envelope form in the new submission below.



148. The proposed submission is for a mixed use 13 level development with food and beverage facilities. As a result of its higher floor to floor levels for the commercial levels the podium scale is increased. Notwithstanding, the new proposal continues then to have a 3-storey scale prior to set back to adjoining western residential terraces and then incorporates in lieu of four additional stories to this western interface seven levels in the new application. This western form steps down by two levels in the south-eastern quadrant of the site, an outcome that is two levels of residential tower higher than the earlier application, with additional podium height but with no additional setbacks to either the eastern or southern interfaces. A 2-storey step downwards in the northeastern gateway corner for the tower form again positions this element an additional story higher than the earlier application in addition to the greater podium height but again with setbacks emulating the earlier lower scheme.



149. Elevations describe a podium level that at its lowest north-western end is 12.4m in height, with the adjoining upper-level tower rising to 22.1m before stepping back 3m and rising to 45.51m at this western interface. As a result of the north to south fall across the site this scale rises to 46.825m at the southern lane interface with its adjoining western neighbours.
150. The sections below describe the interfaces with abutting streets and neighbours.



Wind tunnel assessments

151. A wind tunnel assessment report of the proposed scheme was prepared by Mel Consultants and included in the proposal together with a memorandum reviewing changes to the plan recommended in the earlier report.
152. This memorandum is disappointing in its conclusions given the stated design vision for the project and given the policy settings and weight given to the ascribed value of amenity in

surrounding streets and spaces, and the importance of high-quality amenity in shared community spaces within development.

153. It is evident from this report that several of the assumptions adopted by the designers, notably that the building height could be increased with no additional setbacks to form, that the building could continue to adopt contiguous floor to floor design principles and orthogonal treatments for its towers, that the outcome is a poor one as a result with the streetscape of Wiltshire Street where the amenity at ground level measured in existing arrangements primarily met suitable conditions for sitting for extended periods (an ideal outcome in a north facing street with lower rise fine grain northern neighbours) has been reduced to an amenity where primarily only walking standards are achieved and where now no longer are there areas for sitting comfortably for extended periods.
154. Elsewhere similar diminishing of amenity has occurred:

    a) The important gateway corner of Wiltshire and Brighton Streets has been effectively sterilised for occupation. The gateways north and south to the pedestrian bridge over rail have been diminished in amenity from places where neighbours could comfortably stop and talk for some time two areas that will only be comfortable for walking, with this lowering of amenity an unfortunate characteristic for much of the surrounding street network.
    b) For abutting residential neighbours to the west, front door areas to the north that previously for the balance of the street west of the site achieved wind speed outcomes that supported sitting, standards have been reduced in each instance and in some cases to where only walking and standing amenity are thereafter achieved.
    c) Similarly, in little Lesney Street to the south, amenity at the eastern gateway and interface with lower rise neighbours is diminished.
    d) Disappointingly too, this wind analysis has made no assessment of impacts on the private open spaces of these adjoining dwellings to the west that exists in terraces to the north and south and midblock courtyards.

Ground floor street activation and common area spaces at upper levels

155. The proposal incorporates extensive food and beverage premises to the northern Wiltshire Street and eastern and southern Brighton and little Lesney Street interfaces. The proposal also incorporates entry lobbies for the commercial offices to the northern frontage along with end of travel commercial bike facilities, and primary entrance for the residential upper levels from its Brighton Street interface. Access to the residential bike store is via a staircase off little Lesney Street which will be discussed later in my report.
156. Within the podium levels, accommodation for residential units incorporates expansive private open space terraces to the north interface at Level 3.
157. At Level 9 an expansive communal terrace is provided in the northeast to all residents, several who otherwise only have access to south facing apartments.
158. At Level 11, extensive private open space terraces are provided for two penthouse apartments at this level with a further Level 10 apartment having access to north-eastern private open space via an internal staircase.
159. Despite this extensive investment in delivering generously scaled shared and private open spaces within the development, it is the conclusion of the consultant report that firstly the use of such spaces is discretionary, and secondly that an amenity standard that ascribes only safe use for walking, is an appropriate outcome.
160. The Urban Design Guidelines for Victoria when discussing communal open space and private open space are quite clear in saying that these spaces should be designed to facilitate use throughout the year at all times of the day and in conditions that may include times that are windy and/or raining. It is clear from the report that the standard adopted has fallen well short of both this expectation and indeed the outcome that would no doubt be sought by occupiers of the development.

161. The outcome for the amenity of both Brighton and Wiltshire Streets is similarly at odds with the vision for the site, the abutting land uses and their needs, and the provisions of both local and state policy that new development should not diminish the shared amenity of surrounding streets and spaces. Clearly in both instances there is a need to deliver external spaces complementary to the adjoining internal hospitality areas that is suitable for sitting for extended periods as has been achieved in many similar instances throughout the municipality. The outcomes are inconsistent with the General Design Objectives outlined in Schedule 17 to Clause 43.02 Design and Development Overlay, that seeks to maintain an active high quality and pedestrian friendly environment and to minimise amenity impacts on residential properties adjoining the Swan Street Activity Centre including overlooking overshadowing and visual bulk impacts.
162. It is also reasonable to expect that the development will not lead to a diminishing of the amenity of the private and straight interfacing footpath areas of adjoining western and eastern neighbours, and those pedestrians moving from the southern neighbourhoods of Richmond across the pedestrian bridge into Brighton Street and the Swan Street village.

Recommendation 1

That the plans be revised to achieve the following public realm and shared community space private realm outcomes:

a) That northern Wiltshire Street and eastern Brighton Street south and western footpaths achieve wind amenity outcomes suitable for sitting for long periods.
b) That shared community amenity terraces within the development provide for a minimum of 50% of the external area to be suitable for sitting for extended periods throughout the year.
c) That the development not detrimentally impact the private space amenity of adjoining terraces and courtyards through increases in wind speed within 5-7a Wiltshire Street and 3a-3Dd Little Lesney Street.
d) That the development does not increase wind speeds at the interface of front entrances of adjoining dwellings to the west, with footpaths to the north or south entrances of the abutting pedestrian bridge across the railway line linking Brighton Street to the north and to residential neighbourhoods to the south.

Building scale, footprint, and expression

163. The previously approved plans for the site had:

> a podium scale of RL 26.68,
> a setback upper-level north-eastern gateway tower form of RL 41.18,
> a western neighbour interface scale of RL 31.88,
> and then upper most tower scale of RL 48.48.

164. The scheme before us in contrast proposes the following:

> a podium scale of RL 27.95, an increase of 1.27m,
> a setback upper-level north-eastern gateway tower form of RL 54 inclusive of perimeter screening to the communal terrace post up; an increase of nearly 13m, 4 residential levels over the scale of the earlier proposal but with the same setbacks from the two street interfaces,
> the inclusion of an intermediate increased south-eastern scale form extending the footprint of the western tower at RL 58.95, an increase of approximately 10.5m or three residential storeys over and above the earlier scheme but with the same western footprint relative to neighbouring residential and street setbacks that expanded in its footprint eastwards.

Attachment 2 - PLN22/0325 - Original Council referral comments

How does the proposed development align with the building heights an amenity guidance provided in Schedule 17 to Cl. 43.02 Design and Development Overlay?

165. As noted earlier, the provisions of this Overlay Schedule consider in combination of mandatory and preferred provisions, amenity outcomes that are sought, and character and design quality.
166. As noted earlier in my report, a permit cannot be granted to construct the building or construct or carry out works which exceed mandatory maximum building heights where applicable, but a permit may be granted to construct the building or construct or carry out works which exceed the preferred building heights shown in the height and interface plans, where all the following requirements are met to the satisfaction of the responsible authority:

    a) The built form outcome as the result of the proposed variation satisfies the general design objectives in Clause 1, that is:
        > To support a new midrise scale-built form of 5 to 12 storeys with lower built form at the interfaces with streets and the adjoining low rise residential areas that:
            - Maintains an active, high quality and pedestrian friendly environment.
            - Provides a high-quality interface to all streets and public spaces and to lane way and pedestrian connections to Swan Street and each of the railway stations.
            - Provides for variation in the skyline.
        > To ensure new development respects the unique architectural form and the qualities of heritage buildings, precincts, and the heritage streetscapes.
        > To minimise the amenity impacts on residential properties adjoining the swan street activity centre including overlooking, overshadowing, and visual bulk impacts.
    b) The proposed building height achieves the preferred future mid-rise character for Swan Street of generally 5 -12 storeys.
    c) the proposal will achieve each of the following:
        > greater building separation then the minimum requirement in this schedule
        > housing for diverse and household types including people with disability older persons and families, through the inclusion of varying dwelling sizes and configurations
        > universal access, and communal and /or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58
        > excellence for environmentally sustainable design measured as a minimum BESS project score of 70%
        > no additional amenity impacts to residentially zone properties, beyond that which would be generated by a proposal that complies with the preferred building height.

Commentary

167. in this instance, the heightened wind speeds at St level combined with overshadowing and the sterilisation of the main corner with buffering planting and structure separating internal hospitality activity and external St arrangements, cumulatively contribute to l less friendly pedestrian environment of lower quality then what is sought by policy.
168. The overshadowing of the linking pedestrian bridge between neighbourhoods South of the rail and those to the north similarly represents a diminishing of the quality of the interface to this interface. The increase in bulk and scale to Little Lesney St into Wiltshire St is similarly a backward step in my view that he's inconsistent with the policy outcomes sort.
169. Finally, the removal of the substantial rebates between form above the podium to both the North and South has again substantively diminished the level of variation in the skyline particularly when seen from areas South of the railway line.
170. the proposal has substantially increased the scale of buildings without increasing setbacks two it's western low rise neighbours Ann has diminished setbacks to the neighbouring shared midblock courtyard zone.
171. For these reasons it is my view that the proposal in its revised form has failed to mate the general design objectives in clause one of schedule 17.

Attachment 2 - PLN22/0325 - Original Council referral comments

172. Table 2 indicates that the preferred street wall height to Brighton and Wiltshire Streets is 11m or 3 storeys. The preferred requirements for upper-level setback 5m to land affected by the Heritage Overlay and individually significant buildings and 3m elsewhere. The preferred maximum height for the eastern end of Wiltshire Street is 21m, with the western end closer to Church Street one level higher at 24m.

Commentary

173. The proposal represents I substantial exceedance I've run above the preferred heights for the subject area as described in the overlay. In addition, the overlay is seeking and urban character outcome where the western end of the street is taller than the eastern end of the street. in contrast the proposal has in its amplification of scale and its extrusions to the Southeast, delivered an outcome that in my view has fallen short of what is sought.
174. Clause 2.3.2 Precinct 2 – Swan Street Activity Centre, notes design requirements as follows:

    a) Development along the rail corridor should avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.
    b) Development should improve the pedestrian environment and amenity of streets and laneways that provide pedestrian connections to Swan Street, Church Street, Richmond train station, and entrances to buildings.

Commentary

175. The previous application incorporated clear legibility of two distinct and separated tower forms stepping down from West to east. The revised proposal provides a continuous facade treatment with the largely ineffective made block balcony zone that expresses the southern facade as a continuous wool country to the outcome sort by policy for the interface to the rail corridor.
176. As previously noted, wind speeds and overshadowing impacts have increased in the new scheme, and despite significant areas of the ground floor being dedicated to hospitality uses, no area of the straight interface to these uses has been identified as suitable in its wind amenity outcome for sitting.
177. Additionally overshadowing is being increased to the pedestrian bridge linking residential and mixed-use areas to the South to the public transport services available to the north and West of the subject Site.
178. I have therefore concluded that the outcome as revised has fallen short of the design requirements sort under this clause.
179. Within the same clause, guidance is provided for building separation. It notes that where development shares a common boundary, and no interface treatment is shown in plan 3, upper-level development should:

    a) Be set back a minimum of 4.5m from the common boundary where a habit habitable room or balcony is proposed.
    b) Be set back a minimum of three ms from the common boundary where a commercial or non-habitable window is proposed.
    c) Upper levels of development should be designed to ensure buildings are expressed in the round and to provide detail on facades when viewed from all directions.

Commentary

180. It is apparent from the review of the plans that both the podium and upper levels are higher and have a greater footprint and hence bulk than the earlier scheme. The amplification of scale when viewed from the adjoining properties to the West and the north is a poor outcome in my view with the positioning of building form in apartment with the adjoining shared midblock courtyard zone to the West a response that has greater impact on neighbouring development through it siting that is further amplified by its increased height.
181. The site shares a frontage with Wiltshire Street, wherein all properties to the north of the street are subject to Heritage Overlay HO335. To the south of the pedestrian bridge the hinterland

residential neighbourhood immediately to the south of the rail corridor is similarly subject to Heritage Overlay HO308.

182. The shadow diagrams accompanying the application indicate the following:

a) Substantial overshadowing will occur within Lesney Street south of the rail corridor, a small amount of additional overshadowing will occur within Lesney Street and on the southern footpath at 9:00am at the September equinox.
b) This modest impact on Lesney Street continues at 10:00am and in addition the northern courtyard elevation of 3B Little Lesney Street, southwestern balcony, and roof of 3A Little Lesney Street and the southern end of the eastern facade of upper-level apartments in the approved development at the western end of Little Lesney Street.
c) At 11.00am additional overshadowing occurs to the north and north facing habitable room of 5 Wiltshire Street, 3c Little Lesney Street and the balconies of this same unit.
d) At 1:00pm an additional 25% of the pedestrian bridge is put into shadow extending the impact in the middle of the day to nearly 75% of the journey for pedestrians.
e) At 2:00pm the entire bridge for its full length is in shadow along with approximately 50% of the Brighton Street eastern footpath and half of the west facing street facade opposite to properties on this side of the street.
f) By 3:00pm the entire western aspect and part of any future potential northern aspect of 13 to 15 Brighton Street would be significantly impacted by overshadowing along with approximately half of the western aspect of 11 Brighton Street.

Recommendation 2

a) Amend plans to ensure that no additional overshadowing of habitable rooms two existing and proposed residential development west of the subject site arises from the proposal between the hours of 10:00am and 2:00pm at the September equinox.
b) Amend plans to ensure that no additional overshadowing occurs to the pedestrian bridge between the hours of 10:00am and 2:00pm at the September equinox.
c) Amend the plans to ensure that no additional overshadowing occurs to beyond the western boundary interface of properties at 11 to 15 Brighton Street between the hours of 10:00am and 2:00pm at the September equinox.
d) I would Anticipate that the development will need to be reduced in scale by two to three levels in conjunction with increased setbacks to deliver an outcome that does not diminish the wind comfort two private open balcony areas of these adjoining developments and their Courtyards.

Other planning design and urban design matters within the development that should be addressed

183. In the approved plans all car spaces other than a small number of spaces at Basement Level 1 have either direct access to the lift core or access via accessible 1:8 ramps shared with pedestrians. In the revised proposal most of the car spaces within the development (62 of 113 spaces in total) exclusively rely on staircases to access the lift core with the interconnecting vehicle ramps between floors at 1:5 gradients precluding pedestrian use. These arrangements obviously do not accord with principles of universal access.

Recommendation 3

Reconfigure basement areas to provide universal access to vertical lift transportation to the satisfaction of the responsible authority.

Green travel

184. Whilst the inclusion of commercial employee bicycle storage and end of travel facilities at ground level is welcome as is the inclusion of residential bike storage at ground level, the arrangements for access to the residential bike store are poor, with access dependent on either

a very modestly conceived staircase and landing and exit swinging door to negotiate or a similarly convoluted access arrangement via the residential lobby and back of house corridors.

185. Logically, more direct, safe, and generously scaled arrangements are required for the residential bike storage access.
186. With removal of three basement level car spaces below the bike storage area, cyclists would be able to access directly from ground level B residential bike storage in the same way office workers have been offered this amenity to the northern interface.

Recommendation 4

Reconfigure the proposed access for cyclists to the residential bike store from little Lesney Street with the removal of corresponding Basement 1 car spaces under to enable at grade access to the bike storage area direct from little Lesney Street and to the satisfaction of the responsible authority.

Placemaking



187. The landscape plans submitted with the development and the scope of works envisaged will require substantial remaking of not only the ground plane within the Title for the property but also in the adjoining areas. Logically, seamless placemaking approaches should be undertaken for pavement and landscaping treatments at street level. Overhead wires and power poles to Brighton Street, given their proximity to the upper-level podium and terrace areas, should be removed with all power undergrounded to this interface.
188. At the southern end of Brighton Street at its interface with the pedestrian rail bridge, pavement treatments should be incorporated to improve the continuity of the bridge directly into the proposed western Brighton Street footpath.
189. Within Little Lesney Street where access to an egress from bicycle storage is envisaged, markings should be agreed with Council to warn drivers of the potential for egressing cyclists from what is currently a difficult to observe access arrangement within the important corner of the site with the pedestrian bridge. We have a current arrangement of substantial masonry to the Brighton Street frontage and added booster cupboard to the Little Lesney Street return. Logically this booster cupboard should be moved further westwards to provide for greater activation and engagement of the food and beverage premises with the adjoining pedestrian bridge.
190. The proposed main corner sterilised landscape zone required because of the Wind Consultant's review is a poor outcome as is the proposed design relationship between the food and beverage premises, with its curved facade and the remnant retention of this masonry corner pre-empted the review by Wind Consultants. Logically this corner should be the most social

corner in the entire development with its eastern and northern aspect and requires a substantial review of approach.

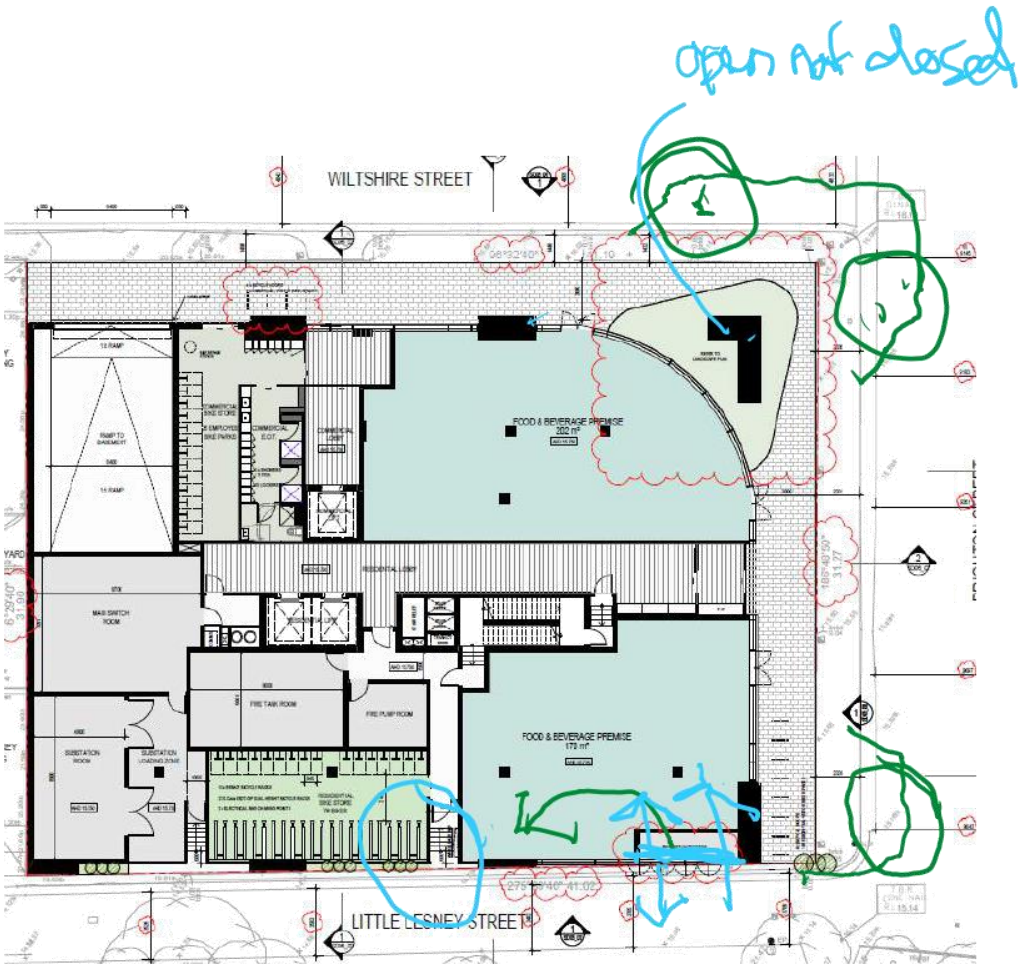
191. Opportunities exist to create an outstand from the southern footpath at the corner of Wiltshire and Brighton Streets in the area between the street sign and the western kerb of Brighton Street as shown in the above image, both further promoting the linkages between Swan Street and the pedestrian bridge and amplifying the capacity of the corner as a local meeting place. Logically the scope of landscape works should extend in all instances to the kerb and in the case of Little Lesney Street to the centre of the laneway to rectify impacts arising from construction.
192. Opportunities also exist at the southern end of Brighton Street midblock and at its northern end to incorporate street trees into this western side of the street to enhance why finding and amenity.

Recommendation 5

Provide an updated landscape plan for the project that incorporates the following scope:

a) Removal of above ground power lines and poles to the Brighton Street frontage and undergrounding of all power to this interface.
b) Incorporation of outstands to the corner of Wiltshire and Brighton Streets and at the midblock and southern end of the Brighton Street interface for the inclusion of Street trees and enhanced pedestrian space.
c) Relocate the position of the booster cupboards away from the corner interface with the pedestrian bridge to enhance activation and engagement between the food and beverage premises and this important link.
d) Reconfigure the proposed access, visibility, and scale of the proposed residential bike store entry off Little Lesney Street with appropriate warnings for cyclists and motorists.
e) Redesign the proposed north-eastern food and beverage premises and its engagement with corner podium structures and abutting east and north pavements two create an active and highly used social interface at this corner, all to the satisfaction of the responsible authority.

Attachment 2 - PLN22/0325 - Original Council referral comments



Internal amenity and setbacks

193. I note the applicant has revised arrangements to the western interface to introduce a series of uses that rely on a westerly aspect for their amenity at both podium and upper tower levels.

a) At Levels 1 and 2, large new office footprints have been introduced with the western light court and western windows orientated towards the neighbouring residential light court zone for adjoining western properties.
b) At Levels 3-5 new bedrooms have been introduced for south facing units that are reliant on a westerly aspect towards neighbouring courtyard and windows within 9m of these rooms.
c) At Level 6 built form has extended to the south overlapping the east-west arrangement of the adjoining courtyards and introduced new west facing bedroom windows to this interface. In contrast the earlier proposal aligned the southern wall of the habitable rooms of upper levels with the southern facade of adjoining Wiltshire Street townhouses. The revised proposal extends this conflict through all levels up to and including Level 12 of the proposed development.
d) At Levels 3-5 the south facing balconies indented into the building have been reconfigured with a deeper north-south dimension and shallower east-west frontage to the street. The previous visual break between the western taller tower and lower eastern tower, that extended from the ground level podium in Little Lesney Street to the development's full height has been removed and in its place is a continuous built form extending to the top of level 10. Whilst the modest increase in scale of terraces is welcome the arrangement has

resulted in diminished amenity for the living areas of these units through a reduction in daylighting and more significantly transformed the bulk, scale and expression of the buildings when seen from the neighbourhood south of the rail from one of a campus of buildings to a single and enlarged form. The outcome of this for the pedestrian experience of Little Lesney Street is also diminished as a result.

e) The earlier approved scheme had positioned a window at the western end of the common area commensurate in scale with the width of the balance of the corridor. The revised proposal has substantially diminished the access to light arising for the common area by both narrowing and indenting the western window and offsetting it from the primary east-west common area, reducing the amount of natural daylight into these spaces as a result.

f) The earlier scheme provided a separation of 5.6m between the east and west tower forms at upper levels in Wiltshire Street with each combined with a complimentary backgrounding balcony that extended this rebate between forms to 8m in depth from the northern boundary creating a clear delineation between forms and enhanced daylighting into the development. The revised proposal offers only a 3m wide separation for a depth of approximately 2m complemented by a background planter of some 900mm in depth providing a total setback of approximately 5.59m. An outcome that is clearly less convincing in breaking down the mass and bulk of the building with the outcome that the building raises in a single form rather than as a series of forms.

Recommendation 6

Reconfigure the design response to provide for the separation of tower forms as upper levels consistent with the finer grain campus typologies sort in local policy and in the design and development overlay to achieve the following:

g) Clear visual breaks in the above podium forms when seen from the residential neighbourhoods in Lesney Street South of the rail corridor, to avoid bulky and inappropriately scaled form as currently depicted, but not characteristic of earlier approvals to the satisfaction of the responsible authority.

h) Create a visual break in the Wiltshire Street tower forms between the taller western tower and eastern tower for of a minimum 5m in width and model setbacks to ensure high quality street level amenity and podium level amenity are achieved for public and communal areas to the satisfaction of the responsible authority.

194. As one would hope for from architects familiar with working within the municipality, the proposal exhibits competence in the layout of the building, the workplace tenancies, and residential units.
195. The proposal incorporates meritorious ambitions in relation to the specification of the building both in terms of its materiality and environmental performance.
196. The proposed utilisation of the existing crossover point in Wiltshire Street as the primary location for vehicle access is seen as logical and indeed supported as is the inclusion of basement parking within the development.
197. The inclusion of a more significant proportion of the podium levels for both hospitality and workplace he is also supported.
198. The design language and precedents referenced in the conceptualisation of the development are sound as a starting point for development of an architectural concept for the proposal.
199. However, the expansion of both the programme the building footprint, scale, and bulk is in my view a poor response to the strategic and physical context for the site. Whilst the scheme has some attractive elements it has failed to deliver on its own vision for the project let alone those outlined in policy. Whilst aspiring to carbon neutrality and biophilic design, in its diminishing of the walking environments around the site and the amenity environments for sitting both within and around the site, it has failed to provide the environment to live up to these claims.
200. In shifting the underlying concept away from a campus of buildings above podium to a single larger eroded form and indeed barely eroded form when seen from the building south and

northwest and in introducing a scale of development neither characteristic of the context north scaling down from its western precinct neighbours as sought in policy it is difficult to find in the final development evidence that beyond the superficial level the architecture is grounded in place as claimed.

201. Similarly in its claim to produce sculpted and considered forms, the evaluation of the efficacy of the approach demonstrates that whilst sculpted they are not considered in their resolution of a development and place fit for purpose and not borrowing from the amenity of others for its scale. Contrary to the objectives of the Urban Design Guidelines of Victoria, the DDO for the precinct and the urban design policies in both state and local provisions of the planning scheme, the proposal in its current form diminishes the amenity of the surrounding streets and spaces, fails to deliver ground level spaces and places with the amenity necessary to support the hospitality use is therein and similarly fails to deliver the fitness for purpose amenity of the common area spaces at upper levels that should be available only spasmodically, but as sought in the Urban Design Guidelines for Victoria be spaces that provide amenity for residents year round. It is evident that whilst claiming activation of public interfaces, in its current form the proposal lacks the supporting evidence that the outcomes provided are indeed fit for purpose and, in the case of the primary north-eastern corner, have been sterilised for activation by the design response.
202. Similarly, it could not be said that the proposed amendments to the interfaces with either the east or western neighbours has resulted in an enhanced outcome for those properties. Whilst we have not been provided with wind reports that measure impacts on the private open space and courtyards of the townhouses to the west of the property it is clear that in the repositioning of building bulk at the interfaces and termination of the adjoining western courtyards rather than in alignment, there will clearly be perceived greater bulk experience for those neighbours that will be further amplified by the increases in height of the building at both podium and above podium level. There are further modest overshadowing impacts arising from the revised plans.
203. For neighbouring commercial properties east of Brighton Street and yet to be developed, their afternoon amenity and access to sunlight both at their boundary interface and eastern footpath has been diminished.

CONCLUSION

204. For the above reasons as outlined in my assessment of the proposal against both policy and a amenity and build form impacts through bulk, overshadowing, increased St level wind speeds that do not support street activation and the ongoing enjoyment of the adjoining homes and commercial areas by pedestrians, commercial tenants and residents, t is my view that the application should be refused in its current form.
205. The proposal is at best a work in progress and has it would seem, sought to build on the scope of the earlier permit without delivering a similarly upgraded ambition for effective high quality placemaking with high amenity. The matters that I have raised in recommendations 1-6 Must be addressed to deliver an acceptable outcome.
206. The skyline built form expression particularly when seen from the south and the northwest has responded in my view poorly to the policy ambitions that seek to respond to the valued finer grain footprint of the interfacing heritage neighbourhoods to the north and south An explicitly seek to avoid continue continuous Balkan form to the edges suggesting campus approach rather than a single form approach above podium is one better aligned two policy goals and the physical setting to which policy seeks a response.
207. In its increases in scale without increases in setback or articulation to break down form, the proposal has amplified bulk and diminished amenity at its western interface and to the neighbouring commercial properties to the east and public realm, notably the pedestrian bridge to the southeast.
208. There is no doubt that the architects have the capacity to address these issues but inevitably will require substantial erosion of the proposal in its footprint and height and enhanced articulation

and interface resolution to deliver acceptable responses two both known conditions and policy goals a supportable solution

DOCUMENTS FORMING THE BASIS OF THIS REPORT

- Plans, SJB, August 2021
- Town Planning Report, Tract, August 2021
- Landscape plans, Acre, July 2021
- Acoustic Report, Stantec, May 2021
- Green Travel Plan, Ratio, August 2021
- Sustainable Management Plan, GIW Environmental Solutions, July 2021
- Traffic Impact Assessment, Ratio, August 2021
- Waste Management Plan, Ratio, May 2021
- Wind Assessment, MEL Consultants, June 2021



Prepared by Robert McGauran

Attachment 2 - PLN22/0325 - Original Council referral comments

Memo

To:	**Daniel Herrmann**
Cc:	**Julia Mardjuki; Glen Williames**
From:	**Kevin Ayrey**
Date:	**14 September 2021**
Subject:	**PLN22/0325 – 2-8 Brighton Street, Richmond - open space feedback**

Dear Daniel,

I have reviewed the Landscape Plans for the development at 2-8 Brighton St, 1-3 Wiltshire St, and 5 Little Lesney St, Richmond, as provided by Acre dated 28 July 2021.

Planting is shown on the ground level, and levels 1, 3-12. The landscape plans are generally consistent with the architectural plans, though show slightly more planting.

The standard requirement is for Landscape plans which show the following information -

(a) show the type, location, quantity, height at maturity and botanical names of all proposed plants in a plant schedule and planting plans;

- this has been included in the landscape package. In relation to the plant species –

Both *Achillea millefolium* 'Terracotta' (Terra Cotta Yarrow), *Vinca minor .L* (Lesser Periwinkle) are listed as 'environmental weeds' in the Advisory list of environmental weeds in Victoria. Substitutes should be made for these plants and consideration given to fostering biodiversity in their replacement.

At ground level planting the tree notation to the north side of the development should be T.Il (*Tristaniopsis laurina*) rather than 'C.a'.

The location of the raised planters for trees at ground level is shown on the boundary line of the property, spilling out onto the public footpath. Urban design will comment on this proposal.

(b) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);

- this has also been included both as a detail and in the general notes. The depth for planting is shown as 1000mm (except for the ground level garden bed at 520mm high) adequate for the plants specified.

(c) provide information on the proposed method for irrigation and drainage;

- notes on irrigation have been included.

(d) provide a plant and landscape maintenance schedule – including tasks and frequency to maintain the landscape following the maintenance period. If there are specific maintenance access issues the methodology for these should be included.

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

Attachment 2 - PLN22/0325 - Original Council referral comments

Please feel free to contact me if you would like me to clarify my comments (ph. 9205 5770).

Sincerely,

Kevin Ayrey
Landscape Architect
Open Space Planning & Design

Attachment 2 - PLN22/0325 - Original Council referral comments

City Works Branch (Waste Services) - Referral Comments on originally advertised plans

The waste management plan for 2- 8 Brighton Street and 1 - 3 Wiltshire Street and 5 Little Lesney Street, Richmond authored by Ratio Consulting and dated 13/5/21 is not satisfactory from a City Works Branch's perspective. Issues to be rectified include, but may not be limited to the following:

1. The size of the bin storage rooms must be provided in M^2, this is so we can assess if enough space is allocated to form an effective waste system.

Attachment 2 - PLN22/0325 - Original Council referral comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City 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-r*esidential 1. 1,000m² or greater*.

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

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

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

Assessment Process:

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

Attachment 2 - PLN22/0325 - Original Council referral comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



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Attachment 2 - PLN22/0325 - Original Council referral comments

Sustainable Management Plan (SMP)
Referral Response by Yarra City Council



Assessment Summary:

Responsible Planner:	Dan Herrmann
ESD Advisor:	Euan Williamson
Date:	07.10.2021
Subject Site:	PLN21/0325 1 Little Lesney Street, Richmond VIC 3121
Site Area:	Approx. 908 m²
Project Description:	Demolition of existing buildings, the construction of a 13-storey building for apartments and offices, ground floor retail
Pre-application meeting(s):	Unknown.
Documents Reviewed:	• Sustainable Management Plan (Rev G – 30.07.2021), by GIW Environmental Solutions • Architectural Plans (10.08.21), by SJB

The standard of the ESD nearly meets Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

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

(1) Applicant ESD Commitments:

- The project achieves a total BESS score of 71% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%.
- Carbon neutral building, fossil fuel free with a minimum 10-year power purchase agreement for 100% GreenPower.
- Good levels of daylight to most habitable rooms and commercial areas.
- Operable windows are indicated on the plans and elevations for each apartment. Mostly good natural ventilation standards to dwellings. Non-residential area mechanically ventilated 50% above AS1668 flow rates.
- Average 7.8 Star NatHERS thermal efficiency ratings for dwellings.
- Reasonable shading provided by balcony overhangs, wing walls and columns. All dwellings cooling load beneath the 30MJ/m² for Melbourne's climate.
- A 20kW Solar PV system is to be located on the roof of the proposed development.
- A STORM report with a 117% STORM score has been submitted that demonstrates best practice and relies on ~788 m² of roof connected to 20,000 litres of rainwater storage connected to toilet flushing for ground floor and level 1 and 2 toilets.
- The development is to utilise a centralised heat pump for hot water.
- Energy efficient split heating and cooling systems.
- No gas connected to the building.
- Individual cold and hot water, electricity meters will be provided to apartments and commercial tenancies.
- Water efficient fittings and fixtures are applied throughout.
- In total 102 bicycle spaces are to be provided for occupants. This includes 76 for residents and 26 of non-residential areas. Showers, lockers, bike repair station and change area provided for staff of non-residential areas.
- 2 charging points for electric bicycles are integrated in the proposed development. 4 car spaces only are EV ready.
- A target recycling rate of 80% of construction and demolition waste to minimise the volume of waste to landfill.

Attachment 2 - PLN22/0325 - Original Council referral comments

Sustainable Management Plan (SMP)
Referral Response by Yarra City Council



- An operational Waste Management Plan has been provided with separate residential and commercial areas with waste streams for landfill, recycling, organic waste and hard waste/e-waste.
- Planter boxes across ground floor, façade, terraces and communal area. Partial green roofs and walls within northern and eastern light courts.
- 111m^2 of communal spaces across the proposed building.

(2) Application ESD Deficiencies:
- Recommend all car parking spaces are 'EV ready', not just one per level (4 in total).

(3) Outstanding Information:
There is no further outstanding information requested at this time.

(4) ESD Improvement Opportunities
- Non-residential thermal energy efficiency to meet NCC 2019 standards. Consider improving building fabric further upon NCC 2019.
- Consider the use of recycled materials (i.e. bricks - particularly for level G-2) or materials with recycled components (i.e. insulation).
- Consider a small pallet of materials and construction techniques that can assist in disassembly.
- Consider pipes, cabling, flooring to do not contain PVC or meeting best practice guidelines for PVC.

Further Recommendations:
The applicant is encouraged to consider the inclusion of ESD recommendations, detailed in this referral report. Further guidance on how to meet individual planning conditions has been provided in reference to the individual categories. The applicant is also encouraged to seek further advice or clarification from Council on the individual project recommendations.

Attachment 2 - PLN22/0325 - Original Council 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	Operable windows are indicated on the plans and elevations for each apartment. Mostly good natural ventilation standards to dwellings. Non-residential area mechanically ventilated 50% above AS1668 flow rates.	Satisfactory	1
Daylight & Solar Access	Good levels of daylight to most habitable rooms.	Satisfactory	1
External Views	No information has been provided.	Satisfactory	1
Hazardous Materials and VOC	Low VOC paints, adhesives, sealants, carpets. Low formaldehyde engineered timbers.	Satisfactory	1
Thermal Comfort	Reasonable thermal comfort based on natural ventilation, thermal efficiency and reasonable shading strategy.	Satisfactory	1

*** 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
Australian Green Procurement www.greenprocurement.org
Residential Flat Design Code www.planning.nsw.gov.au
Your Home www.yourhome.gov.au

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 Exceeded	Average 7.8 Star NatHERS thermal energy ratings.	Satisfactory.	1
Thermal Performance	Non-residential to meet NCC 2019 standards.	Satisfactory, however consider improving building fabric further.	4
Greenhouse Gas Emissions	Operational carbon neutrality for a minimum of 10 years.	An excellent performance standard.	1
Hot Water System	The development is to utilise a centralised heat pump for hot water.	Satisfactory.	1
Peak Energy Demand	Peak demand reduced in an unspecified way.	Satisfactory.	1
Effective Shading	Reasonable shading provided by balcony overhangs, wing walls and columns.	Satisfactory.	1
Efficient HVAC system	Inverter split systems are to be installed and sized to maintain conditions of the serviced apartments. The efficiency of the air conditioning system is to be within 1-star rating of best available under MEPS Post-October 2012 measurement standard.	Satisfactory.	1
Car Park Ventilation	CO sensor controlled VSD motors in carpark ventilation fans.	Satisfactory.	1
Efficient Lighting	In 90% of the building area the maximum illumination power density (W/m2) will be 20% better than the requirements of Table J6.2a of the NCC 2019 Section.	Satisfactory.	1
Electricity Generation	A 20kW Solar PV system is to be located on the roof of the proposed development to contribute to common area energy consumption.	Satisfactory.	1
Other	No gas is to be connected to building.	Satisfactory.	1

*** 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: 2. Energy Efficiency
House Energy Rating www.makeyourhomegreen.vic.gov.au
Building Code Australia www.abcb.gov.au
Window Efficiency Rating Scheme (WERS) www.wers.net
Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au
Energy Efficiency www.resourcesmart.vic.gov.au

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	Minimum WELS star rating of fixtures: • Taps: 6 star • Toilets: 4 star • Showers: 4 star • Dishwashers 5 star	Satisfactory.	1
Water for Toilet Flushing	A 20,000-litre rainwater tank will harvest rainwater from the roof areas. This tank will be connected to ground floor and level 1 and 2 toilets for flushing.	Satisfactory.	1
Water Meter	Individual cold and hot water, electricity meters will be provided to the apartments and commercial tenancies.	Satisfactory.	1
Landscape Irrigation	The majority of landscaping is to be native vegetation.	Satisfactory.	1
Other	-	-	-

*** 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
Water Services Association of Australia www.wsaa.asn.au
Water Tank Requirement www.makeyourhomegreen.vic.gov.au
Melbourne Water STORM calculator www.storm.melbournewater.com.au
Sustainable Landscaping www.ourwater.vic.gov.au

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	A STORM report with a 117% STORM score has been submitted that demonstrates best practice and relies on ~788 m² of roof connected to 20,000 litres of rainwater storage connected to toilet flushing on levels ground, 1 and 2.	Satisfactory.	1
Discharge to Sewer	No information is provided.	Satisfactory.	1
Stormwater Diversion	A rooftop catchment area of 788 m² will divert stormwater to the rainwater tank.	Satisfactory.	1
Stormwater Detention	A 20,000-litre rainwater tank is proposed in the basement 1 level.	Satisfactory.	1
Stormwater Treatment	Rainwater tank.	Satisfactory.	1
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
Water Sensitive Urban Design Principles www.melbournewater.com.au
Environmental Protection Authority Victoria www.epa.vic.gov.au
Water Services Association of Australia www.wsaa.asn.au
Sustainable Landscaping www.ourwater.vic.gov.au

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	No information is provided.	Consider the use of recycled materials (i.e. bricks - particularly for level G-2) or materials with recycled components (i.e. insulation).	4
Embodied Energy of Concrete and Steel	40% of course concrete aggregate will be recycled.	-	1
Sustainable Timber	All timber to be FSC/PEFC or recycled timber.	-	1
Design for Disassembly	No information is provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
PVC	No information is provided.	Consider pipes, cabling, flooring to do not contain PVC or meeting best practice guidelines for PVC.	4

*** 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
Embodied Energy Technical Manual www.yourhome.gov.au
Good Environmental Choice Australia Standards www.geca.org.au
Forest Stewardship Council Certification Scheme www.fsc.org
Australian Green Procurement www.greenprocurement.org

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	Four levels of basement carparks	-	1
Bike Parking Spaces	In total 102 bicycle spaces are to be provided for occupants. This includes 76 for residents and 26 of non-residential areas.	Satisfactory.	1
End of Trip Facilities	Showers, lockers, bike repair station and change area provided.	Satisfactory.	1
Car Share Facilities	Several car share schemes operate in the local area.	Satisfactory.	1
Electric vehicle charging	2 charging points for electric bicycles are integrated in the proposed development. 4 car spaces only are EV ready.	Recommend all car parking spaces are 'EV ready'	2
Green Travel Plan	A Green Travel plan has been provided.	Satisfactory.	1

*** 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
Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf
Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/
Bicycle Victoria www.bv.com.au

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	A target recycling rate of 80% of construction and demolition waste to minimise the volume of waste to landfill.	Satisfactory	1
Operational Waste Management	An operational Waste Management Plan has been provided with separate residential and commercial areas with waste streams for landfill, recycling, organic waste and hard waste/e-waste.	Satisfactory.	1
Storage Spaces for Recycling and Green Waste	Both recycling and food organics are covered by the WMP and have spatial allocation in the refuse room.	Satisfactory.	1
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: 7. Waste Management
Construction and Waste Management www.sustainability.vic.gov.au
Preparing a WMP www.epa.vic.gov.au
Waste and Recycling www.resourcesmart.vic.gov.au
Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002)
www.environment.nsw.gov.au
Waste reduction in office buildings (2002) www.environment.nsw.gov.au

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	There is no productive topsoil on this site.	-	N/A
Maintaining / Enhancing Ecological Value	Planter boxes across ground floor, façade, terraces and communal area.	Satisfactory.	1
Heat Island Effect	Solar PV panels, landscaping and pale materials at upper levels will assist.	Satisfactory.	1
Other	111m2 of communal spaces.	Satisfactory.	1
Green wall, roofs, facades	Partial green roofs and walls within northern and eastern light courts.	Satisfactory.	1

*** 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
Australian Research Centre for Urban Ecology www.arcue.botany.unimelb.edu.au
Greening Australia www.greeningaustralia.org.au
Green Roof Technical Manual www.yourhome.gov.au

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*
Carbon Neutral Operations	Carbon neutral building, fossil fuel free with a minimum 10- year power purchase agreement for 100% GreenPower.	An excellent initiative.	1
Contractor Education	Deliver site-specific training that highlights the sustainable solutions of your project (attended by ≥80% of site personnel).	Satisfactory.	1
Energy Metering Integrity	Demonstrate that the metering network (including sub- meters) has been validated and commissioned in accordance with a recognised standard or practice, including, but not limited to, NABERS protocol and NMI standards; and is continually and automatically monitored.	Satisfactory.	1
Green Cleaning	Cleaning services are delivered in accordance with a green cleaning policy or scope of works and are applicable to all common areas; with systems in place to ensure cleaning is carried out in all areas in accordance with green cleaning policy.	Satisfactory.	1
ESD Checkpoint During Construction Phase	ESD professional will perform a minimum of 2 site inspections during the construction phase to ensure implementation of ESD initiatives.	Satisfactory.	1

*** 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
Victorian Eco Innovation lab www.ecoinnovationlab.com
Business Victoria www.business.vic.gov.au
Environment Design Guide www.environmentdesignguide.com.au

Attachment 2 - PLN22/0325 - Original Council referral comments

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	Comprehensive commissioning and tuning of all building services in accordance with ASHRAE and CIBSE.	-	1
Building Users Guide	A Building Users Guide explaining optimal usage of building services to minimise energy and water consumption.	Satisfactory.	1
Contractor has Valid ISO14001 Accreditation	ISO14001 accreditation positively weighted as part of selection criteria.	Satisfactory.	1
Construction Management Plan	An Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.	Satisfactory.	1
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: 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

Attachment 2 - PLN22/0325 - Original Council 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 2 - PLN22/0325 - Original Council referral comments

CITY OF YARRA

MEMO

To:	**Daniel Herrmann**
From:	**Mark Pisani**
Date:	**17 September 2021**
Subject:	**Application No:** **PLN21/0325** **Description:** **13-Storey Mixed Use Development** **Site Address:** **2-8 Brighton Street, 1-3 Wiltshire Street and 5 Little Lesney Street, Richmond**

I refer to the above Planning Application received on 27 August 2021 in relation to the proposed development at 2-8 Brighton Street, 1-3 Wiltshire Street and 5 Little Lesney Street, Richmond. Council's Engineering Referral team provides the following information:

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
SJB Architects	SD02_01 *Basement 04*	13	6 August 2021
	SD02_02 *Basement 03*	13	6 August 2021
	SD02_03 *Basement 02*	13	6 August 2021
	SD02_04 *Basement 01*	13	6 August 2021
	SD02_05 *Ground Floor Plan*	13	6 August 2021
	SD06_02 *Sections*	12	12 May 2021
	SD06_06 *Section N-S APT 12.02*	13	6 August 2021
	SD06_07 *Section E-W APT 3.06*	13	6 August 2021
Charter Keck Cramer	Title Re-establishment, Feature & Level Survey		28 March 2018
Tract	Planning Report		4 August 2021
Ratio Consultants	*Traffic Impact Assessment* report		13 May 2021
	RFI Response – Traffic Impact Assessment		5 August 2021

Attachment 2 - PLN22/0325 - Original Council 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	18	1 space per dwelling	18	18
Two-bedroom dwelling	39	1 space per dwelling	39	39
Three-bedroom dwelling	13	2 spaces per dwelling	26	26
Office	2,114 m²	3.0 spaces per 100 m² of net floor area	63	26
Food and Drink	372 m²	3.5 spaces per 100 m² of leasable floor area	13	4
		Total	**159 spaces**	**113 spaces**

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

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

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

Parking Demand Consideration	Details
Parking Demand for the Office Use	The proposed would be supplying on-site parking at a rate of 1.23 spaces per 100 square metres of floor area. Office developments throughout the municipality have been approved by Council with reduced rates. A few examples include: ▪ 60-88 Cremorne Street, Cremorne – 0.72 spaces/100 m² ▪ 51 Langridge Street, Collingwood – 0.54 spaces/100m² ▪ 2-16 Northumberland Street, Collingwood – 0.89 spaces/100m² Although slightly lower than some of the rates listed above, the proposed office parking rate of 1.23 spaces per 100 square metres of floor area is considered appropriate as the site has very good access to public transport and seeks to encourage more sustainable forms of transport.
Parking Demand for the Retail Use	To assess the car parking demand of the food and drink use, a staff parking rate of 1.0 space per 100 square metres of floor area could be adopted. This would equate to a staff parking demand of three to four spaces. Customer parking (short-stay) would be generated off-site. The provision on four on-site spaces (two spaces per tenancy) is considered appropriate.

- *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:
    - East Richmond railway station – 170 metre walk
    - Swan Street trams – 180 metre walk
    - Church Street trams – 180 metre walk
    - Richmond railway station – 880 metre walk
- *Multi-Purpose Trips within the Area*. Clients and customers to the office and shop might combine their visit by engaging in other activities or business whilst in the area.
- *Convenience of Pedestrian and Cyclist Access*. The site is very well positioned in terms of pedestrian access to public transport nodes and other nearby businesses. The site has good access to the on- and off-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 Richmond is very high during business hours. The area surrounding the subject site is blanketed in time based parking restrictions. The high parking demand in the surrounding streets would be a disincentive for employees to drive.
- *Relevant Local Policy or Incorporated Document*. The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of associated with the office and food and drink uses is considered appropriate in the context of the development and the surrounding area. The on-site parking provision for the various uses are consistent with those that have been approved for mixed use developments throughout the municipality. The operation of the development should not adversely impact on existing on-street parking conditions in the surrounding 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 Ratio Consultants is as follows:

Proposed Use	Adopted Traffic Generation Rate	Peak Hour	
		AM	PM
Residential (70 dwellings)	0.4 trips per dwelling in each peak hour	28	28
Office (26 spaces)	0.5 trips per space in each peak hour	13	13
Food and Drink (4 spaces)	1.0 trip per space in each peak hour	4	4
	Total	**45 trips**	**45 trips**

Directional Splits
Ratio Consultants have adopted the residential traffic peak hour directional splits as follows:

- AM Peak Hour: 20% IN (6 trips) and 80% OUT (22 trips)
- PM Peak Hour: 40% OUT (11 trips) and 60% IN (17 trips)

The office component has the following directional split:

- AM Peak Hour: 90% IN (12 trips) and 10% OUT (1 trip)
- PM Peak Hour: 90% OUT (12 trips) and 10% IN (1 trip)

For trips generated by the food and drink use, the directional split adopted is 100% IN during the AM peak hour and 100% OUT during the PM peak hour.

Traffic Impact at the Swan Street/Brighton Street Intersection
To determine the traffic impact of the development, Ratio Consultant have analysed the traffic performance of the Swan Street/Brighton Street intersection under existing and post development conditions. The analysis also considered the development at 1 Little Lesney Street.

Existing traffic volume data was obtained by way of turning movement counts during weekday peak hours outside of lockdown periods, which is considered satisfactory. It is understood that the proposed development at 1 Little Lesney Street would not contain any on-site car parking. Ratio Consultants had factored in two peak hour movements generated by this development – for loading and waste collection activities.

The submitted report has provided an existing and post-development breakdown of individual traffic movements at the intersection of Swan Street and Brighton Street.

The traffic impact of this intersection (unsignalised) was assessed using the SIDRA program, which measures intersection performance. SIDRA modelling works well under free flowing traffic conditions and may have limitations, such as queuing of downstream traffic. The results of the post-development modelling suggest that this intersection would continue to operate satisfactorily.

Attachment 2 - PLN22/0325 - Original Council referral comments

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance – Wiltshire Street	The doorway of the development entrance has a width of 6.3 metres and satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Visibility	The sight line for the exit lane is partially obstructed by the adjoining property. There is no objection to the installation of a convex mirror as shown on the drawings.
Headroom Clearance	The headroom clearance at the development entrance has not been dimensioned on the drawings.
Internal Ramped Accessways	Internal ramped accessways have wall-to-wall widths of 6.1 to 6.4 metres, which satisfy AS/NZS 2890.1:2004.
Car Parking Modules	
At-grade Parking Spaces	The dimensions of the parking spaces (2.9 metres by 4.9 metres) satisfy *Design standard 2: Car parking spaces* of Clause 52.06-9.
Accessible Parking Space	With the exception of the lengths (which satisfy *Design standard 2*), the accessible parking space and shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009.
Aisles	Aisle widths range from 5.5 to 6.099 metres, which satisfy *Table 2: Minimum dimensions of car parking spaces and accessways* of Clause 52.06-9.
Column Depths and Setbacks	The columns have been positioned outside of the parking space clearance envelopes and satisfy *Diagram 1 Clearance to car parking spaces* of Clause 52.06-9.
Clearances to Walls	Clearances of no less than 300 mm have been provided to spaces abutting walls, which satisfy *Design standard 2*.
Gradients	
Ramp Grade for First 5.0 metres inside Property	The ramp grade for the first 3.0 metres inside the property is flat, followed by a 1 in 8 transition grade (not dimensioned). The overall ramp profile for the first 5.0 metres inside the property satisfies *Design standard 3: Gradients*.
Ramp Grades and Changes of Grade	The lengths of the ramp grades and transition grades have not been dimensioned. The ramp grades and changes of grades satisfy *Table 3 Ramp Gradients* of Clause 52.06-9.
Other Items	
Loading Arrangements	Not detailed by the applicant.
Vehicle Crossing Ground Clearance	A vehicle crossing ground clearance check is to be undertaken by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out (Please see under '*Engineering Advice for Design Items to be Addressed by the Applicant*' section).

Attachment 2 - PLN22/0325 - Original Council referral comments

Engineering Advice for Design Items to be Addressed by the Applicant

Item	Details
Headroom Clearance	To be dimensioned on the drawings.
Ramp Grades	Ramp grades and transition grades are to be dimensioned on the drawings.
Loading Arrangements	To eb detailed by the applicant.
Vehicle Crossing Ground Clearance	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, Wiltshire Street. 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. 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.

INFRASTRUCTURE ITEMS AND CONSTRUCTION ACTIVITIES

Item	Details
General	
Impact on Council Road Assets	The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site. It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for employees, visitors and other users of the site.
Infrastructure Works to be Undertaken by Developer	
Pram Crossing – North West Corner of Brighton Street/Little Lesney Street Intersection	The pram crossing at the north west corner of the Brighton Street/Little Lesney Street is to be reconstructed. An annotation on the drawings must be provided for this item.
Excavation of Basement – Reconstruction of Kerb and Channel – Little Lesney Street	The excavation of the basement will necessitate the reconstruction of the kerb and channel along the property's Little Lesney Street frontage, since it is close to the site's southern boundary.

Attachment 2 - PLN22/0325 - Original Council referral comments

Item	Details
Drainage	
Construction of Drain for Development's Stormwater Discharge – Brighton Street	The construction of the new development will necessitate the construction of underground drainage to connect the site's stormwater outlet to the existing drain at the south east corner of the Brighton Street/Little Lesney Street intersection. Wiltshire Street has limited capacity to accommodate additional stormwater. The developer is to discharge all stormwater via Brighton Street. To do this requires the construction of a drain along the property's Brighton Street frontage and connect to the stormwater drain in Little Lesney Street (at the east side of Brighton Street). Please see plan/diagram appended to this memo.

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 Wiltshire Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The kerb and channel along the property's Little Lesney Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpath along the property's Wiltshire Street and Brighton Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 (for concrete) or 1 in 33 (for asphalt) or unless otherwise specified by Council.
- Internal finished floor levels (FFL) must be aligned to the proposed DDA compliant footpath levels at the interface with the property boundary.
- 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.
- The road pavement of Wiltshire Street, between the western boundary of the site and Brighton Street, must be profiled (grounded to a depth of 50 mm) and re-sheeted to Council's satisfaction and at the Permit Holder's cost.
- All redundant property drains are to be removed and reinstated to Council's satisfaction and at the Permit Holder's cost.
- The site's stormwater discharge must be connected to an underground drain. The Permit must design and construct underground drainage from the site's Brighton Street frontage to the nearest underground drain (located at the Brighton Street/Little Lesney Street intersection) to Council's satisfaction, including any required upgrade of the existing drain. The cost of the new underground drain and any upgrading works shall be borne by the Permit Holder.

Vehicle Crossing

Before the drawings are endorsed, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be designed and constructed:

- In accordance with any requirements or conditions imposed by Council.
- Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- At the Permit Holder's cost; and

- To the satisfaction of Council.

Public Lighting (On Roads)

- The existing public lights on the north side of Wiltshire Street (pole No. 1327) and the south side of Little Lesney Street (pole No. 1324) are to be replaced with alternative luminaires to avoid light spillage into the habitable windows of new development. These public lighting works must be done to the satisfaction of the relevant power authority and Council and at the Permit Holder's cost.

Road Asset Protection

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

Construction Management Plan

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

Impact of Assets on Proposed Development

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

Discharge of Water from Development

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

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

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

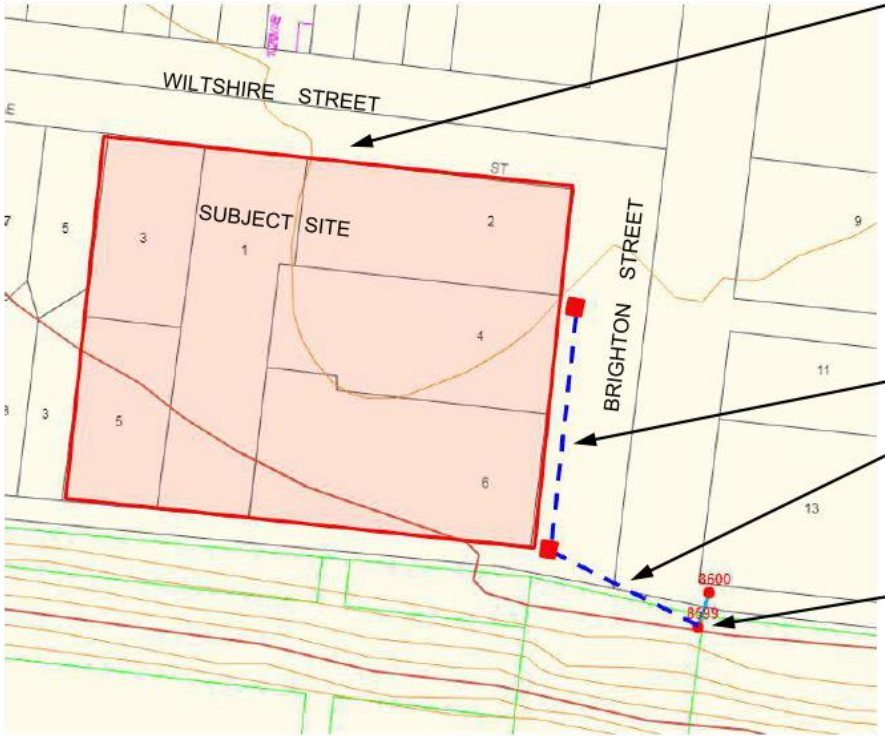
Attachment 2 - PLN22/0325 - Original Council referral comments

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

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

Attachment 2 - PLN22/0325 - Original Council referral comments

DEVEOPER WORKS - PROVISION OF UNDERGROUND DRAINAGE – BRIGHTON STREET FRONTAGE



No stormwater discharge from the site is to discharge into Wiltshire Street.

Site's drainage must be connected to an underground drain (to be provided by the developer) to connect to existing drain in Little Lesney Street, just east of Brighton Street.

Existing Side Entry Pit on south side of Little Lesney Street to be upgraded.

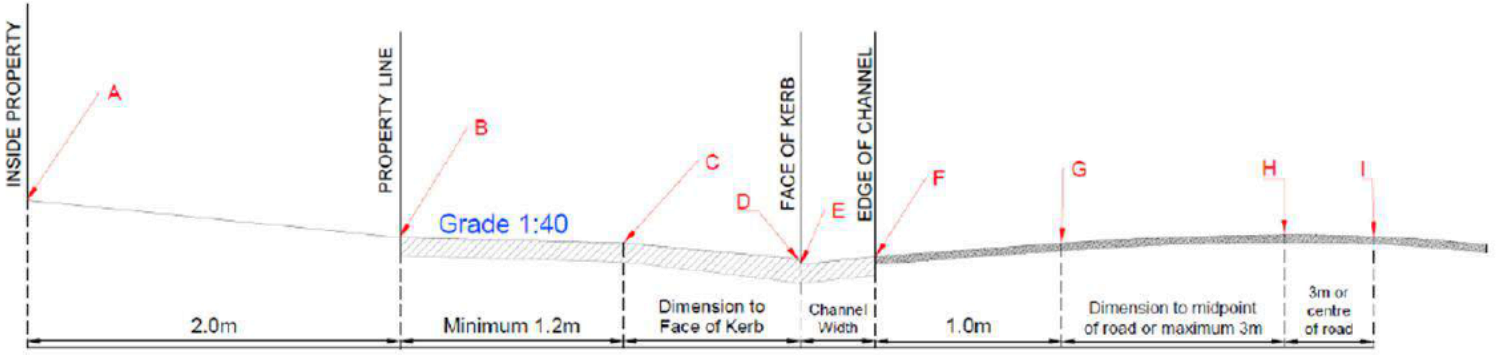
Attachment 2 - PLN22/0325 - Original Council referral comments

Vehicle Crossing – Cross Section

The designer is to submit a 1:20 scale cross section for each proposed vehicle crossing showing the following items:

A. Finished floor level 2.0 metres inside property
B. Property line surface level
C. Surface level at change in grade (if applicable)
D. Bullnose (max height 60mm) – must be clearly labelled
E. Surface level at the bottom of the kerb
F. Surface level at the edge of channel
G. Road level 1.0 meter from the edge of channel
H., I. Road levels

- Please note the cross section must be fully dimensioned. As shown in the sketch below.
- Please show both the existing and proposed surface.
- The maximum allowable cross-fall between points B and C is 1:40 (2.5%).
- A bullnose (max 60mm) is permitted at point D, however not compulsory.
- The levels shown must be exact reduced levels, to three decimal points. Interpolation of levels is not acceptable.
- The designer must demonstrate that an 85th or 99th percentile vehicle profile can traverse the design cross section as per the Australian/New Zealand Standard ground clearance template (AS/NZS 2890.1:2004).
- Significant level changes to the existing footpath level B to C will require additional level design either side of the proposed crossing.
- Please include any additional levels or changes in grade that are not shown in the diagram.



Attachment 2 - PLN22/0325 - Original Council referral comments

MEMO

To:	Daniel Hermann (Statutory Planning)
From:	Daniel Perrone (Urban Design)
Date:	20 Sep 2021
Site Address:	2 - 8 Brighton Street, 1 – 3 Wiltshire Street, and 5 Little Lesney Street, Richmond.
Application No:	PLN21/0325
Description:	Development of the land for the construction of a multi storey, mixed use building (13 storeys), use of the land for office/food and drink premises (permit required) and dwellings (no permit required) and a reduction of the statutory car parking requirements.

COMMENTS SOUGHT

Urban Design comments have been sought on following matters:

- Public realm interface
- Ground plane / footpaths
- Whether there are any capital works approved or proposed within the area of the subject site.

These comments are provided on the following drawings:

- SD02_05 GROUND FLOOR PLAN – SJB – REV 13 – 06/08/2021
- Landscape Planting Plan - Ground Floor – Acre – Rev 2 – 28/07/2021

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.

COMMENTS SUMMARY

This proposal is supported in principle, subject to the improvements outlined below, including the following:

- Improve access to Residential Bike Store from Little Lesney Street.
- Recommended developer contributed streetscape upgrades to Brighton Street and Little Lesney Street (street tree planting and car parking reconfiguration).

The rationale behind these changes is explained in detail overleaf.

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

Attachment 2 - PLN22/0325 - Original Council referral comments

URBAN DESIGN COMMENTS

Ground Floor Interface

The ground floor interface is well designed, with setbacks to Brighton and Wiltshire streets strongly supported as a means of improving pedestrian amenity.

Pedestrian and Vehicular Entrances

Both pedestrian and vehicular entrances are well defined and clearly identifiable from the public realm. Each program within the building (residential, commercial, and 2 x food and beverage premises) has its own separate entrance/lobby, which is supported as it provides multiple points of activation and passive surveillance to the streetscape.

Residential Bike Store:

It is noted that the Residential Bike Store is accessed from Little Lesney Street via a staircase with bicycle wheeling ramp (refer **Figure 1** below). Whilst the proposed wheeling ramp is not ideal, it could be accepted if alternative solutions aren't possible, however it is to be designed to comply with AS2890.3.

Given the volume of users that this facility will serve, the landings provided at the bottom and top of the stairs are deemed too small and would create congestion. As there is no footpath on Little Lesney Street, the bottom landing must be deep enough to allow a person to safely wait with their bicycle off the roadway. Furthermore, the arrangement of the building door and the bike store entry create poor access, particularly for two-way movements.

As such, it is recommended that access to the residential bike store from Little Lesney St is significantly improved. As a minimum, it is expected that both top and bottom landing depths are increased to allows for easy manoeuvring of bicycles, and that the building and/or bicycle store doors are relocated to improve circulation.

This advice pertaining to bicycle storage is to be considered in conjunction with the advice provided by the Strategic Transport unit.

Attachment 2 - PLN22/0325 - Original Council referral comments

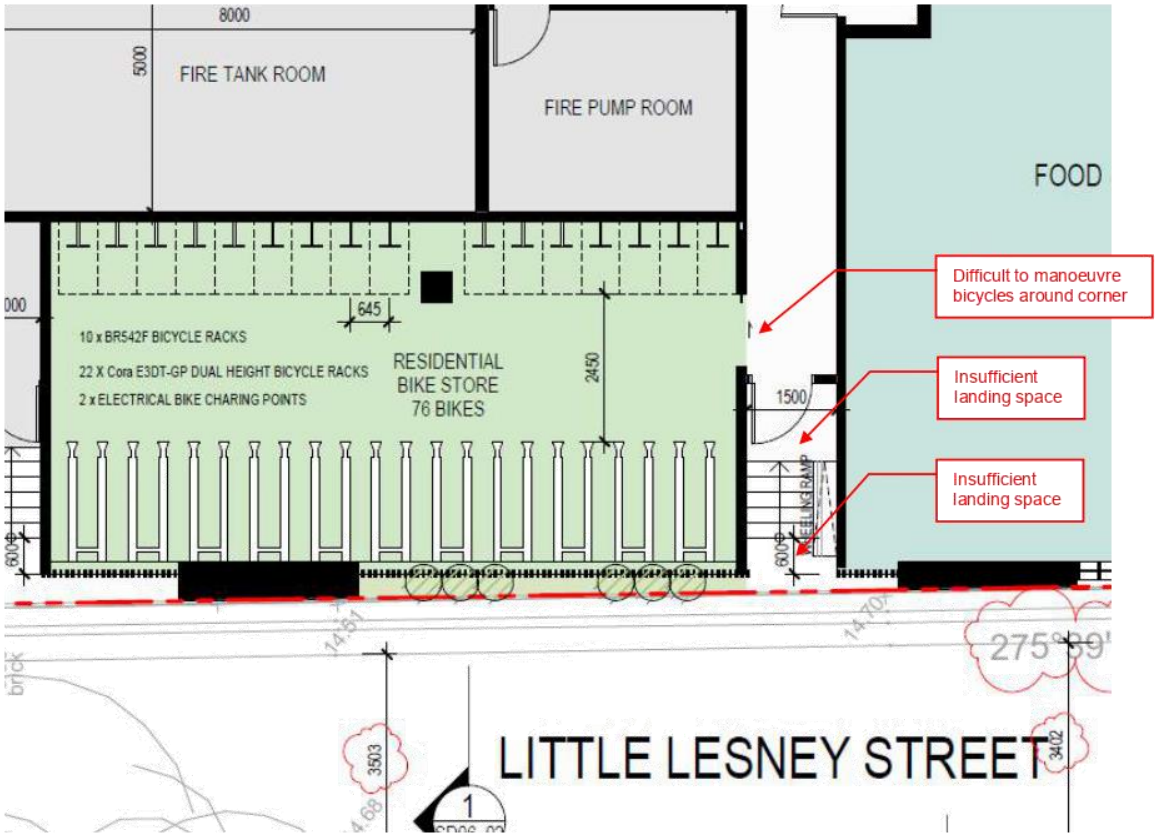


Figure 1: *Little Lesney Street entrance to Residential Bike Store (not to scale).*

Pavements

All pavements surrounding the subject site are to be reinstated as asphalt footpaths as per Yarra Road Materials Policy and relevant Yarra Standard Drawings.

The existing crossover on Wiltshire Street (located north of the proposed Commercial Lobby) is to be removed and reinstated as asphalt footpath.

Ground Floor Landscaping

The ground floor landscape plan provided by Acre proposes six (6) trees in pots to be located along the boundary line between the site and the adjacent footpaths (3 trees on Brighton St and 3 trees of Wiltshire St). In their proposed locations, this will create clutter on the footpath and is not supported from an urban design perspective. If raised pots/planters are proposed, they are to be located entirely within the subject site.

Attachment 2 - PLN22/0325 - Original Council referral comments

Street Tree Planting

The application does not propose any street tree planting on the plans, however, given the scale of the development, it is recommended that the developer commits to funding the planting of two (2) new street trees along the roadway of Brighton St, and two (2) new street trees along the roadway of Wiltshire St. Indicative locations are proposed on the attached mark-up. This will require the reconfiguration of the existing parallel parking bays (including parking sensors) and is subject to the presence of underground services.

A similar recommendation was made regarding the previous planning application for the site (PLN18/0658) and was accepted by the developer. The developer will be requested to bear the cost of implementing these streetscape improvements (such as line marking and relocating of parking sensors), as well as the cost of tree planting with two-year's maintenance (tree planting costs can be provided on request).

Please note the following general conditions relating to the adjustment of car parking and signs:

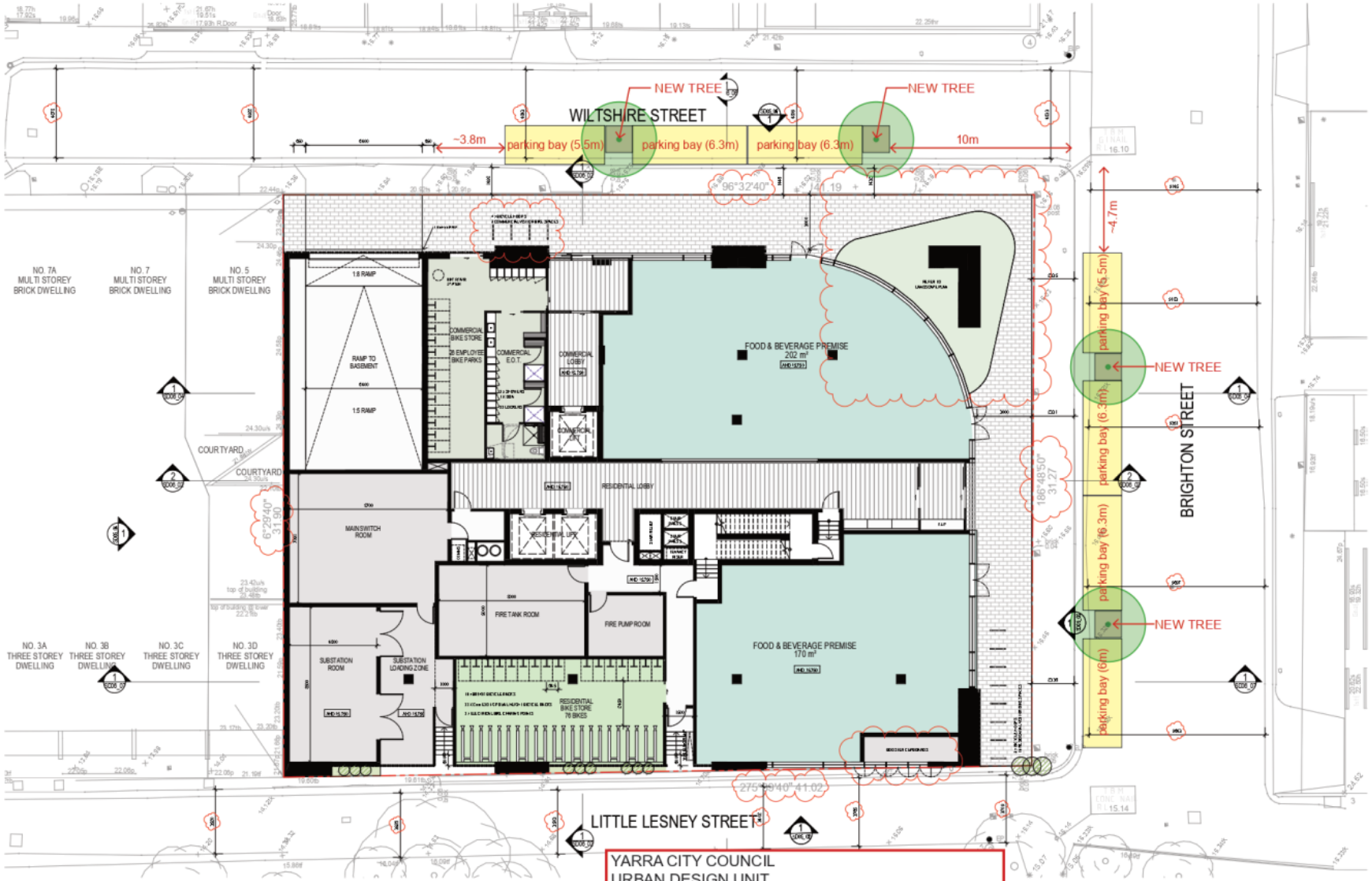
- No parking restriction signs, or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
- Any on-street parking reinstated as a result of development works must 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.

Capital Works

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

--- END ---

Attachment 2 - PLN22/0325 - Original Council referral comments



YARRA CITY COUNCIL
URBAN DESIGN UNIT

PUBLIC REALM COMMENTS - 20/09/2021

PRELIMINARY INFORMATION ONLY
(WITHOUT PREJUDICE)
NOT FOR CONSTRUCTION

Project: FORTIS, 2-8 BRIGHTON STREET
Job No.: 21567
Scale: 1 : 100 @A1
Drawing: SD02_05 GROUND FLOOR PLAN
Revision: 13, 06/08/21

Attachment 2 - PLN22/0325 - Original Council referral comments

Planning Referral

To:	Daniel Herrmann
From:	Chloe Wright
Date:	16/09/2021
Subject:	Strategic Transport Comments
Application No:	PLN21/0325
Description:	Development of the land for the construction of a multi storey, mixed use building (13 storeys), use of the land for office/food and drink premises (permit required) and dwellings.
Site Address	2 - 8 Brighton St, 1 - 3 Wiltshire St and 5 Little Lesney St

I refer to the above application and the accompanying Traffic report prepared by Ratio Consultants in relation to the proposed development at 2 - 8 Brighton St, 1 - 3 Wiltshire St and 5 Little Lesney St, Richmond. Council's Strategic Transport unit provides the following information:

Access and Safety

The entrance to the resident bicycle parking at Little Lesney Street provides a poor access arrangement. The combination of stairs, a 1.5m wide passage, narrow landing area and two doors does not provide good circulation / access for people entering and exiting with bicycles. This issue is further discussed in the below section regarding adequacy of employee bicycle parking.

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	2114 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	7 employee spaces	26 employee spaces
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	2 visitor spaces	8 visitor spaces
Dwellings	70 dwellings	1 resident space per 5 dwellings	14 resident spaces	76 resident spaces
		1 visitor space per 10 dwellings	7 visitor spaces	16 visitor spaces
Food and Drink Premises	372 sqm	1 employee space to each 300 sqm of leasable floor area	1 employee spaces	
		1visitor space to each 500 sqm of leasable floor area	1 visitor spaces	
		Bicycle Parking Spaces Total	**22 resident / employee spaces**	**102 resident / employee spaces**

		12 visitor spaces	**24 visitor spaces**
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**2 showers / change rooms**	**3 showers / change rooms**

Adequacy of visitor spaces

The following comments are provided in relation to the provision of visitor bicycle spaces:

- A total of 24 visitor spaces are provided at the ground floor, which meets Council's best practice[1] recommendation of 24 visitor spaces.
- Eight visitor bicycle spaces are provided as bicycle hoops at the Wiltshire Street footpath and a further 16 visitor spaces are provided at the Brighton Street footpath.
- Visitor spaces are located within the property boundary and in an area that is visible and easily accessible from the public realm.
- Dimensions of visitor spaces are not shown on the plans, however, the layout appears to be in accordance with clearance and access requirements of AS2890.3 and adjacent footpaths are not obstructed.

Adequacy of residential / employee spaces

Number of spaces

26 employee spaces and 76 resident spaces are provided, which exceeds the statutory rates and Council's best practice[2] recommendation of 23 employee spaces and 70 resident spaces.

Design and location of resident / employee spaces and facilities

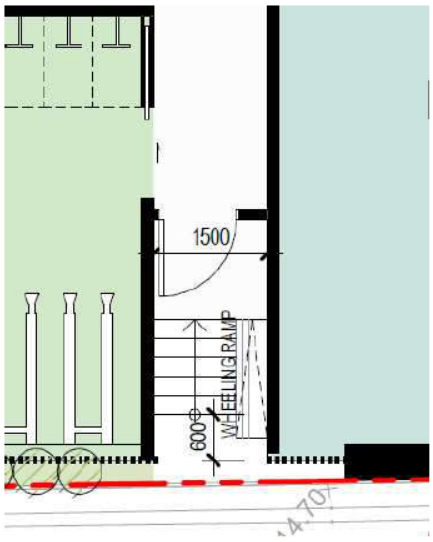
The following comments are provided in relation to provision of resident and employee bicycle parking:

- All employee and resident bicycle spaces are located at the ground floor, including 26 employee bicycle spaces in a secure facility accessed via an entrance Wiltshire Street and 76 resident spaces within a secure facility accessed via an entrance at Little Lesney Street.
- All employee bicycle spaces are provided as hanging wall racks. Pursuant with AS2890.3, at least 20% of bicycle storage spaces must be provided as horizontal at ground-level spaces.
- Resident bicycle parking includes 32 spaces as hanging wall racks and 44 spaces as two-tier racks, which meets the requirement for at least 20% of bicycle storage spaces to be horizontal at ground-level spaces.
- Dimensions of the layout of employee and resident bicycle spaces are noted on the plans and demonstrate compliance with access and clearance requirements of AS2890.3.
- An end of trip facilities area is located adjacent to the employee bicycle parking area and includes 3 shower / change rooms.
- Direct access from Wiltshire Street to the employee bicycle parking is provided via a sliding door and is considered adequate. Use of sliding doors at the entry to the bicycle parking and internally to the end of trip facilities is supported.
- The access arrangement to the resident bicycle parking via stairs, a ramp and two doors at Little Lesney Street (pictured below) is not supported for the following reasons:
    - The length of the landing at the top of stairs is insufficient for a standard bicycle (1800mm);
    - 1.5m wide accessway is not sufficient for two-way movement;

[1] *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.*

[2] *Category 6 of the Built Environment Sustainability Scorecard (BESS) offers the following for best-practice guidance for resident bicycle parking rates: "As a rule of thumb, at least one bicycle space should be provided per dwelling for residential buildings"* and the following *guidance* for employee office rates: *'Non-residential buildings should provide spaces for at least 10% of building occupants.' Assuming a floor-space occupancy of 1 staff member to 10sqm (which is the maximum rate allowed under the National Construction Code for fire safety), providing bicycle spaces for 10% of occupants results in a rate of 1 space per 100sqm of floor area.*

  - Two doors in close proximity does not provide good circulation for people entering and exiting the bike store; and
  - The bicycle parking will be accessed by a high volume of people.
- Based on the above, it is recommended that the access arrangement to the resident bicycle area is revised to improve access from Little Lesney Street. Access via stairs and a ramp is not a preferred outcome, however a ramp could be considered if alternatives are not feasible and other improvements are made (such as widening the corridor and relocating the door to the ground level).



Green Travel Plan

It is noted the applicant has supplied a Green Travel Plan (GTP). The GTP is generally adequate and can be endorsed, however should be updated to include any changes to bicycle parking shown on the final endorsed plans.

Electric Vehicles

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). The plans show 1 'EV ready space' per basement level. 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 methodology (AS/NZS3000:2018, clause 2.2.2.b.i), thus not increasing building electrical peak demand requirements beyond business as usual.

Recommendations

The following should be shown on the plans before endorsement:

1. Improved access from Little Lesney Street to the resident bike store.
2. At least 20% of employee bicycle spaces must be horizontal at-grade spaces.
3. Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:

Attachment 2 - PLN22/0325 - Original Council referral comments

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.

Regards

Chloe Wright

Sustainable Transport Officer

Attachment 3 - PLN22/0325 - S57a advertised plans

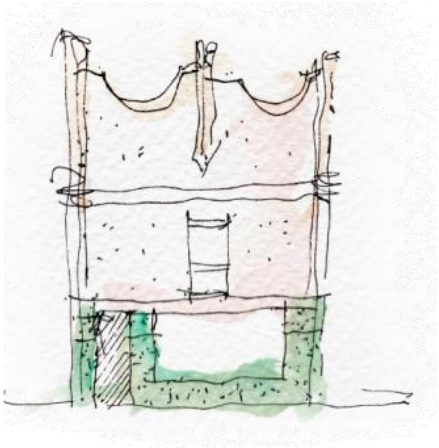


Attachment 3 - PLN22/0325 - S57a advertised plans

1.1 Podium Activation

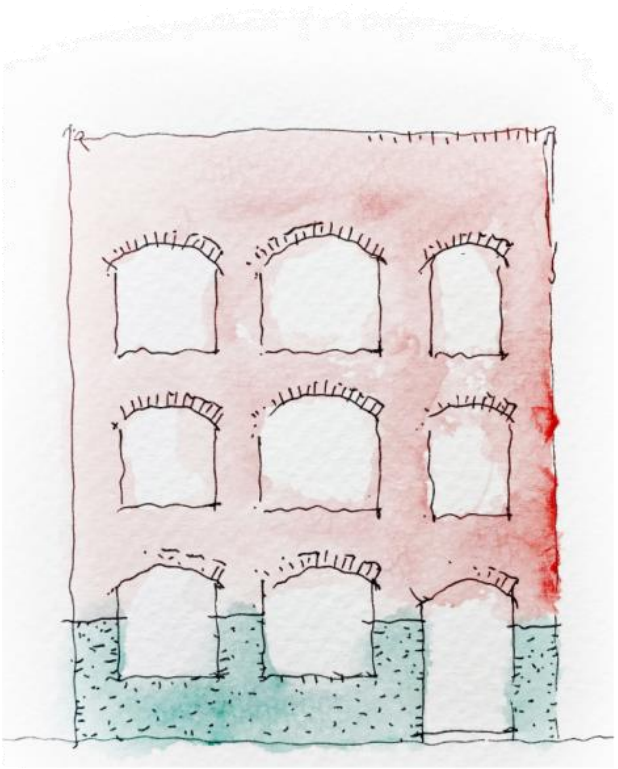
The project's robust architectural forms, gestures and materiality draws upon Richmond's rich history and built heritage.

The use of arched forms is a nod to the Victorian era architecture along Swan Street. The application of green tiles to the project's podium also draws upon Richmond's vernacular where tiles are used on shopfronts and pubs grounding the building and creating a bold and textured base. Through these considered architectural motifs, the project strives in celebrating the existing grain and heritage of the old through a contemporary yet contextual refinement.









Attachment 3 - PLN22/0325 - S57a advertised plans



Attachment 3 - PLN22/0325 - S57a advertised plans

1.2 Wiltshire and Brighton Street

The use of detailed brickwork at ground brings a level of fine grain detail to the building at a human scale. The cantilevered arch forms here create architectural interest drawing people into the building, framed by the arched openings.

The integration of greenery and vegetation within the project's facade and podium terraces can be appreciated from street level evoking a sense of harmonious beauty between built form and vegetation and reinforces the building's sustainable credentials.









Attachment 3 - PLN22/0325 - S57a advertised plans



Attachment 3 - PLN22/0325 - S57a advertised plans

1.3 Street Interface & Public Realm

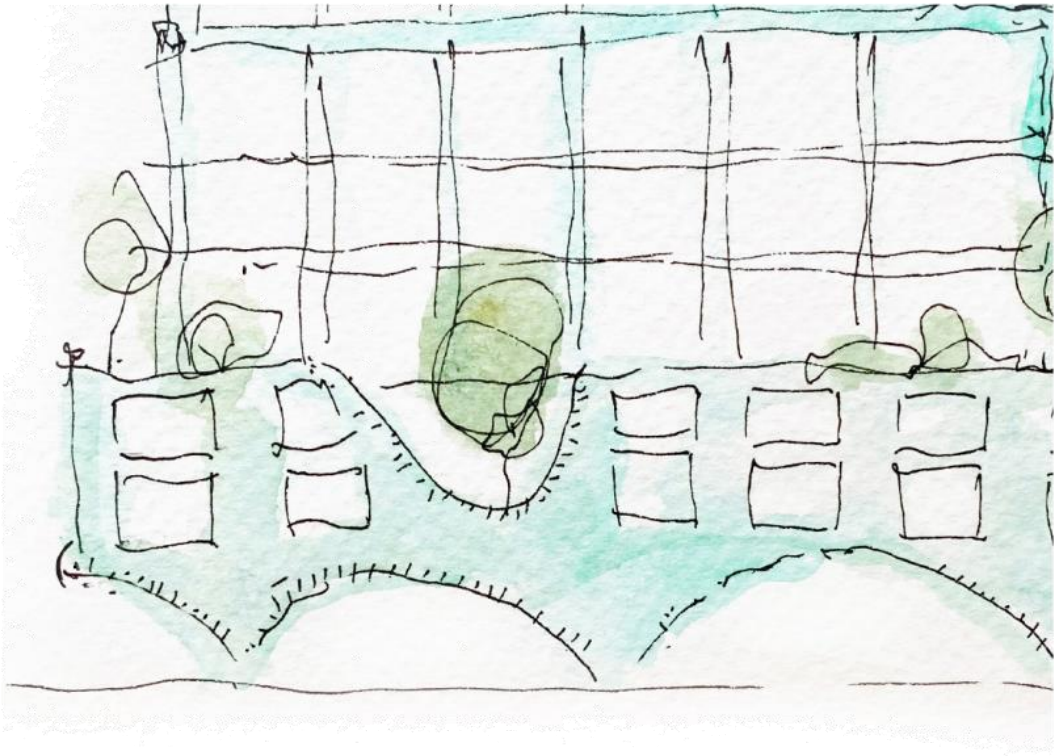
Cantilevered and vaulted curves at ground create delight and drama; an architectural boldness to the pedestrian interface and enhances the arrival experience. This cantilevered podium creates a 3m setback at ground, giving back to the public realm by widening the the existing narrow footpaths.

This setback will be utilised and activated by the food and beverage tenancies; used for outdoor dining and seating playing a significant role in the post-Covid environment. This expanded footpath also provides space for residential and commercial visitor bike parking and landscaping.









Attachment 3 - PLN22/0325 - S57a advertised plans

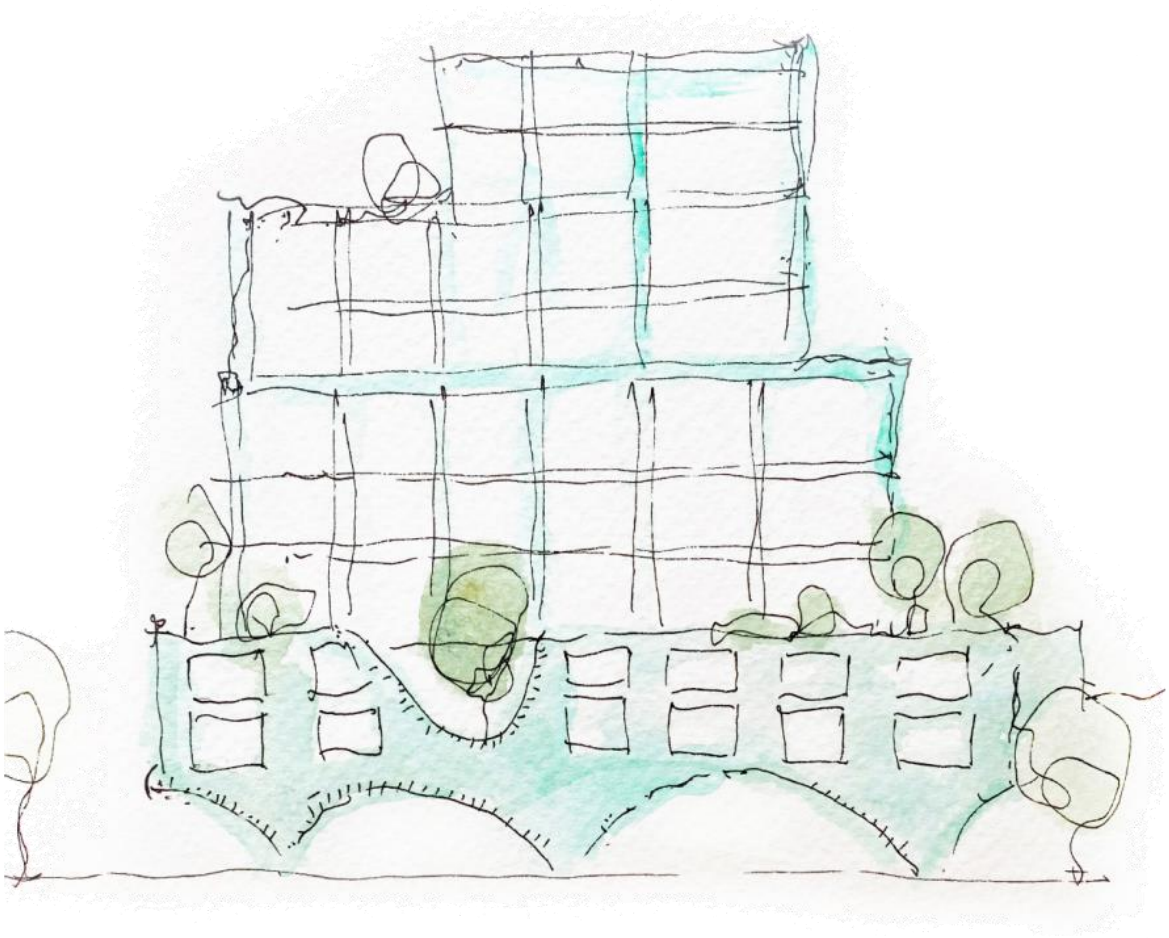


Attachment 3 - PLN22/0325 - S57a advertised plans

1.4 Tower and Podium Delineation

A strong podium and tower delineation is achieved through the use of the bold green brickwork within the podium contrasting against the textured concrete on the tower.

Planting and greenery on the podium setback level further delineates the podium and tower forms and provides privacy and buffer to the residents from each other and nearby buildings.



Attachment 3 - PLN22/0325 - S57a advertised plans

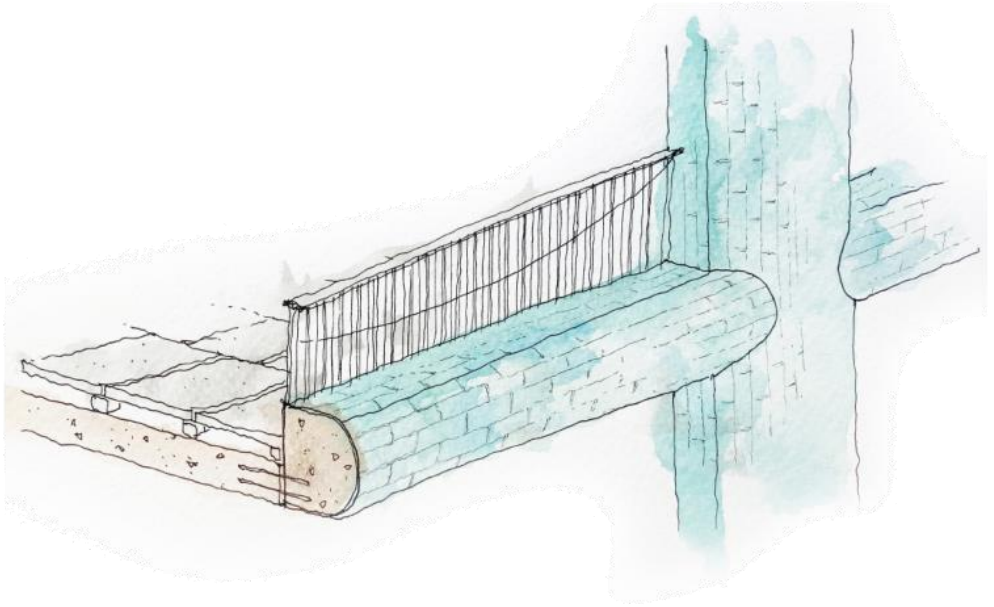


Attachment 3 - PLN22/0325 - S57a advertised plans

1.5 Tower Facade

The rounded columns and slab edges have been designed to play on the light and shadows cast across the articulated facade. The robustness of these elements are further contrasted by the fine delicate metal work balustrades containing arched detailing, taking cues from the ornamental Victorian era heritage architecture.





Attachment 3 - PLN22/0325 - S57a advertised plans



Attachment 3 - PLN22/0325 - S57a advertised plans

1.6 North / East Facade



Attachment 3 - PLN22/0325 - S57a advertised plans



Attachment 3 - PLN22/0325 - S57a advertised plans

Current application

Approved permit

1.7 RFI Item 5A - View from Lesney Street Looking North-East



Attachment 3 - PLN22/0325 - S57a advertised plans

Current application

Approved permit

1.8 RFI Item 5B - View from Pedestrian Railway Bridge Looking North-West



Attachment 3 - PLN22/0325 - S57a advertised plans

Current application

Approved permit

1.9 RFI Item 5C - View from Church Street



Attachment 3 - PLN22/0325 - S57a advertised plans

Current application

Approved permit

1.10 RFI Item 5D i - View in Front of 205 Swan Street



Attachment 3 - PLN22/0325 - S57a advertised plans

Current application

Approved permit

1.11 RFI Item 5D ii - View in Front of 225 Swan Street



Attachment 3 - PLN22/0325 - S57a advertised plans

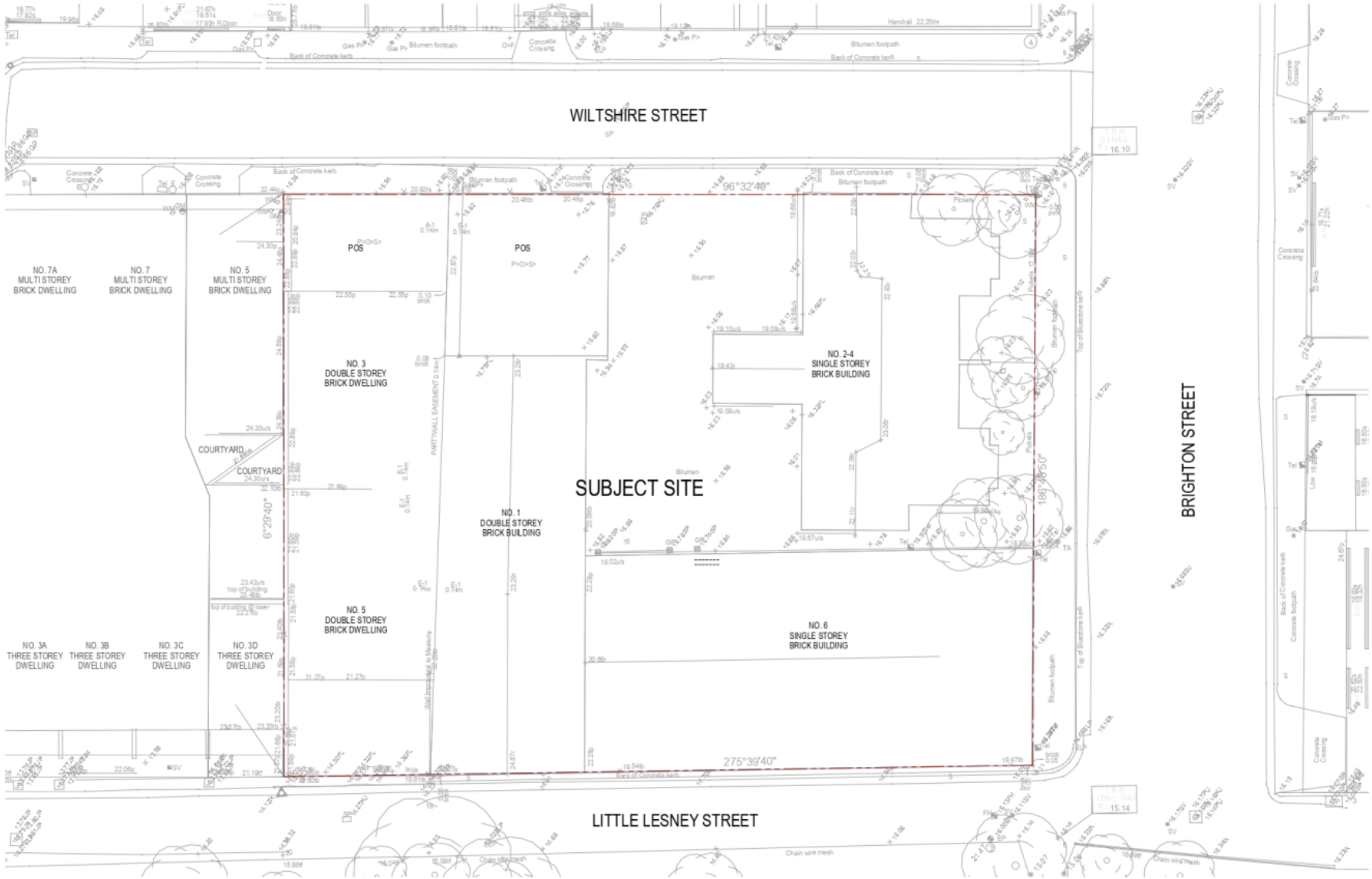
Current application

Approved permit

1.12 RFI Item 5E - View from Corner of Church & Swan Street

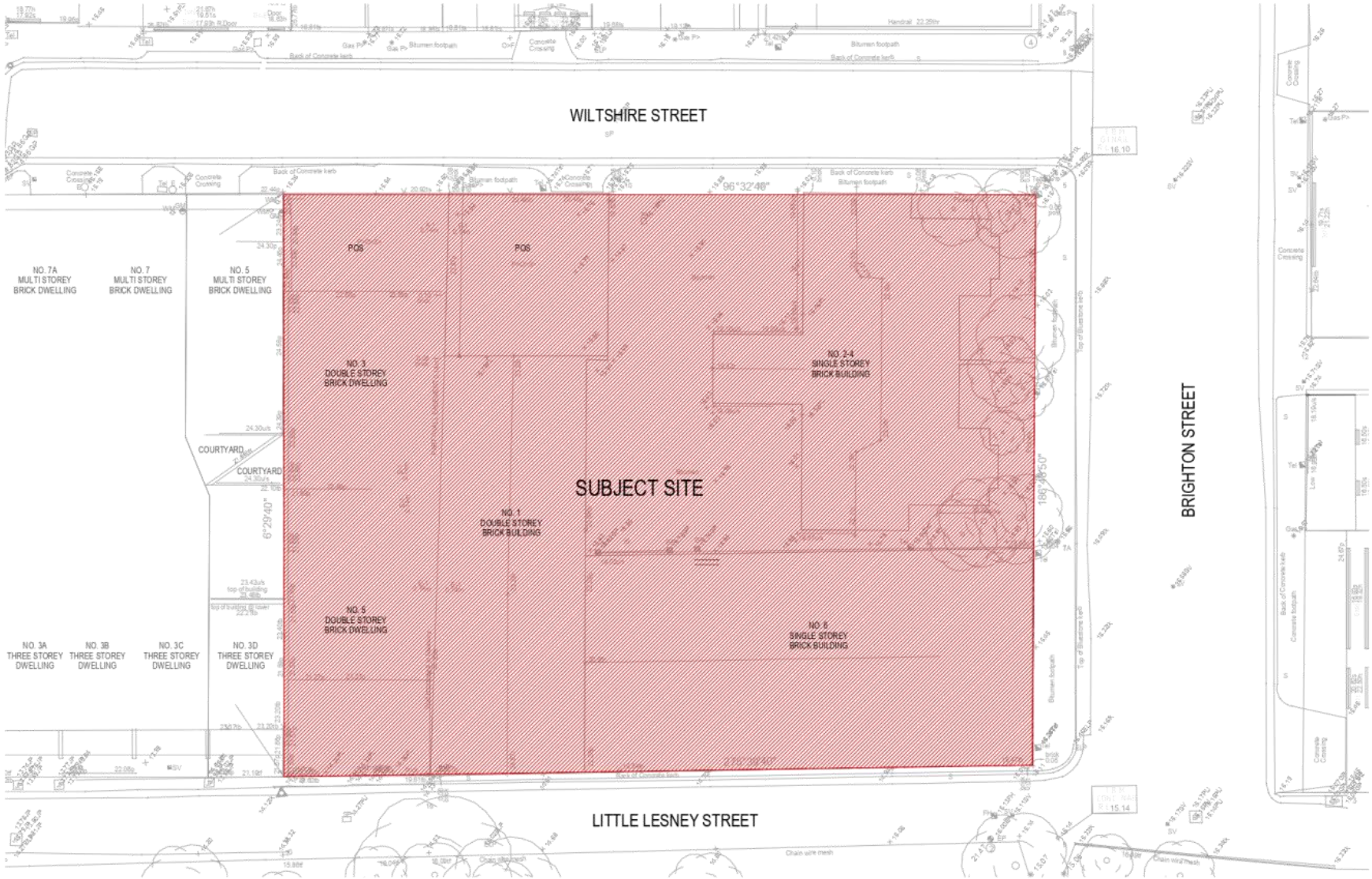


Attachment 3 - PLN22/0325 - S57a advertised plans



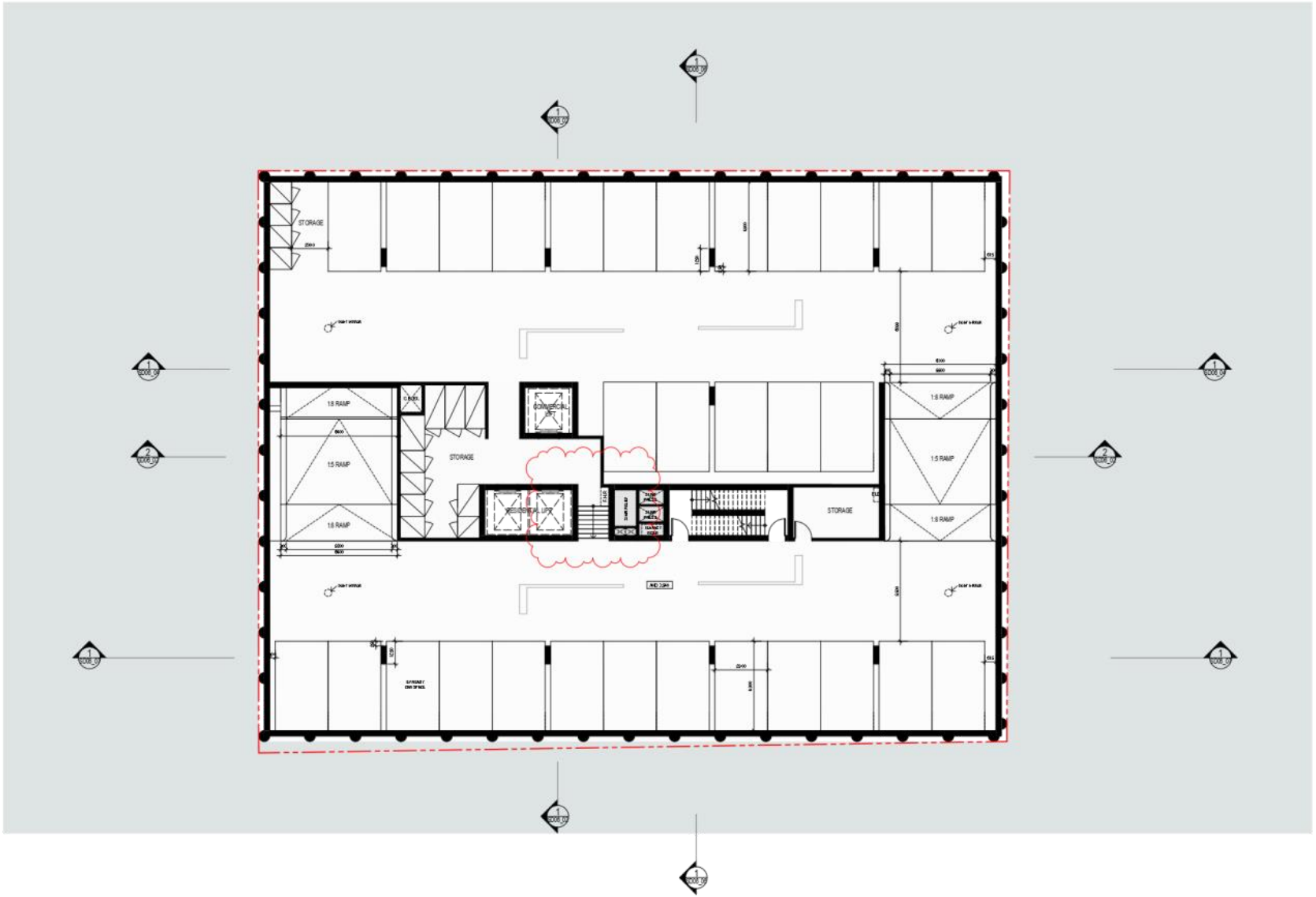
Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD01_02 EXISTING SITE PLAN	17 23/02/22	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6588 gb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD01_03 DEMOLITION PLAN	17 23/02/22	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6588 sjb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

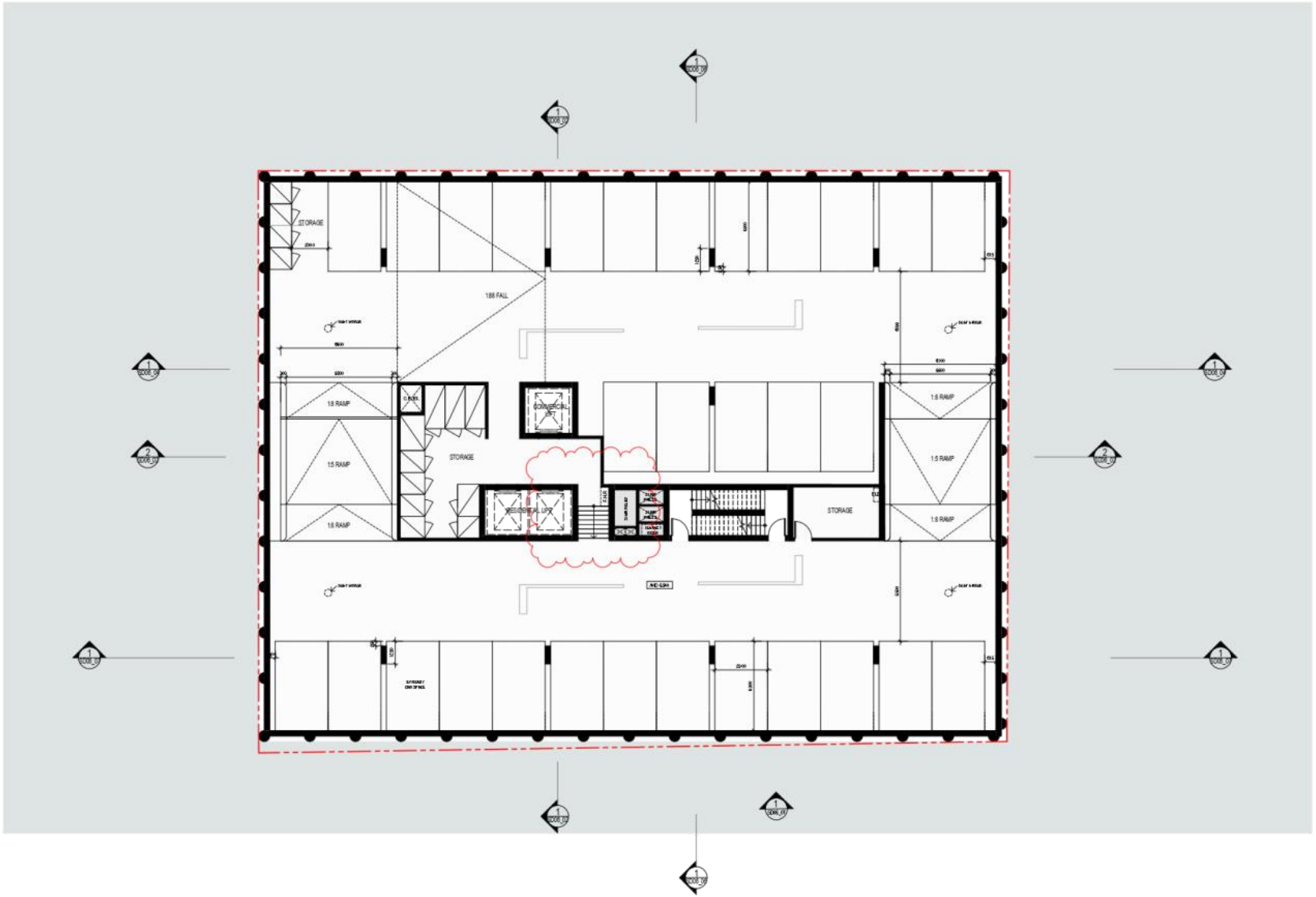
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Drawing
SD02_01
BASEMENT 04

Revision
17
23/02/22

Level 5, 18 Oliver Lane
Melbourne VIC
3000 Australia
T61 3 9699 6588
gb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

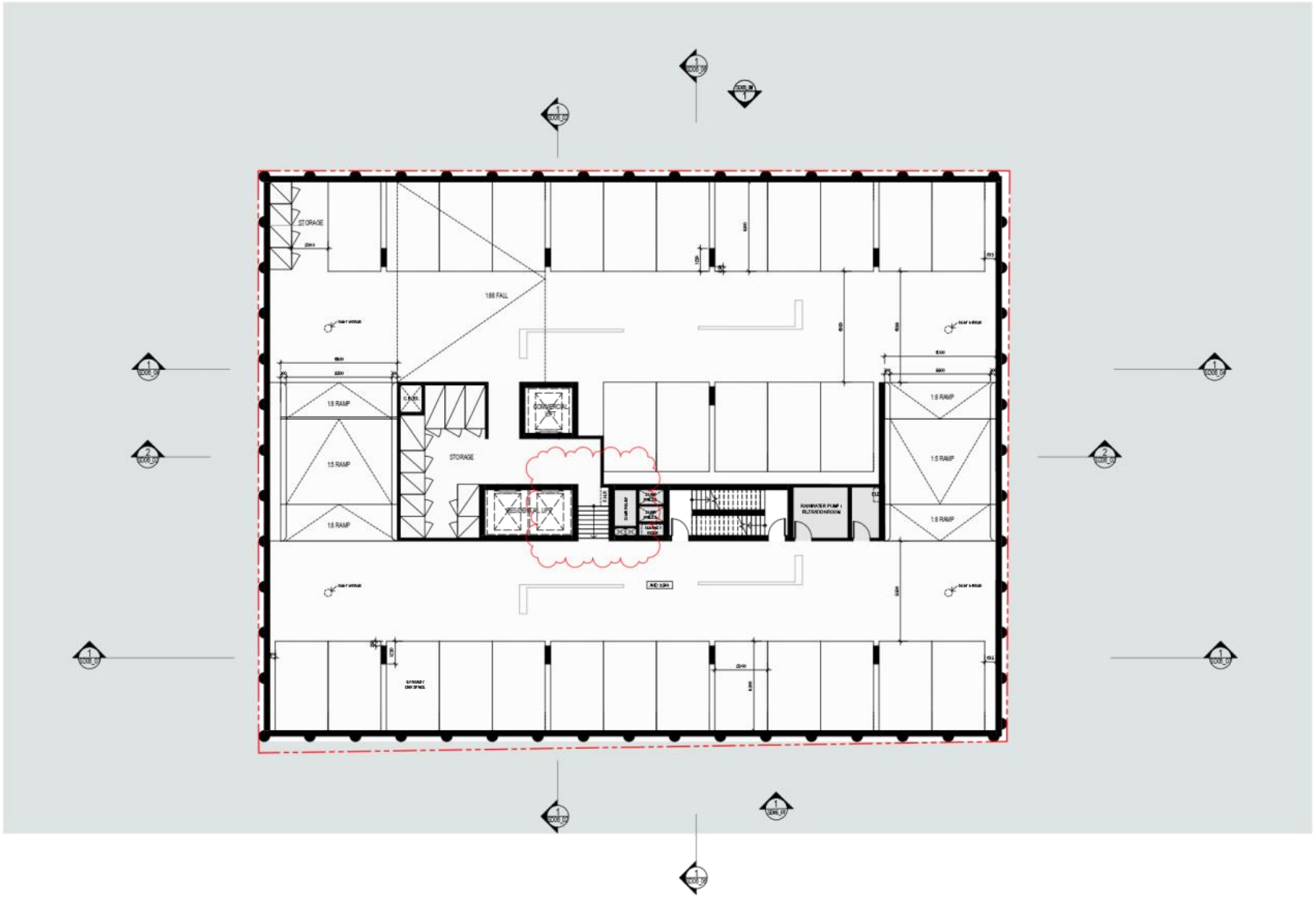
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Drawing
SD02_02
BASEMENT 03

Revision
17
23/02/22

Level 5, 18 Oliver Lane
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3000 Australia
T61 3 9699 6588
gb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

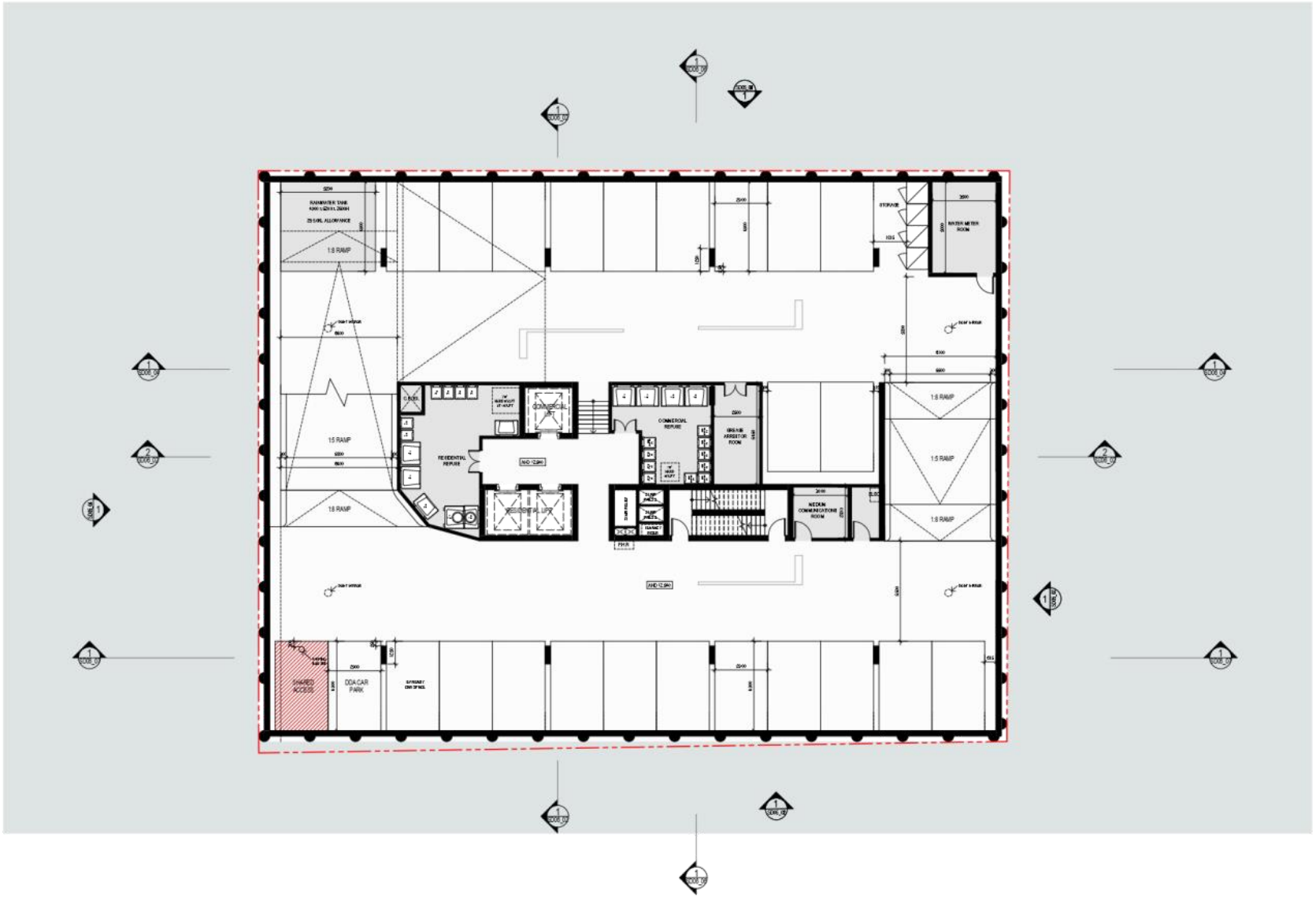
Scale
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Drawing
SD02_03
BASEMENT 02

Revision
17
23/02/22

Level 5, 18 Oliver Lane
Melbourne VIC
3000 Australia
T61 3 9699 6588
gb.com.au

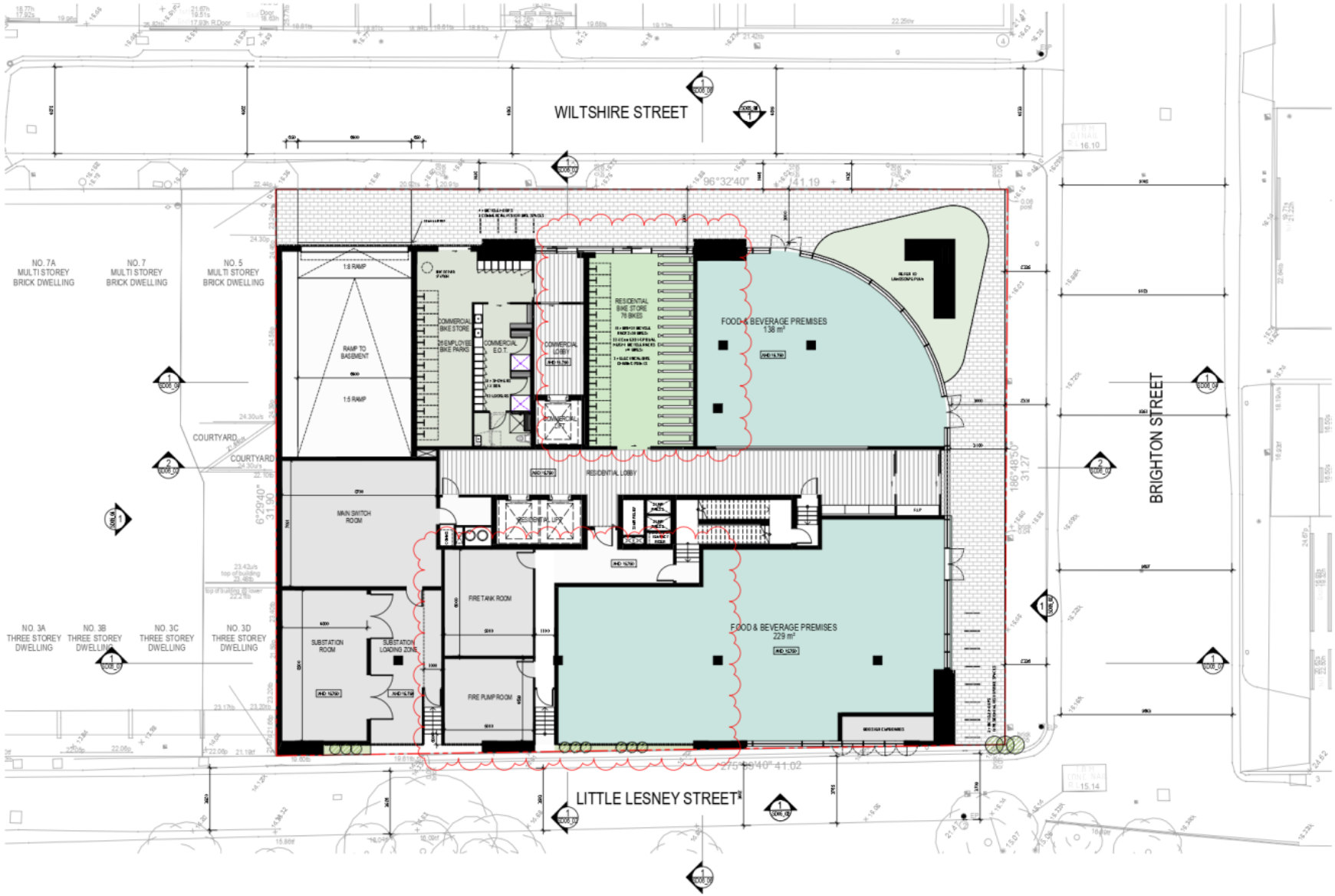
Attachment 3 - PLN22/0325 - S57a advertised plans



Project: FORTIS, 2-8 BRIGHTON STREET | Job No.: 21567 | Scale: 1 : 100 @A1 | Drawing: SD02_04 BASEMENT 01 | Revision: 17, 23/02/22

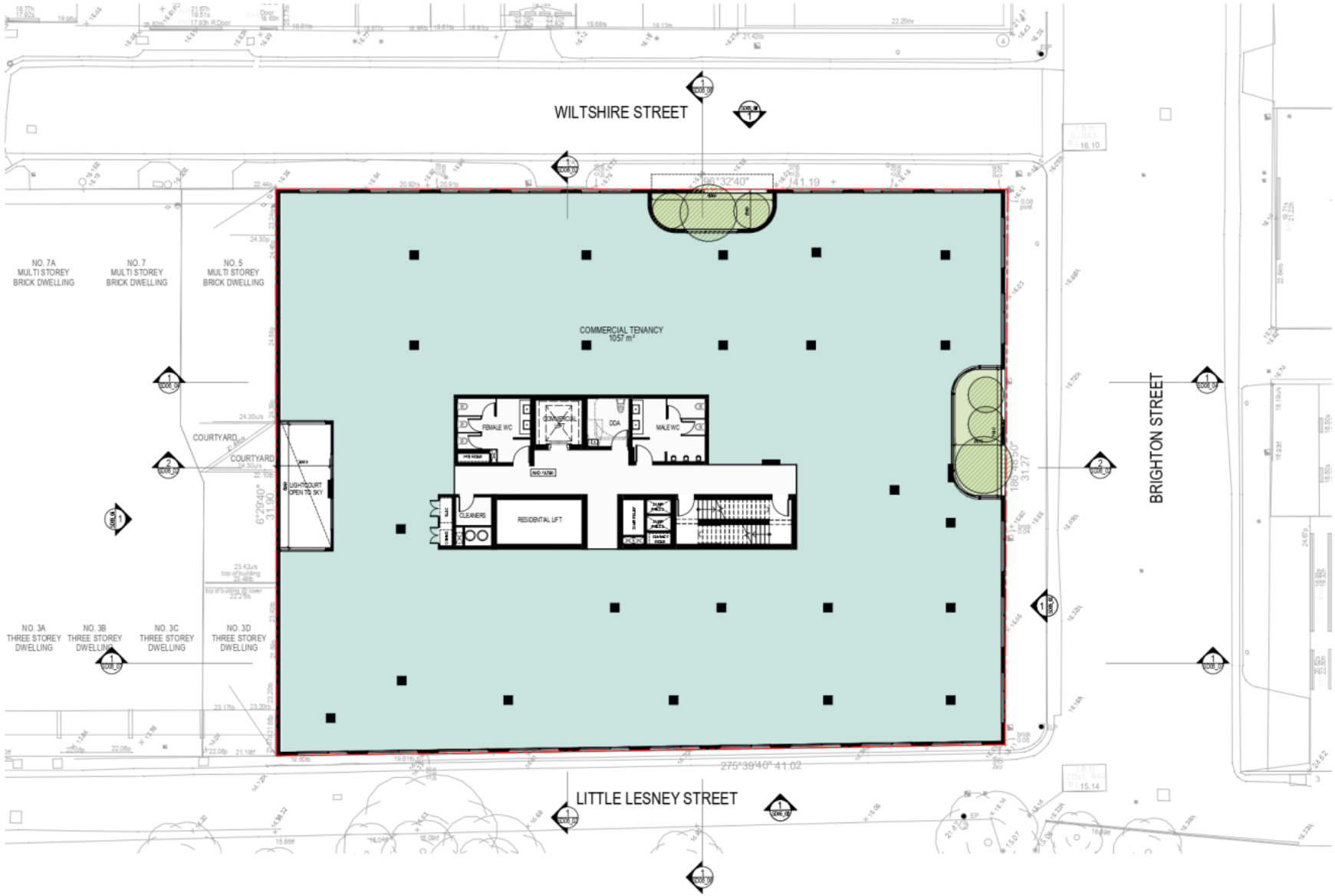
Level 5, 18 Oliver Lane
Melbourne VIC
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Attachment 3 - PLN22/0325 - S57a advertised plans



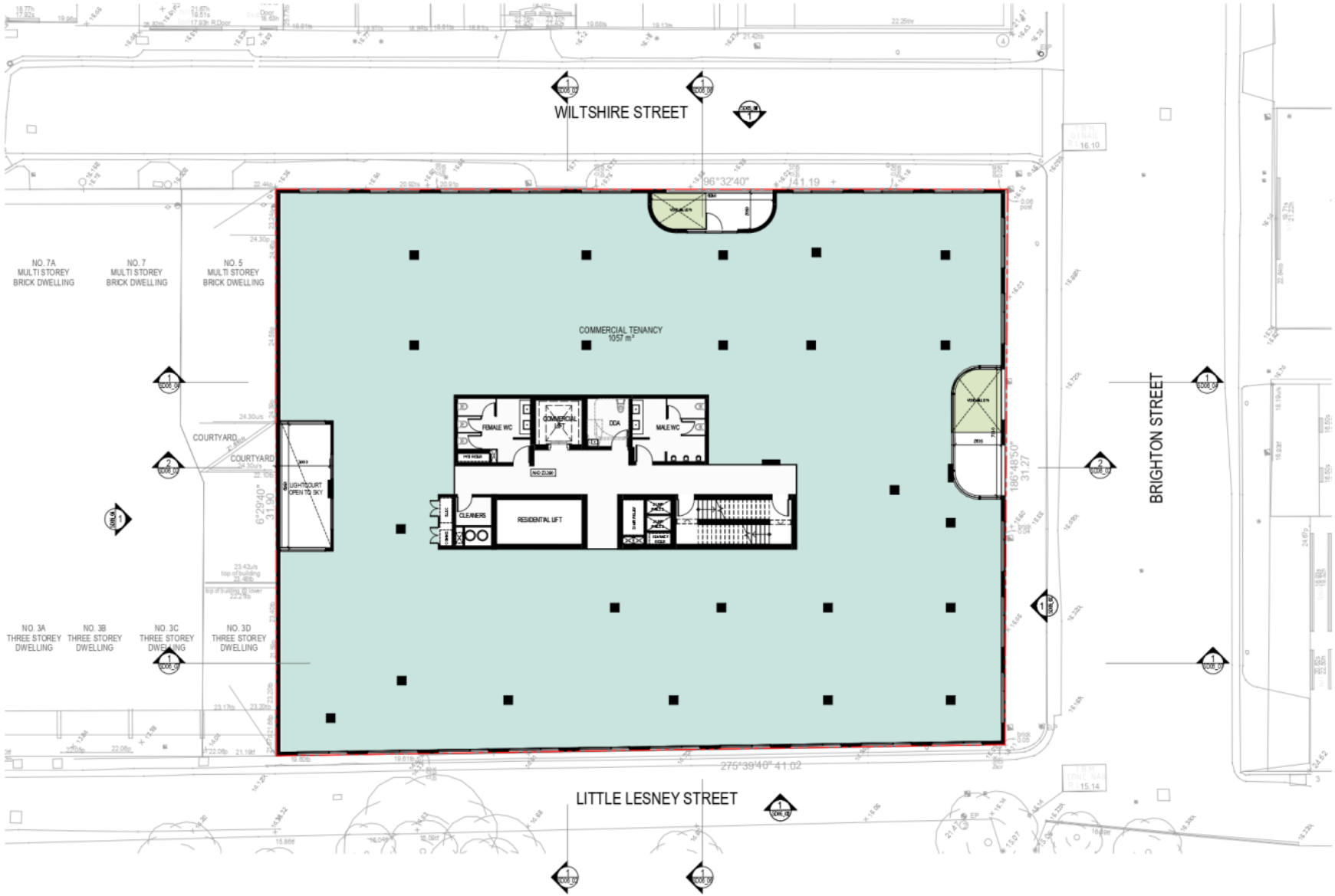
Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_05 GROUND FLOOR PLAN	17 23/02/22	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6588 gb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_06 LEVEL 1 FLOOR PLAN	17 23/02/22	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6588 sjb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_07 LEVEL 2 FLOOR PLAN	17 23/02/22

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Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_08 LEVEL 3 FLOOR PLAN	17 23/02/22	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6588 sjb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_09 LEVEL 4 FLOOR PLAN	17 23/02/22

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Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_10 LEVEL 5 FLOOR PLAN	17 23/02/22	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6588 sjb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_11 LEVEL 6 FLOOR PLAN	17 23/02/22

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Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_12 LEVEL 7-8 FLOOR PLAN	17 23/02/22

Level 5, 18 Oliver Lane
Melbourne VIC
3000 Australia
T61 3 9699 6588
sjb.com.au

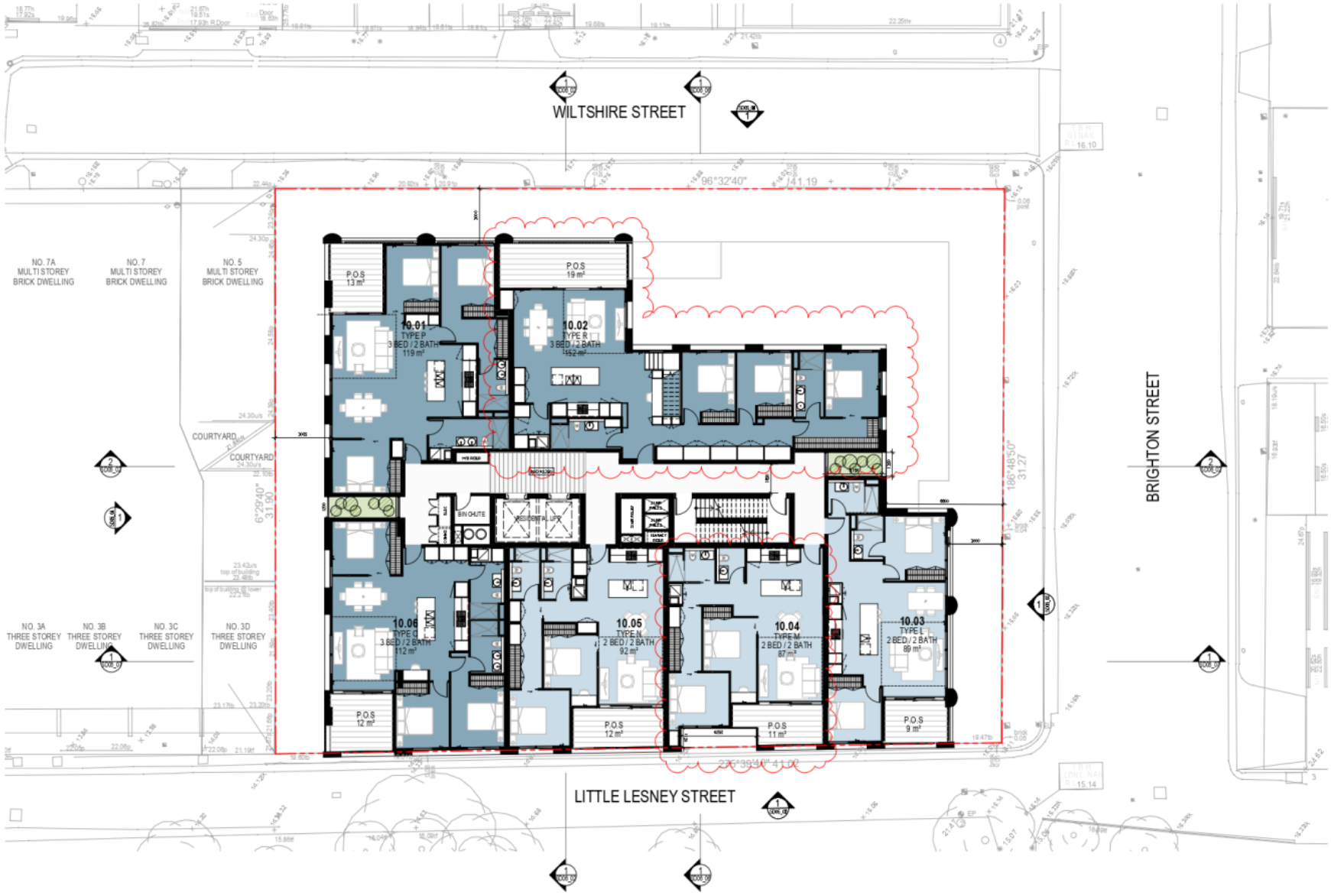
Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_13 LEVEL 9 FLOOR PLAN	17 23/02/22

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gb.com.au

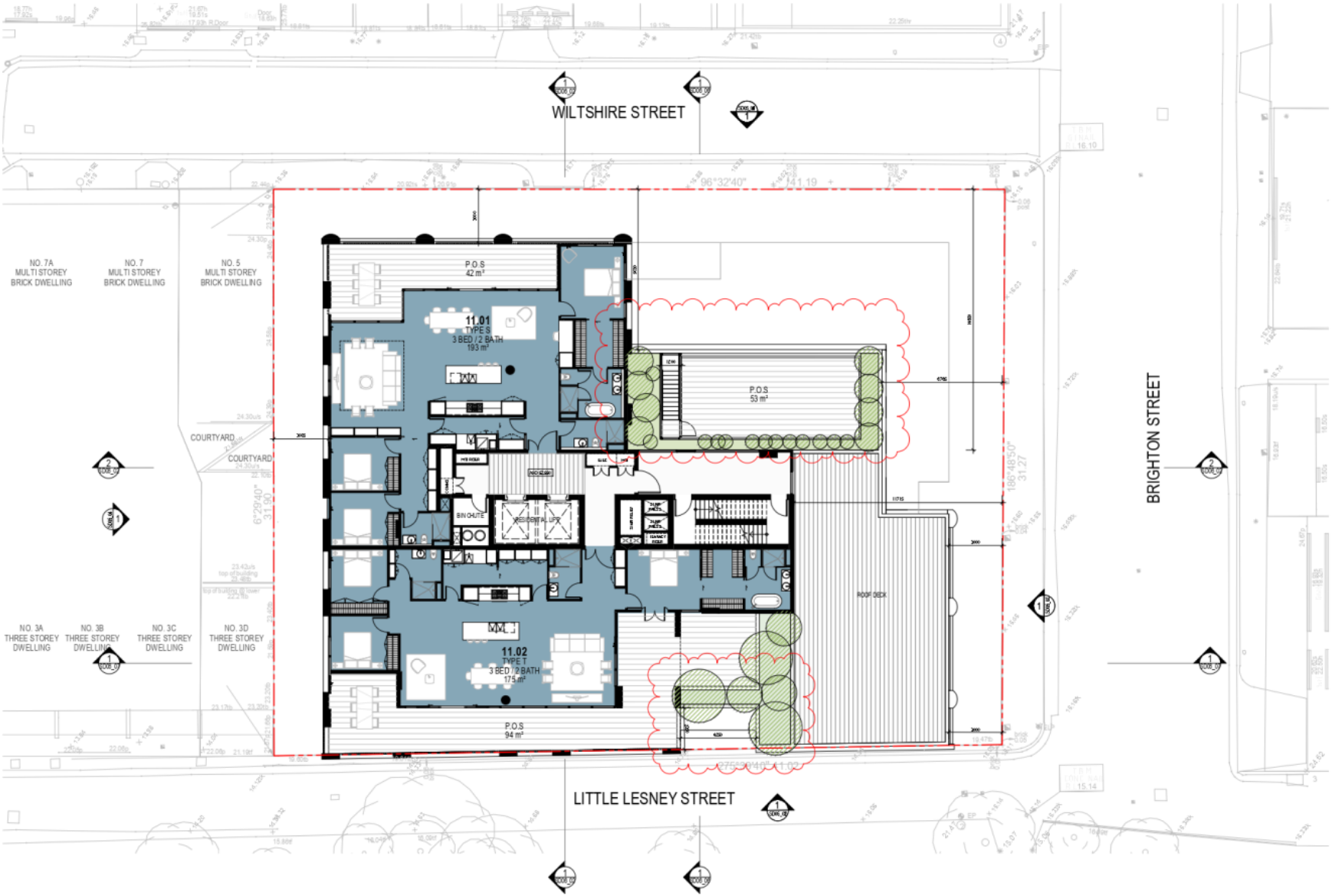
Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_14 LEVEL 10 FLOOR PLAN	17 23/02/22

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sjb.com.au

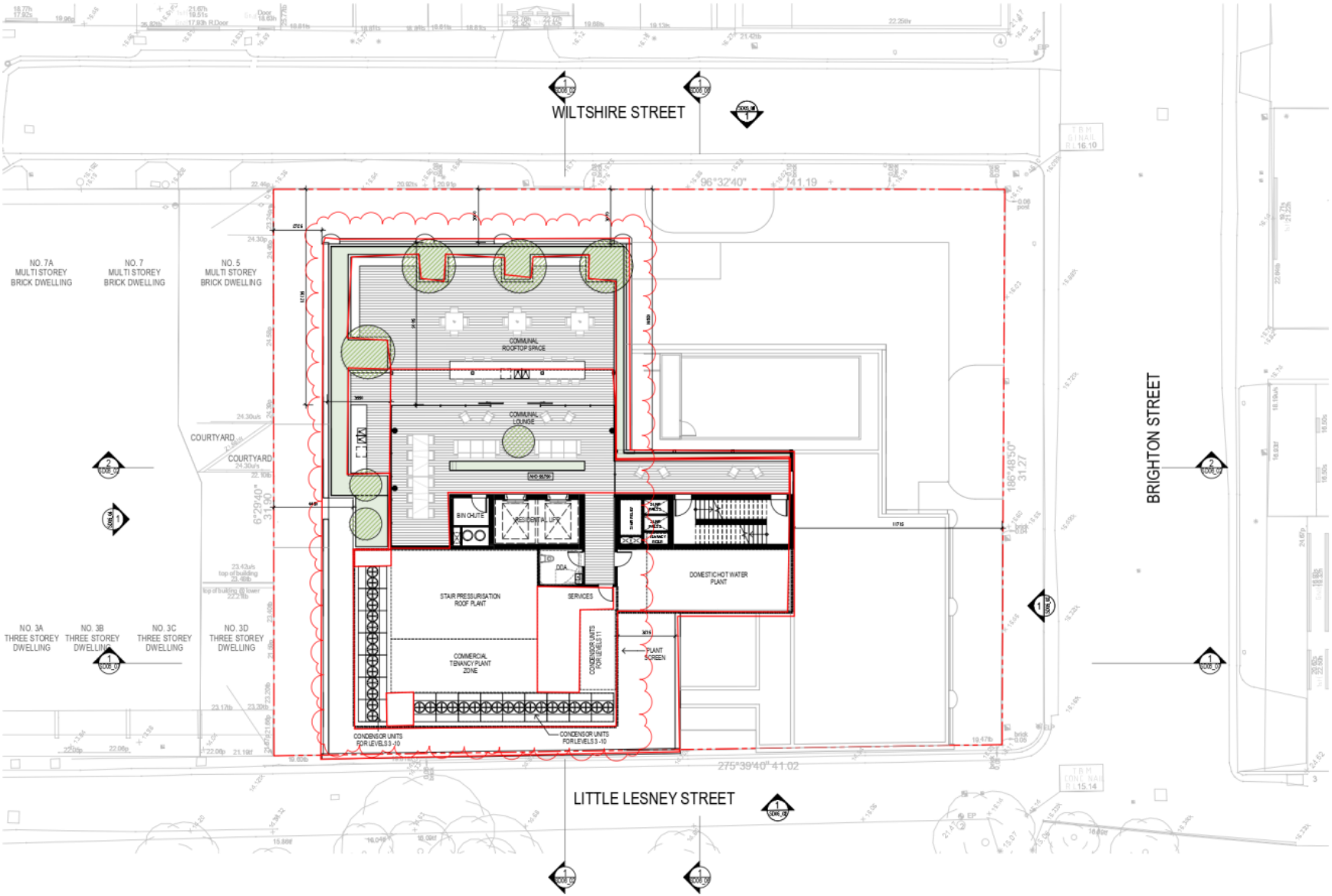
Attachment 3 - PLN22/0325 - S57a advertised plans



Project: FORTIS 2-8 BRIGHTON STREET | Job No. 21567 | Scale 1 : 100 @A1 | Drawing SD02_15 LEVEL 11 FLOOR PLAN | Revision 18 | 11/04/22

Level 5, 18 Oliver Lane
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3000 Australia
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sjb.com.au

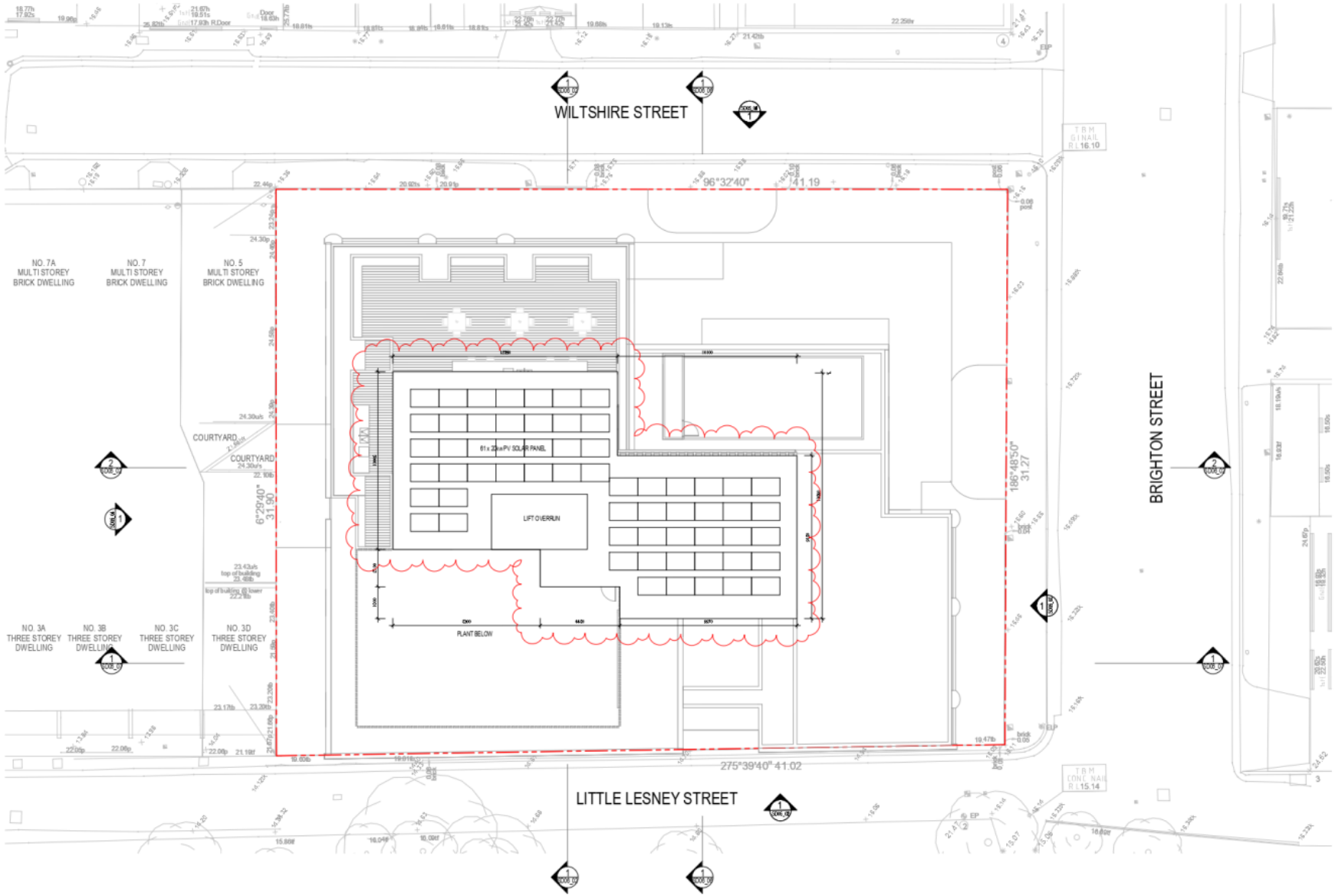
Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_16 ROOF DECK FLOOR PLAN	18 11/04/22

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Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD02_17 ROOF PLAN	18 11/04/22

Level 5, 18 Oliver Lane
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3000 Australia
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gb.com.au

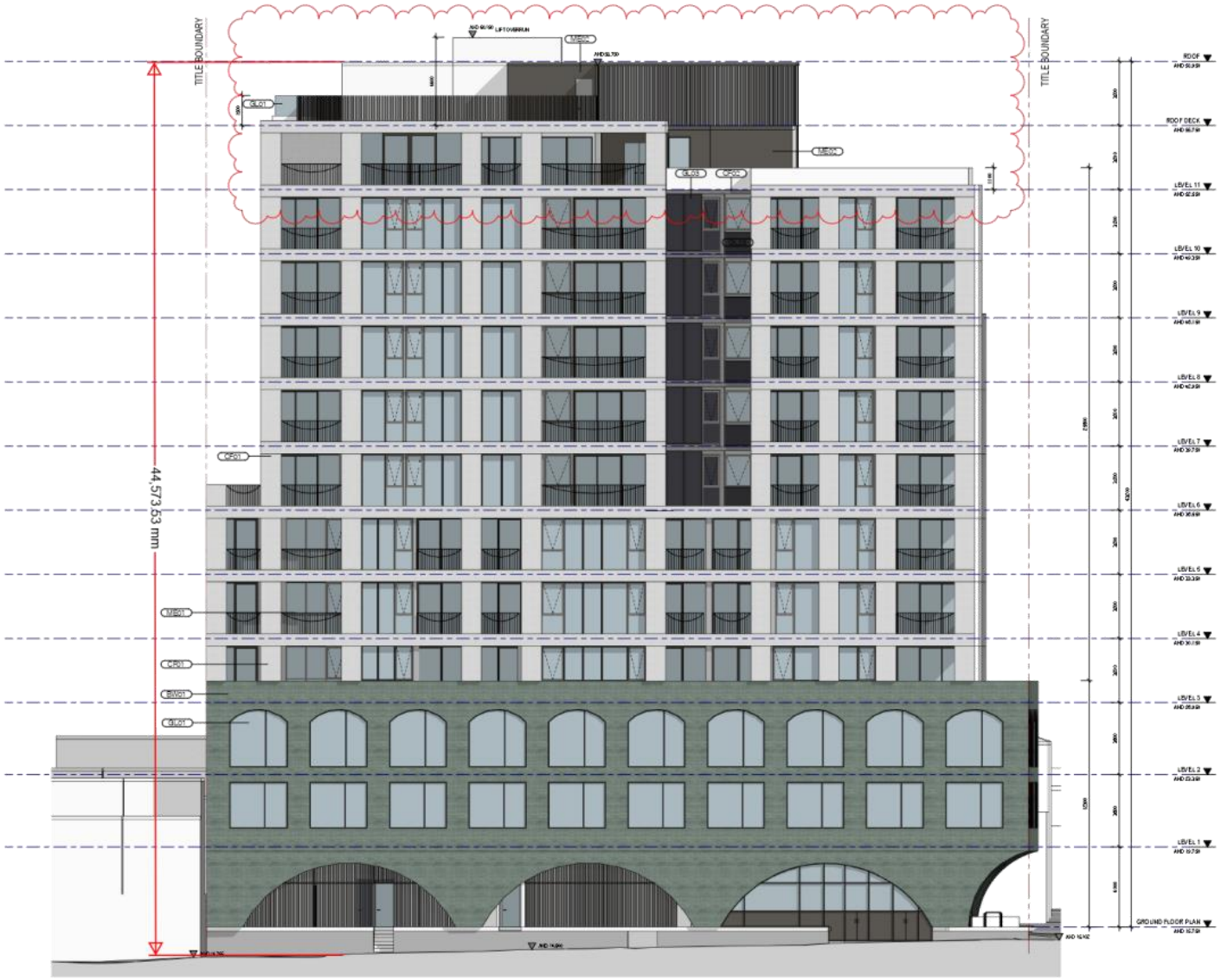
Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD05_01 NORTH ELEVATION	18 11/04/22

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Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD05_02 SOUTH ELEVATION	18 11/04/22	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6588 sjb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans

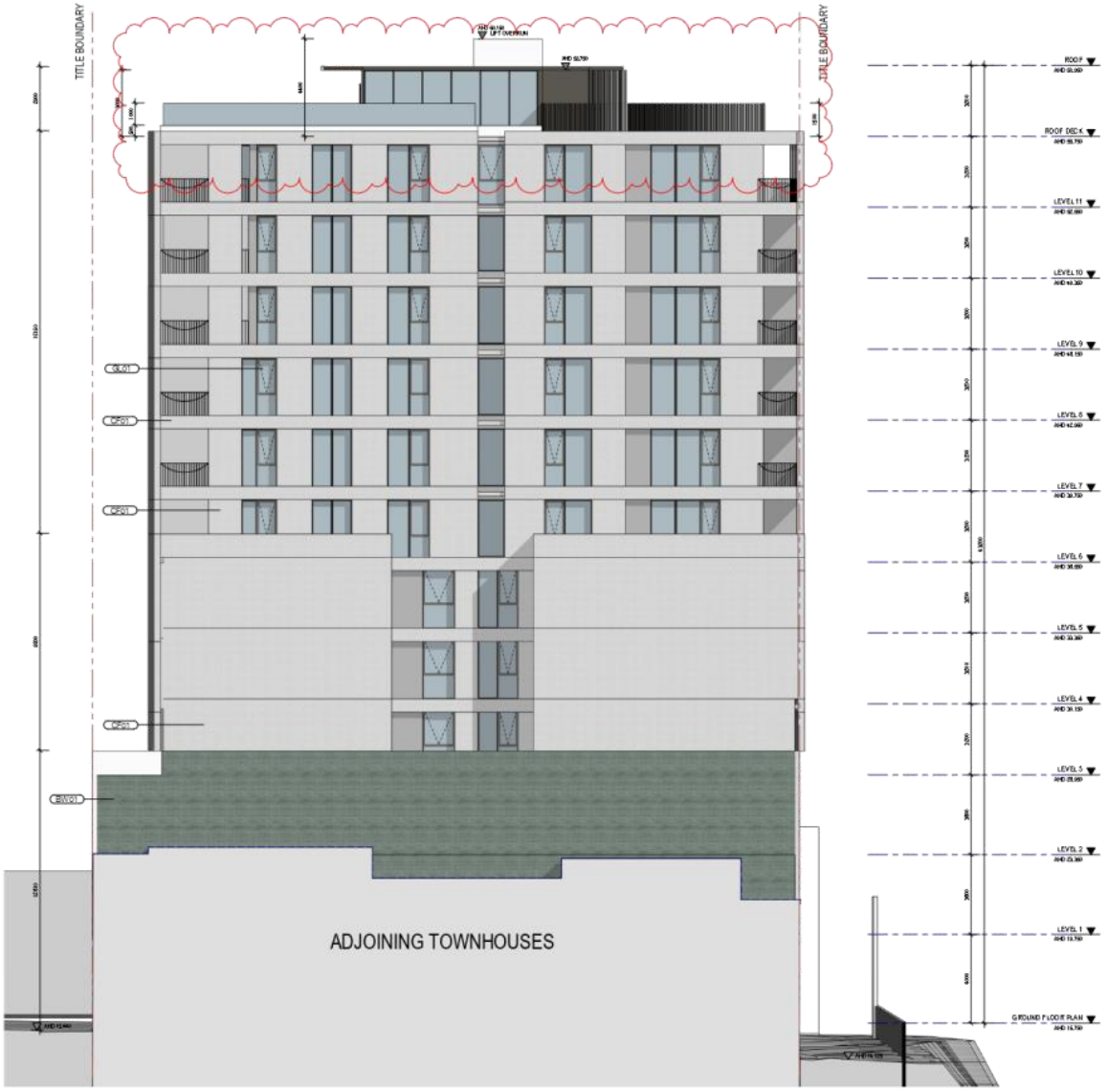


Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 100 @A1	SD05_03 EAST ELEVATION	18 11/04/22

BW01 - GREEN BRICKWORK
CP01 - CONCRETE FINISH
CP02 - CONCRETE FINISH
GL02 - CLEAR GLAZING
GL02 - SPANDREL GLAZING
GL03 - DARK GLAZING
ME01 - GREEN POWDERCOAT
ME02 - CHARCOAL POWDERCOAT
ME03 - METAL SCREEN
LV01 - LOUVRES WARM GREY

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Attachment 3 - PLN22/0325 - S57a advertised plans



Project FORTIS 2-8 BRIGHTON STREET	Job No. 21567	Scale 1 : 100 @A1		Drawing SD05_04 WEST ELEVATION	Revision 18 11/04/22	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6588 sjb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans



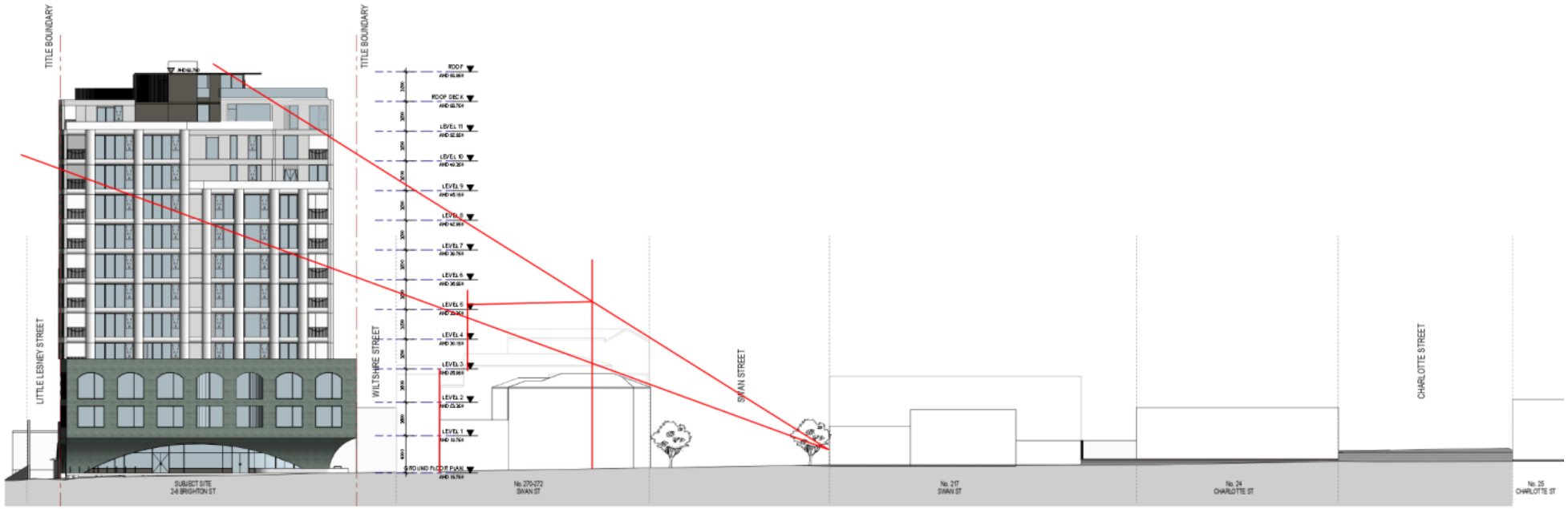
Project: FORTIS 2-8 BRIGHTON STREET	Job No.: 21567	Scale: 1 : 200 @A1	Drawing: SD05_06 NORTH ELEVATION - STREETSCAPE	Revision: 17	23/02/22	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6588 sjb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans



Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 200 @A1	SD05_07 SOUTH ELEVATION - STREETSCAPE	18 11/04/22	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6588 gb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

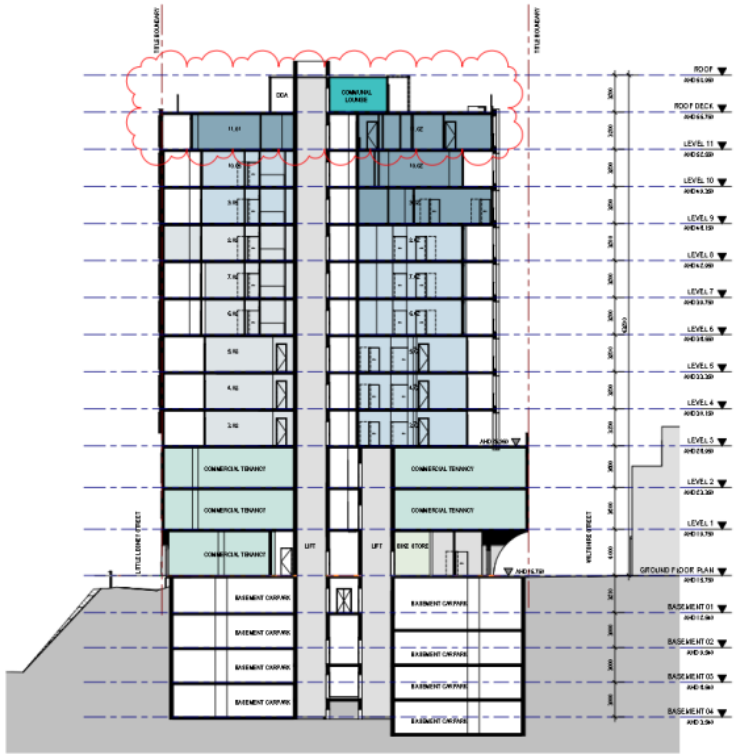
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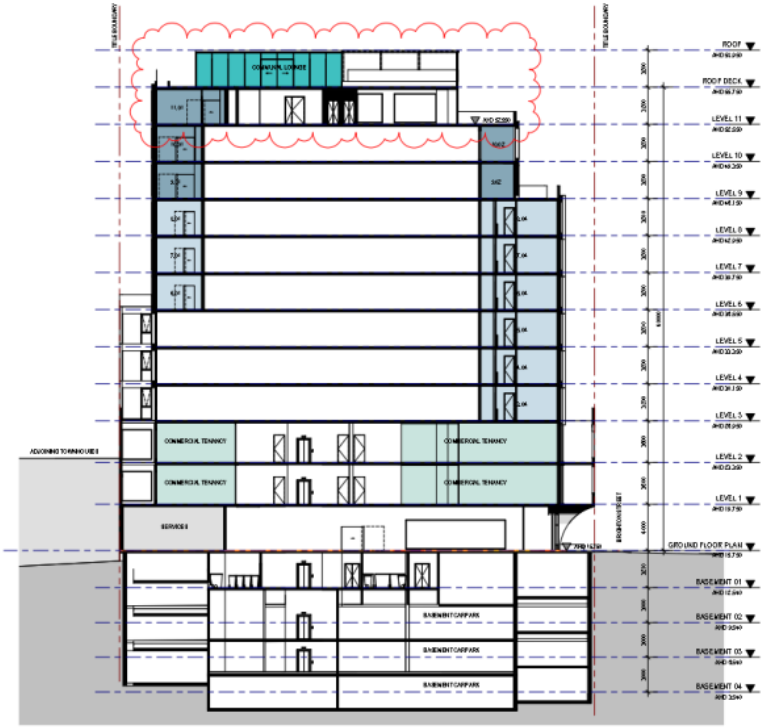
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EAST ELEVATION - CONTEXT

Revision
18
11/04/22

Level 5, 18 Oliver Lane
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Attachment 3 - PLN22/0325 - S57a advertised plans





Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

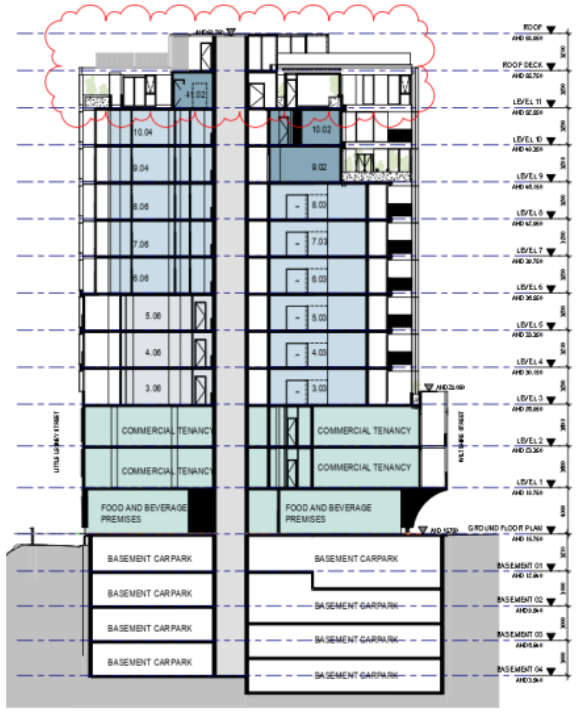
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Drawing
SD06_02
SECTIONS

Revision
18
11/04/22

Level 5, 18 Oliver Lane
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Attachment 3 - PLN22/0325 - S57a advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

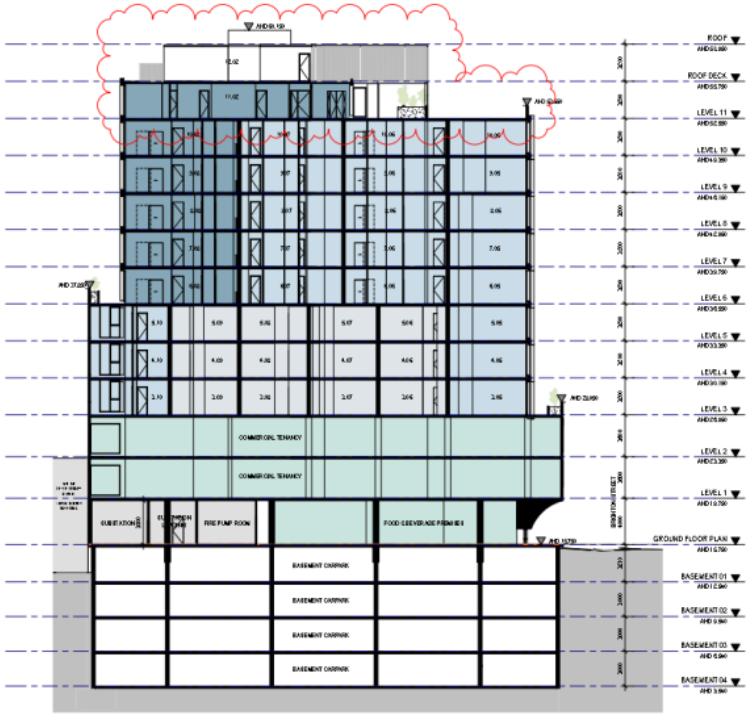
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SD06_06
SECTION N-S APT 12.02

Revision
18
11/04/22

Level 5, 18 Oliver Lane
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Attachment 3 - PLN22/0325 - S57a advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

Scale
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Drawing
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SECTION E-W APT 3.06

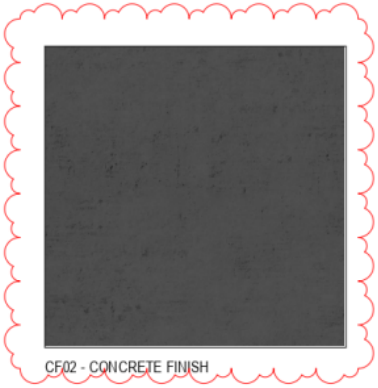
Revision
18
11/04/22

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Attachment 3 - PLN22/0325 - S57a advertised plans


BW01 - GREEN BRICKWORK


CF01 - CONCRETE FINISH


CF02 - CONCRETE FINISH


GL01 - CLEAR GLAZING


GL02 - SPANDREL GLAZING


GL03 - DARK GLAZING


LV01 - LOUVRES WARM GREY


ME01 - GREEN POWDERCOAT


ME02 - CHARCOAL POWDERCOAT


ME03 - METAL SCREENING

Project
FORTIS
2-8 BRIGHTON STREET

Job No.
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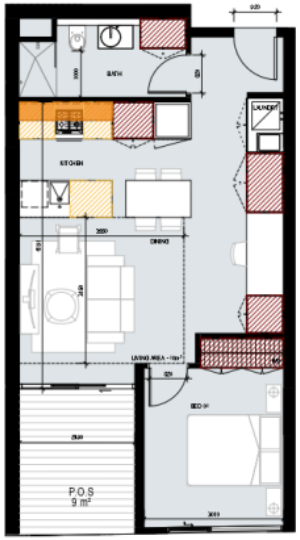
Scale
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Drawing
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MATERIAL SCHEDULE

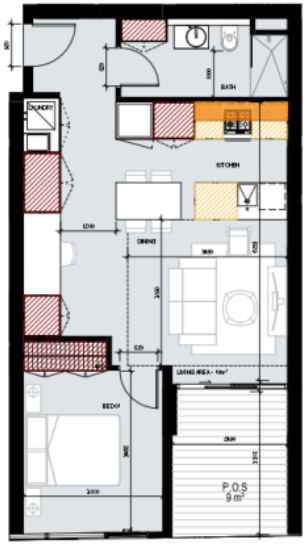
Revision
17
23/02/22

Level 5, 18 Oliver Lane
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3000 Australia
T61 3 9699 6588
sjb.com.au

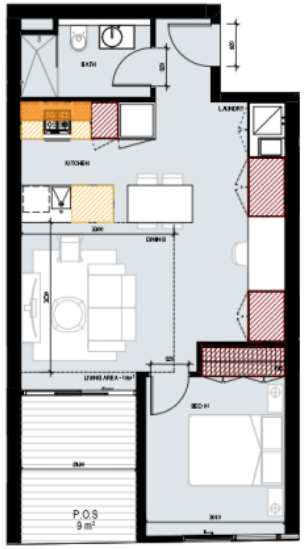
Attachment 3 - PLN22/0325 - S57a advertised plans



3 SD08_01 TYPE A_1 BED/STUDY
SCALE 1 : 50



1 SD08_01 TYPE B_1BED/STUDY
SCALE 1 : 50



2 SD08_01 TYPE C_1BED/STUDY
SCALE 1 : 50



23-Feb-22 4:42:04 PM

Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

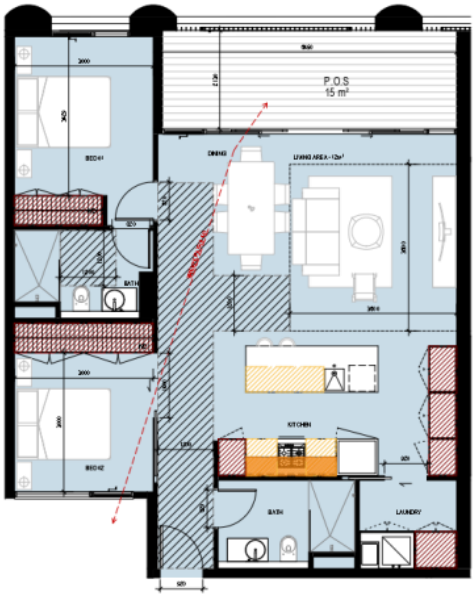
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Drawing
SD14_01
APARTMENT TYPES

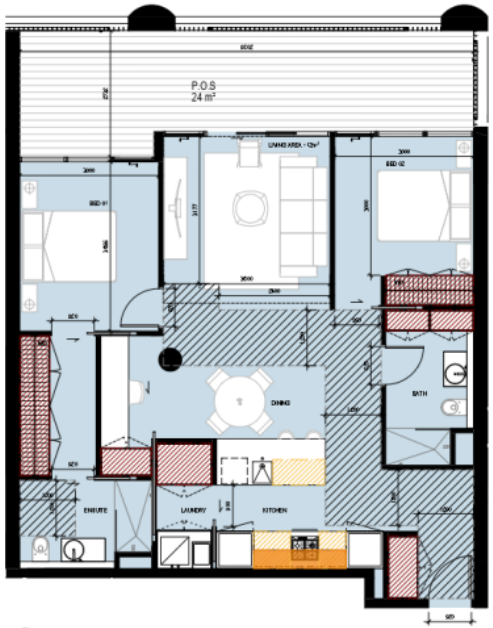
Revision
17
23/02/22

Level 5, 18 Oliver Lane
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3000 Australia
T61 3 9699 6588
sjb.com.au

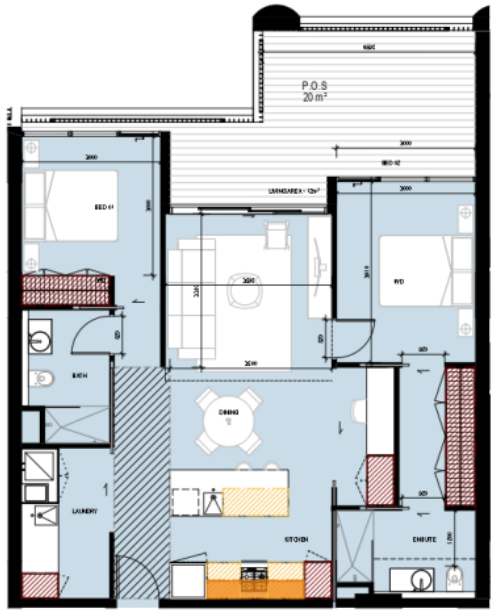
Attachment 3 - PLN22/0325 - S57a advertised plans



1 TYPE D_2 BED/2 BATH
SD05_01 SCALE 1 : 50



2 TYPE E_2 BED/2 BATH
SD05_01 SCALE 1 : 50



3 TYPE F_2 BED/2 BATH
SD05_01 SCALE 1 : 50

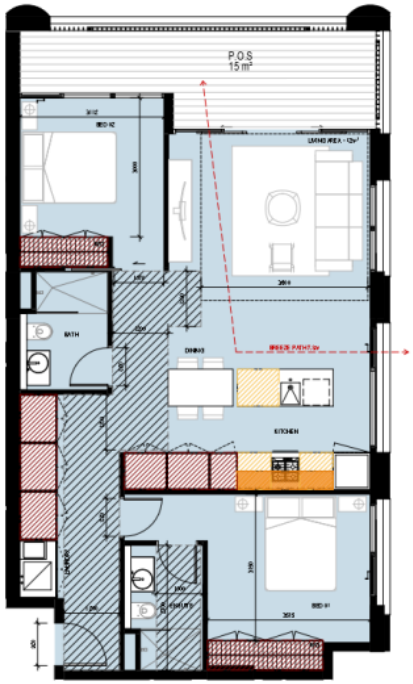


Project	Job No.	Scale
FORTIS 2-8 BRIGHTON STREET	21567	1 : 50 @A1

Drawing	Revision
SD14_02 APARTMENT TYPES	17 23/02/22

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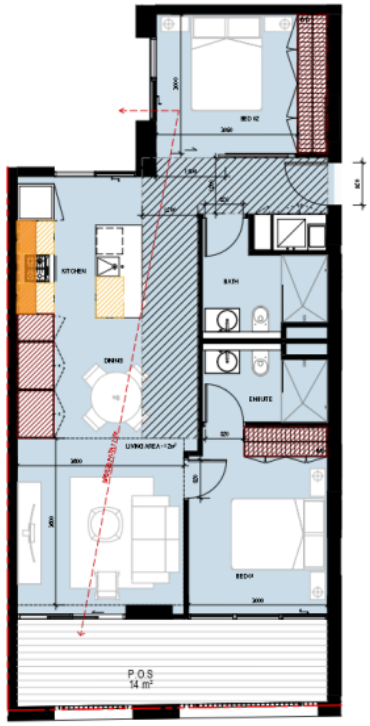
Attachment 3 - PLN22/0325 - S57a advertised plans



1 TYPE G_2 BED/2 BATH
SD05_01 SCALE 1 : 50



2 TYPE H_2 BED/2 BATH
SD05_01 SCALE 1 : 50



3 TYPE I_2 BED/2 BATH
SD05_01 SCALE 1 : 50



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

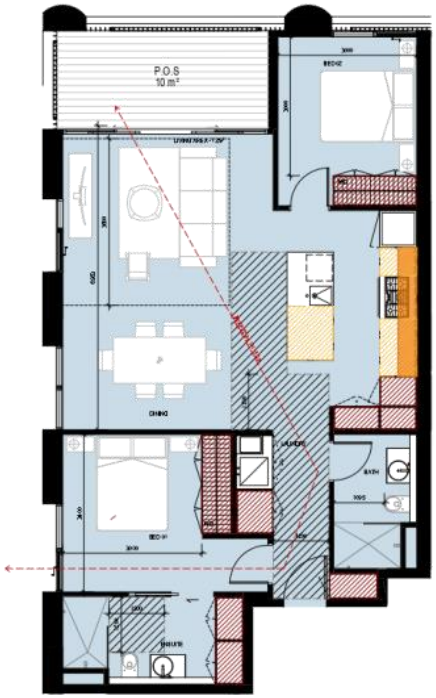
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APARTMENT TYPES

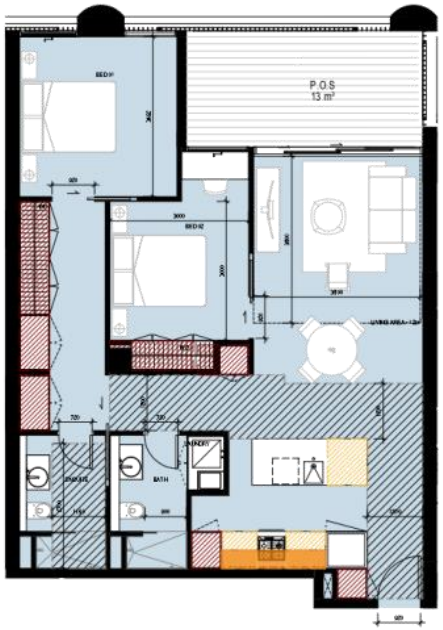
Revision
17
23/02/22

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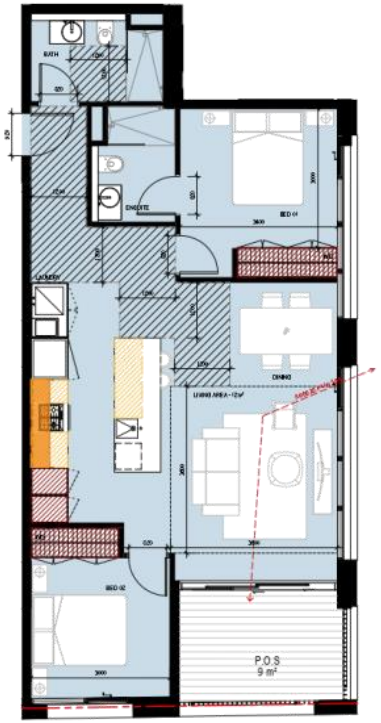
Attachment 3 - PLN22/0325 - S57a advertised plans



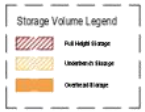
1 TYPE J_2 BED/2 BATH
SD05_01 SCALE 1 : 50



2 TYPE K_2 BED/2 BATH
SD05_01 SCALE 1 : 50



3 TYPE L_2 BED/2 BATH
SD05_01 SCALE 1 : 50



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

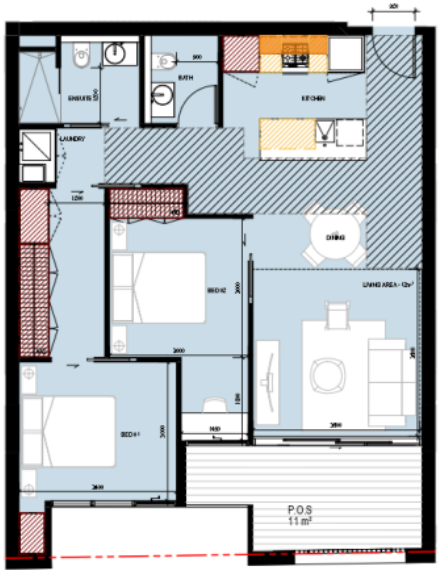
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Drawing
SD14_04
APARTMENT TYPES

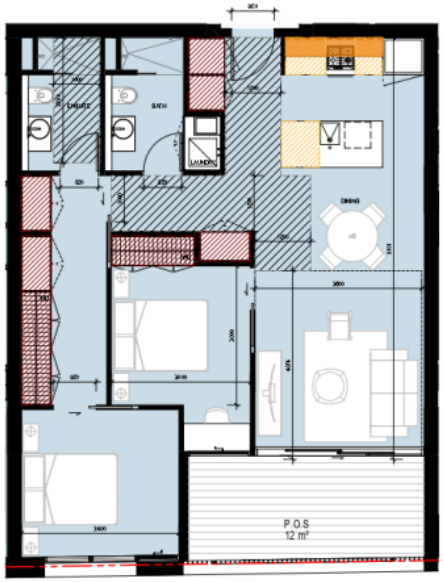
Revision
17
23/02/22

Level 5, 18 Oliver Lane
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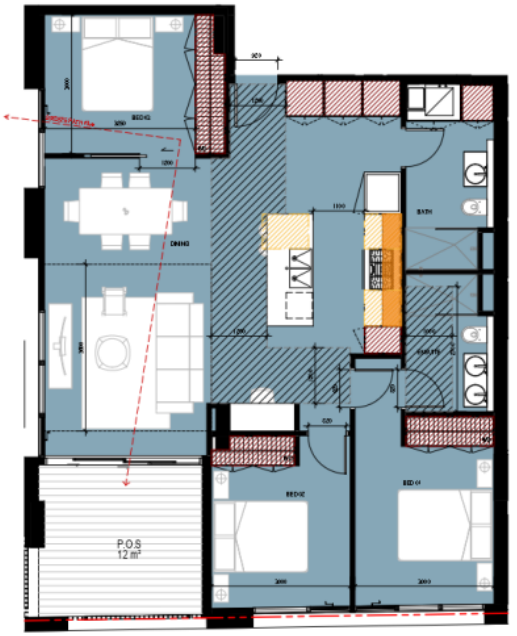
Attachment 3 - PLN22/0325 - S57a advertised plans



1 TYPE M_2 BED/2 BATH
SD05_01 SCALE 1:50



2 TYPE N_2 BED/2 BATH
SD05_01 SCALE 1:50



3 TYPE O_3 BED/2 BATH
SD05_01 SCALE 1:50



Project
FORTIS
2-8 BRIGHTON STREET

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21567

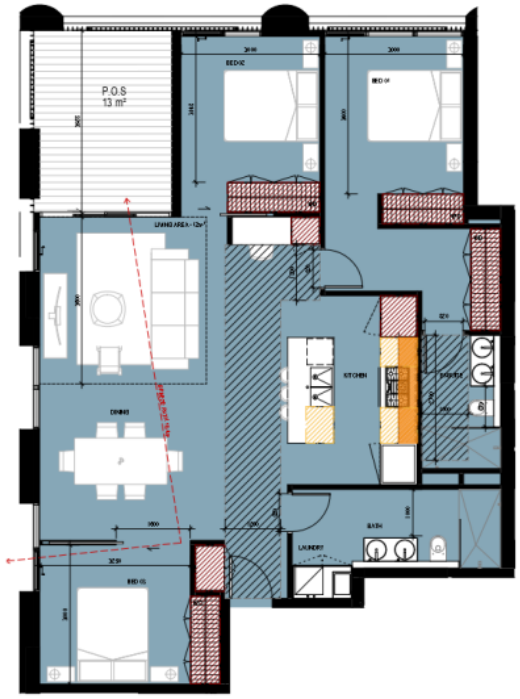
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Drawing
SD14_05
APARTMENT TYPES

Revision
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1 SD05_01 TYPE P_3 BED/ 2 BATH
SCALE 1 : 50



2 SD05_01 TYPE Q_3 BED/3 BATH
SCALE 1 : 50



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

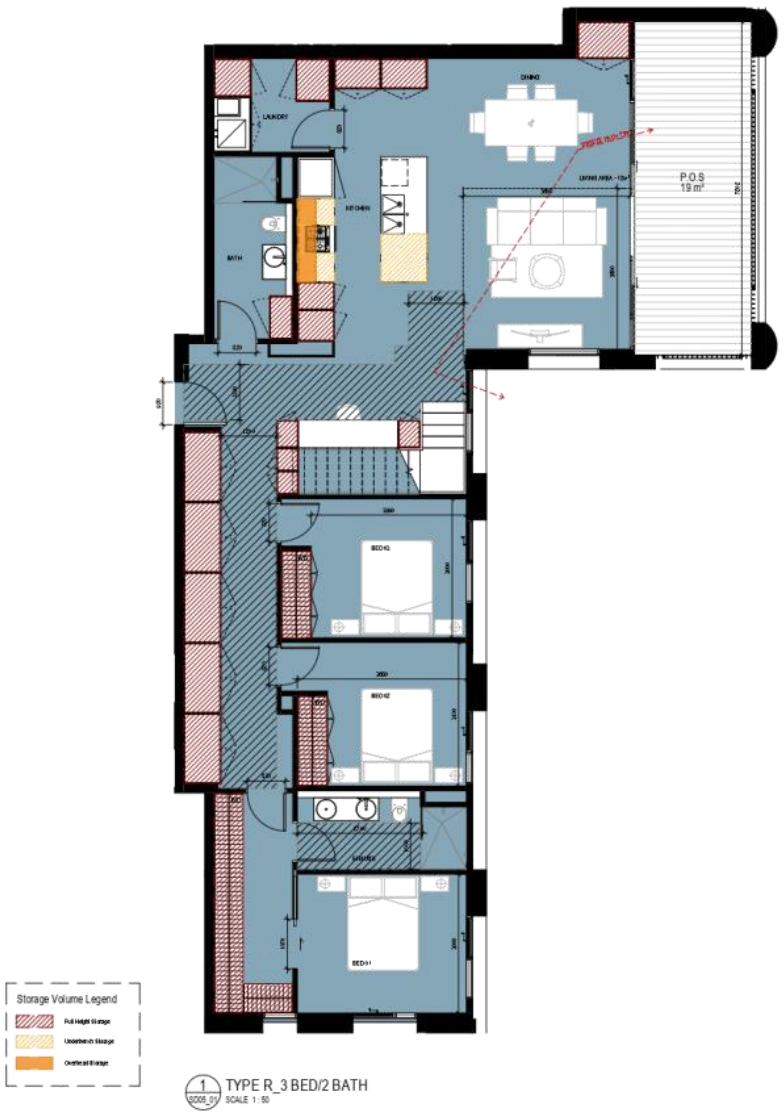
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Drawing
SD14_06
APARTMENT TYPES

Revision
17
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Attachment 3 - PLN22/0325 - S57a advertised plans



1 TYPE R_3 BED/2 BATH
SD05_01 SCALE 1 : 50

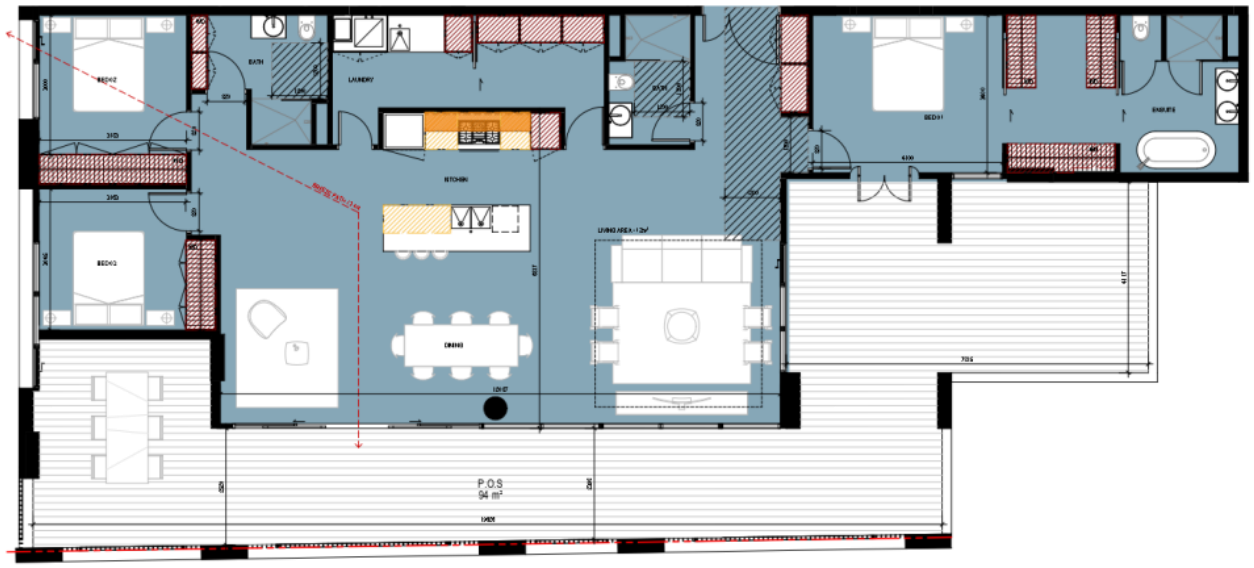


2 TYPE S_3 BED/2 BATH
SD05_01 SCALE 1 : 50

Project	Job No.	Scale	Drawing	Revision
FORTIS 2-8 BRIGHTON STREET	21567	1 : 50 @A1	SD14_07 APARTMENT TYPES	17 23/02/22

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Attachment 3 - PLN22/0325 - S57a advertised plans



1 SD06_01 TYPE T_3 BED/2 BATH
SCALE 1 : 50

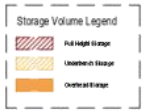
Storage Volume Legend
Full Height Storage
Underbench Storage
Overhead Storage

Project: FORTIS 2-8 BRIGHTON STREET	Job No.: 21567	Scale: 1 : 50 @A1	Drawing: SD14_08 APARTMENT TYPES	Revision: 17	23/02/22	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6588 sjb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans

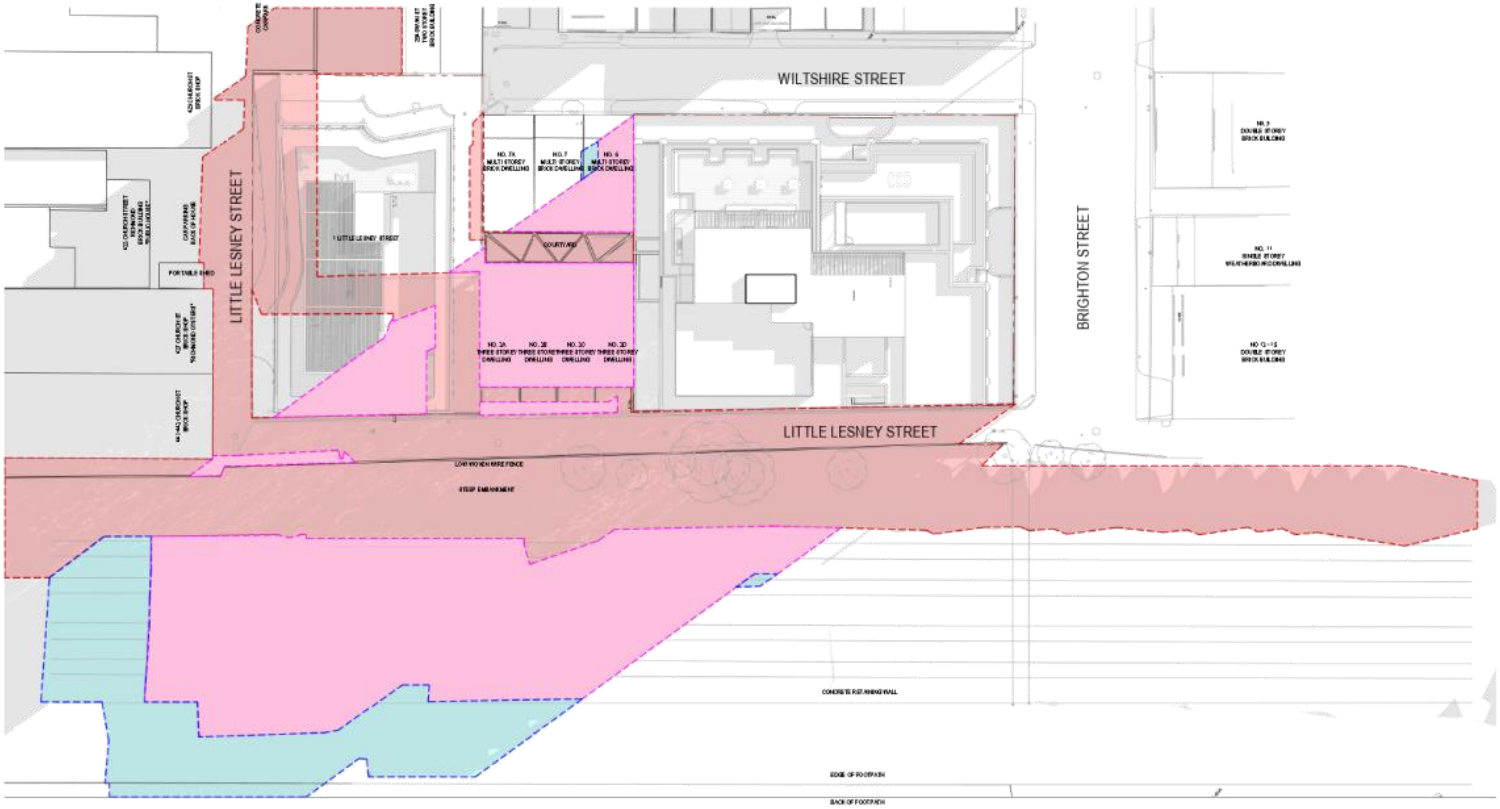


1 SD05_07 TYPE U_2 BED/2 BATH
SCALE 1:50



Project	Job No.	Scale	Drawing	Revision	
FORTIS 2-8 BRIGHTON STREET	21567	1 : 50 @A1	SD14_09 APARTMENT TYPES	17 23/02/22	Level 5, 18 Oliver Lane Melbourne VIC 3000 Australia T61 3 9699 6588 sjb.com.au

Attachment 3 - PLN22/0325 - S57a advertised plans



Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

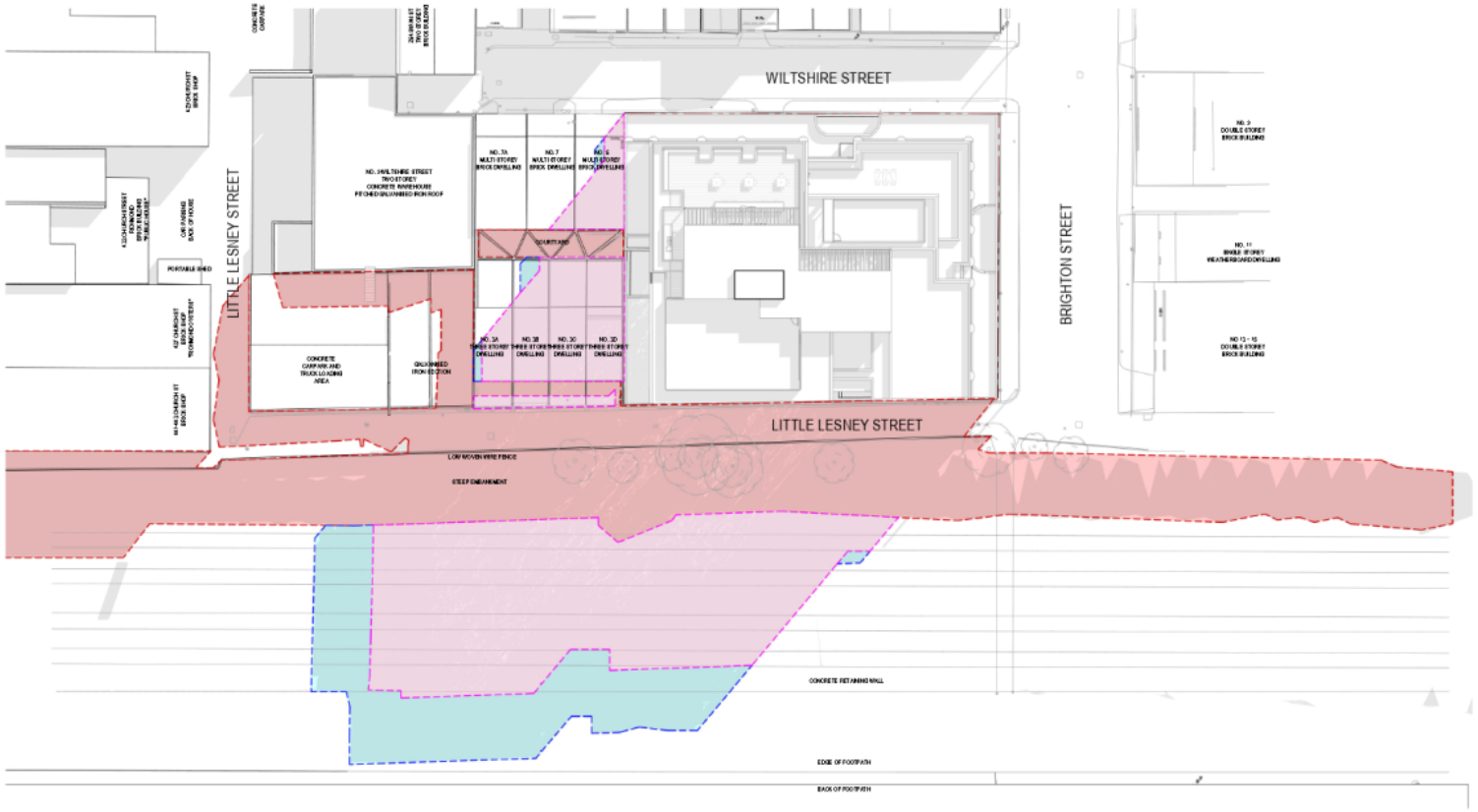
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Drawing
SD30_01
SOLAR ANALYSIS DIAGRAM - 9AM

Revision
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2-8 BRIGHTON STREET

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Scale
1 : 250 @A1

Drawing
SD30_02
SOLAR ANALYSIS DIAGRAM - 10AM

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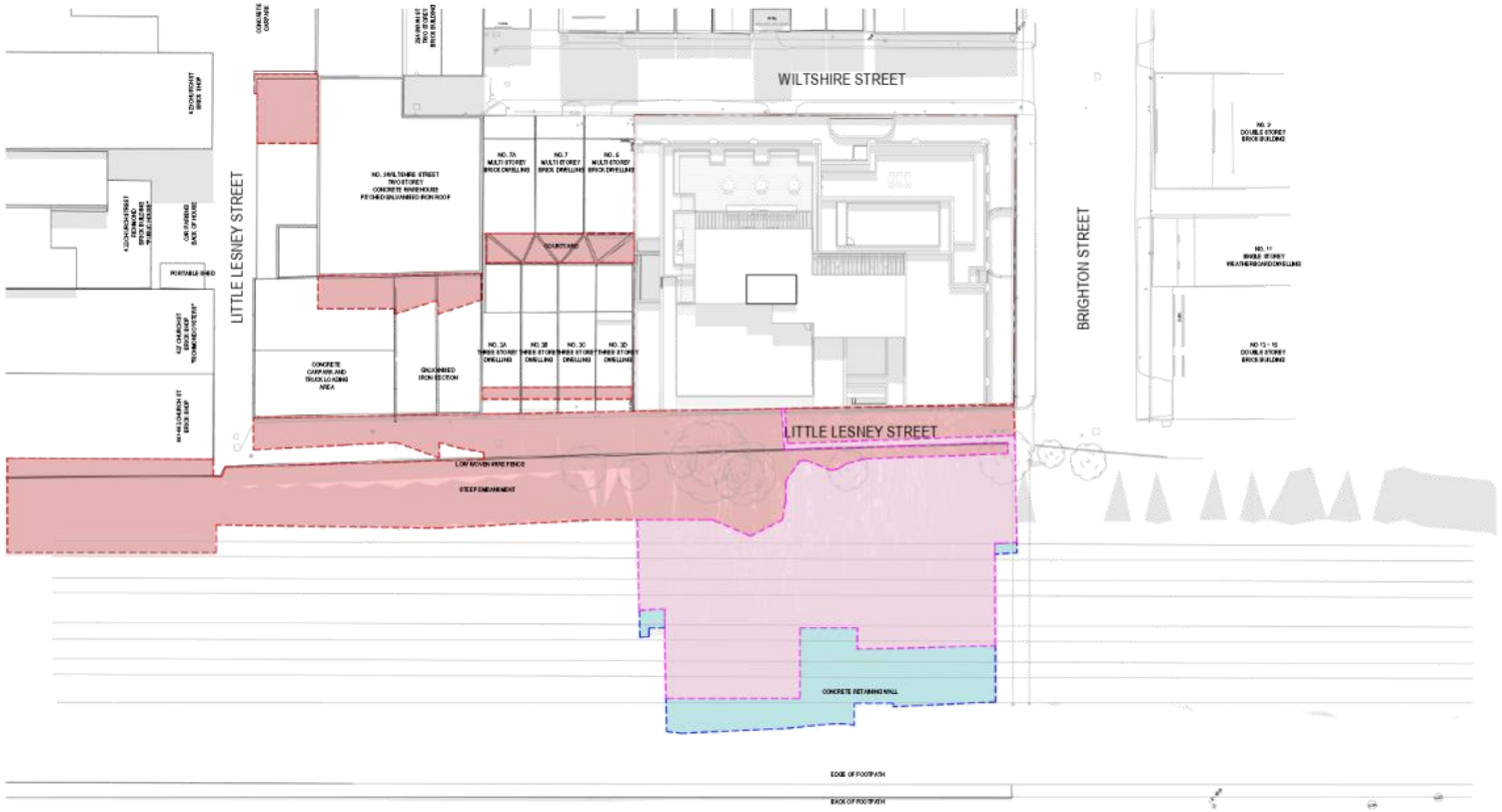
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Drawing
SD30_03
SOLAR ANALYSIS DIAGRAM - 11AM

Revision
18
11/04/22

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Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

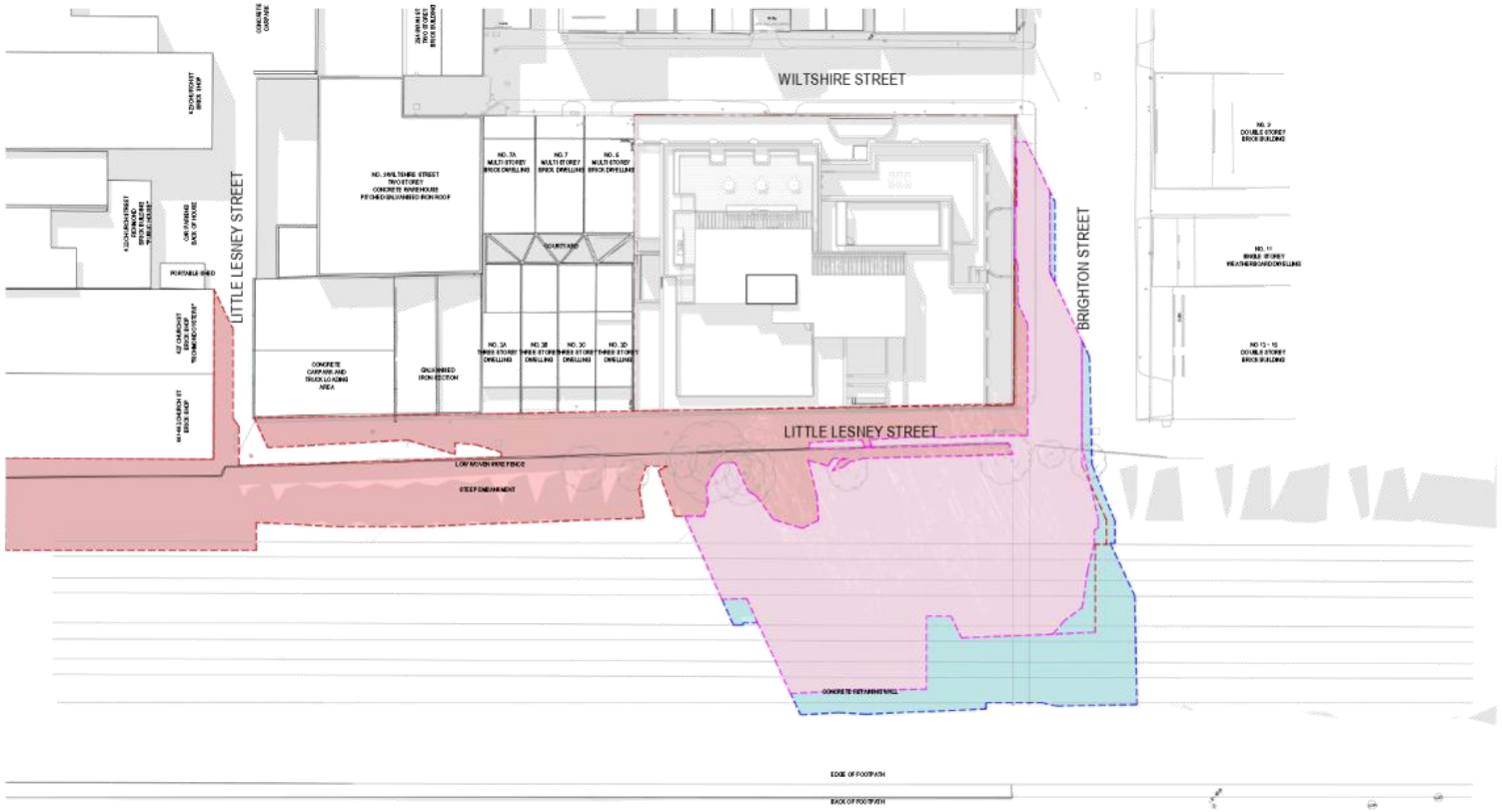
Scale
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Drawing
SD30_04
SOLAR ANALYSIS DIAGRAM - 12PM

Revision
18
11/04/22

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Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

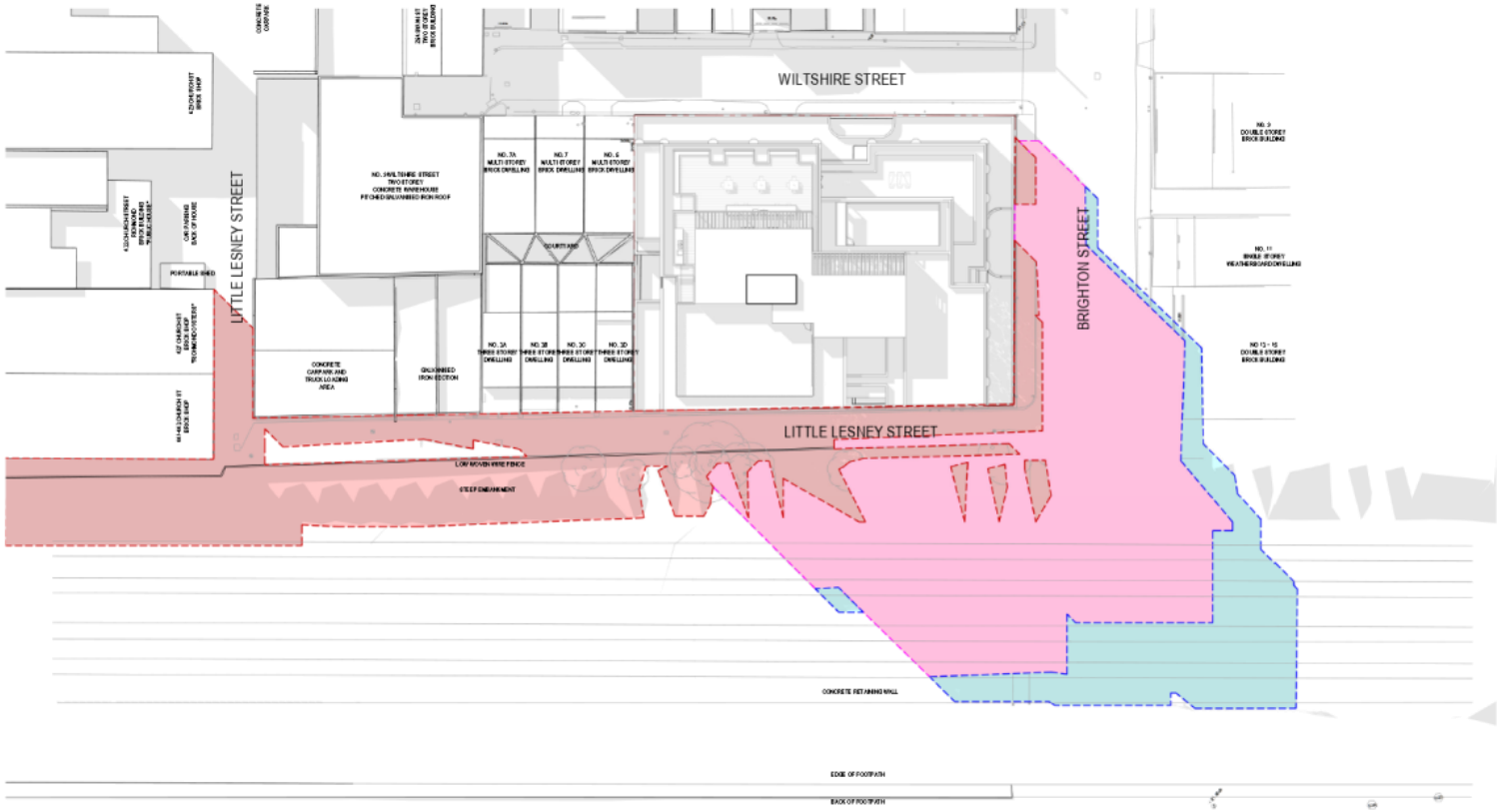
Scale
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Drawing
SD30_05
SOLAR ANALYSIS DIAGRAM - 1PM

Revision
18
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2-8 BRIGHTON STREET

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21567

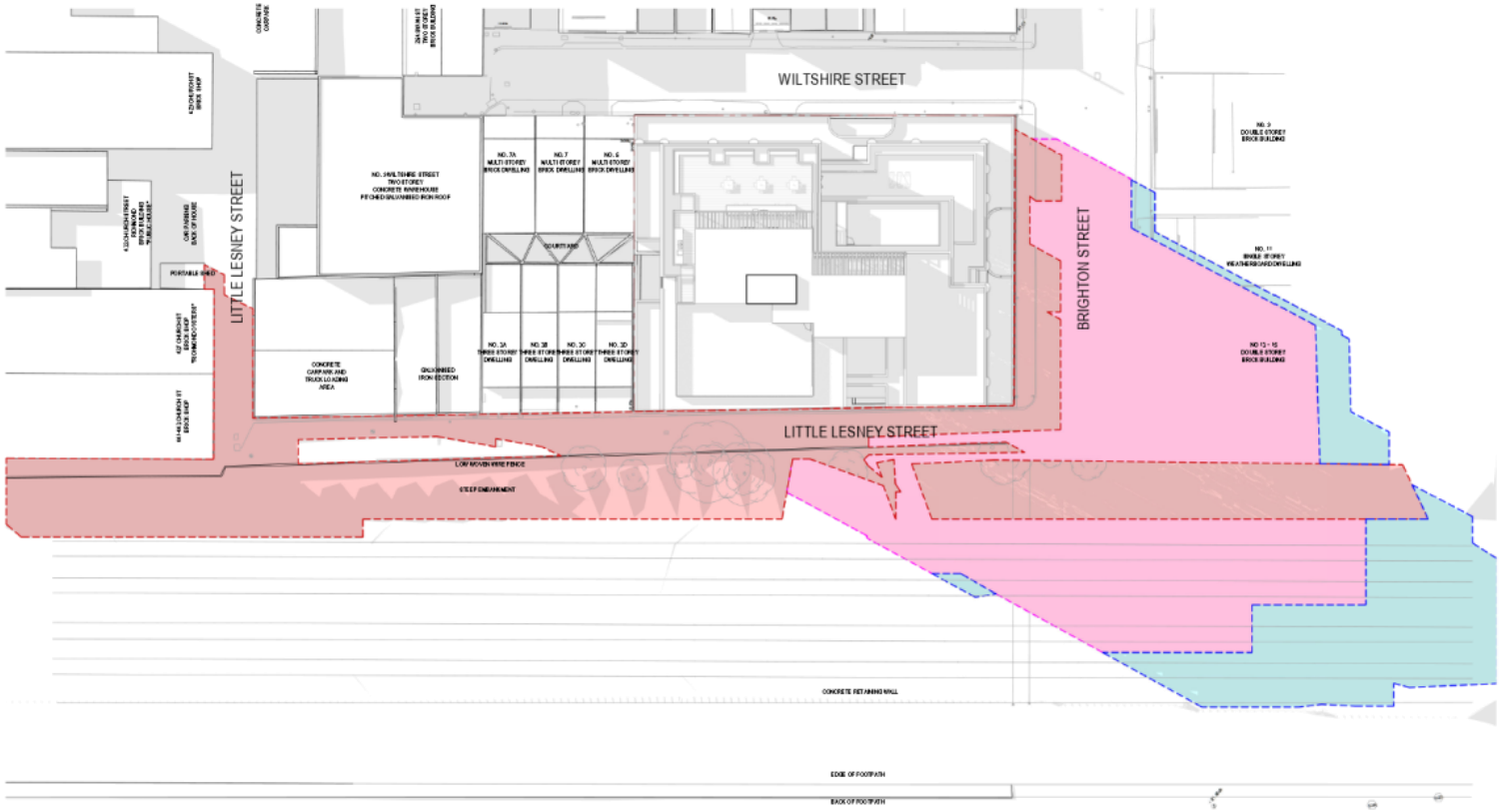
Scale
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Drawing
SD30_06
SOLAR ANALYSIS DIAGRAM - 2PM

Revision
18
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Project
FORTIS
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Job No.
21567

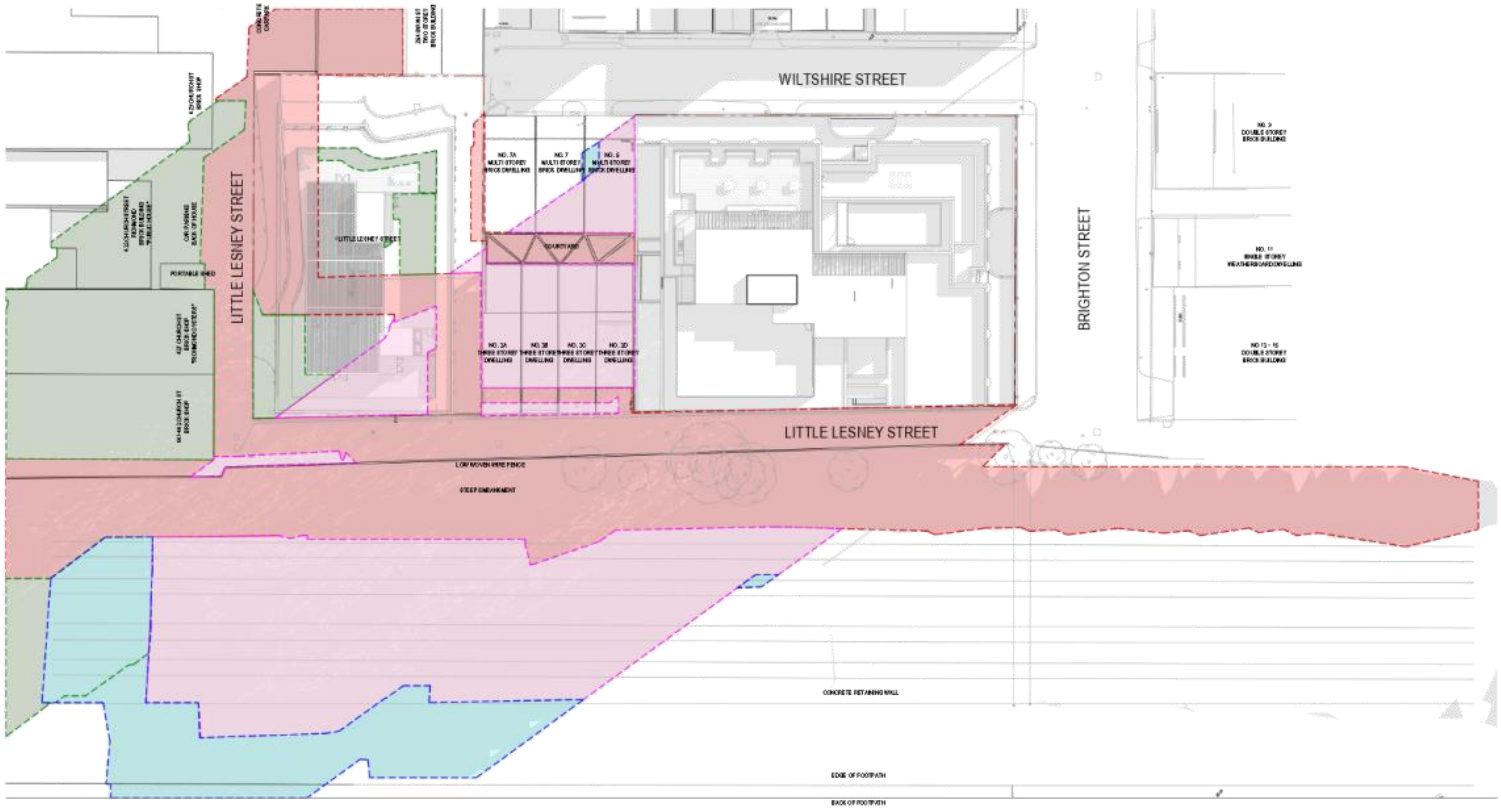
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Drawing
SD30_07
SOLAR ANALYSIS DIAGRAM - 3PM

Revision
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Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

Scale
1 : 250 @A1

Drawing
SD30_09
SOLAR ANALYSIS DIAGRAM
1 LITTLE LESNEY ST - 9AM

Revision
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11/04/22

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Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

Scale
1 : 250 @A1

Drawing
SD30_10
SOLAR ANALYSIS DIAGRAM
1 LITTLE LESNEY ST - 10AM

Revision
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Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

Scale
1 : 250 @A1

Drawing
SD30_11
SOLAR ANALYSIS DIAGRAM
1 LITTLE LESNEY ST - 11AM

Revision
18
11/04/22

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Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

Scale
1 : 250 @A1

Drawing
SD30_12
SOLAR ANALYSIS DIAGRAM
1 LITTLE LESNEY ST - 12PM

Revision
18
11/04/22

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Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

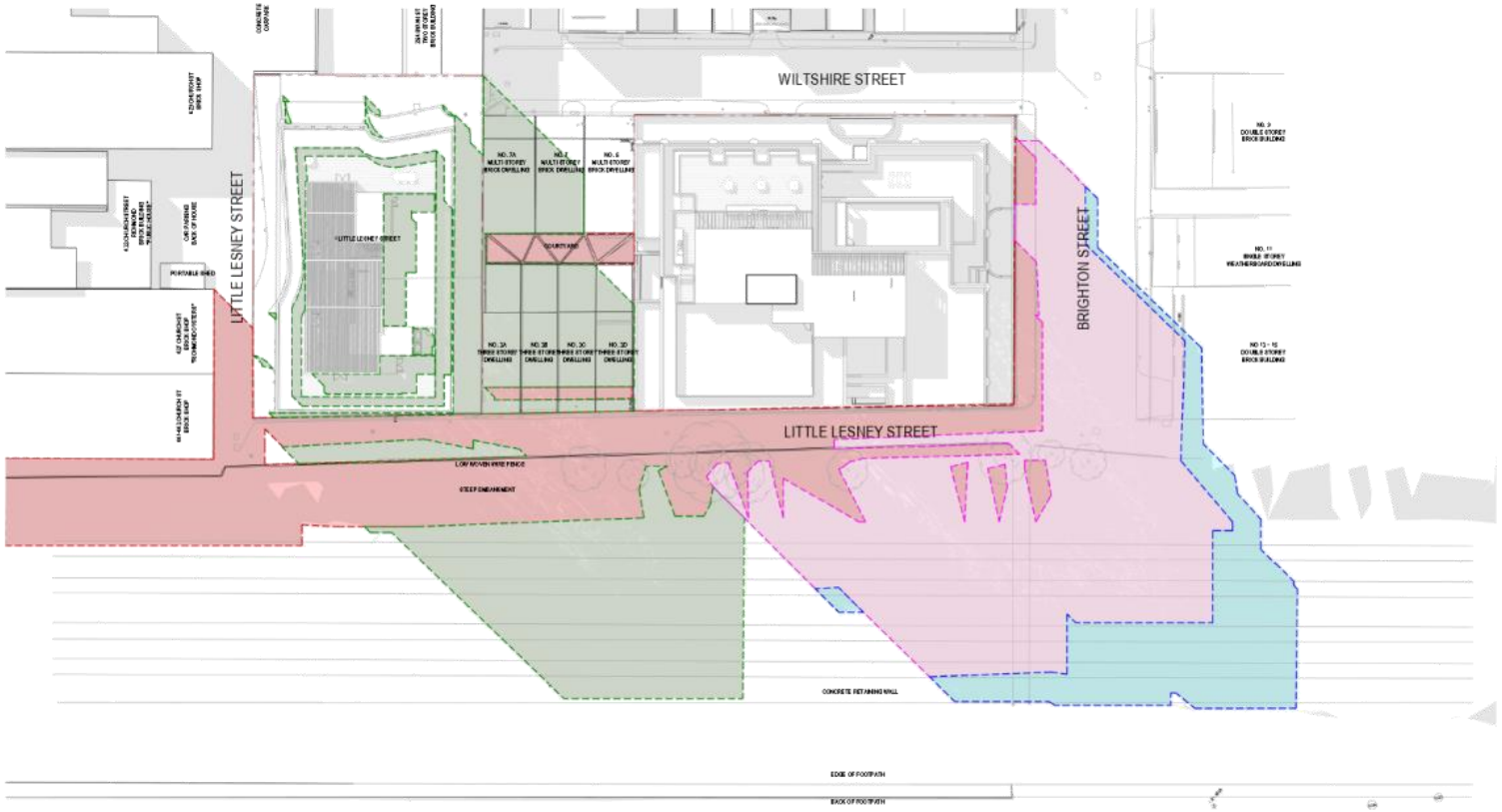
Scale
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Drawing
SD30_13
SOLAR ANALYSIS DIAGRAM
1 LITTLE LESNEY ST - 1PM

Revision
18
11/04/22

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Attachment 3 - PLN22/0325 - S57a advertised plans



Project: FORTIS
2-8 BRIGHTON STREET

Job No.: 21567

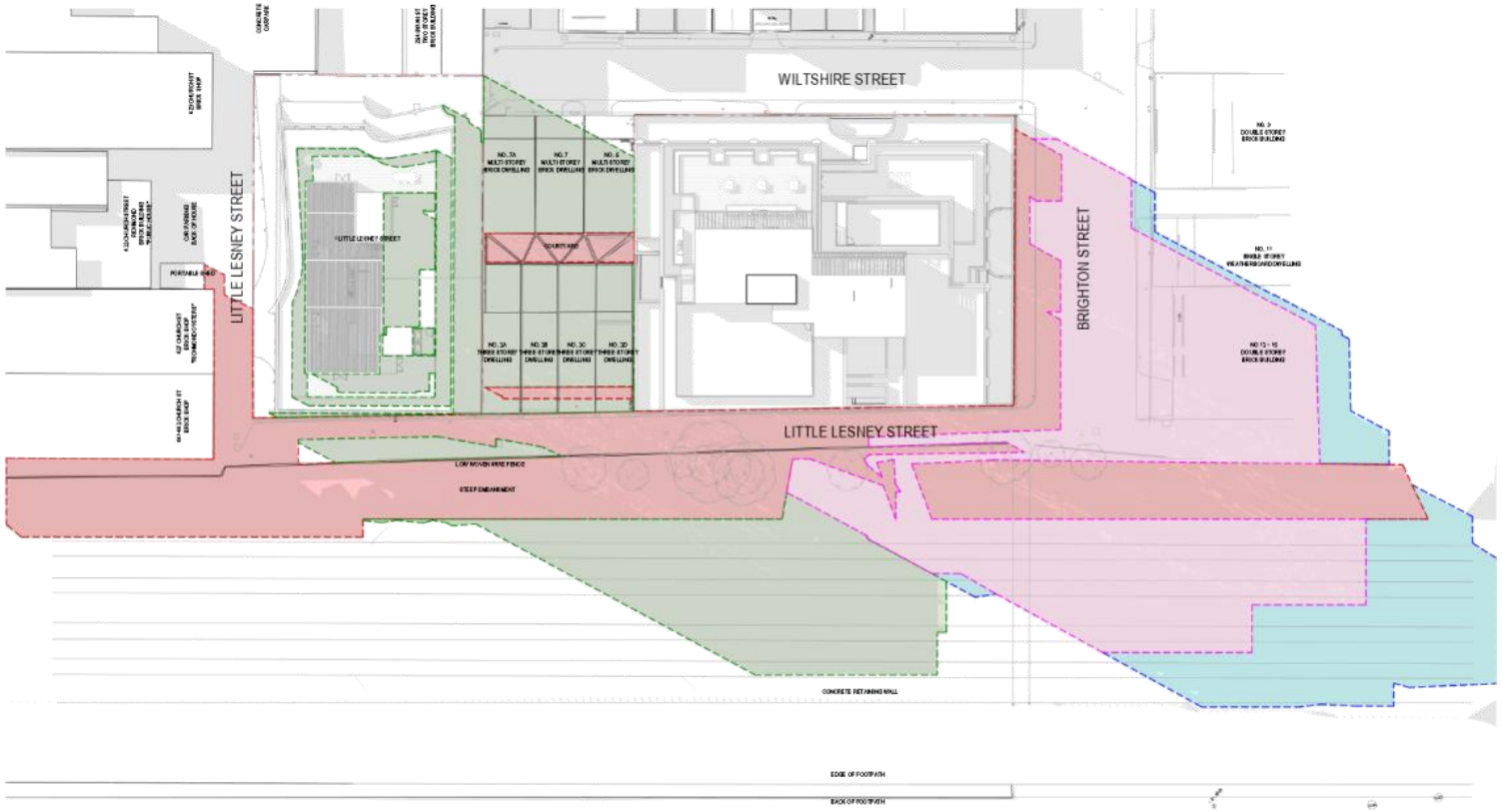
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Drawing: SD30_14
SOLAR ANALYSIS DIAGRAM
1 LITTLE LESNEY ST - 2PM

Revision: 18
11/04/22

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Project
FORTIS
2-8 BRIGHTON STREET

Job No.
21567

Scale
1 : 250 @A1

Drawing
SD30_15
SOLAR ANALYSIS DIAGRAM
1 LITTLE LESNAY - 3PM

Revision
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11/04/22

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Attachment 3 - PLN22/0325 - S57a advertised plans

Development Summary

LEVELS	PARKING SPOTS CARS	NO.	APARTMENTS UNITS	NO.	NSA	m²	TERRACE m²	COMMERCIAL NLA m²	FOOD & BEVERAGE NLA m²	RESIDENTIAL AMENITY	COMMON	SERVICES	PARKING	TOTAL GFA
BASEMENT 04	30	No.									90 m²	10 m²	1102 m²	1202 m²
BASEMENT 03	30	No.									90 m²	10 m²	1102 m²	1202 m²
BASEMENT 02	30	No.									76 m²	24 m²	1097 m²	1197 m²
BASEMENT 01	23	No.									33 m²	149 m²	1028 m²	1210 m²
GROUND									367 m²		209 m²	216 m²	94	886 m²
LEVEL 01							38 m²	1057 m²			86 m²	m²		1143 m²
LEVEL 02							19 m²	1057 m²			86 m²	m²		1143 m²
LEVEL 03			10	No.	791 m²		195 m²				78 m²	m²		869 m²
LEVEL 04			10	No.	791 m²		126 m²				78 m²	m²		869 m²
LEVEL 05			10	No.	791 m²		133 m²				78 m²	m²		869 m²
LEVEL 06			8	No.	759 m²		147 m²				62 m²	m²		821 m²
LEVEL 07			8	No.	759 m²		102 m²				63 m²	m²		822 m²
LEVEL 08			8	No.	759 m²		103 m²				63 m²	m²		822 m²
LEVEL 09			6	No.	676 m²		139 m²				64 m²	m²		740 m²
LEVEL 10			6	No.	652 m²		77 m²				66 m²	m²		718 m²
LEVEL 11			2	No.	368 m²		189 m²				45 m²	m²		413 m²
ROOF TERRACE							187 m²			73 m²				73 m²
TOTAL	113	No.	68	No.	6346 m²		1455 m²	2114 m²	367 m²	73 m²	978 m²	216 m²	4423 m²	10188 m²

APARTMENTS	UNITS	NO.	
1 BED	12	No.	18%
2 BED	47	No.	69%
3 BED	10	No.	15%
TOTAL	69		100%

TOTAL UNITS	68	No.
TOTAL NSA (RESIDENTIAL)	6346	m²
TOTAL NLA (COMMERCIAL)	2114	m²
TOTAL NLA (FOOD & BEVERAGE)	367	m²
TOTAL NLA & NSA	8827	m²
TOTAL GFA (excl. basement)	10188	m²
TOTAL CARPARK	113	No.

84.6 % EFFICIENCY

NLA Net Lettable Area — The part of the net floor area able to be leased. It does not include public or common tenancy areas, such as terraces and amenities.
*Note: Measured to centre of parti wall, to outside of external face and corridor wall

GFA Gross Floor Area — It includes NLA, common areas, lobby, amenities, EOT, carparking and plants / services
*Note: Excludes balconies / terraces, vertical circulation, service shafts, and façade projections.

Attachment 3 - PLN22/0325 - S57a advertised plans

BADS Matrix Table

Project: Fortis Richmond **Job No: 21667** **File No:** 4.3 **REV:** 04 RFI 25-02-22

				INTERNAL AMENITY							PRIVATE OPEN SPACE			ACCESSIBILITY				STORAGE			
	Apt No.	Type	Beds	Primary Bedroom (3x3.4m)	Secondary Bedrooms (3x3m)	Living Room Width (1B - 3.3m &2-3B - 3.6m)	Living Room Area (1B - 10m² &2-3B - 12m²)	Habitable Room Depth (Max 9m)	Living Area Ceiling Height (Min 2.7m Living & 2.4m Kitchen where impacted by service)	Natural Cross Ventilation	1 Bed m² & 1.nm depth	2 Bed m² & 2m depth	3 Bed 12m² & 2.4m depth	Entry Door and Internal Circulation (1.2m clear path)	Adaptable Bathroom	Adaptable Bathroom Option A	Adaptable Bathroom Option B	Storage Requirements	Inside Apartment Studio - 5m³ 1B - 6m³ 2B - 9m³ 3B+ - 12m³	Outside Apartment	Total Volume Studio - 8m³ 1B - 10m³ 2B - 14m³ 3B+ - 16m³
				Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	40% or more	Mandatory	Mandatory	Mandatory	50% or more				Mandatory			
Level 03																					
LEVEL 3	3.01 D	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 19.00 m²	N/A	Yes	Yes	Yes	No	Yes	16.40 m²	4.21 m²	20.61 m³
LEVEL 3	3.02 E	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes 24.00 m²	N/A	No	Yes	Yes	No	Yes	17.25 m²	4.21 m²	21.46 m³
LEVEL 3	3.03 F	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes 23.00 m²	N/A	No	Yes	Yes	No	Yes	14.16 m²	4.21 m²	18.37 m³
LEVEL 3	3.04 G	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 19.00 m²	N/A	Yes	Yes	No	Yes	Yes	19.56 m²	3.74 m²	23.38 m³
LEVEL 3	3.05 H	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 9.00 m²	N/A	Yes	Yes	Yes	No	Yes	17.53 m²	0.00 m²	17.53 m³
LEVEL 3	3.06 A	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes 8.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	10.30 m²	0.00 m²	10.30 m³
LEVEL 3	3.07 A	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes 8.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	10.30 m²	0.00 m²	10.30 m³
LEVEL 3	3.08 C	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes 8.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	10.05 m²	0.00 m²	10.05 m³
LEVEL 3	3.09 C	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes 8.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	10.05 m²	0.00 m²	10.05 m³
LEVEL 3	3.10 I	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 14.00 m²	N/A	No	No	No	No	Yes	14.91 m²	0.00 m²	14.91 m³
Level 04																					
LEVEL 4	4.01 D	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 19.00 m²	N/A	Yes	Yes	Yes	No	Yes	16.40 m²	5.46 m²	21.86 m³
LEVEL 4	4.02 E	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes 24.00 m²	N/A	No	Yes	Yes	No	Yes	17.25 m²	4.21 m²	21.46 m³
LEVEL 3	3.03 F	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes 23.00 m²	N/A	No	Yes	Yes	No	Yes	14.16 m²	4.21 m²	18.37 m³
LEVEL 4	4.04 G	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 19.00 m²	N/A	Yes	Yes	No	Yes	Yes	19.56 m²	3.74 m²	23.38 m³
LEVEL 4	4.05 H	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 9.00 m²	N/A	Yes	Yes	Yes	No	Yes	17.53 m²	0.00 m²	17.53 m³
LEVEL 4	4.06 A	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes 8.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	10.30 m²	0.00 m²	10.30 m³
LEVEL 4	4.07 A	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes 8.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	10.30 m²	0.00 m²	10.30 m³
LEVEL 4	4.08 C	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes 8.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	10.05 m²	0.00 m²	10.05 m³
LEVEL 4	4.09 C	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes 8.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	10.05 m²	0.00 m²	10.05 m³
LEVEL 4	4.10 I	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 14.00 m²	N/A	No	No	No	No	Yes	14.91 m²	0.00 m²	14.91 m³
Level 05																					
LEVEL 5	5.01 D	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 19.00 m²	N/A	Yes	Yes	Yes	No	Yes	16.40 m²	5.46 m²	21.86 m³
LEVEL 5	5.02 E	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes 24.00 m²	N/A	No	Yes	Yes	No	Yes	17.25 m²	4.21 m²	21.46 m³
LEVEL 3	3.03 F	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes 23.00 m²	N/A	No	Yes	Yes	No	Yes	14.16 m²	4.21 m²	18.37 m³
LEVEL 5	5.04 G	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 19.00 m²	N/A	Yes	Yes	No	Yes	Yes	19.56 m²	3.74 m²	23.38 m³
LEVEL 5	5.05 H	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 9.00 m²	N/A	Yes	Yes	Yes	No	Yes	17.53 m²	0.00 m²	17.53 m³
LEVEL 5	5.06 A	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes 9.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	12.12 m²	0.00 m²	12.12 m³
LEVEL 5	5.07 B	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes 9.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	11.89 m²	0.00 m²	11.89 m³
LEVEL 5	5.08 C	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes 9.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	10.05 m²	0.00 m²	10.05 m³
LEVEL 5	5.09 C	1 BED / 1 STUDY		Yes	N/A	Yes	Yes	Yes	Yes	No	Yes 9.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	10.05 m²	0.00 m²	10.05 m³
LEVEL 5	5.10 I	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 14.00 m²	N/A	No	No	No	No	Yes	14.91 m²	0.00 m²	14.91 m³
Level 06																					
LEVEL 6	6.01 J	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 10.00 m²	N/A	Yes	Yes	Yes	No	Yes	18.33 m²	3.74 m²	22.07 m³
LEVEL 6	6.02 K	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes 13.00 m²	N/A	Yes	Yes	No	Yes	Yes	16.64 m²	3.74 m²	20.38 m³
LEVEL 3	3.03 F	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	N/A		Yes 23.00 m²	N/A	No	Yes	Yes	No	Yes	14.16 m²	4.21 m²	18.37 m³
LEVEL 6	6.04 G	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 19.00 m²	N/A	Yes	Yes	No	Yes	Yes	19.56 m²	3.74 m²	23.38 m³
LEVEL 6	6.05 H	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		Yes 9.00 m²	N/A	Yes	Yes	Yes	No	Yes	17.53 m²	0.00 m²	17.53 m³
LEVEL 6	6.06 A	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	Yes 9.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	12.12 m²	0.00 m²	12.12 m³
LEVEL 6	6.07 C	2 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	No	Yes 9.00 m²		N/A	N/A	No	Yes	No	Yes	Yes	10.05 m²	3.74 m²	13.79 m³
LEVEL 6	6.08 O	3 BED / 2 BATH		Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A		N/A	Yes 12.00 m²	Yes	Yes	No	Yes	Yes	14.92 m²	5.46 m²	24.56 m³

Attachment 3 - PLN22/0325 - S57a advertised plans



Attachment 4 - PLN22/0325 - S57a Council referral comments

Vipac Engineers and Scientists Ltd
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City of Yarra

24 May 2022

Ref: 30N-21-0446-GCO-35123-0

Dear Daniel Herrmann,

2-8 Brighton Street, 1-3 Wiltshire Street and 5 Little Lesney Street

This peer review of MEL Consultants "Response to Urban Design recommendations (Nov 2021) and Wind Assessment Letter Rooftop (Jan 2022)" (Report: 58-21-DE-EWC-00, and 58-21-DE-EWC-01) 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 two reports and the relevant drawings and have the following comments:

i. The MEL Consultants responses to Urban Design recommendations are based on their wind tunnel report findings and environmental wind study experience. We have no issues in this. In the following, text in black stands for Urban Design recommendation, text in **blue** are Mel's response and the text in **green** are our comments.

a) That northern Wiltshire Street and eastern Brighton Street south and western footpaths achieve wind amenity outcomes suitable for sitting for long periods

- The wind conditions on the north side of Wiltshire Street (Test location 11), and east side of Brighton Street (Test locations 6 and 12) have been shown to already exceed the sitting criterion in its Existing Configuration (refer to Table 1 and 2). The wind conditions for the Proposed Configuration on these footpaths have been shown to satisfy the walking criterion, which is the recommended criterion for pedestrian footpaths.
- The wind conditions on the western footpaths along Wiltshire Street (Test locations 14 and 15), have been shown to satisfy the standing criterion (refer to Table 3) which is better than the recommended walking criterion for footpaths.

Vipac: We agree that the wind conditions at the footpath to have walking or better is reasonable, while the requirement for sitting is too stringent.

b) That shared community amenity terraces within the development provide for a minimum of 50% of the external area to be suitable for sitting for extended periods throughout the year.

- The wind conditions on outdoor terraces have been recommended to satisfy the walking criterion as these spaces could be considered elective when external conditions would be perceived as acceptable for the desired activity.
- The wind conditions at the northeast corner of the Level 9 Terrace (Test Location B5) have been shown to satisfy the standing criterion (refer to Table 5), which is better than the recommended walking criterion for outdoor terraces. The wind conditions would also be expected to improve with distance away from building corners.
- It must also be noted that our wind tunnel model did not include/rely on any proposed landscaping on these terraces, as indicated in the drawings (Figure 4c), which would be expected to improve the wind conditions on these terraces.

Vipac: We agreed that outdoor terrace could be assessed using walking criterion. If taking the proposed landscaping into consideration, some of these terraces would fulfil sitting as well.

Attachment 4 - PLN22/0325 - S57a Council referral comments

c) That the development not detrimentally impact the private space amenity of adjoining terraces and courtyards through increases in wind speed within 5-7a Wiltshire Street and 3a-3d Little Lesney Street.

- The location and exposure of the adjoining terraces and courtyards on the existing 5-7a Wiltshire Street and 3a-3d Little Lesney Street buildings have been reviewed. These terraces are shown to be relatively enclosed by balustrades which will provide protection from direct wind flow.
- The condition to not detrimentally impact wind conditions in the areas around a proposed development sets a significant challenge because increasing housing density (building apartments) does come with changes to wind conditions in the surrounding pedestrian areas.

Vipac: We agreed Mel's response on this.

d) That the development does not increase wind speeds at the interface of front entrances of adjoining dwellings to the west, with footpaths to the north or south entrances of the abutting pedestrian bridge across the railway line linking Brighton Street to the north and to residential neighbourhoods to the south.

- The north and south entrances of the pedestrian bridge are linked to the footpaths along Little Lesney Street and Lesney Street, and therefore would be considered as footpaths rather than entrances. The wind conditions here (Test locations 4 and 24) have been shown to satisfies the recommended walking criterion (refer to Table 2) for pedestrian footpaths.
- The adjoining dwellings to the west have been reviewed and are shown to have recessed entrances which would be expected to assist in mitigating wind conditions. Therefore the wind conditions outside these entrances would be expected to be better than those measured at Test Location 17 for which was located on the west end of Wilshire Street and shown to satisfy the standing criterion (refer to Table 3).
- As discussed in above in Response (c), the condition to not increase wind speeds in areas around a proposed development sets a significant challenge because an increase in housing density (i.e. building apartments) does come with wind impacts in the surrounding pedestrian areas.

Vipac: We agreed Mel's response on this.

Recommendation 2

d) I would Anticipate that the development will need to be reduced in scale by two to three levels in conjunction with increased setbacks to deliver an outcome that does not diminish the wind comfort two private open balcony areas of these adjoining developments and their Courtyards.

- As previously discussed, requiring zero/no diminishing of wind comfort in areas around a proposed development sets an impossible requirement. Increasing housing density by larger apartment buildings does come with wind impacts in the surrounding pedestrian areas.

Vipac: We agreed Mel's response to this recommendation. We also believe that even reducing three levels in conjunction with increased setbacks, the wind conditions at two private balconies and the courtyard may be different from existing wind conditions. We the note that the updated design reduced one level.

ii. Report 58-21-DE-EWC-01 commented the updated design on 27 Jan 2022. It found that the updated design have incorporated the design recommendation from the wind tunnel test and the modified roof-deck does not adversely affected wind conditions at the deck. Vipac agreed in this.

In conclusion, the MEL Consultants two amended reports used the proper analysis and methodology to analyse the wind effects on the pedestrian level surrounding the proposed development in detail. They found that the recommendations by Urban Design are too stringent to a new development and not practicable. Vipac in general agreed their responses.

However, if Urban Design Recommendations are to be adapted, a wind tunnel retest should be conducted to determine the additional wind control measures to achieve these.

Yours sincerely,

Vipac Engineers & Scientists Ltd

Eric Yuen
Wind Team Leader

Zhuyun Xu
Senior Wind Consultant

Attachment 4 - PLN22/0325 - S57a Council referral comments

Open Space Design
Formal Referral Response

Application Information	
Referral Officer	Daniel Hermann
Officer	Lisa Monaghan
Council Reference	PLN21/0325
Address	2 Brighton St, Richmond VIC 3121
Proposal	• Construction of a building or construction or carrying out of works under clauses 32.04-6, 32.04-9 and 43.02-2; • Use of the land for 'food and drink premises' and 'office' under Clause 32.04-1; and • Reduction in the number of car parking spaces under clause 52.06-3.
Comments Sought	This is the link to the Statutory Planning Referral memo: D22/82661 - IREF22/00275 - Internal Referral Formal Request

Council's Open Space Planning and Design (City Strategy) provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above and an assessment of the planning controls for open space that are applicable for this development.

Landscape plans provide detail on the extents (quantity) of open space and the hard and soft landscape components within open space.

The quality of the landscape plans should meet minimum best practice industry standards with the overall design being fit for purpose.

Council's Open Space Planning and Design (OSPD) were requested to make comments on the amended Landscaping Plan in response to previous comments from OSPD.

The planning controls for open space that are applicable for this development are as follows:

Clause 43.02 Schedule 26
• private open space provision that exceeds the minimum standards in Clauses 55.07-9 and 58.05-3. • communal open space provision that exceeds the minimum standards in Clauses 55.07-2 and 58.03-2; and

The amended landscape plan has been reviewed against all of the above.

Comments and Recommendations

As part of the documentation for 2-8 Brighton St & 5 Little Lesney St Richmond development, a pdf file named S57A Landscape Plans has been submitted by the applicant and is the file that this referral response pertains to.

The S57A Landscape Plans have been prepared by Acre dated 28 February 2022. The plans consist of a number of pages with precedent images of planting and a Concept Plan that consists of Planting Plans for a number of levels within the development, along with a couple of details of infrastructure within the open space.

For a development of this scale, the S57A Landscape Plans only **partially satisfy the requirements for a Landscape Plan.**

The below table details the requirements for an acceptable Landscape Plan and whether this requirement has been met within the S57A Landscape Plans.

Attachment 4 - PLN22/0325 - S57a Council referral comments

Requirement	met (Y/N)	Comments Further details on these comments are provided in the relevant sections below the table.
Planting Plans detailing all soft landscaping		
• Type of soil and mulch	N	The mulch proposed is compost, this is unsuitable in windy exposed conditions, so not suitable for all reas of planting.
• Soil volumes to support growth of proposed planting	N	Soil volume appears to be adequate for shrubs and ground covers, but not for canopy trees. Information on soil volume to support canopy trees needs to be provided.
• A plant schedule detailing the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers.	N	Feedback provided by OSPD on 14/09/21 noted two species that were environmental weeds and required replacement – these species remain on the plant schedule. See further comments on soft landscaping section of response.
• Plant setout showing the location of proposed planting and plant numbers and species.	Y	
Setout details for the open space both private and communal open space. This should include adequate dimensioning to confirm minimum open space dimension requirements have been met as well as overall quantity.	N	Inadequate diensioning has been provided to assess this requirement.
Detailed drawings provided for all infrastructure – planters, seating, any other items.	N	Inadequate detailing has been provided for the open space paving. No details have been provided for seating in the communal open space outside. Planters require more detailed information. Details for structures to support climbers need to be provided. Detail required for the BBQ on the roof terrace.
Allow for intended vegetation growth and structural protection of buildings.	N	Inadequate information has been provided to assess adequate soil volume to support trees specified. Parthenocissus quinquefolia is capable of damaging the building.
Irrigation Plans – detailing location of irrigation, type (drippers, sprays), density of irrigation lines, control cabinet location, source of water supply and drainage.	N	Architectural plans or Landscape Plans do not show controller cabinet in services area as per notes in Landscape concept plan. A location for this cabinet needs to be shown.

Requirement	met (Y/N)	Comments Further details on these comments are provided in the relevant sections below the table.
Provide a safe, attractive and functional environment for residents.	N	Safety and functionality have not been adquately considered in the design. Wind conditions for a number of open space locations exceed those considered acceptable for the primary activity of sitting. Shadow diagrams need to be provided to illustrate solar access meets minimum requirements at June equinox.

HARDSCAPE

1. PAVING

Paving in open space is shown to be installed on top of paving pedestals, with the pedestals sitting on top of a concrete slab. The following additional details are required:

- Details for drainage of surface water on concrete slab under the pavers **OR**
- Details for the paving layer showing a waterproofing layer (with reference to engineering requirements) preventing water penetrating the paver layer and accumulating on the concrete slab.

For either of the above details, the location of the drainage inlet should be shown along with notes to indicate the stormwater infrastructure to tie into. Arrows showing the direction of fall across the surface towards the drainage inlet need to be shown on the drawings**.**

The type of paving needs to be specified.

2. PLANTERS & STRUCTURES

Detail on soil volume for planters with trees. The relevant planter needs to hold sufficient soil volume to support growth of the trees specified in the plant schedule. If adequate soil volume cannot be provided, change the tree species to a type that suits the available soil volume.

If deep soil planting cannot be provided on the roof terrace to provide canopy cover from trees, a pergola with a deciduous climber needs to be provided. The pergola should provide a minimum cover of 4sqm (equivalent to canopy of a small tree) and positioned to maximise shade benefits across the roof terrace in summer.

The planter detail needs to include a root barrier.

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

The planter needs to provide details on the external material, such as type (steel, timber or other), colour and finishing.

Details for structures to support climbers needs to be provided.

3. **FURNITURE**

Details need to be provided for the furniture in the uncovered communal open space on the roof top. Given the wind report noted the need to secure items it is expected that furniture is fixed in place and forma part of the hardscape.

4. **OTHER**

Details need to be provided for the BBQ in the communal open space

SOFT LANDSCAPE

1. **Species**

Parthenocissus quinquefolia climber proposed is an aggressive climber that has capacity, both from a tendril and root perspective to cause structural damage. Consider an alternative species unless building structure can be protected against damage.

Environmental weeds as noted above need to be replaced with suitable species as noted in previous comments.

GENERAL AMENITY - PROVIDE A SAFE, ATTRACTIVE AND FUNCTIONAL ENVIRONMENT FOR RESIDENTS.

1. **Wind**

The private and communal open space in the development should be designed so that wind conditions meet those designed for comfort when sitting. This has not been met for 5 of the 8 test sites. Wind is one of the decision guidelines in standard D19 of Clause 58.05-3.

Refer to request for information on wind assessment.

2. **Safety**

Wind conditions in POS and communal open space need to be aligned with the primary usage which is sitting.

3. **Attractive & functional**

Shadow diagrams for June equinox are required to adequately assess solar access to open space.

Shade options within the outdoor areas of communal open space need to include a pergola and climber if shade from a canopy tree cannot be provided.

4. **Maintenance**

Provide a maintenance schedule, including task details and frequency; for multi-storey developments. Safe maintenance access will need to be shown on the drawings especially for reaching across balconies and pruning trees and climbers.

Attachment 4 - PLN22/0325 - S57a Council referral comments

REQUEST FOR FURTHER INFORMATION

1. Confirmation that no air conditioning units will be placed in private or communal open space.
2. Wind impact assessment and impact on open space amenity:

The wind tunnel report prepared by Mel Consultants in June 2021 noted for terraces and balconies, an acceptable wind level would be one that met the walking criteria of 5m/s as opposed to the sitting (3m/s) and standing (4m/s). It also notes "*Users of these terraces will need to be educated on the wind effects and loose objects should not be left unattended in outdoor areas".* The reasoning provided for applying 5m/s as an acceptable level for the terraces and balconies was that people can choose when they use the space. Whilst it is true that people can "elect" to be outside, if the space hasn't been designed to support it's intended use (from the start) for the majority of the time, then the design is inadequate for the purpose.

The wind report has assessed balconies and terraces on levels, 3, 9, 11 and 12. Why does this not include level 6 as well, given this level has POS on the NW and SW corner and the June 2021 wind report noted that " Balconies and terraces near building corners tend to have higher wind conditions".

The wind report issued in January 2022 following architectural changes, noted that the roof terrace (as a result of the changes) would now meet standing comfort criterion. Given this location was not tested in the first instance, on what basis has the standing comfort criterion being determined and what **structural changes** have been made for wind conditions to now meet the standing comfort criterion?

3. Quantity of communal open space

Dimensions for communal open space have not been adequately shown on the SJB architectural drawings dated 23.02.22. Dimensions need to be provided for all boundaries of the communal open space and for all widths.

4. Quantity of private open space

Dimensions for private open space have not been adequately shown on the SJB architectural drawings dated 23.02.22. Dimensions need to be provided for all boundaries of the private open space and for all widths.

Open Space Design: MONAGHAL

Signature: LMonaghan

Date: 24 May 2022

Attachment 4 - PLN22/0325 - S57a Council referral comments

Strategic Transport Formal Referral Response

Application Information	
Referral Officer	USERID
Officer	Philip Mallis
Council Reference	PLN21/0325
Address	2 Brighton St, Richmond VIC 3121
Proposal	• Construction of a building or construction or carrying out of works under clauses 32.04-6, 32.04-9 and 43.02-2; • Use of the land for 'food and drink premises' and 'office' under Clause 32.04-1; and • Reduction in the number of car parking spaces under clause 52.06-3.
Comments Sought	This is the link to the Statutory Planning Referral memo: D22/82472 - IREF22/00276 - Internal Referral Formal Request

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

Comments

Assessment against previous comments

Original Referral Comments	Comments on Revised Plans
1) Improved access from Little Lesney Street to the resident bike store.	Changes have been made to allow access from Wiltshire Street. This design is acceptable.
2) At least 20% of employee bicycle spaces must be horizontal at-grade spaces.	23% of employee spaces (six) are now horizontal at-grade. However, dimensions are not shown to demonstrate compliance with AS2890.3.
3) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:	N/A
3a) 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.	No changes appear to have been made from the original plans.
3b) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.	No changes appear to have been made from the original plans.

The inclusion of 2 x electric bicycle chargers is also noted as an improvement to the plans.

Recommendations

The Applicant to address comments (2), (3a) and (3b) above.

Principal Strategic Transport Planner (Strategic Transport Unit): MALLISP



Signature:

Date: 20/04/2022

1

Attachment 4 - PLN22/0325 - S57a Council referral comments

Urban Design

Formal Referral Response

Application Information	
Referral Officer	PERRONED
Officer	Daniel Perrone
Council Reference	PLN21/0325
Address	2 Brighton St, Richmond VIC 3121
Proposal	Section 57A Amendment, involving the following changes: • Convert Level 12 to common area with associated communal terrace with increased setbacks to Level 12 external walls. • Removal of common area at Level 9 and integrate with apartment 9.02. • Increase notch width to the northern façade and removal of adjacent planter box (Levels 4 – 8). • Introduce notch to southern elevation (levels 6-11). • Stair and minor car parking changes in the basement levels. • Internal rearrangements, including reconfiguration of bike store, services and food and drink premises at ground level. • Change in apartment mix, including a reduction of 1 apartment (70 to 69).
Comments Sought	D22/82663 - IREF22/00279 - Internal Referral Formal Request

Recommendation

- The proposal is supported in principle, subject to conditions outlined below.

Comment Summary

- The proposed changes the configuration of the residential bike store are supported in their current form.
- The proposed ground floor landscaping is supported in its current form, subject the removal of tables and chairs from the landscape plan.
- It is recommended that the developer commits to funding the planting of four (4) new street trees (2x on Wiltshire St and 2x on Brighton St) as per previous urban design advice. This will require the reconfiguration of existing parallel parking bays (including parking sensors).

Public Realm Interface

- The ground floor interface is well designed, with setbacks to Brighton and Wiltshire streets strongly supported as a means of improving pedestrian amenity.
- Both pedestrian and vehicular entrances are well defined and clearly identifiable from the public realm. Each program within the building (residential, commercial, and 2 x food and beverage premises) has its own separate entrance/lobby, which is supported as it provides multiple points of activation and passive surveillance to the streetscape.

Residential Bike Store:

- The relocation of the residential bike store to the northern side of the building (Wiltshire St) is a significant improvement and addresses previously raised concerns regarding access.
- The proposed configuration is accepted in its current form.

Pavements:

- All pavements surrounding the subject site are to be reinstated as asphalt footpaths as per Yarra Road Materials Policy and relevant Yarra Standard Drawings.
- The existing crossover on Wiltshire Street (located north of the proposed Commercial Lobby) is to be removed and reinstated as asphalt footpath.

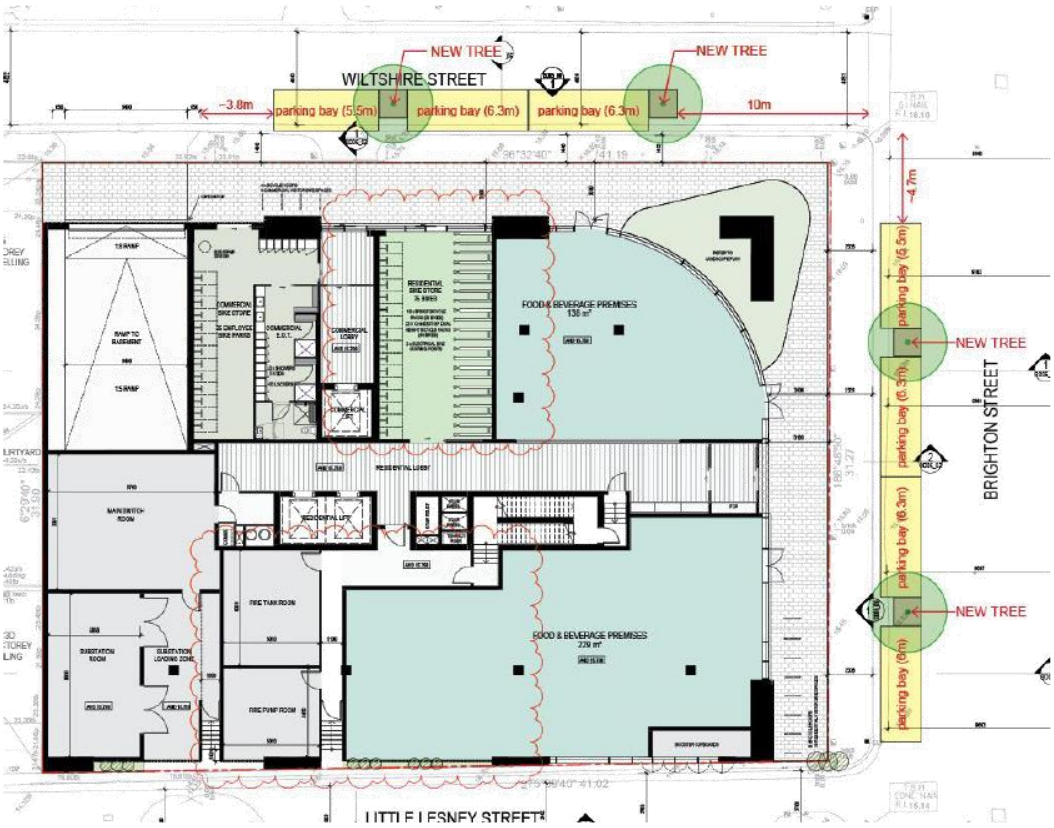
Ground Floor Landscaping:

- It is noted that the potted trees previously shown on the landscape plan by Acre have been removed as per previous advice.
- The landscape plans also show tables and chairs placed across the public footpath. Please note that any furniture placed on public footpath would be subject to a separate footpath trading permit application and should be removed from the planning drawings.

Street Tree Planting

- The application does not propose any street tree planting on the plans, however, given the scale of the development, it is recommended that the developer commits to funding the planting of two (2) new street trees along the roadway of Brighton St, and two (2) new street trees along the roadway of Wiltshire St. Indicative locations are proposed on the mark-up below. This will require the reconfiguration of the existing parallel parking bays (including parking sensors) and is subject to the presence of underground services.

Attachment 4 - PLN22/0325 - S57a Council referral comments



- A similar recommendation was made regarding the previous planning application for the site (PLN18/0658) and was accepted by the developer. The developer will be requested to bear the cost of implementing these streetscape improvements (such as line marking and relocating of parking sensors), as well as the cost of tree planting with two-year's maintenance (tree planting costs can be provided on request).

Please note the following general conditions relating to the adjustment of car parking and 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.

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

- Open Space
- Arboriculture & Streetscapes

Attachment 4 - PLN22/0325 - S57a Council referral comments

Capital Works:

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

Urban Designer: PERRONED

Date: 05/05/2022

Attachment 5 - PLN22/0325 - Statutory referral comments from Transport for Victoria

Department of Transport

GPO Box 2392
Melbourne, VIC 3001 Australia
Telephone: +61 3 9651 9999
www.transport.vic.gov.au
DX 201292

Ref: 39652/22

Daniel Herrmann
Senior Statutory Planner
City of Yarra

E: planningadmin@yarracity.vic.gov.au

Dear Mr Herrmann

YARRA PLANNING SCHEME
PLANNING APPLICATION NO: PLN21/0325
PROPOSAL: MIXED USE OFFICE / APARTMENTS
ADDRESS: 2 BRIGHTON ST, RICHMOND

I write regarding the above application and our response dated 30th May 2022. Following some further consultation with the permit applicants we have agreed to some minor amendment to the order of the conditions.

Head, Transport for Victoria, pursuant to Section 56(1) of the *Planning and Environment Act 1987* **does not object** to the grant of a planning permit subject to the following conditions replacing in full, the conditions in letter dated 30th May 2022:

Conditions:

1. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the 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 plans submitted with the application but modified to show:

    a) that the designs prevent items from being thrown or falling onto railway land from any part of the building development to the satisfaction of the Head Transport for Victoria.

2. Any windows doors and balconies that are set back from, and generally facing the railway land title boundary shall:

    a) be designed to prevent items from being thrown or falling onto railway land to the satisfaction of the Head Transport for Victoria.
    b) not require people to access onto railway land for the purposes of cleaning, replacement, inspection and maintenance.
    c) not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
    d) not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.

3. Before development starts (excluding demolition and bulk excavation) building materials (including glass/window/ balcony treatments) or advertising signs likely to have an effect on train driver operations along the rail corridor must be shown by a reflectivity and or light study (the study) not to cause reflections or glare that may interfere with train driver operations The study must clarify that:

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a) the development does not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
b) the development does not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
c) the development exterior avoids use of red, green or yellow colour schemes that may interfere with driver operations or schemes or shapes capable of being mistaken for train signals.

4. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria detailed construction / engineering plans and structural computations for any construction work abutting railway infrastructure or railway land, must be submitted and approved by Vic Track, the Head, Transport for Victoria and the Rail Operator (RO). The plans must detail all basement excavations and retention system design and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must also ensure compliance with:

   a) the relevant Rail Transport Operator's engineering standard for minimum clearances to all existing and planned future electrical assets, and procedures for works adjacent. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding and electrolysis mitigation design.
   b) Energy Safe Victoria (ESV) requirements for clearances to electrical assets and Australian Standards AS2067, AS7000 and Electricity Safety (General Regulations 2019, Part 6) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding and electrolysis mitigation design.
   c) earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'
   d) a design that does not require people to access railway land, or breach electrical safety requirements, for the purposes of routine cleaning, replacement, inspection, maintenance and repair of any part of the building or development. The development should be designed so that maintenance can occur from within the development site without access to the rail corridor
   e) any temporary or permanent ground anchors, soil nails, reinforced earth straps or other ground stabilising devices, do not penetrate onto railway land
   f) demonstrate that entry onto railway land or air space over railway land is not required for fire, light, ventilation and maintenance for all buildings and works on site.

5. Before development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements must be prepared and entered into with VicTrack, the Head, Transport for Victoria and the Rail Operator to the satisfaction of and at no cost to the Head, Transport for Victoria.

6. Before development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to and approved by the Head, Transport for Victoria. The Traffic Management Plan must provide for:

   a) how public transport operations, traffic, walking and cycling movements will be managed during the demolition and construction; and
   b) how any traffic impact to the railway land and associated infrastructure will be mitigated.

   The Traffic Management Plan must be implemented and complied with to the satisfaction of the Head, Transport for Victoria at the full cost to the permit holder.

   The Traffic Management Plan must be consistent with any Traffic Management Plan required by the Responsible Authority.

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The endorsed Traffic Management Plan must not be modified without the prior written consent of the Head, Transport for Victoria.

7. Before development starts (including demolition and bulk excavation) a Demolition Plan and/or Construction Management Plan as applicable must be submitted to and approved by the Head, Transport for Victoria. The Plan must include details of (but not limited to) management proposals to minimise impacts to the rail land, assets and the operation of the railway during construction and must set out objectives and performance and monitoring requirements for:

   a) Access to the rail environment, including designation of any areas to be used under license during the construction process.
   b) Approvals and permits required from TfV, VicTrack and the accredited Rail Operator prior to works commencing and prior to accessing the railway land.
   c) Rail safety requirements that must be adhered to by the permit holder.
   d) Protection of all rail infrastructure to ensure rail infrastructure is not damaged during demolition or construction.
   e) Minimising disruption to train services and railway maintenance and commuter access.
   f) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure railway land is not used for, or impacted on by these activities outside of the licence area.
   g) Public safety, amenity and site security.
   h) Operating hours, noise and vibration controls.
   i) Air and dust management.
   j) The remediation of any damage to railway land, track, overhead and underground power and communication assets associated infrastructure;
   k) details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules;

   All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to the Head, Transport for Victoria VicTrack, and/or the Rail Operator.

   The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.

8. No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.

9. Any damage to rail land or infrastructure as a consequence of the construction works must be rectified to the satisfaction of the Rail Operator at full cost of the Building Permit Applicant.

10. The Planning Permit holder must make all reasonable steps to ensure that the disruption to train operation within the railway corridor are kept to a minimum during the construction of the development and in compliance with the Rail Operators Safety and Environmental requirements contained within the Rail Operators construction control and indemnity agreement.

11. No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of train signals and the rail lines by train drivers. No building or structure is to be erected that interferes with or restricts train driver lines of sight to train signals.

12. The developer shall pay any Rail Operator costs required for the development documentation review or construction works associated with the development as required by the Rail Operator.

13. Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operator's Site Access Procedures and conditions during and post construction and access can be applied for through the Internet web site: www.metrotrains.com.au/metrositeaccess.

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14. Prior to commencement of works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.

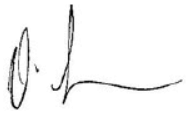
Notes for the permit

1. As the planning application relates to a site that is within approximately 490 meters of the Richmond stack, it may impact on, or be impacted by, the City Link stack plume dispersal. The stack emits exhaust from the City Link tunnels into the atmosphere and is licensed by the Environment Protection Authority.

   The Environment Protection Authority will need to be consulted with and provided an opportunity to comment on the effects of the plume generated from the Richmond stack and to determine if the building height is acceptable. We also recommend that the EPA make an informed decision about whether the proposed project is consistent with the purposes of the Design & Development Overlay and to ensure the proposed project reduces the risk of harm to human health and the environment, consistent with the general environmental duty under the *Environment Protection Act 2017*.

Should you require any further clarification, please feel free to contact James Noy on email james.noy@transport.vic.gov.au.

Yours sincerely



DWAYNE SINGLETON
Team Leader Statutory Planning
Inner Metropolitan Melbourne
01/06/2022